

February 8, 2021

A Regular Meeting of the Board of Zoning Appeals of the Village of Old Westbury was held via Zoom as authorized by New York State Governor Cuomo’s Executive Order at 7:00 p.m.

Present:	Pamela Barnett	-	Chairwomen
	Neal Kaplan	-	Member
	Pasquale Zito	-	Member
	John Laurino	-	Member
	Jonathan Miller	-	Member
	Michael Sahn	-	Village Attorney
	Brian S. Ridgway	-	Village Administrator
	Michael Malatino	-	Superintendent of Building Department

Also Present: Joshua D. Brookstein - Attorney, Sahn Ward, PLLC

On motion by Member Kaplan, seconded by Member Miller and carried unanimously, the Board approved the minutes of the January 11, 2021 meeting.

The following matter came before the Board:

**APPLICATION BEFORE THE BOARD:**

1. Application of Husein Kernalli – request for a variance of 188.6 feet from Section 216-20(A) of the Village Code to maintain an existing tennis court with a front yard setback of 124.3 feet where 312.9 feet is required. Property located at 183 Old Westbury Road. Michael Rant, Project Manager was present on behalf of the applicant and provided the Board with a brief updated overview that included additional screening by the tennis court and explained the driveway layout regarding the street frontage. Chairwoman Barnett was in agreement and suggested the application be approved. On motion by Member Kaplan, seconded by Member Laurino and carried unanimously, the Board closed the Public Hearing and directed Counsel to draft the approval Decision and Order.

2. Application of Applegreen Realty Group for a variance from Section 216-18(A) street frontage to construct a new dwelling with a 200 foot minimum required, 166.5 feet existing and 33.5 feet variance requested, at 18 Applegreen Drive. Andrea Curto, Esq. was present on behalf of the applicant and provided the Board with an overview of the two variances being requested. It was stated that under the former Code the existing conditions were have been permitted and these two variances were being requested since a new home was being proposed. Chairwoman Barnett commented that the Board had recently visited site and understood both items being requested and asked that approval be granted. On motion by Member Kaplan, seconded by Member Zito and carried unanimously, the Board closed the Public Hearing and directed Counsel to draft the approval Decision and Order.

3. Application of Matthew Sternberg for a variance from Section 216-26B(1) volume for a total variance request of 2,014 cubic feet to construct a cabana with 52,272 cubic feet allowable, 54,286 cubic feet proposed at 7 Meadowbrook Lane. Greg Marett / Landscape Architect was present on behalf of the applicant. He stated that a updated plan was filed with the Village and understood the concern was total lot coverage. Chairwoman Barnett stated that the site was recently visited and understood that there was a Plan "A" and "B" for the proposed cabana and understood that the builder had maximized the permitted volume for the property under the current Village Code. On motion by Member Kaplan, seconded by Member Miller and carried unanimously, the Board closed the Public Hearing and directed Counsel to draft a *denial* Decision and Order.

4. Application of Paul Ajlouny for a variance from Section 216-18(A) street frontage to construct a new single-family dwelling, driveway, swimming pool, patio and entry piers with a 179.77 foot existing, 200 foot required and for a 20.23 foot variance requested at 17 Morgan Drive. Michael Rant, Project Manager was present on behalf of the applicant and provided the Board with a brief overview of the proposed plan. Tania Schwarzwald who said she was neighbor asked about the trees on the property and permitted working hours. Michael Rant stated that twelve trees were being removed and 110% of tree volume were being added for replacement. The builder, Danny Ostad who was on the call said the permitted hours of construction was Monday-Friday 8AM to 5PM. On motion by Member Kaplan, seconded by Member Miller and carried unanimously, the Board closed the Public Hearing and directed Counsel to draft the approval Decision and Order.

#### **DECISION AND ORDER RESOLUTION:**

None

On motion by Member Kaplan, seconded by Member Miller and carried unanimously, the Board was closed at 7:30 p.m.

For a complete record of the Regular Meeting, see the minutes of the stenographer.

Brian S. Ridgway  
Village Administrator