INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING APPEALS
March 19, 2019
7:30 p.m.

HEARINGS -
ZV6-2018: Amato
Variance is needed for floor area ratio

PRESENT:
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

MR. AVRUTINE: Next hearing ZV6-2018.
Public hearing on the appeal and application of Vincent J. Amato to construct a new principal dwelling 38 Vista Drive with a maximum permitted floor area is greater than 0.09 in violation of section 145-5D4 of the Village Code . 1032 is proposed.

The property is designated as section 25, block 64, lot 17 on the land and tax map of Nassau County.

Exhibits in connection with this hearing are as follows: First notification from the Nassau County Planning Commission dated December 17, 2018. That the matter is referred to the Laurel Hollow Board of Zoning Appeals to take action as it deems appropriate.

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

The next exhibit is affidavit of posting from Nick Porcaro that the legal notice was posted conspicuously on the bulletin board at the main entrance of the Village Hall on March 8, 2019.

The next exhibit is an affidavit of
publication stating that the legal notice was published in the North Shore Leader on March 6, 2019.

The next exhibit is an affidavit from the deputy clerk stating that the notice of public hearing was mailed to interested parties on February 28, 2019.

The next exhibit documents confirming that the notice of public hearing was published to the Village of Laurel Hollow website and sent to village website NEWS subscribers on March 4. 2019.

Next exhibit consists of affidavit of mailing from the applicants indicates that the notice of public hearing was mailed on March 1, 2019, to the individuals set forth in the affidavit.

And the final exhibit construction drawings with elevations prepared by Gallagher, Homburger, Gonzalez, Architects, PLLC, dated 11/1/2018.

Is there a representative here on behalf of the applicant.

Mr. Murphy, always a pleasure.

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.
MR. GALLAGHER: Gary Gallagher, architectural firm of GHG Architects in Huntington, New York, 91 Prospect Street.

If I may, just I'd like to hand out some things. These are packets. Some of these items you have in the original submittal. I will just run through them quickly, but I will enhance the presentation, if I may -- if I may come up.

I think I have enough for everyone. Okay. I will just run through these quickly as I proceed through the presentation this will help.

The first it's series of 10 documents. The first document is a copy of the radius map in black and white.

Second one is copy of the radius map in color. The reason for that is it's just a little bit easier to read the addresses and the names in the black and white version as it is in the color as opposed to the color.

Now the color version it's easier to see the improvements on the property including the existing foliage and so forth. The next two 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
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
place, Laurel Hollow. This is an enhanced size. 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 room. There is a dining room. There is a 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
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 --
three-car garage is not unusual in this marketplace.

So with that I take out approximately 233 square feet. I have also then looked at reducing the height of the two-story space in the living room and the great room, living room and the dining room.

We have counted that space twice. On the first floor we have counted it once. And second floor we've counted it in full. But on the second floor it's just air.

So when I looked -- what I looked at doing leave the plan the same, just dropping that ceiling down to 13,14 feet rather than the two-story at the height of the second story. And then the last thing I did was I looked to taking one foot across the back of the house first floor and second floor.

MR. MOHR: What is the differential when you drop it?

MR. GALLAGHER: The sum total of 504 and 285 so 789 square feet. Then last thing I looked at from the end of the garage to the back of the bedroom number five at the first floor
and in corresponding location above it, I have taken off one foot over the back of the house. And that representing an additional 91 and 87 so it's 178, yeah 178.

And then the first number I gave you was 233. So when you add it all it comes out 12 hundred square feet. Okay. So 12 hundred square feet exceeds that 1149 that we're over in our design. So why am I doing that?

Well this elevation would not change. This elevation would remain the same if I were to do the plan as basically make these reductions. So the width of the house wouldn't change. The height of the house wouldn't change. Anything that's visible from the street passersby wouldn't change.

So with that we don't feel what we're asking for the benefits to the applicant impose anything to the neighborhood that throws it out of scale. So with that I don't know if you want to --

MR. MURPHY: Go ahead. You're doing great.
MR. GALLAGHER: Okay. I'll keep going.
MR. AVRUTINE: Just for my edification,

Mr. Gallagher, if you have it handy, the portion of the overage that the volted ceiling on the second floor counts for was that number 700. MR. GALLAGHER: That was -- let me -- let me double check. It was 12 hundred. That was 789.

MR. AVRUTINE: So it's fair to say then and that's in the actual floor space, usable floor space, although it does count towards your floor area calculations. So if you didn't count that or what then would be the overage of actual usable floor space.

MR. GALLAGHER: Difference between 12 hundred and 789 so it's what that 12 hundred and change. Excuse me a few hundred.

MR. PARZIALE: Which 12 hundred something, what's the garage? And one width foot off the back of the house.

MR. GALLAGHER: 238 and 178 sum total yeah around a little over 400.

MR. AVRUTINE: Thank you.
MR. GALLAGHER: I forgot where I was. Give me a minute. So as I said, this illustration 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 outweigh any potential detriment to the community.

So if there is any -- that pretty much concludes what I have to say. I don't know if, Mr. Murphy, if there is anything I can answer for the board.

MR. AVRUTINE: Mr. Murphy, do you have anything further?

MR. MURPHY: I just want to summarize village 1277B with regard to the application of that board dwelling as Gary mentioned benefit of the application versus detriment, there is no adverse impact.

Based upon what's been presented so far this evening, we submit with regard to having an adverse impact on the physical environmental conditions of the property of the neighborhood, no undesirable change in the neighborhood.

And taking within the context of the numbers we have been speaking about with respect to these numbers don't constitute what's otherwise deemed to be substantial.

In terms of item number five of 7712 with
regard to self-created hardship, obviously it is because we designed a new home, but as the board knows well, such is not necessarily a negative detriment with regard to reaching your conclusion weighing benefit versus the detriment.

MR. MOHR: Thank you. We appreciate the very thorough application. It was very helpful because we went to the site without elevation it was very difficult to render exactly what we're going to transpire.

Just seeing from the site plan form.
MR. AVRUTINE: I would just like to put on record that the ten-page document including the photographs shall be marked as Applicant's Exhibit Number One for the record.

MR. GALLAGHER: If the board would like I could leave these color enhanced documents as well Mr. Avrutine.

MR. MOHR: Do you need these for the record?

MR. AVRUTINE: No, we have no room for them.

MR. GALLAGHER: If you need them I have
them.
MR. MOHR: Any questions?
MR. LEBEDIN: I just have observation. I also own a home in Harbor Ridge. I appreciate you're saying you're not in any way modifying the footprint and given the design of the existing homes the design works with the surroundings homes.

The way I see is that a house that currently exists there was presumably designed with a footprint the neighborhood that still meets the requirements of the village, right.

So what you're asking for now effectively is taking that same footprint going to the second floor which then effectively exceeds requirements of the village.

You may claim that there is no real issues surrounding that. And the way I see we are now establishing a precedent which basically now enables anybody else to who is building a home in the village to ask for a relief with no compromising issues.

You don't have seem to be any issues other 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
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
respect to the gross floor area.
So this is what you would see from the street. So it wouldn't change the character of the neighborhood. So in that regard that's it. I mean, that's it.

MR. MOHR: Any other questions from the board.

MR. AVRUTINE: Want to open it the public?
MR. MOHR: Neighbor from the public wants to speak on this application at this time.

Your name and address for the record please.

MR. STANCO: Les Stanco. I reside at 92 Broad Hollow Road, Old Brookville, New York.

I'm one of Vince Amatos closest friends and also a builder. I was at Harbor Ridge in the beginning when the Horowitz family developed it. And on board I was partners with David Shothan for many years. The current house that's there now at 38 is a somo contemporary and it is -- we repaired it as much as we can.

The roof system, you know, the flat rooves, the para pit walls, back is all rotted out. I mean, it's really, really, really bad shape.

Really bad shape. And it's a dated home. It's very dated type of home. As you're looking at the house, the house to the left is a very large home. It was built, renovated, and know it was a brand new house, very big, bigger than what we're doing here. Much bigger. So what I could see from my visual.

So I think enhances the community. Get rid of that contemporary, tired-looking home with the glass block with the round walls. It's an 80's look. It was built I think in '87, '88.

MR. GALIAGHER: Late 80's.
MR. STANCO: That's pretty much the reason and motivation. His wife loves the community and they want to stay there. I had said we could build someplace else. She loves it. She wants to stay there. The backyard is beautiful. He got rid of the tennis court, getting rid of everything else in the back. It's pretty much the reason why he's doing this.

MR. AVRUTINE: Thank you, sir.
MR. MURPHY: Hopefully this is in a brief 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
house was going to be smaller.
MR. GALLAGHER: Pull back wall in a foot cut about ten feet off the garage.

MR. MURPHY: Visual from the street.
MR. MOHR: From the street.
MR. MURPHY: When you're driving by, with all due respect, this community is one of the finest as far as I'm concerned. Many years I have been living here. In terms of luxury homes that would be fitting for this village, I would say Vista every home there is really quite luxurious and quite special.

And I don't think, with all due respect, that anyone driving along Vista is going to see any difference between this home if approved by this board and any of the other homes up and down Vista Drive. Thank you.

MR. MOHR: Any other questions from the public? Comments?

MR. AVRUTINE: Motion to close the public hearing?

MR. PARZIALE: Motion to close.
MR. AVRUTINE: Member Parziale.
Second.

MS. KAUFMAN: Second.
MR. AVRUTINE: Member Kaufman.
All in favor.
(Board says aye.)
MR. AVRUTINE: Let the record reflect this application type two under New York State Environmental Quality Review Act, any motion on the application?

MR. PARZIALE: I would make a motion to pass the application.

MR. AVRUTINE: Motion to approve by member Parziale. Do we have a second on that?

MR. MOHR: I will second the motion.
MR. AVRUTINE: By Chairman Mohr.
Shall I poll the board?
We'll do that.
Member Parziale?
MR. PARZIALE: Yes.
MR. AVRUTINE: Member Lebedin?
MR. LEBEDIN: Abstain.
MR. AVRUTINE: Member Kauffman?
MS. KAUFMAN: I'm going to abstain as well.
MR. AVRUTINE: Member Mohr?
MR. MOHR: Yes.

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

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