

**MINUTES OF THE MEETING HELD BY
THE BOARD OF ZONING APPEALS
AT VILLAGE HALL**

DATE: November 29, 2017 TIME: 7:30 PM

PRESENT:

Russell Mohr, Chairman
Jeffrey Blumin, Member
Newton Burkett, Member
Cindy Kaufman, Member
Louis Lebedin, 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 7:32 PM.

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

On motion by Member Lebedin, seconded by Member Burkett and unanimously carried, with Members Blumin and Kaufman abstaining, the Board approved the minutes of the meeting held on October 25, 2017.

1st ITEM: ZV5-2017/ZS6-2017:

The continued hearing then commenced on the application of Edward Butt on behalf of George Poll to construct a new boat house and dock where:

1. The parcel is not an improved residential property as required by Section 145-20.1(B) of the Laurel Hollow Village Code;
2. No accessory building shall be erected on a lot that is less than 2 acres (87,120 square feet) in area as per Section 145-5(A)(1) of the Laurel Hollow Village Code--A lot size of 0.21 acres (9,284 square feet) is proposed;
3. No accessory building shall be erected on a lot with less than 150 feet of street frontage as per Section 145-5(A)(2) of the Laurel Hollow Village Code--A street frontage of 0'-0" is proposed;
4. No accessory building shall be erected on a lot that does not have a minimum contiguous building area of 15,000 square feet as per Section 145-5(3) of the Laurel Hollow Village Code--A buildable area of 4,493 square feet is proposed;
5. No accessory building shall be erected unless it has a setback of 40'-0' from every lot line not abutting a street as per Section 145-5(B)(2) of the Laurel Hollow Village Code--A set back of 20'-10" is proposed on the west side and a setback of 14'-4" is proposed on the east side; and,
6. Accessory buildings or structures must be on the same lot with a principal building per Section 145-2(B) of the Laurel Hollow Village Code. The proposed accessory building would be located on a lot with no principal building.

In addition, the proposed construction will disturb steep and very steep slopes as shown on the Slope Analysis prepared by Bladykas & Panetta L.S. & P.E., P.C., dated 4/12/2017 and last revised 6/7/2017; the Topographic Map prepared by Bladykas & Panetta L.S. & P.E., P.C., dated 12/23/2015 and last revised 5/23/2016; Site Plan prepared by Bladykas & Panetta L.S. & P.E., P.C., dated 6/27/2017 and the construction plans prepared by Edward Paul Butt Architect, AIA dated 6/27/2016 and last revised 5/31/2017.

All of the relief sought is with respect to property located at 1458 Ridge Road and designated as Section 26, Block C, Lot 258 on the Land and Tax Map of Nassau County.

Member Burkett recused himself from participating in this case. Exhibits were made part of the record and discussion ensued. After discussion by the Board, it was moved by Member Blumin, seconded by Member Kaufman and unanimously carried, with Member Burkett recused, that the hearing be closed to further evidence and testimony.

With respect to the applicant's request for slope disturbance under Case No. ZS6-2017, it was moved by Member Blumin, seconded by Member Lebedin and unanimously carried, with Member Burkett recused, that the Board declare itself lead agency under SEQRA.

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

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

It was moved by Chairman Mohr, seconded by Member Blumin and unanimously carried, with Member Burkett recused, that the application be approved conditioned upon submission of a Declaration of Restrictive Covenants to the satisfaction of the Village Attorney and to be recorded in the Nassau County Clerk's Office against the property under application that the accessory structure to be constructed shall remain only as long as the parcels known as Section 26, Block C, Lots 2151 and 258 remain in common ownership. If at any time those parcels are not held in common ownership, the accessory structure authorized hereunder shall be demolished and removed. The Certificate of Occupancy and/or Compliance issued in connection with said accessory structure will also include that restriction and condition.

With respect to the applicant's request for variance relief under Case No. ZV5-2017, it was determined that the action be deemed Type II under SEQRA.

It was moved by Member Blumin, seconded by Member Lebedin and unanimously carried, with Member Burkett recused, that the application be approved conditioned upon submission of a Declaration of Restrictive Covenants to the satisfaction of the Village Attorney and to be recorded in the Nassau County Clerk's Office against the property under application that the accessory structure to be constructed shall remain only as long as the parcels known as Section 26, Block C, Lots 2151 and 258 remain in common ownership. If at any time those parcels are not held in common ownership, the accessory structure authorized hereunder shall be demolished and removed. The Certificate of Occupancy and/or Compliance issued in connection with said accessory structure will also include that restriction and condition.

2nd ITEM: ZV13-2017:

The public hearing then commenced on the application of Christine E. Diefendorf to maintain a second flag pole and backstop netting with respect to property known as 12 Waylor Lane and designated as Section 25, Block 48, Lot 12 on the Land and Tax Map of Nassau County where:

1. The backstop netting (i.e. structure in the nature of a fence) exceeds 6.5 feet in height in violation of Section 145-18 (A) of the Laurel Hollow Village Code. The netting is 20.0 feet in height.
2. A second flag pole is located on the property in violation of Section 145-20.2(A) of the Laurel Hollow Village Code which permits one flag pole only on any parcel.
3. The flag pole is located at a distance less than its height from the front property line in violation of Section 145-20.2(A) of the Laurel Hollow Village Code. Flag pole height = 20.0 feet; setback = 11.0 feet.

The exhibits were made part of the record and discussion ensued, including testimony by interested residents. After discussion by the Board, it was moved by Member Kaufman, seconded by Member Burkett and unanimously carried, that the hearing be closed to further evidence and testimony. The Board then reserved decision on the application.

After reserving decision, the Board discussed the merits of the application. On motion by Member Blumin, seconded by Member Kaufman and unanimously carried, the Board approved the application for variance relief in connection with the backstop netting on the condition that the netting be lowered to ground level when soccer games are not taking place.

On motion by Member Burkett, seconded by Member Kaufman and unanimously carried, the application to maintain a second flag pole was denied.

On motion by Member Kaufman, seconded by Member Burkett and unanimously carried, the application to maintain a flag pole at a distance less than its height from the front property line was denied.

The Board then attended to administrative matters.

There being no further business, the meeting was adjourned at 9:00 PM.

Russell A. Mohr

Russell Mohr, Chairman

4/3/2018

Date

George Poll
Rachel A. Scelfo, Esq. (on behalf of
George Poll)
Edward Butt, Architect (on behalf of
George Poll)
Philip McCarthy
Wilma J. Otto
Monroe Diefendorf

1458 Ridge Road, Laurel Hollow, NY
100 Motor Parkway, Hauppauge, NY

82 Haddon Road, New Hyde Park, NY

8 Waylor Lane, Laurel Hollow, NY
4 Woodvale Drive, Laurel Hollow, NY
12 Waylor Lane, Laurel Hollow, NY