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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING APPEALS
PUBLIC HEARING
October 25, 2017
7:30 p.m.

VILLAGE HALL
1492 Laurel Hollow Road
Syosset, New York 11791-9603

PRESENT: RUSSELL MOHR, CHAIRMAN
NEWTON J. BURKETT, MEMBER
LOUIS LEBEDIN, MEMBER

ALSO PRESENT:
HOWARD AVRUTINE, village Attorney

ZV7-2017: Bragoli

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: Case ZV7-2017, this is the
2 continuation of the public hearing on the application of
3 James Murphy, Esq., on behalf of Christopher Bragoli to
4 install the following accessory structures: Pool, spa,
5 patio and tennis court at 1216 Moore's Hill Road. The
6 application was amended to eliminate the tennis court.
7 Installation of the proposed accessory structures will
8 cause the total surface area coverage to exceed
9 20 percent of the lot area in violation of Section
10 145-5(A)(1)(d) of the Laurel Hollow Village Code.
11 23 percent is existing; 32.8 percent was previously
12 proposed; 27 percent is now proposed after elimination
13 of the tennis court.

14 The property under application is designated
15 as Section 26, Block C, Lot 2154 on the Land and Tax Map
16 of Nassau County.

17 The exhibits in connection with the continued
18 hearing are as follows:

19 First, all exhibits entered into the record at
20 the hearing of August 15, 2017, by reference.

21 The next exhibit is notification from the
22 Nassau County Planning Commission dated September 12,
23 2017 that the subject case plans as revised is referred
24 to the Laurel Hollow Board of Zoning Appeals to take
25 action as it deems appropriate.

Proceedings

1 The next exhibit is the legal notice of public
2 hearing dated September 22, 2017.

3 The next exhibit is an affidavit of posting
4 from Nick Porcaro that the legal notice was posted
5 conspicuously on the bulletin board at the main entrance
6 to the Office of the Village Clerk on October 13, 2017.

7 The next exhibit is an affidavit of
8 publication from James Slater stating that the legal
9 notice was published in the Oyster Bay Guardian on
10 October 13, 2017.

11 The next exhibit is an affidavit from the
12 Deputy Clerk stating that the notice of public hearing
13 was mailed to other interested parties on October 6,
14 2017.

15 The next exhibit consists of documents
16 confirming that the notice of public hearing was
17 published to the Village of Laurel Hollow website and
18 sent to Village website NEWS subscribers on October 6,
19 2017.

20 The next exhibit is an affidavit of mailing
21 from the applicant indicating that the notice of public
22 hearing was mailed on October 2, 2017 to the individuals
23 set forth in the affidavit.

24 And the next exhibit is an amended site and
25 landscaping plan prepared by Steven Dubner, last revised

1 August 30, 2017.

2 And the final exhibit is an amended letter of
3 disapproval from the building inspector dated September
4 12, 2017.

5 Mr. Murphy?

6 MR. MURPHY: Mr. Avrutine, Mr. Chairman and
7 Members of the Board. My name is James Murphy with the
8 law firm of Murphy & Lynch in East Norwich, New York.

9 In support of this continuation hearing, we
10 have here this evening the homeowner, Christopher
11 Bragoli. Also, we have the design professionals, Steve
12 Dubner and Henry Sombke, S-O-M-B-K-E.

13 At the August 15 meeting, at the conclusion of
14 which, I had advised the Court that, the Board, rather,
15 that we would be submitting a modified plan, and we have
16 done so, with regard to, as just read by Mr. Avrutine,
17 the removal of the tennis court.

18 Also, there's been additional landscaping
19 along Hickory Lane that has been added since the August
20 15 meeting.

21 I would like to introduce for the record in
22 addition to the Exhibit 4, which was submitted in
23 August, the 24 photographs, I would like to introduce
24 another exhibit consisting of seven photographs as one
25 exhibit which consists of photos that I took this past

Proceedings

1 Sunday along Hickory Lane showing, as best as possible,
2 from Hickory Lane the additional landscaping.

3 CHAIRMAN MOHR: You said this shows the
4 additional landscaping along Hickory?

5 MR. MURPHY: Yes.

6 CHAIRMAN MOHR: On the Bragoli property?

7 MR. MURPHY: Yes.

8 CHAIRMAN MOHR: This was recently planted?

9 MR. MURPHY: Yes.

10 And with permission of the Board, I would like
11 to have Mr. Dubner testify in the narrative with regard
12 to the landscaping that we've done and the landscaping
13 for the entire project which hopefully will be approved
14 by the Board.

15 MR. AVRUTINE: Let the record reflect that the
16 exhibit consisting of seven photographs has been marked
17 as Applicant's Exhibit Number 5.

18 MR. MURPHY: And if I might, before Mr. Dubner
19 should be discussing this application with some
20 particularity, at the last hearing we had the unusual
21 circumstance, somewhat unusual, of having virtually
22 every property owner on Hickory Lane present and/or
23 represented by Jeffrey Forchelli. Jeffrey represented
24 all of them. Since that August 15 meeting, based upon
25 the discussions that we've had with the neighbors with

1 regard to the removal of the tennis court, they had
2 expressed unanimous approval and acceptance of this
3 modification, and Jeffrey Forchelli had advised me that
4 he would not be attending this evening nor would any of
5 the neighbors.

6 Mr. Newton Burkett, at the conclusion of the
7 August 15 meeting, had warmly advised them to please
8 attend at the next hearing to see what was going to be
9 done, and they've advised their counsel that such is not
10 necessary. They are in acceptance with regard to this
11 proposal, especially since the landscaping was put in on
12 Hickory.

13 And the ambience of Hickory itself in terms of
14 being principally well screened up and down the lane,
15 has been also enjoyed now by the subject property.

16 Mr. Dubner?

17 MR. DUBNER: Sure.

18 MR. AVRUTINE: would it be possible, for the
19 record, to get a letter from Mr. Forchelli indicating
20 that, just for the integrity of the file?

21 MR. MURPHY: Yes.

22 MR. AVRUTINE: Thank you.

23 MEMBER BURKETT: And the absence of neighbors
24 this evening is noted.

25 MR. MURPHY: Yes.

1 MR. DUBNER: Steven Dubner, 140 Half Hollow
2 Road, Dix Hills, New York.

3 Good evening, Chairman, Members of the Board.

4 You obviously know the application is for
5 putting in a swimming pool and a dining area adjoining
6 the residence with ample area for putting lounge chairs.

7 Now what we did is, we placed the pool
8 basically in the center of the property so that from all
9 side lines it exceeds the 40-foot requirement and it
10 averages out to about 85, 90 feet of area on both the
11 side lines, and about 60 from the rear yard.

12 Now, in anticipation of the homeowner wanting
13 to have a pool here and actually wanting the privacy
14 from Hickory Lane, we landscaped the whole area along
15 Hickory Lane.

16 Now, we did it in a manner that was consistent
17 with what is along that lane, the density of plantings.
18 We used very mature plants, 14, 16, 18-foot tall
19 evergreens, so that it's immediate. There's immediate
20 privacy. There's no means, for you not to see the pool
21 at all at this juncture. So it's not a maturing
22 process. It's not planting something at 6-foot tall and
23 waiting until it gets to 10 or 12-foot tall. So in
24 anticipation of what the homeowner wants in the sense of
25 privacy and the immediacy of the privacy, we proceeded

1 with this planting.

2 As far as the -- you didn't go into lot
3 coverage.

4 MR. MURPHY: I thought to let you speak and
5 then we would go into that.

6 MR. DUBNER: Basically what we presented, are
7 presenting to the Board, is what most people want in
8 this community, the use of a swimming pool.

9 I know, unfortunately -- are you prejudiced
10 against swimming pools?

11 MEMBER BURKETT: I don't have a swimming pool,
12 but I'm not prejudiced.

13 MR. DUBNER: To make sure how I address you.
14 That's all.

15 In any case, we tried to minimize the terrace
16 area and the walkways around the swimming pool so that
17 we are not going further into the property with lot
18 coverage and impervious surface, but it's enough that
19 you can get lounge chairs and the safety to be able to
20 walk around all sides of the pool, which is a safety
21 issue.

22 The other reason we set the pool in the center
23 is that you could visually see the pool from the house.
24 So, it's for safety reasons. It's easier to police it
25 and see what is transpiring within the pool area. So

1 fortunately, we had a property that enabled us to place
2 it in such a location from a safety vantage point that
3 we have set it at this juncture.

4 The landscaping itself all around the
5 periphery is going to be landscaped. So, there's a home
6 that's vacant to the left that's going to hopefully get
7 sold by the builder, but what we did is, we planted
8 along that whole property line also so that both parties
9 will have the privacy. Now we preempted the neighbor
10 from doing it because we don't know who the neighbor is
11 and what they are going to want to do. There again, we
12 landscaped it.

13 All the landscaping here is done in a very
14 naturalistic manner. It's not like just a straight
15 hedge of arborvitae or a straight hedge, which I think
16 would be against what we would like to achieve in this
17 community. We want to keep it as natural as possible
18 and let it mature into something that is very natural.
19 So that was our initial goal.

20 We didn't do a lot of planting around the pool
21 because for the visibility purposes. It's only a low
22 boxwood hedge between the house and the pool itself so
23 that we are not cutting down the visibility of the pool
24 also.

25 The other thing is, the fencing goes around

1 the periphery of the property, and it would be a black
2 vinyl chain link. And in the front areas, it would be
3 an estate fence, which is made of aluminum but it's
4 powder coated so it's black so it's not obtrusive. All
5 the fences will not be obtrusive in that manner. And
6 the reality is, the way the planting is, they're going
7 to grow right into the fence line and it's going to
8 obscure the fence in any case.

9 Any questions that I can answer at this
10 juncture?

11 MEMBER LEBEDIN: Since the last time this
12 proposal was submitted, you've added evergreens. How
13 many?

14 MR. DUBNER: I think we added about thirty
15 big, large plants that are about 14-to-16 or 16-to-18
16 along the periphery.

17 MEMBER LEBEDIN: Along Hickory?

18 MR. DUBNER: Yes.

19 And then we under planted in certain areas
20 with Rhododendron and Azalea and other things to give it
21 a natural feeling.

22 CHAIRMAN MOHR: I wasn't aware what was going
23 on.

24 MR. DUBNER: So if you go there, you'll see
25 it's obscured.

Proceedings

1 CHAIRMAN MOHR: I see by the pictures.

2 MR. DUBNER: That's what the family wants.
3 They want to be able to enjoy the pool area without any
4 traffic going by and seeing them. So it works both
5 ways. It's good for the community and good for
6 neighbors, but at the same time, it's good for their
7 enjoyment in their own pool area, but it is substantial.
8 That's for sure.

9 MEMBER LEBEDIN: Do you know why the number
10 for the driveway coverage changed from the original
11 submission?

12 MR. SOMBKE: I can speak to that.

13 MEMBER LEBEDIN: Then I should wait.

14 MR. AVRUTINE: Just give your name for the
15 record.

16 MR. SOMBKE: My name is Henry Sombke with
17 Steven Dubner Landscaping.

18 Since the last application, this little piece
19 right here, that was originally included in
20 Mr. Bragoli's driveway. Technically, it's in the
21 easement, so it was an oversight the first time around.
22 This is the correct way it should be shown.

23 MR. AVRUTINE: So you're saying it's beyond
24 the property?

25 MR. SOMBKE: It's in the property, but it's in

1 the driveway easement.

2 MR. MURPHY: The driveway easement that's
3 towards the driveway access for the adjacent lot.

4 MR. LEBEDIN: So it's not included in the
5 108,000?

6 MR. SOMBKE: Correct. It's in the easement
7 driveway.

8 MEMBER LEBEDIN: And the 108,000 --

9 MR. MURPHY: The subject property consists of
10 the two and-a-half acres, which is the hundred plus.
11 That is also -- the easement area is within the two
12 and-a-half acres. So in other words, as you take a look
13 at this board here, what takes place is, we've got
14 approximately 11,000 square feet of easement area
15 supporting the access to the property to the east.

16 MEMBER LEBEDIN: Okay.

17 MR. MURPHY: which is one of the reasons why
18 we're overage. We're at 23 percent right now as opposed
19 to the permitted 20 percent, because we've got 13,000
20 square feet of building and site improvements on the
21 subject property plus another 11,000.

22 So right now, for instance, if we didn't have
23 the Board of Trustees' decision back in March of 2015
24 that this area is to be included, even though it's a
25 driveway to the east it's to be included in our surface

Proceedings

1 area, we would be at 12 percent as opposed to
2 20 percent. You add another 11,000 square feet, that
3 puts us up to 23 percent. That's how we're at
4 23 percent right now.

5 CHAIRMAN MOHR: Understood.

6 Mr. Murphy, the question is, how did we lose
7 400 square feet? So, the prior application said 11,771
8 and now we have 11,360. And I see it was taken away
9 from the easement area, but the driveway easement is
10 included in the calculation. So I'm not sure. Maybe it
11 was recalculated. That's a .4 difference in the
12 percentage.

13 MR. SOMBKE: The .4 percent was moved from
14 from -- the .4 percent was moved from here to here. So
15 the new application, this is 10.8, and it used to be
16 10.4. So it's still included, it was just moved.

17 MEMBER LEBEDIN: A reclassification.

18 MR. SOMBKE: Yeah.

19 MEMBER LEBEDIN: That's fine.

20 CHAIRMAN MOHR: Okay.

21 MEMBER LEBEDIN: I don't have an issue with
22 this. I think you've made the appropriate concessions
23 given when we started and recognizing the scrutiny being
24 placed on you by the neighbors, and now that they seem
25 to have --

Proceedings

1 My other concern was the foliage on the
2 perimeter, because there were some areas where it was
3 thin. Now you seemed to solve that.

4 Recognizing your easement issues, the property
5 does seem to nicely allow for a pool. So I don't have
6 an issue with it.

7 MEMBER BURKETT: I don't either.

8 And if I can just speak for the Board, even
9 for those who are not here tonight, I think we really do
10 appreciate your willingness to work with the neighbors.

11 I said at the last meeting, and I'll say it
12 again, I really do appreciate input from the neighbors.
13 I don't like -- now speaking for myself -- I don't like
14 to make decisions without input from neighbors because
15 their opinions matter a lot to me. And so, you know, as
16 you suggested, it was unusual to see virtually
17 everybody, actually quite literally everybody in the
18 neighborhood come to a Zoning Board meeting. That
19 speaks to me and it speaks to the Board. And the fact
20 that you were able to get with them and that you took
21 their considerations to heart also speaks to me. So
22 thank you for that.

23 MR. MURPHY: Okay.

24 CHAIRMAN MOHR: And the application as revised
25 I think meets the objectives. We do appreciate you

Proceedings

1 taking some time in working with the neighbors.

2 I wish you had contacted Nancy to let us know,
3 because we certainly would have taken a second site
4 visit. All we are looking at is the plan. One of my
5 first questions was going to be, where is our buffer,
6 and you guys already planted it. It's a great start and
7 you achieved what you wanted to achieve.

8 MR. AVRUTINE: Is there anyone in the audience
9 that wishes to speak on this application?

10 Let the record reflect that there is no one.
11 May we have a motion to close the public
12 hearing?

13 MEMBER BURKETT: Moved.

14 MR. AVRUTINE: By Member Burkett.

15 A second?

16 MEMBER LEBEDIN: Second.

17 MR. AVRUTINE: Member Lebedin.

18 All in favor?

19 CHAIRMAN MOHR: Aye.

20 MEMBER BURKETT: Aye.

21 MEMBER LEBEDIN: Aye.

22 MR. MURPHY: Thank you.

23 MR. AVRUTINE: Let the record reflect that
24 this matter is deemed Type II under the New York State
25 Environmental Quality Review Act.

Proceedings

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May we have a motion on the application?

MEMBER LEBEDIN: Approve.

MR. AVRUTINE: A motion to approve by Member Lebedin in accordance with the revised site plan.

A second?

CHAIRMAN MOHR: I second the motion.

MR. AVRUTINE: By Chairman Mohr.

All in favor?

CHAIRMAN MOHR: Aye.

MEMBER BURKETT: Aye.

MEMBER LEBEDIN: Aye.

MR. AVRUTINE: Approved as submitted in accordance with the revised site plan.

CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN THIS CASE.

RONALD H. KOENIG
Official Court Reporter