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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
- ANDREW SCHMITZ, Architect

PUBLIC HEARING ON ZV9-2016
KIPNES - 1599 Laurel Hollow Road

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: On the record. The
2 first hearing is ZV9-2016. This will be
3 the Public Hearing on the application of
4 Andrew Kipnes to maintain accessory
5 structures at 1599 Laurel Hollow Road,
6 where the accessory structures are not
7 set back at least 40 feet from every lot
8 line not abutting a street as required
9 by Section 145-5(B)(2) of the Laurel
10 Hollow Village Code.

11 The proposed pool is a 38.8-foot
12 setback, the patio adjacent to the
13 principal building is a 25-foot setback,
14 the pool patio is a 27.4-foot setback
15 and the tree house has 8-foot-3 inch
16 setback, and the shed has a 7.3 foot
17 setback. That was not -- it was 8.3
18 feet, I'm sorry, for the tree house.

19 Secondly, that the variance
20 required is that the accessory
21 structures are not set back at least 100
22 feet from every lot line abutting a
23 street as required by Section
24 145-5(B)(2) of the Laurel Hollow Village
25 Code.

1 The pool is set back 95 feet, the
2 pool equipment 73 feet, the pool patio
3 84 feet, the generator 59.1 feet, and
4 the shed 93 feet. Also, the accessory
5 structures are located at a distance
6 less than the same distance from the
7 front lot line as the principal building
8 in violation of Section 145-5(B)(2) of
9 the Laurel Hollow Village Code.

10 The principal building is 98.8
11 feet, generator 59.1 feet, the pool 75
12 feet, the pool patio is 84 feet, and the
13 pool equipment 95 feet.

14 Lastly, that the swimming pool is
15 not located in the rear yard as required
16 by Section 145-20(F)(1)(B) of the Laurel
17 Hollow Village Code.

18 The property under application is
19 designated as Section 26 Block 2 Lot 48
20 of the Nassau County Land and Tax Map.

21 The exhibits in connection with
22 this application are as follows:

23 First, notification from the Nassau
24 County Planning Commission dated August
25 30, 2016, that the matter is referred to

1 the Laurel Hollow Board of Zoning
2 Appeals for action as it deems
3 appropriate; the next exhibit is the
4 Legal Notice dated February 10, 2017;
5 the next exhibit is the Affidavit of
6 Posting from Nicolas Porcaro that the
7 Legal Notice was posted conspicuously on
8 the bulletin board at the main entrance
9 of the office of the -- the Village
10 Offices, I should say, on February 17,
11 2017. The next exhibit is an Affidavit
12 of Publication from James Slater stating
13 that the Legal Notice was published in
14 the Oyster Bay Guardian on February 17,
15 2017. The next exhibit is a document
16 that confirms that the Legal Notice was
17 published to the Village website and
18 sent to the Village website subscribers
19 on February 17, 2017. The next exhibit
20 is an affidavit from the Deputy Clerk
21 stating that the Legal Notice was mailed
22 on February 16, 2017 to the agencies
23 listed in the affidavit. The next
24 exhibit is an Affidavit of Mailing from
25 the applicant indicating that the Notice

1 of Public Hearing was mailed on February
2 17, 2017 to the individuals set forth in
3 the affidavit. The next exhibit is
4 correspondence from neighbors, Thomas
5 and Noel Glenn, dated February 12, 2017.

6 The street address of the property
7 under application is 1599 Laurel Hollow
8 Road.

9 Sir?

10 MR. SCHMITZ: Good evening, my name
11 is Andy Schmitz, I am an architect, a
12 registered architect in New York State,
13 my office is in Huntington.

14 MR. AVRUTINE: Can I have your
15 office address.

16 MR. SCHMITZ: Yes, 161 Southdown
17 Road, Huntington.

18 MR. AVRUTINE: Can you spell your
19 last name, please.

20 MR. SCHMITZ: S-C-H-M-I-T-Z.

21 MR. AVRUTINE: I believe Mr. Kipnes
22 is here.

23 MR. KIPNES: I'm Andrew Kipnes. My
24 address is 1599 Laurel Hollow Road.

25 MR. AVRUTINE: Thank you, very

1 much.

2 You may proceed.

3 MR. SCHMITZ: Thank you.

4 A little bit about the history of
5 the property. As you can see from the
6 surveys, I did bring a diagram with me,
7 the property is a very unusually shaped
8 piece of land. Mr. Kipnes is the third
9 owner of this property. He bought the
10 property in 2003.

11 Prior to Mr. Kipnes purchasing the
12 land and the house, there are a number
13 of structures on the property that
14 existed before he bought it. The
15 principal building, which was
16 constructed in 1987, when it was
17 constructed the patio area on the
18 southern portion of the principal
19 building, colored in here, is within the
20 setback, the 40-foot setback required by
21 the Village. So that is one of the
22 issues we have.

23 The second thing that was brought
24 out is the pool and the patio and the
25 pool equipment. That was also

1 constructed in 1987. I've indicated on
2 the diagram here what areas of the pool
3 and the patio fall within the setback of
4 the Village, including the 100-foot
5 setback from the street. Also, I have
6 indicated that the pool equipment, which
7 is about 59 feet, was constructed when
8 the pool was constructed back in 1987.

9 By the way, all those were
10 permitted and also CO'd.

11 The third item is a generator which
12 was permitted and CO'd in 2014, and Mr.
13 Kipnes put that generator in. That also
14 is in the front and it does not need the
15 setbacks.

16 So we've got those items, we
17 received permits, we've received CO's on
18 it, but for some reason they were
19 allowed to be put in without the proper
20 setbacks in the Village.

21 A couple of items which Mr. Kipnes
22 put in himself which have no permits,
23 and there are some issues with setbacks,
24 are the tree house, which is down here
25 in the corner. That was constructed in

1 2006. And the shed, which is used for
2 pool storage which is down here, I have
3 an aqua color here, that was constructed
4 in 2000. As I said, neither of those
5 have permits, and neither of those have
6 CO's.

7 So what we are asking for is
8 permission to retain those. The tree
9 house itself, there are photographs in
10 the package, the tree house abuts
11 against a natural area, it's all wooded,
12 it's really out of site of most of the
13 neighbors. It's kind of an
14 inconspicuous little structure, it was
15 built for his children and it's there.
16 So, we are asking that we be able to
17 maintain that.

18 The other thing with the structure
19 -- with the pool storage structure is
20 that there is really no place else to
21 put it on the property.

22 When you start to look at where the
23 setbacks come, there's just no place to
24 put it. Right now it is up against the
25 neighbor's property. There is a fence

1 there and it's landscaped. I believe
2 the neighbor that wrote the letter to
3 the Board is the one whose property it
4 abuts. We feel that if we are allowed
5 to maintain those structures in those
6 locations, we would then proceed to the
7 Building Department and get the proper
8 documentation that we would need to have
9 a permit issued on those. So that's
10 really the gist of our argument.

11 We have three items on there. On
12 paper it looks ready bad, but, I mean,
13 they were there before he even bought
14 the property.

15 MR. AVRUTINE: If I may address a
16 procedural issue, Member Hadjandreas
17 resides directly next door.

18 MEMBER HADJANDREAS: Yes, to the
19 property at issue.

20 MR. AVRUTINE: But he indicated to
21 me that despite the fact that it is next
22 door, he would have no problem being
23 objective with considering your
24 application, Mr. Kipnes. So he will
25 participate, unless, of course, you have

1 an objection.

2 MR. KIPNES: No, that's fine.

3 MR. AVRUTINE: So there is no
4 objection by the applicant to Member
5 Hadjandreas to participate.

6 I have a question about what caused
7 the matter to be brought to the
8 attention of the Building Department at
9 this time.

10 MR. KIPNES: Well, I was doing an
11 extension which was all permitted, all
12 finished and done they let me proceed.
13 But when I did the surveys all these
14 came up, and with Nancy, I wanted to
15 clean up everything, get everything
16 sorted, help everybody here, square the
17 circle.

18 MR. AVRUTINE: Do you have any
19 violations or are you in the Village
20 Court for any of this?

21 MR. KIPNES: No.

22 MR. AVRUTINE: So it was discovered
23 in the context of you doing an otherwise
24 permitted project?

25 MR. KIPNES: Correct.

1 MR. AVRUTINE: Thank you.

2 MR. SCHMITZ: Our document shows
3 the addition on it and that addition
4 falls within all the setbacks of the
5 Village and the area covered in there.

6 MR. KIPNES: The only other thing I
7 would like to add about the tree house
8 is my wife had this built for her and my
9 kids and she is not with us anymore. If
10 I had to take that down, I guess I
11 could, it's just a little bit more of an
12 attachment.

13 CHAIRMAN MOHR: So in the shaded
14 area of the diagram, the existing patio
15 is in the rear of the property.

16 MR. SCHMITZ: Just part of it.

17 CHAIRMAN MOHR: When was that
18 constructed?

19 MR. SCHMITZ: When the house was
20 constructed in 1987. It's not the
21 entire patio, it's a portion of it.

22 CHAIRMAN MOHR: And the rabbit
23 hutch is already relocated.

24 THE ARCHITECT: Yes, that's not
25 there. In fact, that was not even part

1 of this.

2 CHAIRMAN MOHR: The other question
3 we discussed internally amongst some of
4 the various Board Members is that
5 actually a structure, or is it movable,
6 if you go to the next page.

7 MR. AVRUTINE: It meets the
8 definition of structure under the
9 Village Code which is a very broad
10 definition. It is a structure as
11 defined in the Code.

12 MEMBER HADJANDREAS: One of the
13 concerns I have in terms of the shed,
14 you discussed about having to permit it.
15 But my understanding is a shed of that
16 size would not require a permit. It
17 only would just have to be outside of
18 the setback.

19 MR. AVRUTINE: If it's less than
20 144 square feet.

21 MEMBER HADJANDREAS: What size is
22 the shed?

23 MR. KIPNES: 10 by 10.

24 MR. AVRUTINE: The way the Code is
25 written, certain sized accessory

1 structures are exempt from the
2 requirement to obtain a permit, anything
3 under 144 square feet, as I indicated,
4 unless they are located within the
5 required setback. In fact, that setback
6 necessitates the need for a permit, in
7 this case, a variance.

8 CHAIRMAN MOHR: Any other
9 questions before we open it up to the
10 public?

11 MEMBER BLUMIN: Just a comment.

12 The shape of the yard kind of
13 precludes -- it's kind of hard to find a
14 good spot for a pool on this property,
15 given the shape of the yard. I think as
16 you're traveling down Laurel Hollow Road
17 you really don't realize that there is a
18 pool in the side yard until you pull
19 into the driveway. I never noticed that
20 before.

21 MR. AVRUTINE: Also, for the
22 Board's edification, Mr. Schmitz
23 indicated that many of the structures
24 have already been -- were already
25 approved and permitted and CO'd. But as

1 a legal matter, if that was done in
2 error which, apparently, it was in this
3 case, it does not make it legal. And
4 so, there is no -- it is not binding on
5 the Village if there was a mistake made,
6 then the Village is well within its
7 legal rights to rescind any approvals
8 issued in error.

9 So the applicant is here to make
10 sure that everything is legal on his
11 property, attempting to legalize all of
12 the conditions on his property.

13 CHAIRMAN MOHR: Any questions?

14 MEMBER KAUFMAN: No.

15 CHAIRMAN MOHR: Is there anybody
16 from the public who would like to
17 comment on this application?

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

20 Motion to close the public hearing.

21 MEMBER BLUMIN: So moved.

22 MEMBER HADJANDREAS: Second.

23 MR. SCHMITZ: Thank you.

24 MR. AVRUTINE: Wait, not yet.

25 Seconded by Member Hadjandreas.

1 All in favor?

2 CHAIRMAN MOHR: Aye.

3 MEMBER HADJANDREAS: Aye.

4 MEMBER KAUFMAN: Aye.

5 MEMBER BLUMIN: Aye.

6 MR. AVRUTINE: This matter is
7 deemed Type II under the New York State
8 Environmental Quality Review Act. Let
9 the record reflect that, and a motion on
10 the application.

11 MEMBER KAUFMAN: Motion to approve.

12 MR. AVRUTINE: Motion to approve
13 all variances as presented?

14 MEMBER HADJANDREAS: Yes.

15 CHAIRMAN MOHR: Yes.

16 MR. AVRUTINE: May I have second.

17 MEMBER BLUMIN: Second.

18 MR. AVRUTINE: Motion made by
19 Member Kaufman, seconded by Member
20 Blumin.

21 All in favor?

22 CHAIRMAN MOHR: Aye.

23 MEMBER HADJANDREAS: Aye.

24 MEMBER KAUFMAN: Aye.

25 MEMBER BLUMIN: Aye.

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MR. AVRUTINE: Application
approved.

MR. SCHMITZ: Now we can thank you.
Thank you.

* * * * *

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