1	INCORPORATED VILLAGE OF LAUREL HOLLOW			
2	BOARD OF ZONING APPEALS			
3	March 19, 2019			
4	7:30 p.m.			
5				
6	HEARINGS -			
7	ZV6-2018: Amato			
8	Variance is needed for floor area ratio			
9				
10	PRESENT:			
11	Russell Mohr, Chairman			
12	Jeffrey Blumin, Board Member			
13	Cindy Kaufman, Board Member			
14	Louis Lebedin, Board Member			
15	Vincent Parziale, Board Member			
16	James Antonelli, Village Engineer			
17	Howard Avrutine, Esq., Village Attorney			
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MR. AVRUTINE: Next hearing ZV6-2018. 1 Public hearing on the appeal and application of Vincent J. Amato to construct a new principal 3 dwelling 38 Vista Drive with a maximum permitted 4 floor area is greater than 0.09 in violation of 5 section 145-5D4 of the Village Code .1032 is 6 proposed. 8 The property is designated as section 25, 9 block 64, lot 17 on the land and tax map of 10 Nassau County. 11 Exhibits in connection with this hearing 12 are as follows: First notification from the Nassau County Planning Commission dated December 13 17, 2018. That the matter is referred to the 14 15 Laurel Hollow Board of Zoning Appeals to take action as it deems appropriate. 16 The next exhibit is the legal notice of 17 public hearing dated February 27, 2019. 18 19 The next exhibit is affidavit of posting 20 from Nick Porcaro that the legal notice was posted conspicuously on the bulletin board at 21 the main entrance of the Village Hall on March 22 8, 2019. 2.3 The next exhibit is an affidavit of 24

publication stating that the legal notice was 1 published in the North Shore Leader on March 6, 2019. 3 The next exhibit is an affidavit from the 4 deputy clerk stating that the notice of public 5 hearing was mailed to interested parties on 6 February 28, 2019. The next exhibit documents confirming that 8 9 the notice of public hearing was published to 10 the Village of Laurel Hollow website and sent to 11 village website NEWS subscribers on March 4. 12 2019. Next exhibit consists of affidavit of 13 mailing from the applicants indicates that the 14 notice of public hearing was mailed on March 1, 15 2019, to the individuals set forth in the 16 affidavit. 17 And the final exhibit construction drawings 18 19 with elevations prepared by Gallagher, 20 Homburger, Gonzalez, Architects, PLLC, dated 11/1/2018. 21 Is there a representative here on behalf of 22 2.3 the applicant. 24 Mr. Murphy, always a pleasure.

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MR. MURPHY: Good evening. My name is

James Murphy. Thank you for the opportunity to
be before you this evening. Our offices are
located East Norwich. I'm with the law firm of
Murphy and Lynch. And we represent Mr. Vincent
Amato this evening with regard to this
application.

And unfortunately he very much wanted to be in attendance. He's unable to attend tonight.

But we have in support of this application

Mr. Gallagher of the architectural firm of Gallagher, Homburger and Gonzalez.

And also we have Mr. Michael Rant who just testified on the prior application to address any questions that the board may have with regard to surveying and the surveys that he's prepared. And we also have Mr. Lester Stanco who is the contractor for this project should the board be approving such.

Just briefly, I would like to provide a sort of frame of reference for the board. The Planning Board of this village in August of 1987 approved a map of Harbor Ridge which consists of 27 building lots and of which lot 17 is one of

those 27.

And in the following year 1988 about 14 months subsequent to that approval by this Planning Board of the village, Mark and Sharon Gold moved into a home with a CO that had been issued on 11/1/1988. And two years later they received a CO for a tennis court and swimming pool and some decking.

Then along came Mr. Vincent Amato many years later in 2004 and purchased the property from the Golds family.

As Mr. Amato mentioned a moment ago, this is a request for relief with regard to the maximum permitted floor area and which under the code is required to be .09. And we're requesting a change upward of .1032.

What I'd like to do at this time with permission of the board is to have Mr. Gary Gallagher present to you the design of this new home. In accordance with the consultations with Mr. Amato in terms of what would be feasible for his family as it presently exists.

So Gary Gallagher.

MR. AVRUTINE: Please give your name for

the record. 1 MR. GALLAGHER: Gary Gallagher, architectural firm of GHG Architects in 3 Huntington, New York, 91 Prospect Street. 4 If I may, just I'd like to hand out some 5 These are packets. Some of these items 6 things. you have in the original submittal. I will just run through them quickly, but I will enhance the 8 9 presentation, if I may -- if I may come up. 10 I think I have enough for everyone. Okay. I will just run through these quickly as I 11 12 proceed through the presentation this will help. The first it's series of 10 documents. 13 first document is a copy of the radius map in 14 black and white. 15 Second one is copy of the radius map in 16 color. The reason for that is it's just a 17 little bit easier to read the addresses and the 18 names in the black and white version as it is in 19 20 the color as opposed to the color. Now the color version it's easier to see 21 the improvements on the property including the 22 existing foliage and so forth. The next two 2.3 24 photographs labeled 1A and 1B are photographs of

the existing house located at 38 Vista.

I don't know if any of the members of the board been out there just as a reference. This /v is what's there now.

So you have two photos of photographs of that and then the following, I think, it's four, five — four pages are photographs of houses in the immediate vicinity of this one which shows a variety of different architectural styles.

The next document is a small version of two dimensions that are color enhanced rendering of the proposed house. Which I will just put up here a larger version of it. You have the same things in the packet.

Then the last page this was submitted as part of the initial submission. This is just a summary of the zoning information.

So with that I will orientate you to the site. This is copy of the site plan. Bladycus and Panetta site plan dated 10/17/2018. The only difference on this drawing from what's been submitted as part of the packages I have highlighted in yellow just so graphically it's easier to see where we are proposing additions

to the footprints of the existing residents.

Now proposal is to demolish existing resident. This is the outline. This black line is the existing resident. The yellow are additions to the footprint, but we are knocking down existing house.

The proposal is to remove existing elevated deck behind the patio, remove the existing tennis court, the existing pool and patio surrounding the pool is to remain.

We are not -- with this design we are not widening the house and we're not encroaching any closer to the front property line than we already are. So we're just building a different house.

The reason -- let me just run through the house for a moment here. So now this is the proposed house. The look of it which you have a colored version of it, I will just flip to the plan. So this is the proposed design. I will run through the rooms in a moment. But the proposal here the reason why we need to exceed this the Amatos have lived here for the last 15 years. They have become very -- grown

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comfortable with the neighborhood. But their needs have changed over the years.

They have older children and they have a very young child. So they need room for the older children to come home. They need a little bit larger bedrooms. They also have extended family from oversees. Wife is from oversees. So they have family members that come over and stay for extended periods of time. So we need bedrooms a little bit larger.

And the last primary reason, one of the main reasons, why we're looking to make the house a little bit larger than is allowed as of right is because Mr. Amato is very avid and serious auto car collector. So he'd like a little bit more room than is customarily found in the -- than is customarily found in a three-car garage.

He would like some room around his prized collection. He doesn't house all of it here certainly, but he'd like to keep a few of the cars, you know, at the house.

So whereas we have three-car garage which is customary in homes like this in this market

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place, Laurel Hollow. This is an enhanced size.

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The proposed residence occupies 8994 gross square feet. That's inclusive of the garage. All habitable space, exterior of the brick veneer, and the two-story space over the great room and dining room, which we have proposed in this design, the allowable is 7845. So the overage is approximately 1149 square feet.

Which that it's an important number because I'm going to illustrate something here momentarily and you will recall that number.

So those are the reasons why they are looking for a larger home. And I will just run through the rooms. There is not really anything in terms of the rooms that's atypical to homes of this size. There is a great room or living There is a dining room. There is a room. kitchen. There is a den/family room, studio, foyer of course, powder room, two bedrooms downstairs with related bathrooms and closet; three-car garage, laundry.

And then upstairs there's the master and three other bedrooms related closets, two-story space over the great room, two-story space over

1 the dining room and the foyer.

So it's not that there is so many rooms. It's just some of the sizes for the reasons I stated they desire those.

Okay. So now let me just illustrate this now. What I have done I have taken a plan and I examined what the differences would be in this house if it were done as of right without any relief from this board, without the need for any relief from this board.

And what I have done, I have highlighted, I have taken the floor plans, first floor, second floor on this one page, and I have highlighted these areas in orange. Which I will run through quickly.

I can get into each of the numbers specifically, but I know you have a large group of people here. So I'm just going to hit the highlights. If you want I will go through each one in detail, but what I have done is I have looked at the garage it's under this page.

I have reduced this three-car garage to what would be essentially the minimal size of a three-car garage which is not unusual in this --

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1 three-car garage is not unusual in this marketplace. So with that I take out approximately 233 3 square feet. I have also then looked at 4 reducing the height of the two-story space in 5 the living room and the great room, living room 6 7 and the dining room. 8 We have counted that space twice. On the 9 first floor we have counted it once. And second 10 floor we've counted it in full. But on the second floor it's just air. 11 12 So when I looked -- what I looked at doing leave the plan the same, just dropping that 13 ceiling down to 13, 14 feet rather than the 14 15 two-story at the height of the second story. And then the last thing I did was I looked to 16 17 taking one foot across the back of the house first floor and second floor. 18 MR. MOHR: What is the differential when 19 20 you drop it? 21 MR. GALLAGHER: The sum total of 504 and 22 285 so 789 square feet. Then last thing I 2.3 looked at from the end of the garage to the back 24 of the bedroom number five at the first floor

and in corresponding location above it, I have 1 taken off one foot over the back of the house. And that representing an additional 91 and 87 so 3 it's 178, yeah 178. 4 And then the first number I gave you was 5 233. So when you add it all it comes out 12 6 hundred square feet. Okay. So 12 hundred 8 square feet exceeds that 1149 that we're over in 9 our design. So why am I doing that? 10 Well this elevation would not change. elevation would remain the same if I were to do 11 12 the plan as basically make these reductions. the width of the house wouldn't change. 13 14 height of the house wouldn't change. Anything that's visible from the street passersby 15 16 wouldn't change. So with that we don't feel what we're 17 asking for the benefits to the applicant impose 18 19 anything to the neighborhood that throws it out of scale. So with that I don't know if you want 20 21 to --Go ahead. 22 MR. MURPHY: You're doing great. 2.3 MR. GALLAGHER: Okay. I'll keep going. 24 MR. AVRUTINE: Just for my edification,

1	Mr. Gallagher, if you have it handy, the portion	
2	of the overage that the volted ceiling on the	
3	second floor counts for was that number 700.	
4	MR. GALLAGHER: That was let me let	
5	me double check. It was 12 hundred. That was	
6	789.	
7	MR. AVRUTINE: So it's fair to say then and	
8	that's in the actual floor space, usable floor	
9	space, although it does count towards your floor	
10	area calculations. So if you didn't count that	
11	or what then would be the overage of actual	
12	usable floor space.	
13	MR. GALLAGHER: Difference between 12	
14	hundred and 789 so it's what that 12 hundred and	
15	change. Excuse me a few hundred.	
16	MR. PARZIALE: Which 12 hundred something,	
17	what's the garage? And one width foot off the	
18	back of the house.	
19	MR. GALLAGHER: 238 and 178 sum total yeah	
20	around a little over 400.	
21	MR. AVRUTINE: Thank you.	
22	MR. GALLAGHER: I forgot where I was. Give	
23	me a minute. So as I said, this illustration	
24	although it conforms it really doesn't to the	

ordinance, it really doesn't fulfill the needs of the Amatos.

Now as far as we're not changing just running through quickly through the standard of review. As I said at the outset, we're building on the same footprint essentially except save these yellow additions. We're not changing the grading around any appreciable amount. Minor impact to the grading.

We're proposing to build a rectangular patio, a new patio in place of where the raised deck was. We're not — I don't think we're cutting down anymore trees, existing driveway remains. So we really not making any environmental impact.

In the context of the neighborhood, those photographs I handed you earlier, you can see there is a varied architecture. I don't think the styling of the house impacts that to the point where it's out of character or out of context with the neighborhood.

And, again, I think the benefits to the applicants I don't believe there is any detriment to the community. So I certainly

believe the advantages to the applicants 1 outweigh any potential detriment to the community. 3 So if there is any -- that pretty much 4 concludes what I have to say. I don't know if, 5 Mr. Murphy, if there is anything I can answer 6 for the board. MR. AVRUTINE: Mr. Murphy, do you have 8 anything further? 9 10 MR. MURPHY: I just want to summarize village 1277B with regard to the application of 11 12 that board dwelling as Gary mentioned benefit of the application versus detriment, there is no 13 14 adverse impact. 15 Based upon what's been presented so far this evening, we submit with regard to having an 16 17 adverse impact on the physical environmental conditions of the property of the neighborhood, 18 19 no undesirable change in the neighborhood. 20 And taking within the context of the 21 numbers we have been speaking about with respect to these numbers don't constitute what's 22 otherwise deemed to be substantial. 2.3 In terms of item number five of 7712 with 24

1	regard to self-created hardship, obviously it is				
2	because we designed a new home, but as the board				
3	knows well, such is not necessarily a negative				
4	detriment with regard to reaching your				
5	conclusion weighing benefit versus the				
6	detriment.				
7	MR. MOHR: Thank you. We appreciate the				
8	very thorough application. It was very helpful				
9	because we went to the site without elevation it				
10	was very difficult to render exactly what we're				
11	going to transpire.				
12	Just seeing from the site plan form.				
13	MR. AVRUTINE: I would just like to put on				
14	record that the ten-page document including the				
15	photographs shall be marked as Applicant's				
16	Exhibit Number One for the record.				
17	MR. GALLAGHER: If the board would like I				
18	could leave these color enhanced documents as				
19	well Mr. Avrutine.				
20	MR. MOHR: Do you need these for the				
21	record?				
22	MR. AVRUTINE: No, we have no room for				
23	them.				
24	MR. GALLAGHER: If you need them I have				

them. 1 MR. MOHR: Any questions? MR. LEBEDIN: I just have observation. 3 also own a home in Harbor Ridge. I appreciate 4 you're saying you're not in any way modifying 5 the footprint and given the design of the 6 existing homes the design works with the surroundings homes. 8 9 The way I see is that a house that 10 currently exists there was presumably designed with a footprint the neighborhood that still 11 12 meets the requirements of the village, right. So what you're asking for now effectively 13 is taking that same footprint going to the 14 second floor which then effectively exceeds 15 requirements of the village. 16 17 You may claim that there is no real issues surrounding that. And the way I see we are now 18 19 establishing a precedent which basically now 20 enables anybody else to who is building a home in the village to ask for a relief with no 21 22 compromising issues. 2.3 You don't have seem to be any issues other 24 than the fact the square footage of the property doesn't accommodate the square footage of the house. That's the challenge I think we have as a board.

You know I'm very conscious of the fact that when we establish a decision here how do we defend that when other people make presentations to us without any compromising any issue surrounding the particular plan.

Help me with how do I get over that?

MR. GALLAGHER: Well each one of those as we know each one of those applications has to be measured on its own merit. I believe this application has been sympathetic to that because we haven't made the house wider.

We haven't made encroached any closer to the street. And we are — the height of the house, you know, the only relief that we're seeking is the overall square footage. We haven't made the scale of the house taller than its 31 feet and change where 35 is permitted.

So we haven't made any other we haven't encroached or encroached on anything else. We haven't sought any other relief other than those three for the three reasons I suggested with

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respect to the square footage. And one of them is just essential air space on the second floor.

MR. LEBEDIN: But sheer size of the house is larger as you drive through the community this house is going to be larger than everything else there presumably because I have no reason to believe that the other houses haven't met requirements of the village.

MR. GALLAGHER: I don't know the circumstances surrounding.

MR. LEBEDIN: Well you showed us other pictures, the houses, do you know if those conform to guidelines of the village. I have no reason to believe that they are not.

MR. GALLAGHER: The purpose of those was to demonstrate, you know, the styling and the scale. I don't think there is one house in there in particular traditional style house it's rather large in scale as well. I presume it's on a two-acre lot. I'm not sure if the lots larger or not, but as I said, the only other thing I can say to that is, speak to that is this would be the same elevation if I did this house, designed this house as of right with

1 respect to the gross floor area. So this is what you would see from the street. So it wouldn't change the character of 3 the neighborhood. So in that regard that's it. 4 I mean, that's it. 5 MR. MOHR: Any other questions from the 6 7 board. MR. AVRUTINE: Want to open it the public? 8 9 MR. MOHR: Neighbor from the public wants 10 to speak on this application at this time. Your name and address for the record 11 12 please. MR. STANCO: Les Stanco. I reside at 92 13 Broad Hollow Road, Old Brookville, New York. 14 I'm one of Vince Amatos closest friends and 15 also a builder. I was at Harbor Ridge in the 16 17 beginning when the Horowitz family developed it. And on board I was partners with David Shothan 18 19 for many years. The current house that's there 20 now at 38 is a somo contemporary and it is -- we 21 repaired it as much as we can. The roof system, you know, the flat rooves, 22 2.3 the para pit walls, back is all rotted out. 24 mean, it's really, really, really bad shape.

1 Really bad shape. And it's a dated home. very dated type of home. As you're looking at the house, the house to the left is a very large 3 It was built, renovated, and know it was 4 a brand new house, very big, bigger than what 5 we're doing here. Much bigger. So what I could 6 7 see from my visual. 8 So I think enhances the community. Get rid 9 of that contemporary, tired-looking home with 10 the glass block with the round walls. It's an 80's look. It was built I think in '87, '88. 11 12 MR. GALLAGHER: Late 80's. 13 MR. STANCO: That's pretty much the reason and motivation. His wife loves the community 14 15 and they want to stay there. I had said we 16 could build someplace else. She loves it. 17 wants to stay there. The backyard is beautiful. He got rid of the tennis court, getting rid of 18 19 everything else in the back. It's pretty much 20 the reason why he's doing this. 21 MR. AVRUTINE: Thank you, sir. Hopefully this is in a brief 22 MR. MURPHY: 2.3 summation. The concern that you have expressed

is same concern I had when this matter first

came before me. And after looking at and considering the various drawings and the reason for such, the conclusion that I had reached was that this is albeit self-serving declaration nonetheless, I did struggle with such.

And the conclusion that I reached is that although every decision that this board makes and every board zoning appeals decision that's made, always concern with regard to precedent because if you're going to approve something you're changing the code as it relates to that particular application, but I think what's really controlling here for this particular application is that there is no visual differential with regard to the relief that's being sought.

In fact, if the applicant which should be coming forward wanting to change the code as it relates to their particular property visual differential I think is important, and in this instance for the reasons that Mr. Gallagher has presented, there is no visual differential.

MR. LEBEDIN: That's not true. I thought the back was going to come in. I thought the

1	house was going to be smaller.			
2	MR. GALLAGHER: Pull back wall in a foot			
3	cut about ten feet off the garage.			
4	MR. MURPHY: Visual from the street.			
5	MR. MOHR: From the street.			
6	MR. MURPHY: When you're driving by, with			
7	all due respect, this community is one of the			
8	finest as far as I'm concerned. Many years I			
9	have been living here. In terms of luxury homes			
10	that would be fitting for this village, I would			
11	say Vista every home there is really quite			
12	luxurious and quite special.			
13	And I don't think, with all due respect,			
14	that anyone driving along Vista is going to see			
15	any difference between this home if approved by			
16	this board and any of the other homes up and			
17	down Vista Drive. Thank you.			
18	MR. MOHR: Any other questions from the			
19	public? Comments?			
20	MR. AVRUTINE: Motion to close the public			
21	hearing?			
22	MR. PARZIALE: Motion to close.			
23	MR. AVRUTINE: Member Parziale.			
24	Second.			

1	MS. KAUFMAN: Second.			
2	MR. AVRUTINE: Member Kaufman.			
3	All in favor.			
4	(Board says aye.)			
5	MR. AVRUTINE: Let the record reflect this			
6	application type two under New York State			
7	Environmental Quality Review Act, any motion on			
8	the application?			
9	MR. PARZIALE: I would make a motion to			
10	pass the application.			
11	MR. AVRUTINE: Motion to approve by member			
12	Parziale. Do we have a second on that?			
13	MR. MOHR: I will second the motion.			
14	MR. AVRUTINE: By Chairman Mohr.			
15	Shall I poll the board?			
16	We'll do that.			
17	Member Parziale?			
18	MR. PARZIALE: Yes.			
19	MR. AVRUTINE: Member Lebedin?			
20	MR. LEBEDIN: Abstain.			
21	MR. AVRUTINE: Member Kauffman?			
22	MS. KAUFMAN: I'm going to abstain as well.			
23	MR. AVRUTINE: Member Mohr?			
24	MR. MOHR: Yes.			

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1	MR. AVRUTINE: Unfortunately it does not			
2	pass because we do not have majority.			
3	So that is unfortunately the result.			
4	MR. MURPHY: I'm sorry.			
5	MR. AVRUTINE: It was two members voted			
6	yes. Two abstained. So it did not pass.			
7	MR. MURPHY: I understand that. Sadly I			
8	understand that. Thank you.			
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