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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:

MURPHY & LYNCH, ESQS.
1045 Oyster Bay Road
East Norwich, New York
BY: JAMES MURPHY, ESQ.

JACOBSON ZV6-2019
Hearing to maintain accessory structures
at 1314 Ridge Road

MARY ANNE COPPINS,
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: This is the public
2 hearing on the application of ZV6-2019,
3 the public hearing on the appeal and
4 application of James Murphy on behalf of
5 David and Kristina Jacobson to maintain
6 accessory structures at 1314 Ridge Road
7 where:

8 One: The existing accessory
9 structures are not set back at least 40
10 feet from every lot line not abutting a
11 street as required by Section 145-(B)(2)
12 of the Laurel Hollow Village Code.

13 Existing setbacks are as follows:

14 The generator rear yard setback is
15 13.5 feet. The frame shed side yard
16 setback is 20.6 feet. The frame shed
17 rear yard setback is 11.60 feet.

18 Secondly: An accessory building or
19 structure having a building area of more
20 than 500 square feet shall be set back
21 at least 50 feet from every lot line not
22 abutting a street as required by Section
23 145-5(B)(2) of the Laurel Hollow Village
24 Code. The existing side yard setback is
25 40.5 feet.

1 The property is also known as
2 Section 26 Block C Lots 254 and 256 on
3 the Land and Tax Map of Nassau County.

4 The exhibits in connection with
5 this hearing are as follows:

6 The first exhibit is the
7 notification from the Nassau County
8 Planning Commission dated March 26, 2019
9 stating that this matter is referred to
10 the Laurel Hollow Board of Zoning
11 Appeals to take action as it deems
12 appropriate.

13 The next exhibit is the legal
14 notice of public hearing dated April 2,
15 2019.

16 The next exhibit is an affidavit of
17 posting from Nick Porcaro that the legal
18 notice was posted conspicuously on the
19 bulletin board at the main entrance to
20 the Village Hall on April 5, 2019.

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

24 The next exhibit is an affidavit
25 from the Deputy Clerk stating that the

1 notice of public hearing was mailed to
2 other interested parties on April 5,
3 2019.

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

10 The final exhibit is an affidavit
11 of mailing from the applicant,
12 indicating that the notice of public
13 hearing was mailed on April 4, 2019 to
14 the individuals set forth in the
15 affidavit.

16 Mr. Murphy, good evening.

17 MR. MURPHY: Mr. Chairman, Members
18 of the Board. For the record my name is
19 James Murphy from the law firm of Murphy
20 & Lynch with offices in East Norwich,
21 New York. Our firm represents David and
22 Kristina Jacobson, current owners of the
23 subject property. In support of this
24 application this evening, also, is Mr.
25 Michael Rant who prepared this map which

1 is part of your application.

2 I would like to proceed in the
3 following fashion, if I may, and that
4 is: This is an application to maintain
5 three structures that have been
6 preexisting now for many, many years, a
7 garage, a stucco garage, a frame shed
8 and a generator.

9 Now, always interesting for a Board
10 to consider why an application is before
11 it with regard to the maintenance of
12 preexisting structures in terms of how
13 those structures become constructed
14 without getting Village approval, how
15 did this come about.

16 So let me try and give a little bit
17 of background in regard to such. Also,
18 I had a conversation just now with Mr.
19 & Ms. Bell who live to the northeast of
20 the subject property, Lot 2099. They
21 are also concerned about how did this
22 come to pass.

23 So let me try and provide some
24 background with regard to such.

25 In doing so, first, I would like to

1 discuss the two-car garage, stucco
2 garage, free standing, detached which is
3 one of the three structures we're
4 seeking to receive approval for the
5 maintenance of such.

6 In doing so, just again, this is an
7 overall.

8 This home was built by Mr. John
9 Kean back in 1996 and a Certificate of
10 Occupancy was issued in 1996 with regard
11 to such. I am going to introduce that
12 in a moment.

13 Before I do so, I'll just provide
14 an orientation photographically for the
15 Board, I would like to introduce the
16 following five photographs of this
17 two-story two-car garage detached.

18 MR. AVRUTINE: Now, we'll just put
19 this on the record.

20 It's a group of photographs. It's
21 five photographs with a cover sheet
22 which states David and Kristina
23 Jacobson, 1314 Ridge Road, Laurel
24 Hollow, Section 26, Lots 254 and 256,
25 detached stucco garage photographs.

1 That will be marked as Applicant's
2 Exhibit Number 1.

3 Do you happen to have an extra set
4 for the folks that are here?

5 MR. MURPHY: That's already done.

6 MR. AVRUTINE: Thank you.

7 MR. MURPHY: The next exhibit I
8 would like to introduce for the record
9 is the deed from Jeffrey and Vicky Nagel
10 dated October 3rd, 2018 into the current
11 owners, David and Kristina Jacobson.

12 MR. AVRUTINE: Let the record
13 reflect that a four-page document
14 entitled bargain and sale deed with
15 covenant as described by Mr. Murphy has
16 been marked as Applicant's Exhibit
17 Number 2.

18 MR. MURPHY: I introduce that to
19 you because I would like to mention that
20 there is a history of ownership with
21 regard to this property.

22 After the Kean Company constructed
23 this home in 1996, it was sold to Mr.
24 Jurick and his wife and they owned this
25 property up until 2011, at which time

1 garage with porchiere, swimming pool.

2 It was brought to the attention of
3 the Board that there is no mention in
4 this CO in 1997 of the free-standing
5 detached garage; but, rather, this is
6 the attached garage that is referred to
7 in the CO. So what seems to have taken
8 place is that something slipped through
9 the cracks with regard to the detached.

10 The next exhibit I would like to
11 introduce on the building plans, a
12 section of the building plans that are
13 presently on file with the Village which
14 are dated June 30, 1995. And the
15 building plans I just mentioned were
16 prepared by the architect Vincent
17 Gianbertone, G-I-A-N-B-E-R-T-O-N-E.

18 In his plans, the plans are quite
19 large, multi-paged, so I took a section
20 and copied such so that you would be
21 able to see that on that plan.

22 MR. AVRUTINE: Let the record
23 reflect that one sheet, which is a
24 portion of a plan as described by Mr.
25 Murphy, has been marked as Applicant's

1 Exhibit Number 4.

2 MR. MURPHY: And this Exhibit 4 is
3 part of the building permit plans that
4 are referred to in the CO. So that for
5 whatever reason what took place is --
6 and I think it probably was just a
7 typographical error, perhaps -- but
8 whatever, the detached garage which we
9 are now seeking approval had not been
10 included in the CO but was included on
11 the building plans that were filed in
12 support of that CO authorizing such.

13 The reason why we are before you
14 with regard to seeking to have this
15 existing structure maintained is that in
16 1996, 1997, when the plans were approved
17 and the CO was issued, the distance in
18 accordance with Section 145-22 of the
19 Code at that time required a distance of
20 only 40 feet. This structure, this
21 detached garage, is 40 and-a-half feet.
22 So that when the building permit
23 application was filed and the CO was
24 issued that garage was in conformance
25 with the Code in 1996.

1 Local Law 2001, 2004-1 provided
2 that the change, when an accessory
3 structure is 500 square feet or more the
4 side yard distance needs to be 50 feet,
5 no longer 40 feet.

6 As a consequence, we are here
7 before you this evening because this
8 garage needs to be 50 feet from the side
9 yard in accordance with the Code as of
10 2004. But when it was built and part of
11 the building plans it was 40 feet as
12 required.

13 It's an unusual fact pattern that
14 we have, but it is what it is.

15 Now, in further support that this
16 was a matter of public record, I would
17 like to introduce the following exhibit:

18 This is the Nassau County
19 Department of Assessment cards, two
20 pages. The pages I have taken the
21 liberty of putting page 2 first and
22 marked in pink.

23 The detached garage has been on the
24 assessment roles since 1996.

25 MR. AVRUTINE: Two-page document

1 described by Mr. Murphy, let the record
2 reflect, that is being marked as
3 Applicant's Exhibit Number 5.

4 MR. MURPHY: Obviously, Nassau
5 County has recognized this structure
6 being here since 1996.

7 The building plans which were
8 approved reflect it being in existence
9 since 1996.

10 We come before you with, literally,
11 with our hat in our hand asking for the
12 building for this structure to remain as
13 it has been so reflected on the building
14 plan.

15 Are there any questions related to
16 the garage because I would like to --

17 MR. AVRUTINE: How did this come to
18 your attention that you needed it?

19 What happened, exactly?

20 MR. MURPHY: Okay. I did not
21 represent either Mr. Nagel, the Nagel
22 family or the Jacobsons, but --

23 MR. AVRUTINE: Otherwise, you would
24 have picked this up.

25 MR. MURPHY: I would like to have

1 thought so.

2 Anyway, their respected counsel
3 asked me to be of assistance with regard
4 to this matter and it was generated
5 first literally by the generator, and
6 when they approached me collectively and
7 said the generator, which we'll be
8 talking to about next, is some 13
9 and-a-half feet off the southern
10 boundary line.

11 No one mentioned the garage, no one
12 mentioned the shed, because we are
13 talking about the shed, the garage and
14 the generator. They said we would like
15 to see if you can get Board approval for
16 the generator to be continued in its
17 present location.

18 Then when I came over to the
19 Village and started looking around, I
20 said, okay, guys, there is more trouble
21 here than just simply the generator.
22 You have side yard and rear yard
23 violations with regard to the shed and
24 you have the stucco garage. There is no
25 CO for the stucco garage.

1 So that's how that came about with
2 regard to -- came to our attention.

3 MR. AVRUTINE: The generator was
4 also existing, though?

5 MR. MURPHY: The generator has been
6 existing for many years.

7 MR. AVRUTINE: How did that come to
8 pass?

9 CHAIRMAN MOHR: They came to you
10 and said we want you to legalize the
11 generator?

12 MR. MURPHY: Yes, then I opened --

13 CHAIRMAN MOHR: Are they making an
14 application for a building permit for
15 something?

16 MR. MURPHY: Yes. So we filed a
17 building permit application for a
18 generator; also, for the garage because
19 there is no CO.

20 MR. AVRUTINE: I think the question
21 that we're asking is how did it come to
22 your client's attention that they needed
23 to apply for all of these things in the
24 first place, since they have been there
25 for an extended period of time?

1 CHAIRMAN MOHR: October of '18.

2 MR. MURPHY: No, no, no, if I may.

3 Last October, October '18 was the
4 closing. At the closing, it was brought
5 to the attention of whomever, I wasn't
6 there, but said listen, you've got a
7 problem with the generator. There is no
8 CO for the generator and there has to be
9 a rear yard setback, it has to be 40
10 feet away and it happens to be 39 feet.

11 MR. AVRUTINE: Understood. So then
12 they applied for the generator and the
13 rest of it came through.

14 MR. MURPHY: So they applied for
15 the generator and then they contacted me
16 and said, okay, it's a generator and I
17 said it's more than just a generator,
18 guys. That's how that came about, the
19 generator was the triggering event.

20 MR. AVRUTINE: I understand.

21 MR. MURPHY: So let me talk about
22 the generator for a moment, if I might.
23 If there are no further questions, at
24 this point in time, you may wish to
25 withhold your questions until I cover

1 all three structures.

2 I would like to introduce five
3 photographs of the generator as taken
4 from various locations, five photographs
5 as one exhibit.

6 MR. AVRUTINE: Let the record
7 reflect that the generator photographs
8 will be marked as Applicant's Exhibit
9 Number 6.

10 MR. MURPHY: One of the first
11 questions that I was asked with regard
12 to the generator is how long has it been
13 there. I asked Mr. Nagel who has been
14 there since 2011. He said it's been
15 there since I purchased it. Why it
16 wasn't picked up at that time, I don't
17 know, but whatever, and it's been there
18 many years prior to that. He doesn't
19 know how many years prior to that, but
20 it was installed by the Juricks and the
21 Juricks sold it to the Nagels in 2011
22 and the generator was there.

23 The photographs of the generator
24 indicate that it's long-in-tooth in
25 terms of age, how long no one seems to

1 know.

2 We have not been able to contact
3 Mr. Jurick who put the generator in as
4 to when he put it in, but sometime prior
5 to 2011, but it's there a long time.

6 It's not easy to locate because
7 when I went out to the property when I
8 was first contacted for representation,
9 I didn't have a survey yet and I
10 couldn't find the generator.

11 I walked around the entire house.
12 I said where is the generator. I asked
13 one of the workmen because the Jacobsons
14 haven't moved in yet. They're planning
15 on moving in hopefully in May. They're
16 still doing a lot of work at the home
17 and they're finishing up, I think
18 they're probably optimistic with regard
19 to such. In any event, May is what they
20 wanted.

21 MR. AVRUTINE: Permit for?

22 MR. MURPHY: So I said, guys, where
23 is the generator, oh, behind the bushes,
24 so...

25 MR. AVRUTINE: Mr. Murphy, I just

1 want to clarify for record, the work
2 they are doing presently, they have a
3 permit for that?

4 MR. MURPHY: They do.

5 So, I then went behind the
6 generator and tried to take photographs
7 looking south, but it happens to be in
8 the woods, like I can take photographs
9 of trees and bushes but that's not
10 helpful to you.

11 When I talk about the shed, I did
12 take a photograph from the Kornberg
13 property looking north. When I
14 introduce the frame shed photographs,
15 you will see there is no way you can see
16 anything north of the boundary line of
17 the Kornberg property.

18 I have, actually, very little more
19 in support of the generator, other than
20 it's been there for a long time. Mea
21 culpa in terms of it should have been
22 applied for when it was constructed and
23 it wasn't.

24 In terms of visibility, one can't
25 see it and in terms of the piping to

1 support the house it's a propane tank,
2 and the propane tank is located to the
3 west of the generator. It is what it is
4 and literally -- not literally, but
5 metaphorically, we fall on our sword as
6 to whether this generator that has been
7 there for decades can stay there.

8 MEMBER LEBEDIN: I understand there
9 is no easy visibility. Have you had any
10 complaints to the noise?

11 MR. MURPHY: Excuse me?

12 MEMBER LEBEDIN: Consistent with
13 your view, it's an old generator,
14 probably uses a lot of noise. Maybe
15 runs -- it probably usually runs once a
16 week to keep the oil going. Has anyone
17 complained about the noise that this
18 thing generates?

19 MR. MURPHY: Not that I am aware
20 of; however, we may have some insight on
21 that in a few minutes, hopefully, in a
22 few more minutes, because the Bells are
23 here who live, as I stated, on Trevor
24 Court to the east of the subject
25 property. They have lived there for

1 many decades and they are more than
2 capable of stating their position with
3 regard to such.

4 I won't be presumptuous enough to
5 state their position, but the generator,
6 as I said, is what it is and we are
7 before you accordingly.

8 MEMBER PARZIALE: Is that generator
9 fed from a propane tank?

10 MR. MURPHY: Yes. As I said, this
11 should have been done 20, 30 years ago.
12 It wasn't. Why? I don't know.

13 With regard to the shed, the shed
14 in at the southeast corner of the
15 property. It is 210 square feet in
16 size. It violates both the side yard by
17 20 feet; again, 40 feet is required, as
18 you know. The rear yard requires 40
19 feet and it's 11 and-a-half feet off the
20 south line.

21 I would like to introduce five
22 photographs of the shed.

23 MR. AVRUTINE: Let the record
24 reflect that the document identified as
25 shed photographs is being marked as

1 Applicant's Exhibit Number 7.

2 MR. MURPHY: I would like to, with
3 regard to that photograph, circling back
4 for a moment, I would like to draw your
5 attention to photograph number 5, which
6 I took south of the subject property
7 looking north to see if I could see the
8 shed or if I could see the generator,
9 and the answer is negative on both of
10 those. That is photograph number five.

11 MR. AVRUTINE: It doesn't appear
12 that there is any screening around the
13 shed; is there, Mr. Murphy?

14 MR. MURPHY: No. Whatever might be
15 necessary to the Board to allow the shed
16 to remain where it is, there would be a
17 need to certainly be screening on the
18 east side, not necessarily on the south
19 side because of the heavy foliage on the
20 Kornberg property, but some day that
21 10-acre parcel is going to subdivided;
22 and, therefore, going forward, screening
23 on the south side would also be helpful.
24 It's not necessary now because you can't
25 see it, but that is today, not

1 necessarily tomorrow.

2 So the same thought process with
3 regard to the shed, as stated with
4 regard to the generator, applies. Stuck
5 in the corner, it's been there many
6 years. I asked how long and I just got
7 a shrug of the shoulders and said it's
8 been there a long, long time.

9 You take a look at the shed
10 photographically, it's been there for a
11 long time.

12 I have nothing more to say at the
13 moment, but I know that after you ask me
14 questions with regard to such, I know
15 the Bells would like to speak, also.

16 CHAIRMAN MOHR: Yes, thank you, Mr.
17 Murphy.

18 We will hear from the public before
19 any questions.

20 If there is anybody from the public
21 who would like to speak at this time,
22 please come forward.

23 MR. AVRUTINE: Give your name and
24 address for the record.

25 MR. BELL: James J. Bell, I live

1 next door at 1298 Ridge Road.

2 I want to ask Mr. Murphy, you said
3 that generator is a gas generator,
4 propane?

5 MR. MURPHY: Propane tank, yes.

6 MR. BELL: Are you sure?

7 MR. MURPHY: It says underground
8 propane tank and I asked Mr. Nagel.
9 Mr. Jacobson didn't know because he
10 hadn't moved in yet, Mr. Nagel was the
11 prior owner. He said yes, it is
12 propane. Here is the tank. It's
13 located to the east of the west --

14 MR. BELL: I helped him start the
15 generator with gasoline. It doesn't
16 make a difference to me whether it's
17 gasoline or propane, but I thought that
18 was gasoline because I remember him
19 trying to start that when I first moved
20 in during the hurricane.

21 So, that is the only question that
22 I have for you.

23 The only thing I wanted to say is
24 that I am very disenchanted with what
25 has happened with three owners. It's

1 not one owner, it's not two owners,
2 there are three owners and I don't know
3 why there is a variance now. The other
4 two owners, where was everyone? You've
5 got COs, you had other legal documents,
6 you had plans, you had a great builder,
7 John Kean. All we were ever told was
8 that everything was under the rules and
9 regulations of the community.

10 So I ask everyone here, how could
11 this happen? How can you have these
12 violations?

13 MR. AVRUTINE: I can explain that,
14 sir.

15 I think that from what I have seen,
16 the history here, assuming the documents
17 submitted are accurate and I have no
18 reason to believe they are not, it
19 appears that the original stucco garage,
20 for which part of the application is
21 being made, was part of the original
22 plan; and, also, at that time, circa
23 1998, was permissible in the size and
24 location where it is currently situated.
25 The change in the Code some 10, 15 years

1 later made it not conforming and the
2 Building Department took the position
3 that since it was never properly
4 legalized then, even though it could
5 have been and should have been, it would
6 have to be legalized now.

7 The other structures on the site,
8 as far as I can tell, all have the
9 benefit of building permits and
10 Certificates of Occupancy of completion.

11 At some point subsequent, one of
12 the owners, I'm not sure who and I don't
13 think Mr. Murphy is either, constructed
14 without the benefit of a permit the
15 generator as well as the shed.

16 Now, unfortunately, no
17 municipality, especially a Village like
18 Laurel Hollow, can watch everyone at
19 every time. So if people are going to
20 violate the rules and the laws by making
21 installations or doing construction
22 without a permit, that can happen
23 undetected and that's what happened
24 here.

25 So, when there was subsequent

1 sales, apparently, as Mr. Murphy
2 indicated, people or attorneys or title
3 companies representing subsequent
4 purchasers did not do appropriate due
5 diligence and identify these structures
6 as existing on the property, and,
7 therefore, alert the representatives of
8 the buyer that they should take care of
9 this.

10 As Mr. Murphy, who is very, very
11 well-versed in this type of thing,
12 quickly noticed, apparently, when he was
13 brought on board to legalize the
14 generator, identified the other problems
15 that existed which, unfortunately, the
16 attorney for the current owner didn't
17 identify and sometimes that happens.

18 So, that is how -- at least the way
19 I see it -- how this unfolded. So there
20 is no culpability on the part of the
21 Village simply because -- as I
22 indicated, we have a Building Inspector
23 and he doesn't spend his day policing to
24 see if people are constructing without a
25 permit. He has a lot of other duties he

1 has to maintain. If something is
2 brought to his attention where there is
3 a problem, then he requires the property
4 owner to remedy it by giving them the
5 appropriate notice and/or potentially
6 even issuing an appearance ticket for
7 the Village Court to motivate people to
8 do what they need to do.

9 So I hope that answers your
10 question.

11 MR. BELL: I will let my daughter
12 speak.

13 MS. BELL: I am not Mrs. Bell, I am
14 Stephanie Bell, I am attorney and this
15 is my father, but I did live on the
16 property since the time they purchased
17 it. I know that that shed just appeared
18 one day. It was constructed in the
19 summertime or brought in, we don't know,
20 no one knows. We heard comments that
21 you can see it and it looks a little
22 close. There is no screening, it's very
23 visible. It is not -- it's a shed, not
24 attractive and you can see it from the
25 house, especially in the winter time

1 when there is no greenery surrounding
2 it.

3 I think the concern that my parents
4 have is should they look to sell the
5 house, it could potentially decrease the
6 value or impact the value of the
7 property that might be -- that it would
8 have without that shed there.

9 We spoke with Mr. Murphy regarding
10 how this came about because there seems
11 to be a very rigorous process that we
12 saw today when it comes to requesting
13 variances for any kind of potential
14 setback violation or Code violation, so
15 that, obviously, things go under the
16 radar.

17 But this particular setback
18 violation it's 11.5, 11 and-a-half feet
19 when the requirement is, I think it was
20 40 from the side of the property with no
21 trees, it's right there.

22 So I think you had requested one of
23 screening.

24 MR. BELL: Oh, screening.

25 MS. BELL: Yes, have the shed

1 screened better. We are not asking that
2 they rip it down, just so it's screened
3 better so it is not as visible from the
4 property.

5 I think that is it.

6 MR. AVRUTINE: Thank you.

7 MEMBER LEBEDIN: Is there any issue
8 as to the noise of the generator?

9 MS. BELL: I don't think we heard
10 any noise, everyone has a generator.

11 MEMBER KAUFMAN: If I may ask, were
12 you living there when it was being
13 constructed?

14 MR. BELL: We were.

15 MS. BELL: It's all the way in the
16 back behind the pool.

17 MR. BELL: I think the shed was
18 built afterwards.

19 MS. BELL: The shed was built
20 afterwards, the Juricks built it.

21 MEMBER KAUFMAN: But were you
22 living there when the shed was built?

23 MR. BELL: We've been living there
24 for -- before the house was -- anything
25 was constructed on both sides of where

1 we live.

2 CHAIRMAN MOHR: It appears the shed
3 is adjacent to your tennis court.

4 MR. BELL: That's correct.

5 MS. BELL: It just appeared one
6 day. I don't know if it was a prefab
7 shed.

8 CHAIRMAN MOHR: I have a question
9 for Mr. Murphy.

10 MR. MURPHY: If this Board were
11 willing to favorably consider the
12 maintenance of these structures, in
13 particular, the frame shed, we would
14 certainly be more than willing to accept
15 a condition with maximum screening on
16 both the south and the east side of the
17 shed.

18 CHAIRMAN MOHR: Mr. Murphy, is that
19 shed just placed on asphalt or is there
20 a slab on that shed?

21 It appears from your photos, it is
22 placed on the asphalt. Is it on a slab
23 or just on the asphalt?

24 MR. MURPHY: It's on a concrete
25 pad.

1 CHAIRMAN MOHR: It's on a concrete
2 pad.

3 MR. MURPHY: Yes.

4 MEMBER LEBEDIN: You just said it
5 appeared. If they would have put slab
6 down there I would presume it was
7 allowed to dry. 12 hours before you put
8 something on top of it?

9 MEMBER PARZIALE: 28 days.

10 MS. BELL: There was no noise. I
11 lived at home at the time.

12 CHAIRMAN MOHR: Regardless of that,
13 it's significantly set back from their
14 main house adjacent to the tennis court.
15 I think that the Bells are looking to
16 get screening. I think that's a
17 reasonable request. I think we should
18 also have them screen around the entire
19 shed, not just from the --

20 MEMBER LEBEDIN: Absolutely.

21 CHAIRMAN MOHR: -- from the
22 property to the -- and, also, let's put
23 in for the screening for the generator
24 at this time.

25 MR. AVRUTINE: Well, it has -- the

1 generator has --

2 CHAIRMAN MOHR: It looks likes --

3 MEMBER LEBEDIN: I went back there.
4 I couldn't tell what is on the other
5 side, it's very thick.

6 CHAIRMAN MOHR: Mr. Murphy's point
7 is saying that at some point there will
8 be a future subdivision and there will
9 be something. I think it's in the best
10 interest of the Board to do it now.

11 MEMBER LEBEDIN: If you look --
12 that's fine, I'm not sure.

13 CHAIRMAN MOHR: I don't know how
14 much you can do.

15 MEMBER LEBEDIN: I walked back
16 there and there is no distance between
17 the shrubs and the back of the
18 generator.

19 CHAIRMAN MOHR: It must be scrub.

20 MR. MURPHY: Whatever maximum
21 screening on the south side of the
22 generator we would be more than willing
23 to do that. Right now there's natural
24 plantings there, but if you wish to have
25 more plantings or plants to be taken out

1 and new plants to be put in, that's
2 fine. We don't have that much room to
3 work with, but the screening thing --

4 MEMBER LEBEDIN: The generator --

5 MR. MURPHY: For instance, whether
6 or not Mr. Kornberg successfully
7 develops the 10 acres, I think that
8 common sense would dictate that they're
9 not going to take the screening out of
10 the northern perimeter of their property
11 to take a look at the shed or generator.

12 MEMBER PARZIALE: Maybe the propane
13 tank is mislabeled, maybe it's a fuel
14 oil tank because he said --

15 MR. BELL: The generator is not a
16 problem, you don't hear it and maybe it
17 doesn't run.

18 CHAIRMAN MOHR: Okay. Are there
19 any more questions from the Board?

20 (No response.)

21 From the public?

22 (No response.)

23 MR. AVRUTINE: Motion to close the
24 public hearing.

25 MEMBER KAUFMAN: So moved.

1 MR. AVRUTINE: By Member Kaufman.

2 Second?

3 MEMBER LEBEDIN: Second.

4 MR. AVRUTINE: Member Lebedin.

5 All in favor?

6 MEMBER KAUFMAN: Aye.

7 MEMBER BLUMIN: Aye.

8 MEMBER PARZIALE: Aye.

9 MEMBER LEBEDIN: Aye.

10 CHAIRMAN MOHR: Aye.

11 MR. AVRUTINE: Let the record
12 reflect that this matter is deemed Type
13 II under the New York State
14 Environmental Quality Review Act.

15 I presume the Board is going to
16 consider all of the relief in one
17 motion?

18 CHAIRMAN MOHR: I think we're just
19 talking about the relief for the shed --
20 oh, yes, all three items.

21 MEMBER PARZIALE: Motion to pass.

22 MR. AVRUTINE: Motion to approve.

23 MEMBER PARZIALE: To approve the
24 garage. Do them individually?

25 CHAIRMAN MOHR: All at once.

1 MR. AVRUTINE: It's up to the
2 Board, we can do them all at once.

3 MEMBER PARZIALE: Motion to approve
4 the garage.

5 MR. AVRUTINE: Motion to approve
6 all of the accessory structures.

7 MEMBER PARZIALE: With the
8 understanding the shed --

9 MR. AVRUTINE: We will talk about
10 the conditions in a moment.

11 Motion to approve all relief
12 sought.

13 Are you making that motion?

14 MEMBER PARZIALE: I make a motion.

15 MR. AVRUTINE: Member Parziale.
16 Second?

17 MEMBER KAUFMAN: Second.

18 MR. AVRUTINE: Member Kaufman.

19 The conditions are going to be
20 adequate screening on all sides of the
21 frame shed in satisfaction of the Board
22 of Appeals.

23 CHAIRMAN MOHR: The rear of the
24 side yards.

25 MEMBER LEBEDIN: Well, you can't do

1 all sides, right?

2 MR. AVRUTINE: It will be, to
3 clarify, three sides. So it would be
4 the west, east and southerly sides.

5 MEMBER KAUFMAN: Will there be a
6 plan or how would we know?

7 CHAIRMAN MOHR: Typically, they
8 will send an e-mail to me saying here is
9 the finished product. This is if the
10 Building Inspector approves it, and then
11 subject to the satisfaction of the
12 Board, we send it around.

13 MR. AVRUTINE: Similarly, there
14 will be additional screening for --

15 CHAIRMAN MOHR: No, the generator,
16 we'll leave the --

17 MEMBER LEBEDIN: Why don't we have
18 them maintain screening, consistent with
19 the way it is now.

20 MR. AVRUTINE: With respect to the
21 generator, there will be a condition
22 that screening as it currently exists
23 will be maintained.

24 MEMBER BLUMIN: How do you know
25 what currently exists?

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MR. AVRUTINE: We have photographs
in the file. What currently exists will
be maintained.

All in favor?

MEMBER KAUFMAN: Aye.

MEMBER BLUMIN: Aye.

MEMBER PARZIALE: Aye.

MEMBER LEBEDIN: Aye.

CHAIRMAN MOHR: Aye.

MR. AVRUTINE: Application approved
with the conditions as set forth.

MR. MURPHY: Thank you very much.

* * * * *

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.

Mary Anne Coppins

Court Reporter