

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

DATE: March 19, 2019 TIME: 7:30 PM

PRESENT:

Russell Mohr, Chairman
Cindy Kaufman, Member
Louis Lebedin, Member
Vincent Parziale, Member

ALSO PRESENT:

Howard D. Avrutine, Village Attorney
James Antonelli, Village Engineer

See list at end of minutes

EXCUSED:

Jeffrey Blumin, Member

PROCEEDINGS

The Chairman called the meeting to order at 7:30 PM.

Notice of tonight's meeting was posted and provided to the North Shore Leader by the Deputy Village Clerk.

On motion by Member Lebedin, seconded by Member Parziale and unanimously carried, with Member Blumin not present, the Board approved the minutes of the meeting held on September 24, 2018.

1st ITEM: ZV2-2019/ZS3-2019/F1-2019:

The Board then considered the application on the application of Michael Rant on behalf of Donny Zarro to install a swimming pool, patio, retaining walls, and to maintain a shed at 43 Springwood Path where:

1. The proposed accessory structures are not set back at least 40' from every lot line not abutting a street as required by Section 145-5(B)(2) of the Laurel Hollow Village Code. Proposed setbacks: swimming pool patio side yard setback—26.2 feet; swimming pool side yard setback—38.2 feet; swimming pool equipment side yard setback—23.9 feet; existing shed side yard setback—29.2 feet; and,
2. Retaining walls over three feet in height shall not be located within required setback areas as set forth in Section 145-18(B) of the Laurel Hollow Village Code. Proposed setbacks: stacked stone wall side yard setback—34.9 feet; east retaining wall side yard setback—18.5 feet; west retaining wall side yard setback—32.4 feet.

In addition, the proposed construction will disturb steep and very steep slopes as shown on the Site Plan prepared by Bladykas & Panetta L.S. & P.E., P.C. dated 12/19/2018 and last revised 2/18/2019.

All of the relief sought is with respect to property located at 43 Springwood Path and designated as Section 14, Block 25, Lot 15 on the Land and Tax Map of Nassau County.

Exhibits were made part of the record and discussion ensued. Michael Rant on behalf of the applicant indicated that the pool equipment would be relocated and that the request for a side yard setback variance with respect to the pool equipment was withdrawn. After discussion by the Board, it was moved by Member Lebedin, seconded by Member Parziale and unanimously carried, with Member Blumin not present, that the hearing be closed to further evidence and testimony.

With respect to the applicant's request for variance relief under Case No. ZV2-2019, it was determined that the action be deemed Type II under SEQRA.

It was moved by Member Lebedin, seconded by Member Parziale and unanimously carried, with Member Blumin not present, that the application be approved as submitted with the application for a side yard setback with respect to the pool equipment having been withdrawn.

With respect to the applicant's request for slope disturbance under Case No. ZS3-2019 and for a fill permit under Case No. F1-2019 it was moved by Member Kaufman, seconded by Member Parziale and unanimously carried, with Member Blumin not present, that the Board declare itself lead agency under SEQRA.

It was moved by Member Lebedin, seconded by Member Parziale and unanimously carried, with Member Blumin not present, that the action be deemed unlisted under SEQRA.

It was moved by Member Parziale, seconded by Member Kaufman and unanimously carried, with Member Blumin not present, that the Board enact a negative declaration under SEQRA.

It was moved by Chairman Mohr, seconded by Member Kaufman and unanimously carried, with Member Blumin not present, that the application be approved as submitted. A copy of the approval resolution will be affixed to these minutes.

2nd ITEM: ZV6-2018:

The public hearing then commenced on the application of Vincent J. Amato to construct a new principal dwelling at 38 Vista Drive and designated as Section 25, Block 64, Lot 17 on the Land and Tax Map of Nassau County where the maximum permitted floor area ratio is greater than 0.09 in violation of Section 145-5(D)(4) of the Village Code—a floor area ratio of .1032 is proposed.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, it was moved by Member Parziale, seconded by Member Kaufman and unanimously carried, with Member Blumin not present, that the hearing be closed to further evidence and testimony.

The Board then determined that the action be deemed Type II under SEQRA.

On motion by Member Parziale, seconded by Chairman Mohr, the Board voted as follows:

Chairman Mohr	Yes
Member Kaufman	Abstain
Member Lebedin	Abstain
Member Parziale	Yes
Member Blumin	Not Present

As a result, the motion to approve did not pass.

3rd ITEM: ZV5-2017/ZS6-2017:

The public hearing then commenced on the re-opening of the application of Edward Butt on behalf of George Poll to revise the plans previously approved by the Board of Zoning Appeals, where:

1. The proposed Amended Plans deviate from the plans previously approved by the Board of Zoning Appeals on 11/29/2017;
2. An additional wrap-around deck on the west side of the building will violate Section 145-5(B)(2) of the Laurel Hollow Village Code in that an accessory building shall be set back at least 40 feet from every lot line not abutting a street. Proposed setback—14.85 feet; Previously approved setback—20.85 feet; and
3. The installation of a propane-fueled fireplace will violate Section 145-5(A)(1)(c) of the Laurel Hollow Village Code in that no accessory building shall have a heating system.

In addition, the proposed construction will disturb steep and very steep slopes as set forth in the Amended Site Plan prepared by Edward Paul Butt, Architect dated 6/27/2016 last revised 11/9/2018.

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.

Exhibits were made part of the record and discussion ensued. After discussion by the Board, it was moved by Member Parziale, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, that the hearing be closed to further evidence and testimony.

With respect to the applicants' 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 Kaufman, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, that the application be approved as submitted. All conditions imposed by the Board in connection with the prior approval remain in full force and effect.

With respect to the applicants' request for slope disturbance under Case No. ZS6-2017 it was moved by Member Lebedin, seconded by Member Kaufman and unanimously carried, with Member Blumin not present, that the Board declare itself lead agency under SEQRA.

It was moved by Member Kaufman, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, that the action be deemed unlisted un SEQRA.

It was moved by Member Parziale, seconded by Member Kaufman and unanimously carried, with Member Blumin not present, that the Board enact a negative declaration under SEQRA.

It was moved by Member Kaufman, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, that the application be approved as submitted. All conditions imposed by the Board of Zoning Appeals in connection with the prior approval on this application shall remain in full force and effect. A copy of the approval resolution will be attached to these minutes.

4th ITEM: ZV1-2019:

The public hearing on the application of Elaine Kawas of the Laurel Group on behalf of Gregg and Melissa Newman to install multiple accessory structures at 80 Wildwood Drive and designated as Section 25, Block 64, Lot 7 on the Land and Tax Map of Nassau County was postponed to the next scheduled meeting of the Board of Zoning Appeals because Members Kaufman and Lebedin recused themselves in connection therewith and, as a result, a quorum of the Board was not present with respect to this matter.

5th ITEM: ZV5-2018:

The public hearing then commenced on the application of Barbara and Walter Schmidt to install a pavilion, alter a driveway, and maintain existing accessory structures at 1486 Laurel Hollow Road and designated as Section 26, Block C, Lots 307 and 2117 on the Land and Tax Map of Nassau County where the total surface area coverage will exceed 20% of the lot area in violation of Section 145-5(A)(1)(d) of the Laurel Hollow Code. 29.91% is proposed and 28.66% is existing.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, it was moved by Member Kaufman, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, that the hearing be closed to further evidence and testimony.

The Board then determined that the action be deemed Type II under SEQRA.

On motion by Member Kaufman, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, the Board approved the application as submitted.

6th ITEM: ZV7-2018:

The public hearing then commenced on the application of Anthony Lauro of Platinum Site Development, on behalf of Joseph Grgas to install a sports court and maintain a shed at 1302 Ridge Road and designated as Section 26, Block C, Lot 2104 on the Land and Tax Map of Nassau County where:

1. The proposed sports court will not be set back at least 40 feet from every lot line not

abutting a street as required by Section 145-5(B)(3) of the Laurel Hollow Village Code. The proposed rear yard setback is 31.33 feet; and

2. The existing shed is not set back at least 40 feet from every lot line not abutting a street as required by Section 145-5(B)(2) of the Laurel Hollow Village Code. The existing rear yard setback is 25.5 feet.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, it was moved by Member Kaufman, seconded by Member Lebedin and unanimously carried, with Member Blumin not present, that the hearing be closed to further evidence and testimony.

The Board then determined that the action be deemed Type II under SEQRA.

On Motion by Member Parziale, seconded by Member Kaufman and unanimously carried, with Member Blumin not present, the Board approved the application as submitted.

The Board then attended to administrative matters.

There being no further business, the meeting was adjourned at 9:45 PM.

Russell A . Mohr

Russell Mohr, Chairman

4/17/2019

Date

Daniel Steigerwald	1496 Laurel Hollow Road, Laurel Hollow, NY
Scott Sheehan (on behalf of Newman)	31 Prospect Street, Huntington, NY
Gary Gallagher (on behalf of Amato)	91 Prospect Street, Huntington, NY
Michael Rant (on behalf of Zarro, Amato and Schmidt)	23 Spring Street, Oyster Bay, NY
Donny Zarro	43 Springwood Path, Laurel Hollow, NY
Peter Hagarty, Platinum Site Development (on behalf of Grgas)	176 Woodbury Rd #2, Hicksville, NY
Anthony Lauro, Platinum Site Development (on behalf of Grgas)	176 Woodbury Rd #2, Hicksville, NY
Joe Grgas	1302 Ridge Road, Laurel Hollow, NY
James Murphy (on behalf Amato)	1045 East Norwich Way, Oyster Bay, NY
Nadasha Vandeweterin	31 Prospect St., Huntington, NY
Michael Volpo	23 Spring Street, Oyster Bay, NY
Les Stanco	92 Pound Hollow Road, Old Brookville, NY
Gregg Newman	80 Wildwood Drive, Laurel Hollow, NY
Edward Butt (on behalf of Poll)	82 Haddon Road, New Hyde Park, NY
Kristin Poll	1458 Ridge Road, Laurel Hollow, NY
George Poll	1458 Ridge Road, Laurel Hollow, NY