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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING
PUBLIC HEARING
February 28, 2017
7:30 p.m.

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

PRESENT:

- RUSSEL MOHR, CHAIRMAN
- JEFFREY BLUMIN, MEMBER
- CINDY KAUFMAN, MEMBER
- CHRIS HADJANDREAS, MEMBER

ALSO PRESENT:

- HOWARD AVRUTINE, Village Attorney
- KEVIN MURPHY, KEAN LANDSCAPING, INC.

PUBLIC HEARING ON ZV12-2016
SULLIVAN - 1392 Ridge Road

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: The next Public
2 Hearing is case ZV12-2016, the Public
3 Hearing on the application of Kean
4 Landscaping Incorporated, on behalf of
5 Robert and Kandy Sullivan to install a
6 pool, spa, patio and terrace at 1392
7 Ridge Road, where the proposed total
8 surface coverage exceeds 20 percent of
9 the lot area in violation of Section
10 145-5(A)(1)(d) of the Laurel Hollow
11 Village Code. 22.34 percent coverage
12 exists, and 23.96 percent coverage is
13 proposed. The property under
14 application is designated as Section 26
15 Block C Block 2121 on the Land and Tax
16 Map of Nassau County.

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

19 First, notification from the Nassau
20 County Planning Commission dated January
21 12, 2017, that the above matter is
22 referred to the Laurel Hollow Board of
23 Zoning Appeals for action as it deems
24 appropriate. The next exhibit is the
25 Legal Notice dated February 10, 2017.

1 The next exhibit is an Affidavit of
2 Posting from Nicholas Porcaro that the
3 legal notice was posted conspicuously on
4 the bulletin board at the main entrance
5 of Village Hall on February 17, 2017.

6 The next exhibit is an Affidavit of
7 Publication from James Slater stating
8 that the legal notice was published in
9 the Oyster Bay Guardian on February 17,
10 2017. The next exhibit is a document
11 that confirms that the legal notice was
12 published to the Village website and
13 sent to Village website subscribers on
14 February 17, 2017. The next exhibit is
15 an Affidavit from the Deputy Clerk
16 stating that the legal notice was mailed
17 on February 16, 2017 to the agencies
18 listed on the affidavit. The next
19 exhibit is an Affidavit of Mailing from
20 the applicant indicating that the Notice
21 of Public Hearing was mailed on February
22 15, 2017 to the individuals named on the
23 affidavit.

24 Now you may proceed.

25 If you would just give your name

1 and address.

2 MR. MURPHY: My name is Kevin
3 Murphy, Kean Landscaping, 5 Main Street,
4 Cold Spring Harbor, New York.

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

7 Mr. And Mrs. Sullivan bought this
8 house recently. It's new to them, a new
9 community and they wanted to put in a
10 pool. Unbeknownst to them, the lot
11 coverage was an issue.

12 This was pointed out to us when we
13 made the application to the Building
14 Department. We figured our square
15 footages based on our own calculations
16 and realized once we made a submission
17 that a road that the Village -- the
18 driveway, excuse me, that surfaces a
19 neighbor was figured into the lot
20 coverage, which we didn't calculate. So
21 we apologize for that.

22 I think the road that was approved
23 back in the 70's for the driveway it had
24 unintended consequences, because back in
25 the 70's there was no lot coverage. The

1 lot coverage didn't come into the
2 Village until the late 90's, so 20 years
3 prior to that, that road was allowed.
4 So it's an unfortunate situation,
5 unintended consequences, so that's
6 calculated in our lot coverage.

7 It's a modest swimming pool, only
8 16 feet wide. There is no pool on the
9 property, there is nothing on the
10 property, so we are looking for a minor
11 relief from this square footage
12 calculations of less than 2 percent.
13 And the hardship is this road, is this
14 driveway.

15 MR. AVRUTINE: What would the
16 coverage be if you subtracted out with
17 the pool, but subtracted the roadway.

18 MR. MURPHY: It's currently a
19 little bit over.

20 MR. AVRUTINE: I understand.

21 I guess my question is would you be
22 in compliance with the proposed pool
23 without --

24 MR. MURPHY: If the road was not
25 calculated, we would be more in

1 compliance than we are now.

2 MR. AVRUTINE: I understand. The
3 question is would you be below the 20
4 percent.

5 MR. MURPHY: We'd be at 19.9.

6 MR. AVRUTINE: Something like that.

7 MR. MURPHY: So the road pushes us
8 over.

9 CHAIRMAN MOHR: You show the road
10 as the neighbor's driveway is 4350.

11 MR. MURPHY: Right.

12 CHAIRMAN MOHR: That brings you
13 down to around 16,000, 17,000 square
14 feet in total.

15 MR. MURPHY: I think the road
16 accounts for almost 5 percent of the
17 lot.

18 CHAIRMAN MOHR: But you don't have
19 that broken down.

20 MR. MURPHY: It's a tough
21 calculation. But without the road,
22 because we are taking out the patio and
23 a gravel driveway that is on the plan
24 itself, we would be below our 20 percent
25 by a fraction.

1 CHAIRMAN MOHR: The existing
2 conditions already have a 22 percent.

3 MR. MURPHY: Right.

4 CHAIRMAN MOHR: Was that a variance
5 or that was --

6 MR. MURPHY: I don't know how that
7 happened. Perhaps, there is very little
8 in the house, perhaps, that got by the
9 previous owner because no work has been
10 done there on the outside.

11 CHAIRMAN MOHR: So we don't know if
12 there was an existing variance for that
13 lot coverage.

14 MR. AVRUTINE: I don't know. It is
15 not in the materials that we were
16 furnished.

17 MR. MURPHY: The was only a patio
18 there. Maybe it was done without a
19 permit, I'm not sure when the house was
20 bought. Nothing has been done yet, this
21 is the first application.

22 MEMBER HADJANDREAS: The part of
23 the driveway that you are moving, that
24 was in the original calculation?

25 MR. MURPHY: That's in the original

1 calculations. That driveway almost --
2 and it's a little piece of gravel.
3 That's really just about what pushes it
4 over the 20 percent to begin with.
5 Perhaps that was just left after
6 construction of the house. I'm not sure
7 if that was ever permitted. So perhaps
8 those permits did come up to 20 percent
9 originally.

10 Then we're taking another patio out
11 which further reduces our square
12 footage. The patio off the back is
13 going to come out and is going to be
14 replaced with something that is smaller.

15 So it's a modest application. The
16 pool is only 16 feet wide. It's a tough
17 little lot. Everything else complies,
18 its just this square footage business
19 that is giving us a problem.

20 CHAIRMAN MOHR: Any questions from
21 the Board?

22 MEMBER BLUMIN: No.

23 CHAIRMAN MOHR: Would anyone from
24 the public have any questions or would
25 like to speak on this matter?

1 Step up, please, sir, and would you
2 give your name and address.

3 MR. RUSH: Larry Rush, 1390 Ridge
4 Road.

5 I just would like to see the plan
6 if that's possible.

7 MR. MURPHY: Sure.

8 That driveway goes across your
9 property, too.

10 MR. RUSH: That's an easement on my
11 property and yours. So the addition is
12 this pool?

13 MR. MURPHY: This here above the
14 wall, that road drops down.

15 MR. RUSH: Okay, no issue, thanks.

16 MR. AVRUTINE: Does anyone else
17 wish to be heard?

18 Let the record reflect no one
19 further responded.

20 Motion to close the public hearing?

21 MEMBER KAUFMAN: Motion.

22 MEMBER HADJANDREAS: Second.

23 MR. AVRUTINE: Motion by Member
24 Kaufman, seconded by Member Hadjandreas.

25 All in favor?

1 CHAIRMAN MOHR: Aye.

2 MEMBER HADJANDREAS: Aye.

3 MEMBER KAUFMAN: Aye.

4 MEMBER BLUMIN: Aye.

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

9 Motion on the application.

10 MEMBER KAUFMAN: Motion to approve.

11 MR. AVRUTINE: As presented?

12 MEMBER KAUFMAN: Yes.

13 MR. AVRUTINE: Motion by Member
14 Kaufman.

15 Second?

16 MEMBER HADJANDREAS: I would
17 second.

18 MR. AVRUTINE: Member Hadjandreas.
19 All in favor?

20 CHAIRMAN MOHR: Aye.

21 MEMBER HADJANDREAS: Aye.

22 MEMBER KAUFMAN: Aye.

23 MEMBER BLUMIN: Aye.

24 MR. AVRUTINE: Application approved
25 as presented.

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MR. MURPHY: Thank you very much.

* * * * *

C E R T I F I C A T I O N:

I, Mary Anne Coppins, Court
Reporter, hereby certify that the above
transcript is a true and accurate copy
of the minutes taken by myself
stenographically in the within matter.

Mary Anne Coppins

Court Reporter