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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING APPEALS
PUBLIC HEARING
April 3, 2018
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
LOUIS LEBEDIN, MEMBER

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney

ZV1-2018 - Boutis - 45 Cedarfield Road

RONALD KOENIG
OFFICIAL COURT REPORTER

Proceedings

1 MR. AVRUTINE: The next public hearing, Case
2 No. ZV1-2018, this is the public hearing on the
3 application of Loukas and Nicole Boutis to maintain an
4 existing shed at 45 Cedarfield Road where the accessory
5 structure is not set back at least 40 feet from every
6 lot line not abutting a street as required by Section
7 145-5(B)(2) of Laurel Hollow Village Code. The proposed
8 shed setback is 21 feet.

9 The property under application is also known
10 as Section 14, Block A, Lot 1116, on the Land and Tax
11 Map of Nassau County.

12 The exhibits in connection with this
13 application are as follows.

14 First, notification from the Nassau County
15 Planning Commission dated February 15, 2018, that the
16 matter is referred to the Laurel Hollow Board of Zoning
17 Appeals for action as it deems appropriate.

18 The next exhibit is a legal notice of public
19 hearing dated March 19, 2018.

20 The next exhibit is an affidavit of posting
21 from Nick Porcaro that the notice of public hearing was
22 posted conspicuously on the bulletin board at the main
23 entrance to the Office of the Village Clerk on March 23,
24 2018.

25 The next exhibit is an Affidavit of

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1 Publication from Richner Communications stating that the
2 legal notice was published in the Oyster Bay Guardian on
3 March 23, 2018.

4 The next exhibit is an affidavit from the
5 Deputy Clerk stating that the notice of public hearing
6 was mailed to interested parties on March 21, 2018.

7 The next exhibit is a document confirming the
8 notice of public hearing, that the notice of public
9 hearing was published to the Village of Laurel Hollow
10 website and sent to Village website NEWS subscribers on
11 March 20, 2018.

12 And the final exhibit is an affidavit of
13 mailing from the applicant indicating that the notice of
14 public hearing was mailed on March 21, 2018 to the
15 individuals set forth in the affidavit.

16 Is there a presentation on this application?

17 MR. MARNIKA: Yes.

18 MR. AVRUTINE: Please state your name and
19 address for the record.

20 MR. MARNIKA: Hrvoje Marnika, 3 Cherrywood
21 Drive, East Northport, New York.

22 So, I would like to respectfully request a
23 variance on the side yard setback existing tool shed.
24 The required setback is 40 feet, as we know. Provided
25 here is a 21-foot vegetated buffer. The setback on the

1 shed is 21 feet. We're looking to maintain that in its
2 current location.

3 The property is very, you know, it's an
4 odd-shaped property. We're just trying to -- we looked
5 at possibly relocating it out of the buffer area and
6 there's, believe it or not, no real good place to put it
7 that's not going to be in the middle of the yard. Here,
8 it seemed like, just push it out here, but this is
9 vegetated. There's a play area here, a play set.
10 There's really no good place on this property. Or back
11 here, I mean, we would have to push this to go behind
12 here.

13 This is all naturally vegetated. So we're
14 looking to maintain the vegetation on this property and
15 just maintain the location of that shed.

16 MEMBER BLUMIN: Could you give us a little
17 history of the shed and how long it's been there?

18 MR. MARNIKA: So, I would like to ask the
19 homeowner.

20 MS. BOUTIS: So the shed --

21 MR. AVRUTINE: Your name and address.

22 MS. BOUTIS: Nicole Boutis, 45 Cedarfield
23 Road, Laurel Hollow.

24 The shed has been there for, I guess, five
25 years. About five years ago, I think, we put it there.

1 I mean, it contains like the snowblower that my husband,
2 things like that, some big machinery that he uses for
3 the lawn or for winter use for snow.

4 When we bought the house, we thought that
5 location would served to, you know, take out that heavy
6 machinery because, you know, some of it is quite
7 cumbersome and we didn't want to interfere with the play
8 area.

9 And just as Mr. Marnika said, this is woods
10 back here in this section of the house, so I hadn't
11 thought about the setback at that time. You know, we
12 hadn't realized it was in violation of the setback,
13 otherwise I would have come earlier to you.

14 MR. AVRUTINE: I have a question. Can you
15 describe the nature of the screening around the shed?

16 MS. BOUTIS: Do you mean the material?

17 MR. AVRUTINE: No. I mean the screening. Is
18 there natural screening?

19 MS. BOUTIS: Correct. There is.

20 MR. AVRUTINE: Is the shed visible from other
21 properties?

22 MS. BOUTIS: No, it is not visible from the
23 other properties.

24 We have the measurements, right? It's not,
25 you know, it's not a particularly large shed.

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1 MR. MARNIKA: Eight by ten is the size.

2 MR. AVRUTINE: Is the growth surrounding the
3 shed of the evergreen type or --

4 MS. BOUTIS: Yes, it is.

5 MR. AVRUTINE: It doesn't lose the leaves in
6 the wintertime and become visible to other surrounding
7 property owners?

8 MS. BOUTIS: No. You still wouldn't be able
9 to see it in the wintertime. It's still covered. You
10 can't see it looking at the house. From the front of
11 the property, you don't see the shed.

12 CHAIRMAN MOHR: It's only from my property.

13 MS. BOUTIS: From your property, yes.

14 CHAIRMAN MOHR: You do see it. There is no
15 growth on that side.

16 MS. BOUTIS: Over here, yeah, on this side in
17 the winter.

18 MR. AVRUTINE: Is that something you might
19 consider installing to further reduce the visual impact?

20 MS. BOUTIS: Sure. We can do that.
21 Absolutely. Not a problem. We can do that, yeah.

22 MR. AVRUTINE: If that's the --

23 MEMBER BLUMIN: How tall is the shed?

24 MR. MARNIKA: It's a pretty standard height.
25 I don't know the height.

1 MS. BOUTIS: I mean, I'm five four. You know,
2 it's not --

3 MR. MARNIKA: It's probably eight foot. It's
4 a prefab unit. They are generally pretty low.

5 MEMBER LEBEDIN: Does your neighbor on that
6 side have any issues?

7 MS. BOUTIS: My neighbor on that side is Russ
8 Mohr.

9 CHAIRMAN MOHR: That's me.
10 What Howard is saying is the correct remedy,
11 to put up some evergreens, because we do lose the leaves
12 in between our properties. That's the typical remedy
13 that we do in all applications.

14 MS. BOUTIS: Absolutely.

15 MR. MARNIKA: We can plant some arborvitae
16 just to screen that side.

17 MS. BOUTIS: A hundred percent, I would be
18 glad to do that.

19 MR. AVRUTINE: Okay. Anything further?

20 MS. BOUTIS: No.

21 MR. AVRUTINE: Does anybody in the audience
22 care to speak?

23 The young man has no objection.

24 A motion to close the public hearing?

25 MEMBER LEBEDIN: So moved.

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1 MR. AVRUTINE: Member Lebedin.

2 May I have a second?

3 MEMBER BLUMIN: Second.

4 MR. AVRUTINE: Member Blumin.

5 All in favor?

6 CHAIRMAN MOHR: Aye.

7 MEMBER BLUMIN: Aye.

8 MEMBER KAUFMAN: Aye.

9 MEMBER LEBEDIN: Aye.

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

13 A motion on the application?

14 MEMBER KAUFMAN: So moved.

15 MR. AVRUTINE: A motion to approve?

16 MEMBER KAUFMAN: Approve, yes.

17 MR. AVRUTINE: Member Kaufman. Subject to
18 installation of evergreen plantings to screen the -- to
19 further screen the shed to the satisfaction of the
20 building inspector.

21 MEMBER LEBEDIN: I mean, do you just want to
22 say 360 degrees? It's just one side that has the
23 exposure that is visible to you?

24 CHAIRMAN MOHR: I think it's the east and the
25 south.

1 MEMBER LEBEDIN: So the two sides.

2 CHAIRMAN MOHR: I don't know. I mean, I
3 haven't really looked at it.

4 You know what, you're explaining that there is
5 screening from the street?

6 MS. BOUTIS: Yes.

7 CHAIRMAN MOHR: And I believe there may be
8 some, because of the -- but I think that would be --
9 it's satisfactory to me.

10 MR. AVRUTINE: The best way to do it is to
11 make sure the screening is satisfactory to the building
12 inspector, and we can have the building inspector come
13 to your property and inspect from there.

14 So it's a motion to approve the application
15 subject to the installation of evergreen screening to
16 the satisfaction of the building inspector to ensure
17 that the shed is not visible from the adjoining property
18 of Mr. Mohr.

19 What's your street address?

20 CHAIRMAN MOHR: 55 Cedarfield.

21 MR. AVRUTINE: May I have a second?

22 MEMBER LEBEDIN: Second.

23 MR. AVRUTINE: And that's Member Lebedin.

24 All in favor?

25 CHAIRMAN MOHR: Aye.

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MEMBER BLUMIN: Aye.
MEMBER KAUFMAN: Aye.
MEMBER LEBEDIN: Aye.

CERTIFIED THAT THE FOREGOING IS A TRUE AND
ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES
IN THIS CASE.

RONALD H. KOENIG
Official Court Reporter