

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

August 26, 2025
7:30 pm

PRESENT: Douglas Weigler, Chair
Philip Goodman, Deputy Chair
Anthony Lobosco, Bruce Spenadel, Michael Strauss,
Members
Ray Dispaltro, Howard Fox, Alternate Members
Wendy Russo, Deputy Village Clerk
Peter Cinquemani, Superintendent of Building Department
A. Thomas Levin, Village Attorney

EXCUSED: None

The Chair announced that the next regular meetings of the Board would be September 15, October 28, November 17 and December 16, 2025, all at 7:30 pm.

All Board members being present, Alternates Dispaltro and Fox participated in all matters, but did not vote.

The Chair opened the public hearing for Case No. 25-07za. Application of Sanjay and Raina Chablaney, 31 Sequoia Circle, Manhasset, New York for (a) a special use permit pursuant to Village Code §215-25(E)(2)(b) for a swimming pool as an accessory use, (b) a special permit pursuant to Village Code §215-25(E)(2)(h) for a fence as an accessory use, (c) a variance pursuant to Village Code §215-25(E)(5)(c), to permit a barbecue or grill with width of 11 feet where a maximum of 6 feet is permitted, (d) a variance of Village Code §215-33(B)(1) to permit a pool and related decks, fences and machinery to be located other than between the dwelling and the rear property line closer to the street line than the rear wall of the main building, (e) a variance of Village Code §215-33(B)(2) to permit pool equipment to be located 20.8 feet from the side

property line where a minimum of 25 feet is required, and (f) a variance of Village Code §215-33(B)(4) to permit pool machinery to be located without being enclosed in a soundproof structure. Premises are designated as Section 3, Block 240, Lot 31 on the Nassau County Land and Tax Map, also known as 31 Sequoia Circle, Manhasset, New York. Michael Rant, of Northeast Civil, appeared for the applicants. The minutes of the hearing were transcribed stenographically and are on file with these minutes. The Board advised the applicant's representative that it wished to do a site visit, with locations of the proposed improvements staked out. After hearing all interested persons, on motion by Mr. Strauss, seconded by Mr. Goodman and adopted unanimously, the hearing was continued to September 15, 2025 at 7:30 pm.

The Board discussed revision of the Board's application form as drafted by the Village Attorney, to provide applicants with basic information as to the standards for use variances and area variances. After discussion, on motion by Chair Weigler, seconded by Mr. Strauss and adopted by vote of four in favor and Mr. Goodman abstaining, the Board approved the form attached to these minutes, to be provided to all new applications for variances, effective immediately.

There being no further business, on motion by Mr. Strauss, seconded by Mr. Goodman, the meeting was adjourned at 7:55 pm.

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

TIME: 4:00 A.M./P.M. (P.M.)

DATE: 9/11, 2025

W. Russo

INFORMATION FOR APPLICANTS FOR BOARD OF APPEALS VARIANCES

Some applicants choose to proceed without professional representations. In the experience of the Board of Appeals, in many cases such unrepresented applicants are not aware of the legal standards which the Board must apply in deciding variance applications. The purpose of this notice is to bring those standards to the attention of applicants, as failure to address these standards will require the Board to deny an application.

While the Village is unable to provide legal advice to variance applicants, the following provisions of the New York State Village Law may be applicable:

*Village Law §7-712(1) **Definitions:***

(a) "Use variance" shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

(b) "Area variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

*Village Law §7-712-b(2) **Use variances.***

(a) The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

(1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(4) that the alleged hardship has not been self-created.

*Village Law §7-712-b(3) **Area variances.***

(a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

All applicants should be guided accordingly.