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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

zV9-2017: Austin

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: ZV9-2017, public hearing on the
2 application of Dennis Oliver, Architect, on behalf of
3 Margaret Austin to install a swimming pool, patio and
4 cabana at 391 Cold Spring Road where:

5 The proposed swimming pool will not be located
6 in the rear yard in violation of Section 145-20(F)(1)(b)
7 of the Laurel Hollow Village Code.

8 And secondly, the proposed paver patio is
9 located at a distance closer to the front lot line than
10 the principal building which is in violation of Section
11 145-5(B)(2) of the Laurel Hollow Village Code; the patio
12 setback is 134 feet, and the principal building setback
13 is 135.13 feet.

14 This property is designated as Section 25,
15 Block C1, Lot 1065 on the Land and Tax Map of Nassau
16 County.

17 The exhibits in connection with this
18 application are as follows:

19 First, notification from the Nassau County
20 Planning Commission dated September 12, 2017 and
21 August 29, 2017 that the above amended application and
22 original matter are both referred to the Laurel Hollow
23 Board of Zoning Appeals for action as it deems
24 appropriate.

25 The next exhibit is the legal notice of public

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1 hearing dated September 22, 2017.

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

7 The next exhibit is an affidavit of
8 publication from the Oyster Bay Guardian stating that
9 the legal notice was published in the Oyster Bay
10 Guardian on 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 And the next exhibit is an affidavit of
21 mailing from the applicant indicating that the notice of
22 public hearing was mailed on October 10, 2017 to the
23 persons named in the affidavit.

24 And the final exhibit is an amended letter of
25 disapproval from the building inspector dated August 25,

1 2017.

2 Mr. Oliver, always a pleasure. Please give
3 your name and address for the record.

4 MR. OLIVER: Dennis Oliver, 924 Newbridge
5 Road, Bellmore, New York.

6 Good evening, Mr. Chairman and Members of the
7 Board.

8 Just some clarifications here. The
9 application originally called for a cabana. We are
10 eliminating the cabana. That will not be constructed
11 due to cost overruns, et cetera. So that is eliminated.

12 I have revised the site plan. We have pushed
13 the pool and paver area back so that it is behind the
14 line of the main structure of the house. So the
15 variance that we are requesting for the pavers to be in
16 the front yard, that's eliminated. We no longer have
17 that.

18 I have copies here of the revised site plan.
19 The site plan that I gave you will answer a lot of
20 questions as to why we are requesting the variance for
21 the pool in the side yard.

22 MR. AVRUTINE: I just want to clarify for the
23 record, because obviously this plan has not been
24 reviewed by the building inspector, so obviously it's
25 going to have to be considered post hearing. But for

1 the record, just correct me, if I'm accurate here, you
2 are withdrawing the variance request to have the patio
3 located closer to the front lot line than the principal
4 building; is that correct?

5 MR. OLIVER: That is correct.

6 MR. AVRUTINE: So that variance request is
7 being withdrawn.

8 MR. OLIVER: Correct.

9 MR. AVRUTINE: The elimination of the cabana
10 really doesn't seem to have an impact on the
11 applications. I don't believe that that was anything
12 that was not in compliance with the code.

13 MR. OLIVER: Correct.

14 MR. AVRUTINE: So it appears to me that the
15 only relief that you are seeking in terms of this
16 evening's application at this time is permission to have
17 the swimming pool other than in the rear yard; is that
18 correct?

19 MR. OLIVER: That is correct.

20 MR. AVRUTINE: Then we can proceed on that
21 basis. That's the sole variance being requested. Of
22 course, and in the event the Board were to approve the
23 application, the building inspector will have to verify
24 the accuracy of that.

25 MR. OLIVER: Correct.

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1 MR. AVRUTINE: Thank you.

2 MR. OLIVER: Thank you.

3 Just to begin, this original house and the
4 property -- the house itself was built approximately in
5 1912. Over the years, through subdivisions and loss of
6 property and everything else, eventually we got to the
7 point where the existing rear yard on this house right
8 now is 41 feet.

9 In addition, in that rear yard area, we have
10 dry wells and a septic tank for the property itself.
11 So, locating the pool behind that would be a tremendous
12 inconvenience. You'd have to relocate the septic tank
13 and leaching pools and everything else. Plus, the
14 variance we would need for the lessening of the rear
15 yard would probably be something around 10 to 15 feet,
16 which I don't think this Board would probably look at
17 very favorably.

18 The other alternative is to push this,
19 obviously pull further south onto the property, which is
20 where we put it, and maybe possibly west, which we put
21 it in the upper corner of the property.

22 The thing to remember on this is, there is a
23 utility line that runs through this property, three
24 utility poles rather, on the lot. So we have to
25 maintain a certain distance off of that for safety

1 reasons due to State Code.

2 If we try to maintain the 40-foot setback off
3 the property line, and that leaves 10 to 15 feet off the
4 utility line, we don't have any space where we can build
5 this pool except where we are proposing to put it. If
6 we put it in the back corner, again we are requesting to
7 reduce the 40-foot setback from the other property
8 lines, and we would be asking for something again,
9 somewhere between 15 and 20 feet, which, at least in my
10 opinion, putting it where it is is the lesser of all the
11 evils that accompany this property placing it where it
12 is.

13 I would like to, if I could, submit to the
14 Board a copy of some photos I took yesterday from
15 standing in the street looking at the property
16 approximately where the pool would be. If you notice,
17 it's a very heavily wooded area. You will not be able
18 to see this pool from the street at all. It's not going
19 to be a distraction. It's not going to be anything that
20 anyone is going to have a privacy issue with.

21 The property itself is very heavily wooded, so
22 where we're placing the pool is approximately in the
23 center of that wooded area or where there's open space
24 where we would not have to be cutting down any
25 additional trees.

1 The first four pages are the photos taken from
2 the street. I took those yesterday. You have some idea
3 of what the foliage looks like. The next three pages,
4 have properties on them that I think have a similar
5 issue as to what we're asking for now. They have pools
6 installed already.

7 The first page actually shows two properties
8 together at 530 and 556 Cold Spring Road. The way the
9 properties are set up and the way the houses are facing,
10 the pools more or less are, at least it looks like to
11 me, to be in the side yard.

12 We have a property at 483 Cold Spring Road.
13 Again, the pool is facing Cold Spring Road. It's
14 further down the road. That pool is in the side yard.

15 In addition, there's a piece of property at
16 65 Wildwood Drive. That property is a through property.
17 Although the house faces Wildwood, the pool faces Cold
18 Spring Road. So that's a little bit of a piece of
19 property that also has an issue.

20 I would refer back to 483 Cold Spring Road.
21 We have, from the village files, a copy of the CO issued
22 for that same swimming pool that I just mentioned that
23 its in the side yard, and it was issued on June 10th in
24 2000. I have a copy of the site plan that was filed
25 with that that shows that the pool is in the side yard.

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1 It's behind the front line of the house. This is fairly
2 something similar to what we're requesting.

3 So, these conditions do already exist in the
4 village. It's not something that we're asking for that
5 doesn't already exist.

6 And as I said, due to safety issues because of
7 that power line, we have to maintain a certain distance
8 off of that.

9 So, with all that taken into account, we would
10 request that the Board please look favorably on the
11 application.

12 MR. AVRUTINE: Let the record reflect that the
13 seven pages of photographs submitted by the applicant's
14 representative has been marked as Applicant's Exhibit 1;
15 a copy of a certificate of occupancy, Number 1253, dated
16 June 10, 2000, has been marked as Applicant's Exhibit 2;
17 and a copy of what appears to be a site plan submitted
18 by the applicant's representative has been marked as
19 Applicant's Exhibit Number 3.

20 MEMBER BURKETT: May I ask a question of the
21 witness?

22 MR. AVRUTINE: Sure.

23 MEMBER BURKETT: What type of foliage is that
24 that's along the border with Cold Spring Road, do you
25 know specifically? It's hard to tell from the picture.

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1 MR. OLIVER: It looks mixed.

2 MEMBER BURKETT: Are these deciduous?

3 MR. OLIVER: There are some deciduous, but
4 there are pine trees in there too. There are also
5 shrubs, Arborvitae, I'm not really familiar with.

6 MEMBER BURKETT: Perhaps you understand what
7 I'm getting at?

8 MR. OLIVER: Yeah, whether or not when these
9 leaves fall off will anybody still be able to see.

10 I don't think so. I think it's dense enough
11 and there is enough variety in there that the privacy is
12 going to be maintained. It won't be a distraction for
13 anybody on the road.

14 CHAIRMAN MOHR: The new proposal calls for
15 149 feet to the pool, and you probably have 20 feet of
16 buffer from the street, wooded buffer, some deciduous.

17 MEMBER BURKETT: I mean, it would appear to be
18 adequate.

19 MEMBER LEBEDIN: My experience in driving down
20 that road a lot, I haven't ever been able to see the
21 house.

22 MEMBER BURKETT: well, most people do 55 down
23 Cold Spring Road anyway.

24 CHAIRMAN MOHR: I can appreciate, you know,
25 the lack of rear yard and the setback issues that you

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1 come into behind the home and the location that's
2 proposed. Now that you've eliminated the cabana and the
3 paver issue from the front yard, I think it makes a
4 whole lot of sense.

5 MEMBER LEBEDIN: I don't have an issue.
6 Recognizing the configuration of the property and the
7 way the house is situated, it seems your sole option is
8 where you propose.

9 CHAIRMAN MOHR: And you complied with the 144
10 feet and eliminated all the other requests for variance.

11 MEMBER BURKETT: I see the power line does
12 complicate things. I appreciate that.

13 CHAIRMAN MOHR: Are there any members from the
14 public here on this matter?

15 MR. AVRUTINE: Let the record reflect there
16 are none.

17 May we have a motion to close the public
18 hearing?

19 MEMBER BURKETT: Moved.

20 MR. AVRUTINE: Member Burkett.
21 Second?

22 MEMBER LEBEDIN: Second.

23 MR. AVRUTINE: Member Lebedin.
24 All in favor?

25 CHAIRMAN MOHR: Aye.

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MEMBER BURKETT: Aye.

MEMBER LEBEDIN: Aye.

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

May I have a motion on the application?

MEMBER BURKETT: A motion to approve.

MR. AVRUTINE: As submitted?

MEMBER BURKETT: Yes.

MR. AVRUTINE: In accordance with the revised site plan?

MEMBER BURKETT: Exactly.

MR. AVRUTINE: A second?

MEMBER LEBEDIN: Second.

MR. AVRUTINE: Member Lebedin.

All in favor?

CHAIRMAN MOHR: Aye.

MEMBER BURKETT: Aye.

MEMBER LEBEDIN: Aye.

MR. AVRUTINE: Approved as submitted in accord 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
Senior Court Reporter