

April 12, 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 7:05 p.m.

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

Absent: John Laurino - Member

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

On motion by Member Kaplan, seconded by Member Miller and carried unanimously, the Board approved the minutes of the March 8, 2021 meeting.

The following matter came before the Board:

**APPLICATION BEFORE THE BOARD:**

1. Application of Richard and Lindsay Arote, for the following variances: (1) a variance from § 216-22.8(2) to maintain a rear yard setback of 63.4' where 100' feet is required; (2) a variance from § 216-22.8(2) for a side yard setback of 78.5' feet where 100' is required; (3) a variance from § 216-22.4 to maintain a height of 36.3' feet where the maximum permitted height is 35'; (4) a variance from §216-22.10 to maintain a setback of 32' feet for a pool where 75' is required; (5) a variance from § 216-22.10 to maintain a rear yard setback of 64.4' where 75' is required, for an existing pool; (6) a variance from § 216-22.10 to maintain an existing side yard setback of 7.6' where 67.6' is required, for an existing tennis court; (7) a variance from § 216-22.10A for a side yard setback of 40' where 75' is required, in connection with the proposed installation of a generator; and (8) a variance from § 216-22.10A for a rear yard setback of 9.2' where 75' is required, in connection with the proposed construction of a cabana. Property located at 10 Red Ground Road, Old Westbury. Andrea Curto, Esq. / Forchelli, Deegan & Terrana, LLP, Paul Russo / Architect, Roger Hess / Surveyor and Scott Schan / Landscape Architect were present on behalf of the applicant. Each reviewed the proposed project that included: changes made from the prior submitted plan, updated landscaping plan which included coverage of the emergency generator, request for a railing for the stairs of the lower area off of the driveway, fence requirement around the pool and the retaining wall that would require a proper permit. On motion by Member Kaplan, seconded by Member Miller and carried unanimously, the Board directed Counsel to draft the approval Decision and Order.

**DECISION AND ORDER RESOLUTIONS:**

1. Application of Heather Haboush-Jarrahy, for a variance 216-20(A) Accessory Structure Setbacks to construct a pool cabana to the pool patio with a 95' 6" minimum required, 73' 2" existing and 22' 4" variance requested, at 63 I.U. Willets Road. On motion by Member Kaplan, seconded by Member Zito and carried unanimously, the Board adopted the Decision and Order Resolution.

On motion by Member Kaplan, seconded by Member Miller and carried unanimously, the Board was closed at 7:35 p.m.

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

Brian S. Ridgway  
Village Administrator