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INCORPORATED VILLAGE OF LAUREL HOLLOW  
BOARD OF ZONING  
PUBLIC HEARING  
April 17, 2019  
7:30 p.m.

VILLAGE HALL  
1492 Laurel Hollow Road  
Syosset, New York 11791-9603

PRESENT:

RUSSELL MOHR, CHAIRMAN  
JEFFREY BLUMIN, MEMBER  
CINDY KAUFMAN, MEMBER  
VINCENT PARZIALE, MEMBER  
LOUIS LEBEDIN, MEMBER

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney  
JAMES ANTONELLI, Village Engineer

ALSO PRESENT:

BLADYKAS & PANETTA  
23 Spring Street  
Oyster Bay, New York  
BY: MICHAEL RANT, Architect

BUCCELLATO ZV4-2019 & ZS5-2019  
Hearing to install patios, retaining  
wall and outdoor kitchen

MARY ANNE COPPINS,  
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: The next public  
2 hearing is ZV4-2019 and ZS5-2019, the  
3 application of Michael Rant on behalf of  
4 Eugene and Mary Buccellato to install  
5 patios, retaining wall and outdoor  
6 kitchen at 143 Stillwell Lane where:

7 Accessory structure shall be set  
8 back at least 40 feet from every lot  
9 line not abutting the street as required  
10 by Section 145-(B)(2) of the Laurel  
11 Hollow Village Code. Proposed side yard  
12 setback for a lower patio is 35.6 feet;  
13 in addition, the disturbance of a steep  
14 slope and a very steep slope.

15 The property under application is  
16 also known as Section 14 Block 14 Lots  
17 19 and 20 on the Land and Tax Map of  
18 Nassau County.

19 The exhibits in connection with  
20 this hearing are as follows:

21 First: Notification from the  
22 Nassau County Planning Commission dated  
23 March 11, 2019 that the matter is  
24 deferred to the Laurel Hollow Board of  
25 Zoning Appeals to take action as it

1                   deems appropriate.

2                   The next exhibit is a copy of the  
3                   legal notice of public hearing dated  
4                   April 2nd, 2019.

5                   The next exhibit is the affidavit  
6                   of posting from Nick Porcaro that the  
7                   legal notice was posted conspicuously on  
8                   the bulletin board at the main entrance  
9                   of the Village Hall on April 5, 2019.

10                  The next exhibit is a copy of the  
11                  legal notice as published in the North  
12                  Shore Leader on April 10, 2019.

13                  The next exhibit is an affidavit  
14                  from the Deputy Village Clerk stating  
15                  that the notice of public hearing was  
16                  mailed to interested parties on April 5,  
17                  2019.

18                  The next exhibit consists of  
19                  documents confirming that the notice of  
20                  public hearing was published to the  
21                  Village of Laurel Hollow website and  
22                  sent to NEWS subscribers on April 5,  
23                  2019.

24                  And the final exhibit is the  
25                  affidavit of mailing from the applicant

1           indicating that the notice of public  
2           hearing was mailed on April 9, 2019 to  
3           the individuals set forth in the  
4           affidavit.

5           Mr. Rant, please start with your  
6           name and address.

7           MR. RANT: Michael Rant, Bladykas &  
8           Panetta, 23 Spring Street, Oyster Bay.

9           Good evening, Mr. Chairman, Members  
10          of the Board. My name is Michael Rant  
11          and I am here representing the owners of  
12          143 Stillwell Lane seeking approval for  
13          a slope land disturbance, as well as a  
14          variance for a proposed patio.

15          Currently, the home exists as a  
16          single-family dwelling. There is a  
17          slope in the front of the property. The  
18          home is situated in the center and there  
19          is a steep slope behind the home. The  
20          home, itself, is pushed fairly close to  
21          the steep slope, approximately 15 feet.  
22          So it really limits the amount of usable  
23          space behind the home.

24          What we are proposing to do is  
25          excavate a portion of the hillside area

1 to construct a small retaining wall so  
2 they can build a patio behind the home,  
3 really for entertaining.

4 I would like to submit for part of  
5 the record, I have a set of photographs  
6 of the property, a packet of three  
7 photographs. I have one for each Board  
8 Member.

9 MR. AVRUTINE: I'll take one.

10 This is a group of three  
11 photographs and we will mark this as  
12 Applicant's Exhibit Number 1.

13 MR. RANT: The first photograph in  
14 the packet is a photograph of the  
15 existing rear yard. It shows the rear  
16 of the dwelling and the existing slope.  
17 There is a good portion of that slope  
18 that is un-vegetated and that's really  
19 the area that is going to be disturbed.  
20 There are a number of trees in the rear  
21 and those will all remain. So we're  
22 looking at really only disturbing the  
23 area that is currently un-vegetated in  
24 order to create a patio space.

25 We feel that the disturbance of the

1 hillside in that area is minimal. By  
2 constructing a wall, that helps us limit  
3 our grading disturbance and the impact.

4 The entire project does only  
5 require removal of one tree. That tree  
6 is shown just to the north of the patio.

7 The second photograph is a  
8 photograph of the existing steps and  
9 walls, and wall, that currently exist to  
10 the west of the existing home.

11 It's a unique lot that previously  
12 there was a pool and patio in the front  
13 of the property. That was constructed  
14 by the previous owner. The pool itself  
15 has a side yard setback of 25 feet. The  
16 current owner, when they purchased the  
17 property they demolished and filled in  
18 the existing swimming pool, leaving a  
19 natural and flat area and that's where  
20 we are looking to put in a proposed  
21 lower patio.

22 So the goal, and you can see in the  
23 photograph, there is some dilapidated  
24 steps and retaining walls and stairs  
25 that are going to be rebuilt,

1                   essentially in the same orientation and  
2                   location, and a lower seating area that  
3                   is really there just for utilizing the  
4                   existing pond and a place to sit and to  
5                   enjoy the property and nature.

6                   The combination of space itself and  
7                   the patio space, again, that's really  
8                   meant for behind the home. So for  
9                   entertaining, the use of the outdoor  
10                  kitchen, that is behind the home to help  
11                  shield it from the neighboring property.  
12                  The lower patio is really sitting space  
13                  for the owners to enjoy their property  
14                  and enjoy the existing pond that is on  
15                  the property.

16                 Due to the orientation of the steps  
17                 and the stairs we are required a side  
18                 yard setback from that patio of 35.6  
19                 feet. It's an on-grade patio, it's a  
20                 minimal setback variance we are  
21                 requesting where 40 feet is required,  
22                 we're just under that, about 4  
23                 and-a-half feet that we're seeking a  
24                 variance for. It's really just due to  
25                 the orientation of the existing stairs,

1 steps and retaining wall and we feel  
2 that by granting the variance it will  
3 not have any adverse impact on the  
4 surrounding properties.

5 As I previously mentioned, this, I  
6 submit as part of the record, is a copy  
7 of the survey prepared by our office,  
8 Bladykas & Panetta, that was updated May  
9 of 2012 which shows a previously  
10 constructed swimming pool and patio in  
11 that same location. The pool itself had  
12 a setback of 25 feet to the side yard  
13 and the patio had a setback of  
14 approximately 20 feet. So we are much  
15 greater than what was previously there.

16 Again, due to the unique shape and  
17 topography of the property, we feel that  
18 the proposed amenities will not cause  
19 any adverse impact to the neighboring  
20 properties.

21 MR. AVRUTINE: I would like to just  
22 put this into the record, if I may.

23 This is a copy of, it states:

24 Map of property situated at  
25 Syosset, Nassau County, referencing



1 Section 14 Block 14 Lots 19 and 20, and  
2 the date on it is August 12, 1997,  
3 updated on May 10, 2012. And it's been  
4 marked as Applicant's Exhibit Number 2.

5 Thank you.

6 MR. RANT: Again, that survey shows  
7 the location of the previous pool and  
8 patio.

9 The third photograph in the packet  
10 shows a view of the west property line  
11 from our standing at the existing pond  
12 looking to the west. You can see there  
13 is a row of evergreen screening. There  
14 is no visual impact. You do not see the  
15 neighboring property from that location.  
16 We feel that the on-grade patio will not  
17 cause any adverse impact.

18 I spoke with the neighbor of 171  
19 Stillwell Lane. One of his concerns was  
20 any visible view from the street.

21 There is an existing row of  
22 screening at the existing lawn area  
23 which is to be maintained. If  
24 additional screening is necessary to,  
25 obviously, block any view, if the

1 homeowners want their privacy from  
2 Stillwell Lane and other residents on  
3 Stillwell Lane that would be screened  
4 from the property. So if it is  
5 necessary, the owner would be amenable  
6 to add some additional screening in any  
7 open areas to help block the view.

8 Part of this application is that  
9 we're providing an entirely new drainage  
10 system which currently does not exist on  
11 the property. Currently, all of the  
12 runoff on the hillside area flows down  
13 onto Stillwell Lane.

14 We will be collecting all of our  
15 runoff on site. We have a series of  
16 catch basins and natural low points that  
17 would collect and contain all of the  
18 runoff. So I feel that from a drainage  
19 standpoint this plan will be a vast  
20 improvement over the existing  
21 conditions.

22 Any questions from the Board, I  
23 would be happy to answer them.

24 CHAIRMAN MOHR: Before we have any  
25 questions from the Board, let's see if

1 Mr. Antonelli has any comments.

2 I know you have a letter for the  
3 record, as well.

4 MR. ANTONELLI: Thank you.

5 Just so everybody is aware, the  
6 rear of the property is much higher than  
7 the house and just scaling off of the  
8 plan that is provided with topographic  
9 information, within 15 feet of the rear  
10 of the house you are into the regulated  
11 slope area. So, regardless of -- just  
12 the way I look at it -- regardless of  
13 what they're trying to do there would be  
14 a requirement to disturb the slopes.

15 That proposed patio behind the  
16 house is not within the regulated slope  
17 area. I think maybe a corner of it  
18 might clip it. They're putting in a  
19 retaining wall and some grading further  
20 up the slope that would be within  
21 regulated slope land.

22 But then, the series of proposed  
23 patios, as you're moving toward the  
24 front of the property and toward  
25 Stillwell, they are not within the

1 regulated slope area, but the walkways  
2 in between the stairways are. So it's  
3 an odd combination of things that we're  
4 looking at.

5 Most of the improvements are on the  
6 flatter areas. The way it's going to be  
7 terraced, ultimately, would disturb some  
8 of the slopes, but not for the actual  
9 improvements themselves. It's for  
10 grading and stairways and retaining  
11 walls.

12 I did review grading and drainage  
13 and it certainly meets the Village's  
14 standards, so I have no issues with  
15 those.

16 MR. AVRUTINE: Mr. Antonelli, would  
17 you be able to say that for what is  
18 proposed here the slope intrusion is  
19 minimized to the maximum extent?

20 MR. ANTONELLI: I think it is,  
21 given the retaining wall in the rear.  
22 But just to make grade and to taper from  
23 the stairways out to the east and west,  
24 there has to be some disturbance, and I  
25 think it has been limited as much as

1 possible.

2 MR. AVRUTINE: Thank you.

3 MR. ANTONELLI: That is given that  
4 they are going to build patios on.

5 MR. AVRUTINE: Of course.

6 CHAIRMAN MOHR: Anything else?

7 MR. ANTONELLI: Nothing else at  
8 this time.

9 CHAIRMAN MOHR: Any comments from  
10 the Board?

11 (No response.)

12 Any questions?

13 MEMBER PARZIALE: What are you  
14 going to be doing with excess soil that  
15 is going to excavated?

16 MR. RANT: Excess soil would be  
17 removed from site.

18 CHAIRMAN MOHR: I believe that on  
19 Stillwell, and you are within the -- it  
20 is fairly wooded on the edge of the  
21 property here, what is it, the west  
22 side?

23 MR. RANT: Yes.

24 CHAIRMAN MOHR: I would suggest  
25 some additional plantings, as you did

1 offer.

2 MR. RANT: Sure.

3 CHAIRMAN MOHR: In the front of the  
4 patio and the side of the building, on  
5 the side of the property.

6 MR. AVRUTINE: Can we specify?

7 CHAIRMAN MOHR: Evergreens.

8 MR. AVRUTINE: But in terms of  
9 where?

10 CHAIRMAN MOHR: South side of the  
11 property between the lower patio and  
12 Stillwell Road for screening, as well as  
13 on the east side of the -- west side of  
14 the property to screen the patio that is  
15 in the setback.

16 MEMBER PARZIALE: Are you doing  
17 additional drainage?

18 MR. RANT: Yes. We are adding  
19 grading dry wells that will contain all  
20 the runoff from the patio and disturbed  
21 areas, as well as any tributary areas.

22 CHAIRMAN MOHR: This is a brand new  
23 drainage system that is currently not  
24 existing on site. There was a pool in  
25 this location, correct?

1 MR. RANT: Correct.

2 CHAIRMAN MOHR: What is the site  
3 currently as it exists? There is no  
4 pool?

5 MR. RANT: No, just grass.

6 The second photograph shows the  
7 area where the existing swimming pool  
8 used to be.

9 CHAIRMAN MOHR: Any other questions  
10 from the Board?

11 (No response.)

12 Are there any questions from the  
13 public?

14 (No response.)

15 MR. AVRUTINE: Motion to close the  
16 hearing, please.

17 MEMBER KAUFMAN: So moved.

18 MR. AVRUTINE: By Member Kaufman.  
19 Second?

20 MEMBER BLUMIN: Second.

21 MR. AVRUTINE: Second by Member  
22 Blumin.

23 All in favor?

24 MEMBER KAUFMAN: Aye.

25 MEMBER BLUMIN: Aye.

1 MEMBER PARZIALE: Aye.

2 MEMBER LEBEDIN: Aye.

3 CHAIRMAN MOHR: Aye.

4 MR. AVRUTINE: We will handle the  
5 variance application first, if that's  
6 acceptable.

7 With respect to the application for  
8 the variance, let the record reflect  
9 that this matter is Type II under the  
10 New York State Environmental Quality  
11 Review Act.

12 Do we have a motion on the  
13 application for the variance?

14 MEMBER LEBEDIN: So moved.

15 MR. AVRUTINE: Motion to approve,  
16 that is by Member Lebedin.

17 MEMBER PARZIALE: I'll second it.

18 MR. AVRUTINE: Second by Member  
19 Parziale.

20 And this is the motion with the  
21 condition for additional screening as  
22 set forth previously. That is on the  
23 southerly portion of the premises and  
24 the westerly portion of the premises.

25 Will those be evergreens?



1                   What will the height of those be?  
2                   Do you want make them 8-to-10-feet at  
3                   planting?

4                   CHAIRMAN MOHR:   Yes.

5                   MR. AVRUTINE:     That's the motion.  
6                   We have a second, all in favor?

7                   MEMBER KAUFMAN:   Aye.

8                   MEMBER BLUMIN:    Aye.

9                   MEMBER PARZIALE:  Aye.

10                  MEMBER LEBEDIN:  Aye.

11                  CHAIRMAN MOHR:  Aye.

12                  MR. AVRUTINE:     Now, we will  
13                  address the slope relief application.

14                  I need a motion to have the Board  
15                  declare itself the lead agency under the  
16                  New York State Environmental Quality  
17                  Review Act.

18                  CHAIRMAN MOHR:   Motion.

19                  MR. AVRUTINE:     Motion by Chairman  
20                  Mohr.

21                  Do we have a second?

22                  MEMBER KAUFMAN:   Second.

23                  MR. AVRUTINE:     Second by Member  
24                  Kaufman.

25                  MR. AVRUTINE:     All in favor?

1 MEMBER KAUFMAN: Aye.

2 MEMBER BLUMIN: Aye.

3 MEMBER PARZIALE: Aye.

4 MEMBER LEBEDIN: Aye.

5 CHAIRMAN MOHR: Aye.

6 MR. AVRUTINE: Now, we need a  
7 motion to declare the matter unlisted  
8 under the New York State Environmental  
9 Quality Review Act.

10 CHAIRMAN MOHR: Motion.

11 MR. AVRUTINE: By Chairman Mohr.

12 May I have a second?

13 MEMBER LEBEDIN: Second.

14 MR. AVRUTINE: Second by Member  
15 Lebedin.

16 All in favor?

17 MEMBER KAUFMAN: Aye.

18 MEMBER BLUMIN: Aye.

19 MEMBER PARZIALE: Aye.

20 MEMBER LEBEDIN: Aye.

21 CHAIRMAN MOHR: Aye.

22 MR. AVRUTINE: Mr. Antonelli, can  
23 you please provide your analysis of the  
24 environmental assessment form and your  
25 New York State Environmental Quality

1 Review Act recommendation.

2 MR. ANTONELLI: Yes, thank you.

3 The applicant submitted a SEQRA  
4 short form which is what is required for  
5 an unlisted action. I did review that,  
6 of course, I reviewed the plans. And  
7 subsequent to that, I completed the Part  
8 2 on behalf of the lead agency, Part 2  
9 of the impact assessment form, and I  
10 have concluded that the action will not  
11 result in any significant adverse  
12 environmental impact and I have prepared  
13 the form for the Board's signature.

14 MR. AVRUTINE: Thank you, Mr.  
15 Antonelli.

16 Are you prepared, at this time, to  
17 recommend to the Board they adopt a  
18 negative declaration under SEQRA to the  
19 extent that that will indicate that this  
20 project will not have a negative impact  
21 upon the environment?

22 MR. ANTONELLI: Yes, I am.

23 MR. AVRUTINE: Thank you.

24 Based upon that, may I have a  
25 motion to adopt a negative declaration

1 under the New York State Environmental  
2 Quality Review Act in connection with  
3 the slope relief requested.

4 CHAIRMAN MOHR: Motion.

5 MR. AVRUTINE: That is by Chairman  
6 Mohr.

7 May I have a second.

8 MEMBER PARZIALE: Second.

9 MR. AVRUTINE: Second by Member  
10 Parziale.

11 All in favor?

12 MEMBER KAUFMAN: Aye.

13 MEMBER BLUMIN: Aye.

14 MEMBER PARZIALE: Aye.

15 MEMBER LEBEDIN: Aye.

16 CHAIRMAN MOHR: Aye.

17 MR. AVRUTINE: Now, a motion on the  
18 application.

19 MEMBER PARZIALE: I make a motion.

20 MR. AVRUTINE: Motion to approve by  
21 Member Parziale.

22 MEMBER KAUFMAN: Second.

23 MR. AVRUTINE: Second by Member  
24 Kaufman, with the same conditions as the  
25 variance application, I won't repeat

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them.

All in favor?

MEMBER KAUFMAN: Aye.

MEMBER BLUMIN: Aye.

MEMBER PARZIALE: Aye.

MEMBER LEBEDIN: Aye.

CHAIRMAN MOHR: Aye.

MR. AVRUTINE: Slope application is approved with the same conditions as were imposed in connection with the variance relief.

MR. RANT: 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.

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Mary Anne Coppins

Court Reporter