

MINUTES OF THE MEETING OF THE VILLAGE OF WESTBURY ZONING BOARD OF APPEALS HELD AT THE VILLAGE HALL, 235 LINCOLN PLACE, WESTBURY, NEW YORK ON DECEMBER 13th, 2021.

PRESENT: Gary Monti  
Maurice Tallini  
Rod Bailey  
Jo Ann Fresa

Joe Brilliantino  
Anna Vikse

ABSENT: Anthony Bulzomi  
Dana Boylan  
Dominic Abbatiello  
Eric Dobrin

Pledge of Allegiance:

Anna Vikse read Application 2021-12-01 of Beaumont Jefferson, seeks to erect a two-story rear addition at the property known as 618 Nelson Place, Westbury, NY, 11590, which is in violation of **Chapter 248, Article IV, Section 248-10: Rear Yard**; There shall be a rear yard the depth of which shall not be less than 30 feet. **(Required:30', Actual 23.4')** The subject property is located and identified on the Nassau County Tax Map as **Section: 11, Block: 412, Lot(s):13**. The subject property is located on the westerly side of Nelson Place, and Northerly of Baldwin Drive. Green Cards were presented, and all were in order.

Chairman Monti opened the hearing identifying Mr. Beaumont Jefferson as a Village Trustee and advised that today he is here as a village resident. Mr. Jefferson spoke that there is an existing extension/patio on his home, and he would like to enclose this extension and to make an addition on top of it, for a larger bedroom. Mr. Beaumont mentioned that this is an irregular lot where the current extension is, and that his planned addition would be in the same area and not going beyond the 23.4' existing extension. Chairman Monti asked if there were any audience members who were either for or against this application. There was no audience. First Motion was made to approve this application by member Bailey, Second motion was made by member Tallini. The board was polled, and all answers were "aye". This application was approved.

APPLICATION NO# 12-01-2021

A R E A V A R I A N C E  
APPLICATION OF BEAUMONT JEFFERSON  
618 NELSON PLACE, WESTBURY, NEW YORK 11590

**RESOLUTION**

At a regular meeting of the Zoning Board of Appeals of the Village of Westbury, Nassau County, held on the 13<sup>th</sup> day of December.

2021, the following resolution was offered by Member Bailey, who moved its adoption, and seconded by Member Tallini, to wit:

**WHEREAS**, the Zoning Board of Appeals of the Village of Westbury has received an application from Beaumont Jefferson<sup>1</sup>, for a variance of the Village Code, Chapter 248, Section 248-10, which requires a rear yard depth of at least 30 feet (proposed: 23.4 feet) to construct a two-story rear addition at the property known as 618 Nelson Place, Westbury, New York; and

**WHEREAS**, in connection with such application, the Zoning Board of Appeals has

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<sup>1</sup> Chairperson Monti noted that Mr. Jefferson is a Trustee of the Village, but that no actual or perceived conflict, bias or favoritism resulted from the Applicant's status as Trustee.

received and reviewed the application, held a public hearing, and received comments related to the application; and

**WHEREAS**, in connection with such application, the Zoning Board of Appeals has determined that the action is “Type II” pursuant to the State Environmental Quality Review Act (“SEQRA”), and therefore that no further action is needed pursuant to SEQRA; and

**WHEREAS**, the Zoning Board of Appeals has given due deliberation to the application and has performed the required balancing tests and has considered the benefit to the applicants if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, and made the following findings:

- (1) The proposed variance will not produce an undesirable change in the character of the neighborhood and will not result in a detriment to nearby properties. The character of the house will remain the same.
- (2) The benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue.
- (3) The area variances requested are not substantial, and are within Board precedent.
- (4) The proposed variance will not have an adverse effect or impact on physical or environmental conditions in the neighborhood.
- (5) The difficulty is not self-created. The proposed extension will be built in the same footprint as a currently existing roof over patio. In addition, the lot is irregularly shaped.
- (6) We hereby determine that it is necessary to approve this variance, as it meets the majority of the factors outlined above, and approving the variance will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED** that the application of Beaumont Jefferson, for a variance of the Village Code, Chapter 248, Section 248-10, which requires a rear yard depth of at least 30 feet (proposed: 23.4 feet) to construct a two-story rear addition at the property known as 618 Nelson Place, Westbury, New York, is hereby **approved** for the reasons stated above.

**DECISION**

The question of the foregoing resolution was duly put to a vote as follows:

Chairperson Monti	-Aye
Member Bailey	-Aye
Member Tallini	-Aye
Alternate Member Fresa	-Aye

Dated: December 13, 2021  
Westbury, N.Y.

Filed: December 14, 2021  
Westbury, N.Y.

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Anna Vikse read Application 2021-12-02 of Antonio Buffolino seeks to erect rear and side additions at the property known as 180 Parkway Drive, Westbury, NY, 11590, which is in of violation of

**Chapter 248, Article IV, Section 248-8: Area:** The building area shall not exceed 20% of the lot area. (**Allowed: 20%: Proposed 20.9%**)

**Chapter 248, Article IV, Section 248-10: Rear Yard;** There shall be a rear yard the depth of which shall not be less than 30feet. (**Required: 30’, Actual 24.5’**)

**Chapter 248, Article IV, Section 248-11: Side Yards;** In the case of a single-family dwelling, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 30 feet. Neither side yard shall be less than 12 feet wide; provided, however, that in the case of a lot held in single and separate ownership at the effective date of this chapter and of a width of less than 75 feet and/or a depth of less than 100 feet, six inches may be deducted from the required aggregate width of the side yards for each foot in width that such lot shall lack of the said 75 feet, but no side yard shall be less than eight feet wide for all lots with frontage of 50 feet or more or less than five feet wide for lots with frontage of less than 50 feet, and/or six inches may be deducted from the required depth of the rear yard for each foot in depth that such lot shall lack of the said 100 feet, but the depth of such rear yard shall in no case be reduced thereby to less than 15 feet. **(Required: 30' Aggregate 12'; Proposed: 28', Aggregate 10')**. The subject property is identified on the Nassau County Tax Map as **Section: 10, Block: 312, Lot(s): 13**. The subject property is located on the southerly side of Parkway Drive and south westerly of Bright Street.

Mr. Buffolino explained to the board his desire to extend on a dwelling that should not have been there when he purchased the home. Mr. Buffolino wishes to extend this part of the home in planning for the future and he wishes to construct an eat-in kitchen in his home for holidays and entertaining. Questions were asked about the pitched roof that would block sunlight in. The board mentioned that Mr. Buffolino's home is backed by New York State property and that this should not be an issue in his plans. Chairman Monti asked if any members of the audience were either for or against Mr. Buffolino's application. There were no members in the audience. First motion was made by member Bailey to approve this application. Second motion was made by member Tallini. The board was polled, and all were "aye". The application was approved, and the hearing was closed.

APPLICATION NO# 12-02-2021

AREA VARIANCE  
APPLICATION OF ANTONIO BUFFOLINO  
180 PARKWAY DRIVE, WESTBURY, NEW YORK 11590

#### RESOLUTION

At a regular meeting of the Zoning Board of Appeals of the Village of Westbury, Nassau County, held on the 13<sup>th</sup> day of December, 2021, the following resolution was offered by Member Bailey, who moved its adoption, and seconded by Member Tallini, to wit:

**WHEREAS**, the Zoning Board of Appeals of the Village of Westbury has received an application from Antonio Buffolino, for variances of the Village Code, Chapter 248, Section 248-8, which allows a building area of up to 20% of the yard area (proposed: 20.9%); Section 248-10, which requires a rear yard depth of at least 30 feet (proposed: 24.5 feet); and Section 248-11, which requires two side yards, each of which must be at least 12 feet, and which must be 30 feet in the aggregate (proposed: 10 feet side/28 feet aggregate), to erect rear and side additions at the property known as 180 Parkway Drive, Westbury, New York; and

**WHEREAS**, in connection with such application, the Zoning Board of Appeals has received and reviewed the application, held a public hearing and received comments related to the application, including two letters received in advance of the hearing in opposition to the application; and

**WHEREAS**, in connection with such application, the Zoning Board of Appeals has determined that the action is "Type II" pursuant to the State Environmental Quality Review Act ("SEQRA"), and has determined that no further action is needed pursuant to SEQRA; and

**WHEREAS**, the Zoning Board of Appeals has given due deliberation to the application and has performed the required balancing tests and has considered the benefit to the applicants if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, and made following findings:

- (1) The proposed variance will not produce an undesirable change in the character of the neighborhood and will not result in a detriment to nearby properties. Other

houses in the area have similar setbacks. We credit the Applicant's testimony that the extensions were designed to fit into the neighborhood.

- (2) The benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue.
- (3) The area variances requested are not substantial and are within Board precedent. The variances of Section 248-8 (area) and 248-11 (side yards) are inconsequential. The variance of Section 248-10 (rear yard) is also of little consequence, and will not be of any detriment to neighboring properties, since the property backs up to the Northern State Parkway.
- (4) The proposed variance will not have an adverse effect or impact on physical or environmental conditions in the neighborhood.
- (5) The difficulty is not self-created. The property is irregularly shaped, and this causes a need for the variance.
- (6) We hereby determine that the granting of this variance is the minimum variance deemed necessary and adequate and will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED** that the application of Antonio Buffolino, for variances of the Village Code, Chapter 248, Section 248-8, which allows a building area of up to 20% of the yard area (proposed: 20.9%); Section 248-10, which requires a rear yard depth of at least 30 feet (proposed: 24.5 feet); and Section 248-11, which requires two side yards, each of which must be at least 12 feet, and which must be 30 feet in the aggregate (proposed: 10 feet side/28 feet aggregate), to erect rear and side additions at the property known as 180 Parkway Drive, Westbury, New York, is hereby **approved** for the reasons stated above.

#### **DECISION**

The question of the foregoing resolution was duly put to a vote as follows:

Chairperson Monti	-Aye
Member Bailey	-Aye
Member Tallini	-Aye
Alternate Member Fresa	-Aye

Dated: December 13, 2021  
Westbury, N.Y.

Filed: December 14, 2021  
Westbury, N.Y.