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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

ZV11-2017: DeRosa

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: This is case ZV11-2017, the
2 public hearing on the application of Gregory and
3 Nicholle DeRosa to construct additions at 31 Woodfield
4 Court, where the proposed floor area ratio is greater
5 than .090 in violation of Section 145-5(D)(4) of the
6 Laurel Hollow Village Code; .094 is proposed.

7 The property under application is designated
8 as Section 14, Block A, Lot 1127 on the Land and Tax Map
9 of Nassau County.

10 The exhibits in connection with this
11 application are as follows:

12 First, notification from the Nassau County
13 Planning Commission dated September 25, 2017 that the
14 matter is referred to the Laurel Hollow Board of Zoning
15 Appeals to take action as it deems appropriate.

16 The next exhibit is legal notice of public
17 hearing dated September 22, 2017.

18 The next exhibit is an affidavit of posting
19 from Nick Porcaro that the notice of public hearing was
20 posted conspicuously on the bulletin board at the main
21 entrance to the Office of the Village Clerk on
22 October 13, 2017.

23 The next exhibit is an affidavit of
24 publication from James Slater stating that the legal
25 notice was published in the Oyster Bay Guardian on

1 October 13, 2017.

2 The next exhibit is an affidavit from the
3 Deputy Clerk stating that the notice of public hearing
4 was mailed to other interested parties on October 6,
5 2017.

6 The next exhibit consists of documents
7 confirming that the notice of public hearing was
8 published to the Village of Laurel Hollow website and
9 sent to village website NEWS subscribers on October 6,
10 2017.

11 And the final exhibit is an affidavit of
12 mailing from the applicant, indicating that the notice
13 of public hearing was mailed on October 13, 2017 to the
14 persons named in the affidavit.

15 Do we have a representative of the applicant?

16 MR. MARGOLIN: Yes. James S. Margolin,
17 Margolin and Margolin, 52 Elm Street, Huntington, New
18 York, for the applicant.

19 Good evening.

20 As the Board is probably aware, the DeRosa
21 residence is presently under construction. Basically,
22 they have plans and a building permit, and they had, in
23 the course of construction, they had to modify those
24 plans to come before your Board this evening in order to
25 build a deck over a porch that's on the plans, and also

1 to enlarge a mechanical room that's on the second floor.

2 Those two areas was 330 square feet of patio,
3 which was an uncovered patio on the original plan. But
4 they want to have the roof over, so it would be part of
5 the FAR. And also the mechanical room and the attic
6 room on the second floor, they want to have that full
7 ceiling height instead of 4.5 feet which is below the
8 habitable level and was not in the FAR.

9 And those two changes, the first one is
10 basically to have architectural compatibility, they took
11 a look at the rear of the house for the covered porch,
12 they just feel like they don't have that, it's not going
13 to have the right look, and the second one is just a
14 practical situation where they want to have headroom in
15 the mechanical attic room to go in there, it doesn't
16 change the appearance of the house really in terms of
17 the bulk or anything else like that. I think that it's
18 fair to say it wouldn't have any impact on the neighbors
19 or the neighborhood. It's a 5 percent variance,
20 basically, and there really is no other way that the
21 applicant can accomplish this given the size of the
22 house.

23 It is predicated upon their own desires to
24 have it this way. They have some special circumstances
25 with their children that makes them want to have this

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1 room on the second floor. They have two autistic
2 children, and they're probably going to be home
3 schooled, and various other aspects of that that we
4 think are necessary for this application.

5 We would ask the Board for the relief this
6 evening.

7 MR. AVRUTINE: I have a question.

8 MR. MARGOLIN: Sure.

9 MR. AVRUTINE: If you could just tell the
10 Board what the square footage number is that exceeds the
11 maximum.

12 MR. MARGOLIN: 615.

13 MR. AVRUTINE: Square feet?

14 MR. MARGOLIN: 615, I believe. Yes.

15 I talked to the architect today. He said it
16 might be 630. But 615 to 630 is the number.

17 MR. AVRUTINE: So that amounts to four
18 one-thousandths?

19 MR. MARGOLIN: Yes. Four one-thousandths,
20 that's correct.

21 CHAIRMAN MOHR: Over the permitted code.

22 MR. MARGOLIN: Over the permitted code, right.

23 The maximum under the code at .09 is 8468, and
24 this comes out to be 8911. A difference of 442.72 over
25 the permitted FAR.

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1 MR. AVRUTINE: So it's 442.72?

2 MR. MARGOLIN: Yes.

3 MR. AVRUTINE: What was the proposed and what
4 is the --

5 MR. MARGOLIN: The proposed is 8911 square
6 feet.

7 MR. AVRUTINE: And the max permitted?

8 MR. MARGOLIN: The max is 8468.28.

9 MR. AVRUTINE: Thank you.

10 MR. MARGOLIN: And when they put their plans
11 in, the plans which were approved and which were
12 permitted and which construction is proceeding under
13 right now, that was for 8284, and he's adding the
14 615 square feet. It's just they feel that they want to
15 do that during the construction.

16 MR. AVRUTINE: Thank you.

17 CHAIRMAN MOHR: Is there anyone here from the
18 public who would like to speak?

19 MR. AVRUTINE: Let the record reflect that no
20 one responded.

21 Any comments or questions from the Board?

22 MEMBER BURKETT: No. You actually asked the
23 question that I was going to ask.

24 CHAIRMAN MOHR: And this is identified as
25 Area I on the plan? This is the covered porch over

1 here?

2 MR. MARGOLIN: It's this space. It says 307
3 on this plan. The architect said it was actually 330.

4 CHAIRMAN MOHR: And this 172?

5 MR. MARGOLIN: The inside area was 285. It's
6 a combination of the mechanical room plus the attic
7 room. Those were not in the FAR before.

8 CHAIRMAN MOHR: I've visited the site on
9 numerous occasions. It seems a reasonable request, and
10 I really don't have any further questions.

11 MEMBER LEBEDIN: I'm okay with it.

12 MR. AVRUTINE: At this time, a motion to close
13 the public hearing?

14 MEMBER BURKETT: Moved.

15 MR. AVRUTINE: By Member Burkett.

16 May I have a second?

17 MEMBER LEBEDIN: Second.

18 MR. AVRUTINE: By Member Lebedin.

19 All in favor?

20 CHAIRMAN MOHR: Aye.

21 MEMBER BURKETT: Aye.

22 MEMBER LEBEDIN: Aye.

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.

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A motion on the application?

MEMBER BURKETT: Motion to approve.

MR. AVRUTINE: Motion to approve by Member
Burkett.

May I have a second?

MEMBER LEBEDIN: Second.

MR. AVRUTINE: A second by Member Lebedin.
All in favor?

CHAIRMAN MOHR: Aye.

MEMBER BURKETT: Aye.

MEMBER LEBEDIN: Aye.

MR. AVRUTINE: And I presume there are no
conditions, just in accordance with the plans as
submitted?

MEMBER BURKETT: As submitted.

MR. AVRUTINE: Application approved.

MR. MARGOLIN: Thank you very much.

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

RONALD H. KOENIG
Official Court Reporter