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INCORPORATED VILLAGE OF LAUREL HOLLOW  
PLANNING BOARD  
PUBLIC HEARING  
December 18, 2019  
7:00 p.m.

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

PRESENT: CHRIS HADJANDREAS, Chairman  
SCOTT ABRAMS, Member  
ELIZABETH DiBLASIO, Member  
NANCY JONES, Member  
JAMES GALTIERI, Member

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney  
JAMES ANTONELLI, Village Engineer

P6-2019 - Turilli - 1234 Moores Hill Road

RONALD KOENIG  
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: Case P6-2019, the public  
2 hearing on the application of Emily and Joseph Turilli  
3 for a two-lot partitioning to maintain the existing  
4 dwelling and accessory structures on one parcel while  
5 creating a separate buildable lot for residential  
6 construction with respect to property located at 1234  
7 Moores Hill Road. This parcel of property is also known  
8 as Section 26, Block C, Lots 124 and 224 on the Nassau  
9 County Land and Tax Map.

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

12 First, an Affidavit of Posting from Elizabeth  
13 Kaye that the legal notice was posted on the front  
14 bulletin board at Village Hall on November 26, 2019.

15 The next exhibit is an Affidavit of  
16 Publication that the legal notice was published in the  
17 North Shore Leader on December 4, 2019.

18 The next exhibit is a document that confirms  
19 that the legal notice was published to the Village  
20 website on November 26, 2019.

21 The next exhibit is a document that confirms  
22 that the legal notice was sent to Village website NEWS  
23 subscribers on December 12, 2019.

24 The next exhibit is an Affidavit of Mailing  
25 from the applicant indicating that the notice of public

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1 hearing was mailed on December 5 and December 10, 2019.

2 The final exhibit is notification from the  
3 Nassau County Planning Commission dated November 25,  
4 2019 that the matter is referred to the Laurel Hollow  
5 Village Planning Board to take action as it deems  
6 appropriate.

7 Mr. Wagner, welcome.

8 MR. WAGNER: Mr. Avrutine, how are you, sir?

9 MR. AVRUTINE: Very well.

10 MR. WAGNER: Mr. Chairman, Members of the  
11 Planning Board, good evening. My name is Christopher  
12 Wagner with the law firm of Humes & Wagner, 147 Forest  
13 Avenue, Locust Valley, New York. I'm here tonight on  
14 behalf of Mr. and Mrs. Joe and Emily Turilli who seek to  
15 partition and subdivide the 7.03 acre subject property  
16 and create a new 2.1 acre parcel of property. As the  
17 village attorney eloquently stated, the property is  
18 located at 1234 Moores Hill Road.

19 Here with me tonight is Mr. Mike Rant with  
20 Northcoast Civil; my clients, Mr. and Mrs. Joseph and  
21 Emily Turilli; as well as their friend and contract  
22 vendee, Mr. Christopher Koka.

23 After an extensive search for the best home  
24 for themselves and their known family, the Turillis  
25 settled on this particular parcel and purchased it from

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1 the Lamont (phonetic) family in October of 2017.  
2 Mrs. Turilli grew up in Cold Spring Harbor and was happy  
3 to return to the area. The Turillis were attracted to  
4 the home as they were attracted to older traditional  
5 homes, and upon purchasing the property they've spent a  
6 considerable amount of time and resources in updating  
7 the home and they plan on doing so for years to come.

8 I'm not sure if everyone had a chance to visit  
9 the site since it was staked out or is familiar with the  
10 property, but as stated it is 7.03 acres in size. It's  
11 improved with a two-story brick dwelling, a tennis  
12 court, a swimming pool and a cabana. While there is  
13 sufficient lot area for more, the application seeks only  
14 to divide the property into two lots, a 4.84 acre parcel  
15 which will be retained by the Turillis and would include  
16 all the above-referenced improvements and a 2.19 acre  
17 parcel which the Turillis are in contract to sell to  
18 their close friends, the Kokas, who are also from the  
19 area and plan on building a house and residing there  
20 with their young family.

21 This is not a spec type deal. This is a deal  
22 amongst friends to live next to one another and raise  
23 their families next to one another. In fact, when my  
24 clients purchased the property in October of 2017, there  
25 was no intention to ever subdivide the property, and

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1 anything less than this ideal set of circumstances we  
2 wouldn't be before you this evening.

3 In discussing the proposed subdivision over  
4 the past several months, great care was taken to propose  
5 a new lot that would be in keeping with the character of  
6 the community, minimize site destruction, and preserve  
7 the aesthetics of Moores Hill Road. Both lots and all  
8 existing structures will comply with the Zoning Code and  
9 no variances will be required.

10 Before I turn this over to Mr. Mike Rant, I  
11 note that we believe this application complies with the  
12 criteria articulated in Chapter 114 of your Village  
13 Code. And while we defer to Mr. Antonelli, we  
14 understand, we think we have complied with all his  
15 engineering comments to date and have submitted all  
16 required SEQRA documentation. So unless there are any  
17 further questions, I'd like to turn this over to  
18 Mr. Rant to go through the plan itself.

19 MR. AVRUTINE: Before you do, Mr. Wagner, I  
20 would just ask, do you believe that your clients, the  
21 applicants, would agree to a condition that there would  
22 be no further subdivision in case this application is  
23 approved?

24 MR. WAGNER: I would like to just chat with my  
25 clients about that if possible and I'd be able to speak

1 to that after Mr. Rant takes the floor, if that's  
2 acceptable.

3 MR. AVRUTINE: Sure.

4 MR. RANT: Good evening, Mr. Chairman, Members  
5 of the Board, Michael Rant from Northcoast Civil. I'm  
6 here this evening representing the owners.

7 Mr. Wagner kind of gave the history of the  
8 property. It is a 7.3 acre parcel. It's located on the  
9 north side of Moores Hill Road and the east side of  
10 Hickory Lane, and the existing driveway to the existing  
11 dwelling has access on the north side of Hickory Lane.

12 So what we're proposing is to create a new  
13 2.19 acre parcel that would be located on the southeast  
14 corner of the property. It would have legal frontage  
15 along Moores Hill Road and, again, it's a fully zoned  
16 and compliant lot. We what we're prosing is a driveway  
17 access easement that would come off Hickory Lane, and  
18 that's really for safety purposes. There is a steep  
19 embankment that runs along Moores Hill Road and there is  
20 limited sight access, sight visibility. So we feel that  
21 proposing a driveway off of Hickory Lane is the more  
22 safer, practical approach to the property. And that  
23 easement would run over the remaining 4.84 acre parcel.  
24 That driveway is approximately 100 feet from the  
25 intersection of Moores Hill Road.

1                   We're here this evening to create lot lines.  
2                   So we're not here this evening for approval to construct  
3                   a home, but what we've done and what we've submitted to  
4                   the Board to demonstrate that this is a buildable lot is  
5                   submit a schematic site plan with the home that  
6                   eventually would be applied for with the proper permits  
7                   and would have to go through the necessary process with  
8                   the village.

9                   So I can take you through the schematic site  
10                  plan again. This is a -- the parcel itself is on the  
11                  southeast corner of the property. If you look at the  
12                  grading and drainage plan, directly in the middle of the  
13                  site inside the building envelope is a flat plateau, and  
14                  that's where we would be proposing to build a new home.  
15                  And the driveway itself would come from Hickory Lane  
16                  heading from the west towards the east in order to gain  
17                  access to the property.

18                  This plan is schematic in nature, but again,  
19                  just to demonstrate that a home could be built here.  
20                  We've provided the necessary draining improvements to  
21                  account for all of our newly created disturbed areas as  
22                  well as our impervious areas. We've provided a new  
23                  sanitary system that would be installed in accordance  
24                  with the Nassau County Department of Health rules and  
25                  regulations.

1           As far as the siting of the driveway and the  
2           easement itself, we did look at kind of the existing  
3           trees that are in the vicinity and try and find a  
4           balance of where we could put a driveway that would have  
5           the least impact on some of the larger trees. So there  
6           are trees that would be required for removal, and most  
7           of those trees range in the 8-to-20-inch caliper size.  
8           I believe there's about 12 in total. But we were trying  
9           to be cognizant of there's some existing large trees,  
10          some 42-inch, some 30-inch and 26-inch large mature  
11          trees that we're looking to create this driveway without  
12          disturbing those trees. So we did make an effort, a  
13          conscientious effort, to try and find the trees that  
14          were less desirable and select those for removal rather  
15          than removing the large mature trees.

16                 Again, the home itself has a flat area that's  
17                 ideal for the location of the home which is where we're  
18                 proposing it. I believe Mr. Antonelli has reviewed the  
19                 plans and found them satisfactory to the village's  
20                 requirements. Again, that's really the overall intent  
21                 of the project is to create a separate 2-acre building  
22                 parcel, retain the larger 4.85-acre parcel for the  
23                 existing dwelling. And if the Board has any questions  
24                 or comments, I'd be happy to answer them.

25                         CHAIRMAN HADJANDREAS: I have a question.



1                   On the new proposed lot, what is the FAR, what  
2 is that ratio going to be, I guess, from where the  
3 driveway starts at the new lot line -- I mean, I know  
4 the proposed dwelling is just a --

5                   MR. RANT: Sure. We calculated the lot  
6 coverage. So for Parcel 2, we're 16.46 percent.

7                   CHAIRMAN HADJANDREAS: And on the existing lot  
8 with the driveway that's going to have to go through the  
9 existing lot plus the tennis court and all the  
10 structures that are there and the driveway that they  
11 have currently, what is their --

12                   MR. RANT: So I have a total lot coverage on  
13 the existing parcel which deducts the area within the  
14 driveway easement so we're left with the net lot area.  
15 We have a coverage of 12.95 percent. So well under the  
16 allowable coverage.

17                   CHAIRMAN HADJANDREAS: which would, for the  
18 Board's --

19                   MR. RANT: At 20 percent which includes all  
20 impervious structures.

21                   CHAIRMAN HADJANDREAS: How far from Moores  
22 Hill is the proposed limit of clearing or the flat --  
23 how far is it -- I can't tell from this -- is it before  
24 it flattens out, the lot, where you're going to be  
25 siting? Not where the house is going to go, but just

1 the area of clearing.

2 MR. RANT: Where the house is located the flat  
3 area starts almost where the front yard setback would  
4 be, about 60 feet. So we're going to look to retain as  
5 much as that as natural as possible, especially by the  
6 house. So between the house and the property line,  
7 there'd be about a 60-foot buffer of undisturbed area.  
8 Where the driveway is, in order to get a proper slope  
9 for the driveway that would comply with the village's  
10 standards, we have approximately a 30, 30-to-40-foot  
11 buffer of natural vegetation.

12 And again, this is a schematic plan to  
13 demonstrate that it would be in conformance with the  
14 village's standards. And once an actual building permit  
15 application was filed if this plan is approved, it would  
16 be back before this Board to review tree removal as well  
17 as steep slope. And at that point, we would be able to  
18 look into in more detail as far as the existing  
19 screening and implementing some additional landscaping.

20 CHAIRMAN HADJANDREAS: Any of the other board  
21 members have any questions on this application?

22 MR. AVRUTINE: Just some items, if I may, for  
23 Mr. Wagner.

24 You will provide to the village, of course, a  
25 letter of water availability from --

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1 MR. WAGNER: Jericho Water District, yes. We  
2 have reached out for that. We hear it's forthcoming. I  
3 don't think we have it just yet.

4 CHAIRMAN HADJANDREAS: My understanding is  
5 that north of Moores Hill it's well water. Isn't that  
6 the case for Hickory Lane, aren't those houses all on  
7 well water?

8 MR. RANT: There's an existing water main in  
9 Moores Hill Road. We've spoken to Peter Logan and we  
10 anticipate getting a letter of water availability in the  
11 next few days. So we can submit that.

12 MR. AVRUTINE: Also, did you have the  
13 opportunity to reach out to the Oyster Bay Fire Company?

14 MR. WAGNER: Not as of yet, no.

15 MR. AVRUTINE: Again, we would like to have  
16 just something from them indicating that there are no  
17 issues with this plan and that they can provide  
18 emergency services adequately with the access and  
19 everything else.

20 MR. WAGNER: Sure.

21 MR. AVRUTINE: Also, just a question. I don't  
22 know where, as far as school bus pick up is concerned,  
23 how that would work.

24 CHAIRMAN HADJANDREAS: Just stand and state  
25 your name.

1 MS. TURILLI: I'm Emily Turilli.

2 I have three little ones that -- one that's at  
3 Goosehill School right now. The other two are at East  
4 Woods. But the school bus stop is at the bottom of  
5 Hickory Lane. So the cars park right where it meets  
6 Moores Hill Road. So, it shouldn't impede with that  
7 driveway. The driveway is a bit up the hill.

8 MR. AVRUTINE: So people living in this home  
9 would use that same stop?

10 MS. TURILLI: Yes. There's like three or four  
11 families on Hickory now that currently use the stop.

12 MR. AVRUTINE: Thank you.

13 Mr. Wagner, you'll also provide a proposed  
14 access easement --

15 MR. WAGNER: Yes.

16 MR. AVRUTINE: -- and maintenance agreement.  
17 If you'd like, I can furnish you ones that the village  
18 has found acceptable in the past so that you don't have  
19 to reinvent the wheel.

20 MR. WAGNER: We have drafted one and we  
21 actually have agreed to. So perhaps I can send that to  
22 you first thing in the morning, and then if we need to  
23 modify that to your liking we will do that immediately.

24 MR. AVRUTINE: That's fine.

25 And the stakes in the field were showing the

1 lot, the property lines?

2 CHAIRMAN HADJANDREAS: They showed -- Mike can  
3 actually handle this.

4 MR. RANT: So we located the driveway easement  
5 and the proposed lot --

6 CHAIRMAN HADJANDREAS: The boundary?

7 MR. RANT: Boundary.

8 MEMBER JONES: What's the current width of the  
9 driveway that you're proposing right now?

10 MR. RANT: The driveway -- the pavement is  
11 15 feet. The easement is 20 feet.

12 MEMBER JONES: What does a fire truck need?

13 MR. AVRUTINE: Generally, 15 for the width is  
14 sufficient, but it's not for me to judge.

15 MR. RANT: We'll provide the necessary letter  
16 from the fire district.

17 CHAIRMAN HADJANDREAS: Anybody from the  
18 audience have anything to add to this application or any  
19 questions from the audience?

20 MR. AVRUTINE: Mr. Antonelli, would you please  
21 address the Board as to the sufficiency of the drawings  
22 as well as your SEQRA analysis, please.

23 MR. ANTONELLI: I have a question just for  
24 discussions.

25 If the Board were to approve the partitioning

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1           tonight, does that include the driveway easement as well  
2           as, the location of the driveway easement, as well as  
3           the location of the proposed lot line?

4                       MR. AVRUTINE:   It would.

5                       MR. ANTONELLI:  One of the early comments that  
6           I had on this that I asked Mike Rant for was to provide,  
7           knowing what I know about the water service in this area  
8           I wanted to make sure that we weren't crossing water  
9           lines or water easements, so I had them plot the water  
10          line that served the home to remain as part of this  
11          property as well as what's proposed here.  So I'm  
12          satisfied with that, that that's been taken care of.

13                      And the only other comment I had at that point  
14          was to make sure that if this were approved then the  
15          village would require a partitioning map that's suitable  
16          for, I don't know whether we file for partitioning in  
17          this village or not, whether they're filed by deed or by  
18          map --

19                      MR. AVRUTINE:  Filed by deed.

20                      MR. ANTONELLI:  -- but if we are filing maps,  
21          then they'd have to have the appropriate signature  
22          blocks.

23                      MR. AVRUTINE:  For a partitioning, the maps  
24          are maintained within the files at village Hall.  But  
25          the actual partitioning is accomplished by virtue of the

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1 filing of separate deeds at the Nassau County Clerk's  
2 Office pursuant to this approval which would authorize  
3 that filing.

4 Mr. Antonelli, are you satisfied with the  
5 septic design and the drainage?

6 MR. ANTONELLI: Yes. The site engineering  
7 aspects of the plan provided on Sheet 3 and 4, which is  
8 a preliminary grading and drainage plan, they meet all  
9 of the village's criteria. I have no issue with those.

10 CHAIRMAN HADJANDREAS: Mr. Antonelli, this  
11 happened to me on a lot that I had purchased. The  
12 existing house's septic, is that anywhere near the  
13 subdivided lot?

14 I bought a lot and the lot it was subdivided  
15 from, their septic system was on my new lot and nobody  
16 knew it, and that was a problem after the fact.

17 MR. RANT: Our home, the closest point is the  
18 rear of the home which is over 100 feet away from the  
19 property line.

20 CHAIRMAN HADJANDREAS: And typically the  
21 septic is going out the front.

22 MR. RANT: Typically it goes out of the front  
23 and it's usually within 20 feet of the dwelling.

24 MR. AVRUTINE: would you be able to locate it  
25 and plot it?

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1 MR. RANT: Yes. So we can verify, on the  
2 final map show the location of that. And then if  
3 there's any signature boxes for the Village Engineer and  
4 Planning Board Chairman, we can add those boxes as well.

5 MR. ANTONELLI: When I conducted my site  
6 reconnaissance, even though I did not ask for that to be  
7 plotted, there are no vent pipes or what looked like any  
8 house connections through the rear. I believe on the  
9 existing house they're in the front. So I wasn't really  
10 concerned.

11 MR. RANT: We'll confirm it.

12 CHAIRMAN HADJANDREAS: How old is the existing  
13 house?

14 MR. RANT: It was built in 1936.

15 MR. AVRUTINE: Mr. Rant, can you just address  
16 how electricity and natural gas will be furnished?

17 MR. RANT: To the new home?

18 MR. AVRUTINE: Yes.

19 MR. RANT: The electric would be brought from  
20 Moores Hill Road. There's utility poles with overhead  
21 power and that would be used to feed the new dwelling.

22 I'd have to confirm whether or not gas is  
23 available.

24 CHAIRMAN HADJANDREAS: There is no gas  
25 available.



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1 MR. RANT: Then it would either be propane or  
2 oil heat.

3 MR. AVRUTINE: Continue, Mr. Antonelli, if you  
4 would. I'm sorry I interrupted you.

5 MR. ANTONELLI: I know it's the eleventh hour  
6 on this, but I had an idea today about this driveway,  
7 and that's why I asked the question if --

8 MR. AVRUTINE: Well, not to interrupt you, if  
9 the Board does preliminary tonight, they can make the  
10 modification to whatever you're going to suggest and  
11 then it will be approved with final.

12 MR. ANTONELLI: I just think that there are  
13 some ways to reconfigure that driveway to make -- we  
14 would only clip the corner -- well, let me back up.

15 One of the other issues that I had on this was  
16 the mapping and protection of Mountain Laurel within the  
17 village according to the code, and it's something that  
18 does come up at subdivision time. I don't think the  
19 village really looks at this that closely with small  
20 site plans and the like, but at subdivision there's a  
21 history of looking at that. So I asked Mike Rant to map  
22 the area, at least the outer boundary, and it is shown  
23 on the plan. The driveway goes right through the middle  
24 of it. I think there are ways to make the driveway clip  
25 the edge of it.

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1           There are a lot of 6, 8, 10 and 12-inch trees  
2 that I think could be sacrificed to save a few of the  
3 more 20 or 14 and even the big 20-inch oak that's in the  
4 front driveway at Hickory. So I just think there are  
5 other ways to do that and get that driveway in there.

6           MEMBER ABRAMS: So would it intersect Hickory  
7 at a different point is part of what you would be  
8 proposing?

9           MR. ANTONELLI: I think there are a few areas  
10 to intersect Hickory. One would be about 40 feet  
11 further north and the other is 50 feet further south as  
12 I think might be a little bit too close to Moores Hill.

13           CHAIRMAN HADJANDREAS: I think moving the  
14 driveway closer to Moores Hill defeats the purpose of --  
15 you know, it's better for the current lot because it  
16 pushes the driveway to the boundary, but, you know, we  
17 want to maintain as much of a buffer on Moores Hill as  
18 we can. And moving the driveway, at that point the  
19 driveway should just come off Moores Hill because if  
20 you're going to clear next to Moores Hill that would  
21 look horrible, and it's pretty sloped there.

22           MR. ANTONELLI: It was just the entrance.

23           MEMBER ABRAMS: But if it went further south,  
24 then cars coming off Moores Hill turning onto Hickory  
25 may not be aware early enough of a car backing out of

1 this driveway.

2 MR. ANTONELLI: In that case, my -- the pencil  
3 sketch that I made today shows one of the choices to be  
4 about 40 feet further north on Hickory and then, like I  
5 said, the main part of it that cuts through the slope  
6 land and would be moved another 20 to 30 feet further  
7 north further away from Moores Hill. I just thought why  
8 come in and make sort of an end run or a side entry into  
9 that first parking court when you can come directly into  
10 it. And if you come off there and parallel Moores Hill,  
11 I think you can add a bit more buffer to Moores Hill  
12 Road.

13 CHAIRMAN HADJANDREAS: I did notice when I did  
14 the site visit that right at the beginning of the  
15 proposed driveway there's a decent tree that the  
16 driveway could be moved and easily saved. But I  
17 understand you're going to move it this way, save that  
18 tree, move it that way and take out a different tree.  
19 We didn't really look at the trees because we're not  
20 here for that tonight.

21 MR. RANT: Just to the north of the driveway  
22 you have 30, number 30 is a 30-inch tree, number 59 is a  
23 42-inch tree. You know, shifting the driveway up north,  
24 I think -- and I agree, I think there's a way rather  
25 than having this curve down to have a softer curve and

1 not clip as much of the Mountain Laurel, I think that's  
2 a possibility. I don't know if shifting this north, I  
3 think it may do more damage to the larger trees and also  
4 impede on the buffer between the driveway and  
5 Mr. Turilli's existing house as he's trying to minimize  
6 an impact as much as possible. We can take a look at  
7 that and possibly soften this curve to come in and not  
8 encroach as much into that.

9 If that's something the Board would look  
10 favorably upon, we can definitely look into that option.

11 MR. ANTONELLI: I didn't mean to imply we  
12 shift the entire thing northward, because the sketch  
13 that I have misses the 42, misses the 30. It might  
14 snake around a little bit. But I just wanted to know if  
15 we had that opportunity, if we could, to move at least a  
16 portion of this further from Moores Hill Road.

17 CHAIRMAN HADJANDREAS: One thing I was just  
18 discussing with Howard was about the condition that was  
19 asked of the homeowners. And my thought is, we have a  
20 2-acre zoning in the Village of Laurel Hollow. They'll  
21 have a lot after everything is said and done that's  
22 over, well over 4 acres. Nobody knows what the future  
23 holds and to handicap them by, you know, putting a  
24 condition that, again we don't know what the future  
25 holds, I can see possibly in the future that, you know,

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1 who knows, 30 years from now another driveway comes off  
2 of this new driveway and that's lot C, and then the  
3 house gets moved to the right and you can easily have  
4 two more lots here. I'm not against that. I'd ask the  
5 Board. I'd like to hear.

6 I personally am against putting a condition on  
7 the property saying that they can't subdivide further,  
8 because if they had less than 4 acres, if they are  
9 3.9 acres, I'd say fine, we are done here, but they have  
10 4.8 acres left. So that's my thought. Let me ask the  
11 Board.

12 MEMBER DiBLASIO: I agree.

13 MEMBER GALTIERI: The fact that there's an  
14 existing house which would have to be moved to --

15 CHAIRMAN HADJANDREAS: Or torn down or  
16 whatever.

17 MEMBER GALTIERI: That is enough of a  
18 restriction in my book that if they want to do that,  
19 that's their prerogative.

20 MEMBER JONES: What does that have to do with  
21 what Jim was suggesting?

22 CHAIRMAN HADJANDREAS: There was a discussion  
23 about asking the homeowners about putting a condition on  
24 this that they would not seek further subdivision. I  
25 just wanted to address that.

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1 MEMBER ABRAMS: It has nothing to do with Jim.

2 MEMBER JONES: Okay. I was a little confused  
3 there.

4 But what about this driveway, what about this?

5 CHAIRMAN HADJANDREAS: If we keep it as  
6 preliminary, which I agree with Howard, the siting of  
7 the driveway can be amended when they file for a  
8 building permit and we go out there and actually look at  
9 the trees and the driveway and the location of the  
10 driveway and we do what we do as a board and we say, you  
11 know what, let's scooch this driveway 10 feet that way  
12 and save this tree and okay we will sacrifice this tree,  
13 whatever. Right now we're not prepared to do that  
14 because we didn't look at the trees or the tree survey.  
15 We weren't thinking of that. So I say we, you know, my  
16 suggestion is to approve it as a preliminary sketch and  
17 then when they go for their building permit --

18 MR. RANT: A legal question. Can the  
19 subdivision itself be approved for the lot, because  
20 technically we don't need an access easement because we  
21 have legal frontage along Moores Hill Road, and a  
22 condition of the building permit be that final location  
23 of the easement -- I don't know if that's something,  
24 again it's more of a --

25 MR. AVRUTINE: I appreciate your creativity,

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1 but I think the answer to that question is no. Because  
2 the way this will work is, assuming the Planning Board  
3 agrees, I think that we'll do the preliminary and one of  
4 the conditions will be on the final map there'll be a  
5 revised access. Because notwithstanding the fact that  
6 you have the frontage on Moores Hill and that would make  
7 you zoning compliant as far as street frontage is  
8 concerned, there's no access and there's not going to  
9 be, and that is going to be a condition that there's no  
10 access on Moores Hill Road from the lot. So we will  
11 have to have adequate access to the lot from some other  
12 way, some other route, in order to make it really a  
13 zoning compliant lot because without access it doesn't  
14 do you much good.

15 MR. WAGNER: So, just with respect to the  
16 easement and possible relocation, you know, in the  
17 effort of trying to kind of give the Board what, you  
18 know, the engineer, what exactly we're looking for and  
19 just trying to get a better sense of guidance just to,  
20 you know, not wasting Mr. Rant's --

21 MR. AVRUTINE: This is what I would suggest,  
22 Mr. Wagner, that Mr. Antonelli and Mr. Rant confer.  
23 Mr. Antonelli apparently did do a preliminary suggestion  
24 sketch which they can talk about, and then that can be  
25 circulated amongst the Board informally. And if it

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1 seems to have consensus, when we come back for final,  
2 then I'll communicate with you and let you know and then  
3 Mr. Rant can do it that way and it should work.

4 MR. WAGNER: Understood. Thank you.

5 MR. AVRUTINE: Looking to make things as  
6 streamlined as possible.

7 MR. WAGNER: And we appreciate that.

8 MEMBER ABRAMS: Has any consideration been  
9 given to potentially a pool and patio for Parcel 2 and  
10 whether or not it can be accommodated or whether a  
11 variance would be needed? Because I look at this and,  
12 you know, I see where a proposed dry well A is and it  
13 almost seems to me like perhaps that would interfere  
14 where a pool or patio would be should when the time  
15 comes and you come before the Board and you actually  
16 have a real plan that you want to get approved and now  
17 it's not just a house but all of a sudden it's a patio  
18 and a pool there.

19 MR. RANT: Sure. The proposed pool and patio  
20 would go in that general location of where the --  
21 there's a large flat area right behind the house that  
22 would lend itself to all of the proposed improvements,  
23 and the dry wells would be relocated in order to  
24 accommodate those amenities. And I think when a plan is  
25 submitted ultimately for a building permit it would



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1 include all of those amenities, a pool, patio and things  
2 of that nature, and at that time the drainage would be  
3 adjusted to work as a single unit.

4 CHAIRMAN HADJANDREAS: Aren't they showing a  
5 patio on here?

6 MR. RANT: Yeah, a patio right behind the  
7 house.

8 MEMBER JONES: This is not the house that's  
9 proposed?

10 MR. WAGNER: Conceptual.

11 MEMBER ABRAMS: It's a hypothetical house.

12 MR. AVRUTINE: But I think it was done with a  
13 view toward what the gentleman who is the purchaser has  
14 in mind as opposed to simply a rectangle shown on the  
15 drawing. So, I think it was done with that in mind to  
16 create as close as possible at this juncture to what is  
17 potentially going to be developed.

18 CHAIRMAN HADJANDREAS: The house fronts Moores  
19 Hill, correct?

20 MR. RANT: No. The front of the house is  
21 Hickory.

22 CHAIRMAN HADJANDREAS: That's why you're  
23 saying behind the patio. I understand now.

24 MEMBER ABRAMS: I thought earlier somebody  
25 said that the front of the house faced Moores Hill.

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1 MR. ANTONELLI: Frontage.

2 MR. WAGNER: The frontage.

3 MR. RANT: The legal frontage. The legal  
4 frontage of the property is Moores Hill Road.

5 MEMBER ABRAMS: Okay.

6 MR. RANT: So anything built along that would  
7 have to comply with the front yard setback.

8 MEMBER ABRAMS: Okay.

9 MR. AVRUTINE: A swimming pool, just for the  
10 record, might prove a challenge because if that's a  
11 front yard, you can't put it --

12 CHAIRMAN HADJANDREAS: If you come up against  
13 that, that may trigger a Zoning Board hearing if they  
14 want to put a pool in that spot and that's the front.

15 This house may have two front yards kind of  
16 like what we heard earlier with the other application  
17 where they were on that Birch Court but the front was  
18 Moores Hill. That previous application, again, I  
19 believe that house had two front yards.

20 MR. AVRUTINE: I don't think that's the case  
21 here.

22 MR. RANT: This would be the legal front along  
23 Moores, and this would be a side, a side, and a rear.

24 MR. AVRUTINE: The access on Hickory does not  
25 create a front yard.

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1                   MEMBER ABRAMS: And the pool would be in the  
2 side.

3                   MR. AVRUTINE: Obviously, this is an unusual  
4 circumstance. So if one were desired, it would not be  
5 an outlandish request for the BZA.

6                   CHAIRMAN HADJANDREAS: And the homeowners may  
7 take that into consideration and change the footprint of  
8 the house so that they can accommodate the pool behind  
9 the house so they don't have to deal with the Zoning  
10 Board. But that's up to them.

11                  MR. AVRUTINE: Mr. Antonelli's SEQRA review.

12                  MR. ANTONELLI: I believe the partitioning of  
13 this property is an unlisted action and as such SEQRA  
14 requires that at minimum the Short Form Environmental  
15 Assessment Form be submitted. When it comes to  
16 subdividing land, I always ask for the full  
17 Environmental Assessment Form. So, that was submitted  
18 in October. I have reviewed it. I have no issues with  
19 it. As such, I prepared Parts II and III for the  
20 Board's consideration.

21                  Essentially, the issue that I found was  
22 there's one item that asks if the action, and this is  
23 not just the creation of the lot line, keep in mind that  
24 under SEQRA they want you to prepare these documents in  
25 anticipation of a whole action, I mean obviously they're

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1 subdividing this property to do something, whether it's  
2 this house or something else there's going to be a house  
3 there, so one of the questions is whether the proposed  
4 action would involve any construction on slopes of  
5 15 percent or greater, and that one I have checked off  
6 yes and explained in Part III that the Village does have  
7 specific ordinances and they have to comply with that,  
8 they've limited that disturbance to the access only,  
9 it's not the principal dwelling and it's not the other  
10 pertinences with that. So I had no issue with that and  
11 I had concluded and signed off on this as a negative  
12 declaration and I left one for the chairman to sign too.

13 MR. AVRUTINE: So your recommendation is a  
14 negative declaration?

15 MR. ANTONELLI: Yes, it is. And I'll provide  
16 you with my documentation. For the record it's Part II,  
17 10 pages, Part III, 2 pages.

18 MR. AVRUTINE: Thank you.

19 Also, I'd like to note that I have discussed  
20 with Mr. Wagner the fact that when the lot is developed,  
21 applications will necessarily be required to come back  
22 to this Board for tree removal and slope disturbance at  
23 that time, and if variance is required then the BZA will  
24 also be involved. But there will be necessarily further  
25 applications in terms of slope and trees.

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1 CHAIRMAN HADJANDREAS: All right. I have one  
2 more question. I just got literally a question from a  
3 neighbor on text about this application.

4 MEMBER GALTIERI: Just now?

5 CHAIRMAN HADJANDREAS: Just now.

6 The tennis court, is it conforming?

7 MR. WAGNER: The existing tennis court, it's  
8 preexisting nonconforming.

9 CHAIRMAN HADJANDREAS: Is that going to  
10 require a zoning because it's in the setback, is that  
11 going to require a --

12 MR. WAGNER: Another trip to the BZA? I don't  
13 believe so.

14 MR. AVRUTINE: I don't believe so either. If  
15 it's legally nonconforming with respect to that setback,  
16 this does not modify or impact that.

17 Is there a CO for the tennis court?

18 MR. WAGNER: Yes.

19 MR. AVRUTINE: In it's current location?

20 MR. WAGNER: Yes. We went through --

21 CHAIRMAN HADJANDREAS: So the question is, if  
22 subdivided, will that affect tennis court deed that is  
23 right on property line or will they need to remove it?

24 MR. AVRUTINE: The answer is it has a CO and  
25 that this application for subdivision does not impact

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1 the legal status of the tennis court.

2 CHAIRMAN HADJANDREAS: I have nothing further.

3 MR. AVRUTINE: Do other board members have  
4 questions or comments?

5 Anyone from the public wish to speak?

6 Let the record reflect there is no further  
7 questions to speak.

8 A motion to close the public hearing?

9 Member DiBlasio.

10 May I have a second?

11 MEMBER JONES: Second.

12 MR. AVRUTINE: Member Jones.

13 All in favor?

14 CHAIRMAN HADJANDREAS: Aye.

15 MEMBER ABRAMS: Aye.

16 MEMBER DiBLASIO: Aye.

17 MEMBER JONES: Aye.

18 MEMBER GALTIERI: Aye.

19 MR. AVRUTINE: We need a motion for the Board  
20 to declare itself lead agency under the New York State  
21 Environmental Quality Review Act.

22 MEMBER ABRAMS: I will make that motion.

23 CHAIRMAN HADJANDREAS: I'll second it.

24 MR. AVRUTINE: All in favor?

25 CHAIRMAN HADJANDREAS: Aye.

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1 MEMBER ABRAMS: Aye.

2 MEMBER DiBLASIO: Aye.

3 MEMBER JONES: Aye.

4 MEMBER GALTIERI: Aye.

5 MR. AVRUTINE: A motion to declare the matter  
6 unlisted under the New York State Environmental Quality  
7 Review Act.

8 MEMBER ABRAMS: I'll make the application.

9 MR. AVRUTINE: Member Abrams.

10 A second?

11 MEMBER JONES: I second.

12 MR. AVRUTINE: Member Jones.

13 All in favor?

14 CHAIRMAN HADJANDREAS: Aye.

15 MEMBER ABRAMS: Aye.

16 MEMBER DiBLASIO: Aye.

17 MEMBER JONES: Aye.

18 MEMBER GALTIERI: Aye.

19 MR. AVRUTINE: The next motion would be to  
20 declare a negative declaration pursuant to  
21 Mr. Antonelli's suggestion under the New York State  
22 Environmental Quality Review Act. Anyone?

23 MEMBER ABRAMS: Yes.

24 MEMBER GALTIERI: I'll second that.

25 MR. AVRUTINE: By Member Abrams, seconded by

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1 Member Galtieri.

2 All in favor?

3 CHAIRMAN HADJANDREAS: Aye.

4 MEMBER ABRAMS: Aye.

5 MEMBER DiBLASIO: Aye.

6 MEMBER JONES: Aye.

7 MEMBER GALTIERI: Aye.

8 MR. AVRUTINE: And then a motion for  
9 preliminary --

10 CHAIRMAN HADJANDREAS: Now, this makes them  
11 have to come in to finalize it, they have to come back?

12 MR. AVRUTINE: Correct. They're going to  
13 receive a resolution granting preliminary approval with  
14 several conditions attached to it, legal conditions, the  
15 submission of the revised drawing regarding the access  
16 as well as several other issues that are standard as  
17 part of the preliminary approval that the Planning Board  
18 typically issues. Once those are satisfactorily  
19 resolved, then the Planning Board can schedule a final.

20 CHAIRMAN HADJANDREAS: That's a full hearing?

21 MR. AVRUTINE: It's a hearing just like this  
22 but presumably really not to much more to discuss. If  
23 the Board is happy with the access, there's really not  
24 much else changing with the plan. And all of the other  
25 requirements as far as--



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1 CHAIRMAN HADJANDREAS: So at that time --

2 MR. AVRUTINE: Let me just finish -- as far as  
3 the legal requirements and the other conditions, we want  
4 to get the letter of water availability, we want to get  
5 the letter from the fire district, those types of  
6 details need to be worked out. And then once all of  
7 that is obtained, the Board is in a position to issue  
8 its final approval.

9 CHAIRMAN HADJANDREAS: Just so I understand,  
10 at that time we can look at the access road only and  
11 say, you know, and approve that, you know, the location  
12 and the trees to be removed for the access road and then  
13 approve that, then it's finalized, and then they go  
14 submit their building permit. And then the lot, then  
15 they're going to have to come back again for trees for  
16 the lot?

17 MR. AVRUTINE: Correct. The way I understand  
18 the way things are going to work here is, once this  
19 Board grants final subdivision approval, that will  
20 legally allow the applicants to convey the new lot to  
21 the prospective purchaser. Now that prospective  
22 purchaser may not develop the lot for years or maybe  
23 he'll sell to somebody else. We don't know what is  
24 going to happen. At such time as the property is ready  
25 for development by whomever owns it, they will file a

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1 building permit application for the new lot at the  
2 Building Department to obtain a permit to construct a  
3 new home and whatever else they seek to do. It will be  
4 reviewed. There'll be tree removal required at that  
5 time. There'll be slope disturbance required at that  
6 time, and maybe dimensional relief required from the  
7 BZA. We don't know. And all of that will be processed  
8 at that time. But it will depict the access road and  
9 the boundary lines as approved by the Planning Board.

10 CHAIRMAN HADJANDREAS: That makes sense.

11 MEMBER ABRAMS: So theoretically, they're  
12 going to have to lock in where that driveway is going to  
13 be to get approval to do this partitioning even though  
14 they may not have a house designed until some point in  
15 the future or decide to flip the lot and somebody else  
16 is going to propose a house design and they're locked in  
17 with where that driveway is?

18 MR. AVRUTINE: Absolutely. Let's put it this  
19 way, think of it this way for a moment, without the  
20 consent and cooperation of the other lot, you can't  
21 change it just because you feel like, the access. It's  
22 on somebody else's property. So that does have to be  
23 finalized as part of this process.

24 Now, that's not to say an application can't be  
25 made to modify if all of the interested parties apply

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1 together and say, well, we want to move the access. The  
2 Board has authority to amend the approved plan to change  
3 the access at sometime in the future. But to get to the  
4 point of a final subdivision approval now, the access  
5 must be set and an agreement put in place allowing that  
6 legally to take place. And like I said, if at some  
7 point in the future the parties, the interested parties  
8 seek to modify that, they can submit an application,  
9 come back to the Board and say we've changed our minds,  
10 we would like to relocate it in this fashion, and the  
11 Board can decide then whether they think that's  
12 appropriate.

13 MEMBER ABRAMS: So what makes this unique  
14 compared to some of the other partitions that we've done  
15 is that they need an access road through that other lot.  
16 If they, potentially it was safe to cut through Moores  
17 Hill Road and didn't need that access, then they  
18 wouldn't have such a restriction, I guess.

19 MR. AVRUTINE: No. what they would be doing  
20 is you would see on this drawing on this map access on  
21 Moores Hill Road and you'd be approving the location of  
22 that access.

23 MEMBER ABRAMS: Okay. Thank you.

24 CHAIRMAN HADJANDREAS: Was there a question  
25 from the audience?

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1 MR. WAGNER: It was just more of a statement  
2 by the contract vendee who, obviously, they're not  
3 putting the cart before the horse but it is somewhat of  
4 a parallel path, as we pursue this application before  
5 your Board and seek this approval, the contract vendee  
6 has engaged an architect, Eduardo Lacroze, and they have  
7 a pretty good idea of where the house is going to be and  
8 essentially that access easement to the extent it's  
9 tweaked somewhat would still serve their purposes.

10 So, if that helps the conversation at all.

11 MR. AVRUTINE: Thank you.

12 MEMBER JONES: I have a question in regards to  
13 the access road. How is that written in? Because they  
14 could be friends now but that house could be sold  
15 ultimately. So how does that work?

16 MR. AVRUTINE: There's a document called an  
17 easement and what that does is it explains in metes and  
18 bounds, like a surveyor would use, the precise location,  
19 the width, the length, the directions, et cetera, that a  
20 surveyor prepares which would describe it, and that  
21 would also contain maintenance obligations, who pays the  
22 expense of maintenance, et cetera. That document gets  
23 recorded like a deed in the Nassau County Clerk's Office  
24 as a burden on the larger parcel so that when -- and  
25 they agree to that. So whoever buys the other lot --

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1           whoever buys either lot in the future, the new lot is  
2           the beneficiary of that easement and the other lot  
3           carries the burden of the easement, and that goes on in  
4           perpetuity because otherwise it would render the access  
5           to the new lot null, and you can't have that.

6                   MR. ANTONELLI: I just want to add if it could  
7           give some of the board members a little more comfort  
8           level. I know that most of the board members were  
9           looking at the conceptual drainage and grading plan.  
10          There is also a plan that was submitted, that's the  
11          preliminary partitioning map, and that does have exactly  
12          what Howard was describing, metes and bounds description  
13          by bearings and distances of that what they're looking  
14          at right now for that easement across the remaining  
15          property.

16                   MR. AVRUTINE: So that in the future when  
17          somebody sells either of those lots and a title search  
18          is done as part of any transaction, this easement  
19          document comes up necessarily so that any potential  
20          purchaser knows of the existence of, the legal existence  
21          of that easement road.

22                   MEMBER JONES: Thank you.

23                   MR. AVRUTINE: So, we are back to our motion.  
24                   A motion to approve preliminarily.

25                   CHAIRMAN HADJANDREAS: A motion.

Proceedings

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MR. AVRUTINE: By the Chair, a preliminary approval with the conditions as I've outlined.

May I have a second.

MEMBER DiBLASIO: Second.

MR. AVRUTINE: Member DiBlasio.

All in favor?

CHAIRMAN HADJANDREAS: Aye.

MEMBER ABRAMS: Aye.

MEMBER DiBLASIO: Aye.

MEMBER JONES: Aye.

MEMBER GALTIERI: Aye.

MR. AVRUTINE: So, a preliminary approval granted. I will forward a proposed resolution granting preliminary approval for the Board's consideration. Once it is approved, I will forward it to the applicant and their representatives.

MR. RANT: Thank you.

MR. WAGNER: Thank you.

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

*Ronald Koenig*  
\_\_\_\_\_  
RONALD H. KOENIG  
Official Court Reporter