# VILLAGE OF GREAT NECK ESTATES

## Zoning Board of Appeals

### Agenda

Thursday  
October 15, 2020  
at 8:00 pm

The **Zoom** login information is:  
Meeting ID: 83100578897  
Password: 154622  
Or dial by your location: 646-558-8656

<table>
<thead>
<tr>
<th>Case #</th>
<th>Address</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>#2-2020</td>
<td>Yang</td>
<td>1 Pine Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Swimming Pool</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><em>(continued at the 9/17/20 ZBA Meeting)</em></td>
</tr>
<tr>
<td>#3-2020</td>
<td>Aranoff</td>
<td>81 Cedar Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Legalize a gazebo &amp;</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>construct a Sports Court</strong></td>
</tr>
</tbody>
</table>

**Attending (as of 10/5/20)**
Stanley Fischer, Chair  
Kamran Hekmati, Member  
Jerry Siegelman, Member  
Michael Smiley, Alternate  
Annie Lo, Alternate

f/w/zba/agenda
September 23, 2020

Mr. Richard Ignatow, Landscape Architect
92 Green Street
Huntington, New York 11743

Denial Letter- Re: 81 Cedar Drive- Section 2; Block 142; Lot 359

Dear Mr. Ignatow,

We are in receipt of your plans to legalize an existing gazebo and to construct a 30'x 30' sports court at the above referenced property.

The existing property is unusual in that it has two street frontages, one on Cedar Drive and the other on Prospect Place and two front yards.

The existing structure was constructed prior to the current code and is legally non-conforming. The side yard setbacks on both the westerly and easterly side is 19.7 feet and where the minimum required side yard setback is 22. and the aggregate side yard setback is 39.65 feet where the minimum required aggregate side yard setback is 45 feet in Violation of Section 230-7G of the CVGNE.

The 2.0 foot side yard setback to the gazebo is in Violation of Section 230-8G of the CVGNE which requires a minimum side yard setback of 22.0 feet.

The height of the gazebo is 10 feet above the finished grade resulting in height setback ratio of 5 in Violation of Section 230-7J where a maximum height setback ratio of 1.2 is permitted.

The proposed sports court has a front yard setback of 12 feet on Prospect Place where Section 230-7E requires a 30 foot minimum front yard setback.

The proposed impervious surface coverage is 7812.04 square feet in Violation of Section 230-39 which permits a maximum impervious surface coverage of 7047.68 square feet.

In view of the aforementioned items of non-compliance the referenced application is hereby denied. Should you wish to pursue this matter further you may make application to the Board of Appeals within sixty (60) days of the date of this letter.

Best regards,

Barbara Dziorney
Barbara Dziorney
Building Inspector
IN THE MATTER OF THE APPLICATION OF
Aryea Aranoff

APPLICATION
to the Board of (Appeals) (Trustees)
of the Village of Great Neck Estates.

1. Name of applicant: Aryea Aranoff

2. Applicant's address: 81 Cedar Drive, Great Neck, NY 11021

3. If the applicant is not an owner of the property which is the subject of this application, state the relationship of the applicant to the owner(s):
   NA

4. The property which is the subject of this application is located at: 81 Cedar Drive, Great Neck Estates, N. Y. and is also known as Section 2, Block 342, Lot(s) 359 on the Nassau County Land and Tax Map.

5. The full name and residence address of all owners of the property (if applicant is not the sole owner) is:
   Aryea Aranoff and Liron Samra, 81 Cedar Drive, Great Neck, NY 11021

6. The property is located in the A zoning district of the Village of Great Neck Estates.
7. The subject property is located on the _______ side of Cedar Drive __________________________(street).

8. The date on which the owner(s) acquired the property was August 14, 2019 __________________________.

9. The approximate dimensions of the property are 200 feet by 110 feet, and the total acreage of property is 0.54 acres. Sole residence of owner

10. The property is presently used for ____________________________

11. Are there existing buildings on the property? _______ If so, of what type of construction ____________________ Yes

12. The present assessed valuation of the property is:

\[
\begin{align*}
\text{Land} & \quad 700,000 \\
\text{Building(s)} & \quad 1,400,000
\end{align*}
\]

13. Are there any outstanding village taxes on the property? No

14. The applicant or owner(s) wish to make use of the property for the purpose of: Add a 30'x30' basketball court, 2'x2' basketball hoop, and legalize a gazebo

15. The Building Department of the Village of Great Neck Estates denied an application for said proposed use on Sept 23, 2020

16. The proposed use of the property violates the following sections of the Village Code: 230-8G, 230-7J, 230-7E, 230-39
17. This is an application for:
   
   _____ an appeal  
   X _____ a variance  
   _____ a special permit  
   _____ other (describe): ____________________________

18. The following sections of the Village Code provide that the Board of (Appeals) (Trustees) has authority to grant the relief requested in this application: _______230-67________
   ____________________________
   ____________________________
   ____________________________
   ____________________________

19. Description of the problem, or reasons for this application, which constitute practical difficulty or unnecessary hardship which justifies the relief sought in this application:
   (Note to Applicant - this information is particularly important, and must constitute a complete statement of the grounds for the relief which you are seeking. You may use additional sheets of paper if necessary to provide a complete response)
   Please see attached rider.
   ____________________________
   ____________________________
   ____________________________
   ____________________________

20. Has any previous application been made to the Board of (Appeals) (Trustees) for the relief sought in this application, or relief similar to that sought in this application? ______ No  If so, attach a description of each such prior application, including the date the application was

3
made, the date of the determination by the Board of (Appeals) (Trustees), and a summary of the determination by the Board of (Appeals) (Trustees).

21. Has any previous application been made to the Board of (Appeals) (Trustees) for any other relief with respect to the property which is the subject of this application? No

If so, attach a description of each such prior application, including the date the application was made, the date of the determination by the Board of (Appeals) (Trustees), and a summary of the determination of the Board of (Appeals) (Trustees).

22. Are there any outstanding violation notices affecting the subject premises? No

23. Are there any pending court proceedings involving the subject premises? No

24. The undersigned applicant states under penalty of perjury that the foregoing statements and information, and all statements and information contained in papers submitted herewith, are true.

Name of applicant: Aryea Aranoff

Signature of applicant: [Signature]

Title of signatory: Owner

Date: 9/23/20
Question 19:

We would like to build a 30’X30’ basketball court and 2’x2’ cement area for the basketball hoop itself in our backyard for our children to play on. Without a variance, we cannot receive a permit for this work since it would cause our total impervious surface to exceed the maximum, per code 230-39 and because it would violate setback requirements in code 230-7E. We believe these 2 variance requests are reasonable since (i) we do not really have viable alternatives to this, (ii) this will not create a nuisance or expense for the community, and (iii) if we were to construct this court, our home and property would still be in line with the goals of code 230-39 of maintaining a mostly undeveloped and natural landscape within the Great Neck Estates community and the goals of 230-7E of having our yard conform to the yards of homes around it while preventing any disturbances to those people living in these neighboring homes.

Alternative Options:

1. Driveway-Many homeowners in this neighborhood place basketball courts in their driveway, but this is not really an option for us. The end of our driveway where the kids could theoretically play is one of the lowest places on our whole lot and has a large metal drain in the middle. Related to that, the whole area is slanted toward the drain. Both the slant and the metal drain make the area dangerous for running around for both the children and even for one of the homeowners who had 3 surgeries on his right knee and can only run on flat surfaces without risking further injury.

2. Great Neck Estates Park-While the Great Neck Estates Park is certainly an option for us, it is not a complete solution since we will not be able to always have the hoops lowered for young children, it can get crowded on weekends, and there is a possibility that an additional Covid-19 wave could cause them to close again (in fact even now that they have re-opened the basketball area, it is only for individual play, so not a practical solution for us). We would like to build this court to ensure our children have somewhere to play when they can’t in the park and in the event there are additional closures. We believe this is the prudent and safe thing to do in our new post Covid-19 world with a relatively large family with young children. Due to the unfortunate consequences of the pandemic, the more we can incentivize our children to stay at home, the better off for everybody in our community. School closures and self quarantine requirements are part of our new normal for the foreseeable future, and developing a home that is more self-sufficient is a major part of how many of us need to respond to the pandemic. We hope this is a short term issue, but it could very well be a long term and/or recurring challenge.

Considerations:

1. Nuisance-Adding a basketball court will not create a nuisance for current or future neighbors. The bordering homes and immediate area currently have many basketball courts that are in active use. In our time at Great Neck Estates, we are constantly seeing people use their at home courts. We are clearly a basketball loving community. Neighbors will not find this new court to be problematic, especially with the side setbacks
we have in our plans, the trees we will put up along the back to block noise and exposure, as well as the road, Prospect Place, between us and our back neighbors that creates additional separation.

2. Water return to our ecosystem—While the addition of impervious surface can sometimes prevent rainfall from returning to the natural ecosystem causing an increase in soil erosion, amongst other environmental impacts, the drywell and drainage we have included in the plans will ensure rainfall that hits the court will be directed back underground mitigating any adverse environmental effects. This drain will also ensure that water stays on our property and is not diverted anywhere else.

3. Impervious surfaces currently in place at the house were from before code 230-39 was implemented. The house along with all the impervious surfaces pre-date the code, so the homeowners at the time did not account for it (this section of the code was added in 2002 and the house was built in 1985). The previous owners easily could have taken up less surface area in designing the house if they had to factor this code in (our garage could have gone closer to the front of the house, shortening the long driveway which accounts for a large percent of our current impervious coverage and we have 2 guest rooms on the main floor that could have gone upstairs, above other 1st floor rooms that currently have no 2nd floor above them). It would be unfair to have this property locked off from small additional impervious surfaces due to reasonable actions taken before this law was put into place.

4. The impervious surface variance we are requesting is minor, impacting only 3.3% of the lot’s total square footage. In addition to the house, there are no excessive uses of impervious surfaces. The patio is modest as is the gazebo which predates the house, according to the previous owner who built the house. There is no pool, nor do we have any wish to put a pool in (the Great Neck Estates pool was a factor for us in moving here in August 2019). With the addition of this basketball court, the property will still be overwhelmingly green and undeveloped at 66.7%.

5. Regarding the setback variance, our proposed court would conform with our neighbors’ yards that also border Prospect Place, and we will not be creating any incremental disturbance or noise. As is typical for streets in Great Neck Estates, almost every home on Prospect Place has paved areas on or near the street, including driveways, walkways, and basketball/recreational areas, so it would not be out of line with the other homes to have a paved area in our yard near this street. From a noise perspective, the street creates additional separation from our lot to other homes behind our property, so we do not believe this will create a nuisance (like many streets in Great Neck Estates, there is already basketball played very close to Prospect Place, and it is not an issue at all). Finally, it is worth noting that Prospect Place is somewhat of an exception as a street and one that gets very little traffic. There is a “Dead End” sign where it starts even though it is a through street and not a dead end, and much of the roadway is not even paved, including next to our yard. We think it is reasonable to suggest that setback requirements that are meant for standard streets may not be fully applicable here.