

BOARD OF APPEALS  
VILLAGE OF NORTH HILLS  
ONE SHELTER ROCK ROAD  
NORTH HILLS, NEW YORK

September 20, 2022  
7:30 pm

PRESENT: Douglas Weigler, Chair  
Philip Goodman, Deputy Chair  
Anthony Lobosco and Michael Strauss, Members  
Howard Fox and Ray Dispaltro, Alternate Members  
Peter Cinquemani, Superintendent of Building Department  
A. Thomas Levin, Village Attorney (by telephone)

ABSENT: Bruce Spenadel, Member

The Chair announced that the next regular meetings of the Board would be October 24, 2022, November 22, 2022, and December 20, 2022, each at 7:30 pm.

In the absence of one regular Board member, Mr. Fox participated in each matter before the Board, and Mr. Dispaltro participated in each matter but did not vote.

The Board held a public hearing with respect to Application #22-06za, Application of Minghua Hu, 52 Stone Hill Drive South, Manhasset, to construct a rear sunroom addition which requires variances of (a) Village Code §215-11(D)(5), to permit a side yard setback of 23.7 feet, where a minimum of 25 feet is required, and (b) Village Code §215-11(D)(9), to permit building coverage of 26.75%, where a maximum of 15% is permitted. The premises are designated as Section 3, Block 239, Lot 77 on the Nassau County Land and Tax Map.

The hearing was stenographically transcribed, and the transcription is on file at the Village office. It was noted that the applicant had not submitted the drawings required by the Board at the previous meeting. There was no appearance for the applicant.

On motion by Mr. Lobosco, seconded by Mr. Fox, and adopted unanimously, the Board adjourned the hearing to October 24, 2022 at 7:30 pm.

The Board held a public hearing with respect to Case 22-07za, Application of Chris Hu, 73 Saxony Court, Manhasset, New York, for (i) an accessory use permit pursuant to Village Code §215-25(E)(2)(b) for a swimming pool, and (ii) variances of (a) Village Code §215-33(B)(2), to permit the pool to be located 18.083 feet from the side property line and 17.083 from the rear property line, where no such structure shall be located less than 25 feet from a side or rear property line, and (b) Village Code §215-25(E)(5)(c), to permit a barbeque to be 11 and 10.5 feet wide, where a maximum of 6 feet is permitted. The premises are designated as Section 3, Block 239, Lot 10 on the Nassau County Land and Tax Map.

The minutes of the public hearing were stenographically transcribed, and are on file in the Village office. The applicant was represented by Jing Xie.

After hearing all interested persons, on motion by Mr. Goodman, seconded by Mr. Strauss and adopted unanimously, the hearing was closed and decision reserved.

The Board held a public hearing with respect to Case 22-08za, Application of Rubin Lo, 18 Stone Hill Drive North, North Hills, New York, for (i) accessory use permits pursuant to (a) Village Code §215-25(E)(2)(h) for a four (4) foot high metal fence, and (b) Village Code §215-25(E)(2)(e) for a garden shed, and (ii) a special use permit pursuant to Village Code §215-33(A), for a four (4) foot high metal fence. The premises are designated as Section 3, Block 239, Lot 60 on the Nassau County Land and Tax Map.

The minutes of the hearing were stenographically transcribed, and are on file in the Village office. Dennis Cook appeared for the applicant.

After hearing all interested persons, on motion by Mr. Lobosco, seconded by Mr. Strauss and adopted unanimously, the hearing was closed and decision reserved.

The Board discussed Case 22-08za. After discussion, on motion by Mr. Goodman, seconded by Mr. Strauss, and adopted unanimously, the Board made the following determination: (1) the relief requested in the application constitutes a Type II Action pursuant to the State Environmental Quality Review Act and its implementing regulations, which requires not environmental impact review; (2) the requested relief is to maintain existing conditions, and will have no effect on the character of the neighborhood or community, and is granted in all respects on condition that (a) all required permits shall be obtained within six months from the date of filing of this determination with the Village Clerk, and (b) all required certificates of completion or compliance shall be obtained within one year from the date of filing of this determination with the Village Clerk.

The Board discussed Case 22-07za. After discussion, on motion by Mr. Goodman, seconded by Mr. Lobosco, and adopted unanimously, the Board made the following determination: (1) the relief requested in the application is not necessary, and is designed to accomplish personal preferences in the use of the subject property, and thus constitutes a self-created difficulty; (2) it was demonstrated at the hearings that the purposes of the application could be accomplished by lesser variances, including elimination of a requested yard variance, which the applicant declined to consider; (3) the benefit to the applicant does not outweigh the detriment to the health, safety and

welfare of the neighborhood or community or the detriment to nearby properties which would be created by the granting of the area variances; (4) the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the requested area variances; (5) the requested area variances are substantial, and (6) the application is denied in all respects.

The Board discussed an amendment to the Board Rules. Mr. Strauss moved adoption of the following resolution, which was seconded by Mr. Lobosco and adopted unanimously:

RESOLVED, that the Rules of the Board of Appeals be amended, effectively immediately, by adding thereto a new section, to be Section A219-4(l), to read as follows:

*§A219-4(l). All documentation not included with an application, or any previous amendment, modification or revision of an application, including exhibits and information intended to supplement or support an application, shall be filed with the Village Administrator at least 7 days prior to the public hearing at which such documentation is intended to be considered by the Board. Any documentation not so provided at least 7 days before a hearing shall not be considered by the Board at that hearing. Notwithstanding the foregoing, the Board may waive this requirement with respect to documentation filed less than 7 days prior to the hearing, or at the hearing, provided that (a) the applicant presents 9 copies of all such documentation, and one electronic copy, at or prior to the hearing, and (b) the Board concludes that the circumstances permit the Board to conduct a comprehensive review of the documentation at the hearing.*

It was suggested that the Building Department include this information in materials provided to all applicants at the earliest stages of applications, in order to facilitate notice of this requirement to all applicants..

There being no further business, the meeting was adjourned at 8:25 pm on motion by Mr. Goodman, seconded by Mr. Lobosco, and adopted unanimously.

**THE ABOVE MINUTES WERE FILED IN  
THE OFFICE OF THE VILLAGE CLERK  
OF THE INCORPORATED VILLAGE OF  
NORTH HILLS AT**

**TIME:** 5:03 A.M./P.M.

**DATE:** 10/17, 2022

W. Russo