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INCORPORATED VILLAGE OF LAUREL HOLLOW

BOARD OF ZONING APPEALS

March 19, 2019

7:30 p.m.

HEARINGS -

ZV2-2019 & ZS3-2019 & F1-2019: Zarro

Variances are needed for side yard setback.

Approval is needed to disturb slope and install
fill

P R E S E N T:

Russell Mohr, Chairman

Jeffrey Blumin, Board Member

Cindy Kaufman, Board Member

Louis Lebedin, Board Member

Vincent Parziale, Board Member

James Antonelli, Village Engineer

Howard Avrutine, Esq., Village Attorney

1 MR. AVRUTINE: First public hearing of the
2 evening is ZV2 of 2019 ZS3 of 2019 and F1 of
3 2019. The application of Michael Rant on behalf
4 of Donny Zarro to install a pool, patio,
5 retaining walls and to maintain a shed at 43
6 Springwood Path where: One, the proposed
7 accessory structures are not set back at least
8 40 feet from every lot line not abutting a
9 street as required by section 145-5B.

10 Two, of the Laurel Hollow Village Code.
11 Proposed setbacks are as follows: The pool
12 patio side yard setback is 26.2 feet, the pool
13 side yard setback is 38.2 feet. The pool
14 equipment side yard setback is 23.9 feet. And
15 the existing shed side yard setback is 29.2
16 feet.

17 Secondly, it's seeking relief in connection
18 with retaining walls that are over three feet in
19 height which shall not be located within the
20 required setback areas as required by section
21 145-18B of the Laurel Hollow Village Code. The
22 proposed setbacks are as follows: The stacked
23 stone wall side set yard setback is 34.9 feet.
24 The east retaining wall side yard setback is

1 18.5 feet. And the west retaining wall side
2 yard setback is 32.4.

3 In addition there is requested disturbed
4 steep slopes and very steep slopes in connection
5 with the proposed property improvements. The
6 property is designated as section 14, block 25,
7 lot 15 on the Land and Tax Map of Nassau County.

8 The exhibits in connection with tonight's
9 hearing are as follows: First notification from
10 the Nassau County Planning Commission dated
11 February 22, 2019, that the matter is referred
12 to the Laurel Hollow Board of Zoning Appeals to
13 take action as it deems appropriate.

14 The next exhibit is the legal notice of
15 public hearing dated February 27, 2019.

16 The next exhibit affidavit of posting from
17 Nick Porcaro that the legal notice was posted
18 conspicuously on the bulletin board of the main
19 entrance to the office the Village Hall on March
20 8, 2019.

21 The next exhibit is affidavit of
22 publication stating that the legal notices were
23 published in the North Shore Leader on March 6,
24 2019.

1 The next exhibit is an affidavit from the
2 deputy clerk stating the notice of public
3 hearing was mailed to other interested parties
4 as required by law on February 28, 2019.

5 The next exhibit consists of documents
6 confirming that the notice of public hearing was
7 published to the Village of Laurel Hollow
8 website and sent to village website, news
9 subscribers on March 4, 2019.

10 The next exhibit is an affidavit of mailing
11 from the applicant indicating that the notice of
12 public hearing was mailed on March 8, 2019 to
13 the individual set forth in the affidavit.

14 The next exhibit is correspondence from
15 James Antonelli, the village engineer, dated
16 February 15, 2019 and February 25, 2019.

17 The next exhibit is a site plan prepared by
18 Blatycus and Panetta, LS & PE, dated 12/19/2018
19 and last revised on February 18, 2019.

20 And the final exhibit is a draft decision
21 of the Planning Board which approved an
22 application for removal of trees on the premises
23 specifically condition and contingent upon
24 obtaining the necessary approval from the Board

1 of Zoning Appeals.

2 Good evening, Mr. Rant, please begin.

3 Your name, et cetera.

4 MR. RANT: Good evening, Michael Rant
5 Blatycus and Panetta, 23 Spring Street, Oyster
6 Bay, New York. I'm here this evening
7 representing owners of 43 Springwood Path
8 seeking variances in conjunction with the
9 proposed pool, patio, pergola and proposed
10 retaining wall.

11 I would like to submit before we get
12 started the return sets of mail-ins. As the
13 village attorney had mentioned, we're here this
14 evening for a number of variances in conjunction
15 with a proposed pool, patio all pertaining to
16 setback variances.

17 We do comply with all coverage requirements
18 and we're here this evening seeking approval
19 setbacks as well as slope disturbance.

20 I'm not sure if any of the board members
21 had a chance to visit the site, but in the field
22 there is a fencing and edge of lawn area.

23 So what I have done is highlighted on our
24 site plan in orange delineated where that fence

1 is in the field. Then in yellow the limits of
2 our work which is the proposed retaining wall.

3 So it kind of gives you an idea there is
4 existing swing set onsite. And that location is
5 in the same area were the proposed pool is to be
6 located. Just to kind of orient you to the
7 property.

8 We were before the Planning Board last week
9 and we received approval for removal of 13
10 trees. And most of those trees have to do with
11 regrading in order to create a flat area for the
12 property.

13 There is a large expanse of steep slope,
14 very steep slope. And a portion of severely
15 steep slope on the property. So we feel we have
16 done the best we can to limit our disturbance
17 there, limit the area of our disturbance as much
18 as possible.

19 The bulk of their disturbance falls within
20 the lowest category steep slope 15 to 25
21 percent. We have about eight thousand square
22 feet of disturbance.

23 And the second highest second category very
24 steep slope we have small area exactly in the

1 center of about 2000 square feet.

2 Again, by utilizing retaining walls we can
3 limit our disturbance as much as possible, but
4 achieve the goal which is flat usable space for
5 the owner's family.

6 The proposed pool is located adjacent to
7 the existing driveway. The location itself is
8 really dictated by the two existing dry wells
9 that serve the home right in the center of the
10 rear yard. So we had to maintain proper
11 separation from those dry wells and that's
12 really how we determined this proposed pool
13 location.

14 In speaking with the client I know there is
15 a number of variances pertaining to setbacks.
16 In speaking to the client prior to the hearing
17 we did agree that in speaking to the pool
18 company we could relocate the pool equipment
19 behind the pergola so it would comply with the
20 setback.

21 I know that's something that is a sensitive
22 topic to the board with the neighbors since it
23 does generate noise. So he did agree to
24 relocate the pool equipment behind the pergola.

1 That would comply with the setbacks
2 requirements.

3 MR. AVRUTINE: Just let me interrupt you
4 for a moment, Mr. Rant.

5 So at this time is it the applicant's
6 intention to withdraw the application for the
7 set yard setback relief with respect to the pool
8 equipment?

9 MR. RANT: Correct.

10 MR. AVRUTINE: So that's withdrawn. And a
11 revised plan will be submitted depicting a
12 compliant location for the pool equipment.

13 MR. RANT: Correct.

14 MR. AVRUTINE: Thank you.

15 MR. RANT: Much of the vary -- many of the
16 variances have to do with there is an existing
17 shed on what would be the west side of the
18 property. It's been there for many years. It's
19 an existing shed. We're looking to maintain it
20 in its current location. It hasn't created any
21 detriment to the community. It is a richly
22 wooded site. So it has no impact on the
23 neighbors.

24 So we feel that maintaining it in its

1 existing condition would not be any type of
2 detriment to the neighborhood.

3 The remaining variances have to do with
4 on-grade structures. The proposed pool and
5 patio area there is a pergola. That pergola
6 does comply with the setback. The setback
7 variances requested pertain to the pool and the
8 patio.

9 Again, these are on-grade structures that
10 have no real visual impact to the surrounding
11 properties. And the retaining wall itself
12 requires a variance.

13 Now in order to connect it up to the
14 existing grading and not have additional
15 regrading along the side yards and clearing.
16 That's really the purpose and necessary why the
17 retaining walls in those locations are necessary
18 you can see we're not doing any regrading inside
19 yard. The same goes on the north side.

20 So, again, by just utilizing a wall just to
21 meet up with the existing grade we feel that it
22 won't create any adverse impact.

23 I believe we have addressed all the
24 comments by the village engineer. We're

1 containing all our runoff from our newly created
2 surfaces, any disturbed areas. So I think all
3 in all from drainage standpoint it would be a
4 vast improvement on existing conditions.

5 Again, there is a vast setback to the rear
6 property from the retaining wall. So it won't
7 be visible from the neighbors. There is a large
8 screening that encompasses the entire property.

9 So we feel that the improvements themselves
10 will not create any adverse impact. Any
11 questions from the board?

12 MR. AVRUTINE: Before there are questions
13 you're application also include a request for
14 fill. Can you address that please?

15 MR. RANT: So part of the application we
16 are proposing to import approximately 565 cubic
17 yards of fill. We'll be utilizing as much fill
18 onsite as we're generating to fill in the
19 retaining walls from our dry well excavation as
20 well as our in-ground pool.

21 And the additional soil will be trucked on
22 to site used for fill to create a level lawn
23 area in the rear of the property.

24 We also did submit a landscape plan.

1 What's being proposed although it is heavily
2 screened around it's a row of arborvitaes of
3 green screenings that would encompass the entire
4 proposed area. Which will help screen add any
5 additional screening for any areas that aren't
6 currently screened.

7 MR. AVRUTINE: Mr. Rant, is that the
8 landscape plan that was indicated as approved in
9 the draft resolution of the Planning Board
10 authorizing the tree removal that you described?

11 MR. RANT: Correct. One of the requests by
12 the village arborist was to generate a landscape
13 plan. We did make some modifications to help
14 save some trees. Our original application had
15 20 feet. We were approved for 13 trees.

16 One of the requests was to add this
17 additional screen. And this plan as submitted
18 to the Planning Board reflects that screening.

19 MR. MOHR: This is the first time we're
20 seeing that. I'm okay.

21 MR. LEBEDIN: We discussed that. That's
22 fine.

23 MR. MOHR: I would like to hear from town
24 engineer Mr. Antonelli with regard to the

1 application what transpired and how remedied
2 some of the issues that were first presented.

3 MR. ANTONELLI: First of all, I reviewed
4 drainage grading plan slope application and fill
5 application and I will say on the record that
6 the slope categories that are mapped appear to
7 be accurate.

8 I checked the fill calculations and that
9 appears to be accurate. I did submit a letter
10 to the board. I believe it was mentioned in the
11 exhibits. It was dated February 15. In that
12 letter I had a number of minor comments
13 regarding the application. They were taken care
14 of except for one thing.

15 And I think I do want, besides having a
16 question, I do want to make sure I mentioned it,
17 and that is I had pointed out that there are a
18 number of trees in the rear yard towards the
19 west side that are x'd out. They have x's on
20 them to be removed. And there is no grading
21 through that area.

22 So just wondered what the purpose of that
23 was. I think it looks like it's numbers three
24 through 11 possibly or 14. I see a 14 there.

1 So it's trees number three, five, six, seven,
2 eight, nine, ten, 11, 14, oh and one one. I see
3 it now. That it's like a group above the
4 retaining wall and near the one dry well.

5 MR. RANT: So that area.

6 MR. ANTONELLI: It's not being graded.

7 MR. RANT: That area being graded with
8 fill. The existing contour at trees 5 and 6 is
9 66 and 68 and that area is grading raised
10 elevation 76. So it's flat from the 76 proposed
11 contour to the top of the. Wall that's why no
12 proposed contours are being shown.

13 MR. ANTONELLI: Give me a second. It's
14 really hard to see because it's like a gray
15 scale topo then that's in the steep slope area
16 which has cross hatching in two directions
17 really hard to see, but I understand it now.
18 Okay. I'm okay.

19 MR. RANT: There was another area that was
20 brought up where we had tree removal by arborist
21 on the west side. We were doing additional
22 excavations and we eliminated that grading to
23 save, I think it was about 7 trees.

24 So the really the cluster that's right in

1 the center that would be where there is
2 significant amount of fill in order to backfill
3 behind the retaining walls.

4 MR. ANTONELLI: I do have a question, Mike,
5 you had mentioned the relocation of the pool
6 equipment. Does that impact the grading and
7 drainage plan at all?

8 MR. RANT: No, it would be located adjacent
9 to tree number 12 directly behind the pergola.
10 So, no regrading, no additional grading will be
11 necessary. That area is already proposed to be
12 flat.

13 MR. ANTONELLI: So the grading plan will
14 still show that yard drain in the location of
15 where there shown on the plan of the 18.

16 MR. RANT: Correct.

17 MR. ANTONELLI: I have no further comments,
18 Mr. Chairman.

19 MR. MOHR: Questions from the board?

20 MR. PARZIALE: No, you answered all the
21 questions I had.

22 MR. LEBEDIN: No, it was good.

23 MR. MOHR: If there are any questions from
24 the public at this time.

1 MR. AVRUTINE: Let the record reflect that
2 there are none.

3 At this time we will have a motion to close
4 the public hearing.

5 MR. LEBEDIN: I move.

6 MR. PARZIALE: Second.

7 MR. AVRUTINE: First moved by Lebedin.
8 Seconded by member Parziale.

9 All in favor?

10 (Board says aye.)

11 MR. AVRUTINE: Public hearing is closed.

12 I would recommend that the board first
13 consider the variance application before the
14 board. And that the record reflect that the
15 area of variances before the board are Type Two
16 under the New York State Environmental Quality
17 Review Act.

18 Any motion on variance application before
19 the court?

20 MR. LEBEDIN: So move.

21 MR. AVRUTINE: Motion to approve?

22 MR. PARZIALE: I will second it.

23 MR. AVRUTINE: Okay. Member Lebedin.
24 Seconded by member Parziale.

1 All in favor.

2 (Board says aye.)

3 MR. AVRUTINE: Variances are approved.

4 The next is the slope and fill
5 applications. At this time I would entertain a
6 motion for the board to declare itself lead
7 agency in the New York State Quality Review Act.

8 Member Kaufmann, motion to approve.

9 MS. KAUFMAN: So moved.

10 MR. AVRUTINE: Second please?

11 MR. PARZIALE: Second.

12 MR. AVRUTINE: Seconded by member Parziale.

13 All in favor? All say aye.

14 Next is a motion to declare the matter
15 unlisted under the New York State environmental
16 quality review act.

17 Motion.

18 MR. LEBEDIN: So moved.

19 MR. AVRUTINE: Member Lebedin.

20 Second?

21 MR. PARZIALE: Second.

22 MR. AVRUTINE: All in favor.

23 (Board says aye.)

24 MR. AVRUTINE: In this regard I would

1 request that the village engineer address his
2 recommendation regarding the SEQRA determination
3 of the board.

4 MR. ANTONELLI: As unlisted action the
5 applicant is required to submit the SEQR,
6 S-E-Q-R, short form. It's the shorten
7 Environmental Assessment Form which they did.

8 And I reviewed part one that was submitted
9 and I prepared on behalf of the village, I
10 prepared part two. And I'm prepared to present
11 that at this time. I am, based on the
12 information submitted, and based on my review of
13 the application, I believe there is, that the
14 actions will not result in any significant
15 adverse environmental impact.

16 So I filled this form out accordingly.

17 MR. AVRUTINE: And based upon your
18 analysis, Mr. Antonelli, will you recommend that
19 the board enact negative declaration under SEQR?

20 MR. ANTONELLI: Yes.

21 MR. AVRUTINE: Thank you.

22 At this time, subject to the board's
23 approval, will there be a motion to adopt a
24 negative declaration under the New York State

1 Environmental Quality Review Act.

2 MR. PARZIALE: I will make that motion.

3 MR. AVRUTINE: Parziale.

4 May I have a second?

5 MS. KAUFMAN: Second.

6 MR. AVRUTINE: Second by member Kaufman.

7 All in favor?

8 (Board says aye).

9 MR. AVRUTINE: Next is a motion on the --

10 MR. ANTONELLI: The part three of the form

11 I signed as preparer, but there is also a

12 signature required by the chairman of the board.

13 MR. AVRUTINE: Correct. And the chair will

14 execute that. We'll make that part of the file.

15 Motion on the application?

16 MR. MOHR: Motion to approve.

17 MR. AVRUTINE: Motion to approve by

18 Chairman Mohr.

19 Can I have a second.

20 MS. KAUFMAN: Second.

21 MR. AVRUTINE: Second by member Kaufman.

22 All in favor?

23 (Board said aye.)

24 MR. AVRUTINE: Application approved.

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