

**MINUTES OF THE MEETING HELD BY
THE BOARD OF ZONING APPEALS
HELD VIA ZOOM VIDEO CONFERENCING
(Due to COVID-19 Public Assembly Restrictions)
STENOGRAPHICALLY RECORDED**

DATE: October 26, 2021 TIME: 6:00 PM

PRESENT:

Russell Mohr, Chairman
Jeffrey Blumin, Member
(arrived at 6:30 pm)
Cindy Kaufman, Member
Louis Lebedin, Member
Vincent Parziale, Member

ALSO PRESENT:

Howard D. Avrutine, Village Attorney
James Antonelli, Village Engineer

See list at end of minutes

PROCEEDINGS

The Chairman called the meeting to order at 6:05 PM.

Notice of tonight's meeting was posted and provided to the Oyster Bay Guardian by the Deputy Village Clerk as well as posted on the Village website.

On motion by Member Parziale, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, the Board approved the minutes of the meeting held on June 10, 2021.

1st ITEM: ZS12-2021:

The public hearing then commenced on the application of Michael Rant on behalf of James Eckel to install a pool and patio at 1484 Laurel Hollow Road where the construction will disturb a steep slope and a very steep slope as shown on the Overall Site Plan and Site Plan prepared by Northcoast Civil Land Surveying & Civil Engineering dated 2/25/2020.

This property is designated as Section 26 Block A Lots 216, 223, 725, & 742 on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by the applicant's representative, it was moved by Member Parziale, seconded by Member Kaufman and unanimously carried, that the hearing be closed to further evidence and testimony.

It was then determined that the Board serve as lead agency under SEQRA.

It was moved by Member Parziale, seconded by Member Lebedin and unanimously carried, that the action be deemed unlisted under SEQRA.

It was moved by Member Kaufman, seconded by Member Lebedin and unanimously carried, that the Board enact a negative declaration under SEQRA.

It was moved by Member Kaufman, seconded by Member Parziale and unanimously carried, that the application be approved as submitted. A copy of the approval resolution will be attached to these minutes.

2nd ITEM: ZV13-2021:

The public hearing on the application of Seicha Turnbull to reconstruct an existing residence at 192 Cove Road where the proposed structure does not comply with the following sections of the Laurel Hollow Village Zoning Code:

- *No building shall be erected, altered, or enlarged except on a lot that has an area of at least 2 acres (87,120 square feet) as per Section 145-5(A)(1) of the Laurel Hollow Village Code. Proposed erection of a new building is on a lot with insufficient area of 1.24 acres (53,821.64 square feet)*
- *No building shall be erected, altered, or enlarged except on a lot that has a frontage on a street of at least 150 feet as per Section 145-5(A)(2) of the Laurel Hollow Village Code. Proposed erection of a new building is on a lot with insufficient frontage on a street of 111.55 feet.*
- *No building shall be erected, altered, or enlarged unless, if it is a principal building, it shall be setback at least 60 feet from every street line as per Section 145-5(B)(1) of the Laurel Hollow Village Code. Proposed erection of a new principal building is setback 21 feet from the street line.*
- *No building shall be erected, altered, or enlarged unless, if it is a principal building, it shall be setback at least 40 feet from every lot line that is not a street line as per Section 145-5(B)(1) of the Laurel Hollow Village Code. Proposed erection of a new principal building is setback 27.2 feet from the north side yard lot line.*
- *No building shall be erected, altered, or enlarged unless, if it is a principal building, it shall be setback at least 40 feet from every lot line that is not a street line as per Section 145-5(B)(1) of the Laurel Hollow Village Code. Proposed erection of a new principal building is setback 26.9 feet from the south side yard lot line.*
- *The minimum floor area of the ground floor of any one-story principal building, excluding garage, hereafter erected, constructed, altered, or moved on a lot shall be 1,800 square feet as per Section 145-5(D)(1). The area of the ground floor of the proposed one-story building is 1,423 square feet.*
- *Permitted uses. No building, structure or premises in the Residence District shall be used or maintained for any purpose except one detached single-family dwelling as per Section 145-5(E)(1) of the Laurel Hollow Village Code. The applicant proposes to demolish and reconstruct a second single-family dwelling on the premises.*
- *No nonconforming building, if 50% or more of assessed value thereof is destroyed due to any cause, shall be restored in nonconforming form or location as per Section 145-21(F) of the Laurel Hollow Village Code. The applicant proposes to demolish the existing residence and reconstruct it in a nonconforming form and location.*

This property is designated as Section 26 Block A Lot 99 on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by the applicant and her spouse, Patrick Van Kessel, it was determined that the hearing would be continued to a date to be determined in order to afford the applicant an opportunity to obtain counsel regarding this application.

3rd ITEM: ZV10-2021 and ZS11-2021:

The public hearing on the application of James M. Murphy on behalf of Glenn Bernstein to install an elevated tram at 12 North Road where the proposed structure does not comply with the following sections of the Laurel Hollow Village Zoning Code:

- *Section 145-5(A)(2) states that no building or structure shall hereafter be erected, altered or enlarged in the Residence District except on a lot which, for each principal building, together with its accessory buildings and structures, has a lot frontage on a street of at least 150', except that where said frontage coincides with the circumference of a cul-de-sac at the extremity of a dead-end street, such front lot line frontage shall be at least 50 feet. The structure is proposed on a lot with no street frontage or cul-de-sac frontage.*
- *Section 145-5(A)(1)(c) states that in no event shall the building area of an accessory building exceed 1,000 sq. ft. The building area of the proposed accessory building is 1,496.6 sq. ft.*
- *Section 145-5(A)(1)(c) states that no accessory building shall exceed 25% of the building area of the principal building. The building area of the proposed accessory building is 43% of the building area of the principal building.*
- *Section 145-12(A)(3) states that no disturbance of any land defined as a "severely steep slope" herein shall be permitted other than the construction of a simple wooden staircase or similar structure, not to exceed four feet in width. The proposed structure will disturb a "severely steep slope" and is not a simple wooden staircase.*

In addition, the applicant seeks approval to install an elevated tram where the construction will disturb a steep slope and a severely steep slope, greenbelt and bluff as shown on the: Proposed Elevated Tram Site Plan prepared by Northcoast Civil Land Surveying & Civil Engineering dated 4/29/2021 and last revised 6/21/2021 and the Topographic Map prepared by Northcoast Civil Land Surveying & Civil Engineering dated 6/9/2004 and last revised 4/17/2021.

This property is designated as Section 26 Block A Lot 1272 on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by representatives of the applicant and the applicant, as well as interested residents, the hearing was continued to a date to be determined upon submission by the applicant of additional materials requested by the Board.

4th ITEM: ZV6-2021, ZS5-2021, F1-2021 and ZV14-2021:

The continued public hearing then commenced on the application of Walden Engineering on behalf of Anthony Core and Gina Core to install retaining walls at 48 Laurel Cove Road where the retaining walls exceed three feet in height and are located within a required setback, in violation of Section 145-18(B) of the Laurel Hollow Village Code. Proposed sections of the wall are as high as 7.5 feet and as close as 15 feet to the property line where a 40 foot side yard setback is required.

The proposed retaining walls also involve the excavation of approximately 2035 cubic yards of land and installation of approximately 1715 cubic yards of fill as well as disturbance of steep, very steep and severely steep slopes as defined in Section 145-12 of the Village Code as shown on the Cut/Fill Concept Plan, the Topographical Site Map, and the Retaining Wall Details prepared by Walden Environmental Engineers, PLLC dated 4/14/2021 and last revised on 9/2/2021.

The Board simultaneously conducted the public hearing on the appeal and application of Anthony Core by Forchelli, Deegan, Terrana to construct a new principal dwelling at 48 Laurel Cove Road where:

- *No building shall be erected, altered or enlarged except on a lot that has a frontage on a street of at least 150 feet as per Section 145-5(A)(2) of the Laurel Hollow Village Code. Proposed construction of a new building is on a lot with insufficient frontage on a street of 0 feet.*
- *No building shall be erected, altered or enlarged unless, if it is a principal building, set back at least 40 feet from every lot line that is not a street line as per Section 145-5(B)(1) of the Laurel Hollow Village Code. Proposed construction of a new principal building is set back 29.6 feet from the southerly side lot line.*

This property is designated as Section 26, Block A, Lot 289 on the Land and Tax Map of Nassau County.

The hearing testimony and exhibits from the June 10, 2021 meeting as well as additional exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by the applicant and the applicant's representatives as well as testimony by surrounding residents and property owners, the Board closed the hearing to further evidence and testimony.

It was moved by Member Parziale, seconded by Member Kaufman and unanimously carried, that the Board declare itself lead agency under SEQRA.

It was moved by Member Kaufman, seconded by Member Lebedin and unanimously carried, that the action be deemed unlisted under SEQRA.

It was moved by Member Lebedin, seconded by Member Parziale and unanimously carried, that the Board enact a negative declaration under SEQRA.

It was moved by Member Parziale, seconded by Member Kaufman that the application to grant the variances requested under Case Nos. ZV6-2021 regarding proposed retaining walls exceeding three feet in height and which are located within a required setback be granted in strict accordance with the Cut/Fill Concept Plan, the Topographical Site Map, and the Retaining Wall Details prepared by Walden Environmental Engineers, PLLC dated 4/14/2021 and last revised on 9/2/2021 filed with the Board and upon the condition that no Certificate of Occupancy/Completion shall be issued with respect to the applicant's proposed improvements on the property until the applicant files with the Village certification by the applicant's landscape professional that all installation of trees, shrubs and plantings have been installed on the property in strict accordance with the Landscape Plan prepared by Hicks Landscapes dated 8/20/2021 filed with the Board.

It was moved by Member Lebedin, seconded by Member Parziale and unanimously carried that the Board approve application ZS5-2021 and F1-2021 authorizing fill and slope disturbance in strict accordance with the Cut/Fill Concept Plan, the Topographical Site Map, and the Retaining Wall Details prepared by Walden Environmental Engineers, PLLC dated 4/14/2021 and last revised on 9/2/2021 filed with the Board and upon the condition that no Certificate of Occupancy/Completion shall be issued with respect to the applicant's proposed improvements on the property until the applicant files with the Village certification by the applicant's landscape professional that all installation of trees, shrubs and plantings have been installed on the property in strict accordance with the Landscape Plan prepared by Hicks Landscapes dated 8/20/2021 filed with the Board.

It was moved by Member Parziale, seconded by Member Lebedin and unanimously carried that application ZV-14-2021 regarding variances required to construct the new principal dwelling be granted in strict accordance with the plans filed with the Board and upon the condition that and that no Certificate of Occupancy/Completion shall be issued with respect to the applicant's proposed improvements on the property until the applicant files with the Village certification by the applicant's landscape professional that all installation of trees, shrubs and plantings have been installed on the property in strict accordance with the Landscape Plan prepared by Hicks Landscapes dated 8/20/2021 filed with the Board.

The Board then attended to administrative matters.

There being no further business, the meeting was adjourned at 10:30 PM.

Russell Mohr

Russell Mohr, Chairman

4/5/2022

Date

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| Anthony Core and Gina Core | 535 Split Rock Road, Syosset, NY |
| Kathleen Deegan Dickson, Esq. (on behalf of Anthony Core and Gina Core) | 333 Earle Ovington Blvd., Uniondale, NY |
| Joseph Heaney, PE (on behalf of Anthony Core and Gina Core) | 16 Spring Street, Oyster Bay, NY |
| Albert Core, Architect (on behalf of Anthony Core and Gina Core) | 535 Split Rock Road, Syosset, NY |
| Dwight and Christa Relyea | 47 Laurel Cove Road, Laurel Hollow, NY |
| Michael Rant, Northcoast Civil Land Surveying & Civil Engineering (on behalf of James Eckel and Glenn Bernstein) | 23 Spring Street, Oyster Bay, NY |
| James Eckel | 1484 Laurel Hollow Road, Laurel Hollow, NY |
| Seicha Turnbull and Patrick Van Kessel | 1000 West Shore Road, Oyster Bay, NY 11771 |
| James Murphy, Esq. (on behalf of Glenn Bernstein) | 1045 Oyster Bay Road, East Norwich, NY 11732 |
| Glenn and Molly Bernstein | 12 North Road, Laurel Hollow, NY |
| Don Gatehouse (on behalf of Glenn Bernstein) | 140 Prospect Avenue, Hackensack, NJ 07601 |
| Andrew Matytsia | 49 Laurel Cove Road, Laurel Hollow, NY |
| Donna Basso and Greg Basso | 35 Laurel Cove Road, Laurel Hollow, NY |
| Cindy and Nolan Meredith | 16 North Road, Laurel Hollow, NY |
| Craig Donley (from Hicks Nursery on behalf of Core) | 100 Jericho Turnpike, Westbury, NY |
| Leah Kelly (from Hicks Nursery on behalf of Core) | 100 Jericho Turnpike, Westbury, NY |