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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING APPEALS
PUBLIC HEARING
June 25, 2018
7:30 p.m.

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

PRESENT: RUSSELL MOHR, CHAIRMAN
JEFFREY BLUMIN, MEMBER
LOUIS LEBEDIN, MEMBER
VINCENT PARZIALE, MEMBER

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
JAMES ANTONELLI, Village Engineer

ZV3-2018 - Kakoulidis - 4 Hemlock Court

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: Case No. ZV3-2018, the public
2 hearing on the application of Sofia Kakoulidis to
3 construct a new garage, covered walkway, and portico at
4 4 Hemlock Court, where a principal building shall be set
5 back at least 40 feet from every lot line not abutting a
6 street as required by Section 145-5(B)(1) of the Laurel
7 Hollow Village Code. The proposed setback is
8 24.45 feet.

9 Secondly, the proposed total surface coverage
10 exceeds 20 percent of the lot area in violation of
11 Section 145-5(A)(1)(d) of the Laurel Hollow Village
12 Code. The proposed surface coverage is 21.67 percent.

13 The property under application is designated
14 as Section 26, Block 1, Lot 14, on the Land and Tax Map
15 of Nassau County.

16 The exhibits in connection with this
17 application are as follows:

18 First, notification from the Nassau County
19 Planning Commission dated June 13, 2018 that the matter
20 is referred to Laurel Hollow Board of Zoning Appeals for
21 action as it deems appropriate.

22 The next exhibit is legal notice dated
23 June 11, 2018.

24 The next exhibit is an affidavit of posting
25 from Nick Porcaro that the legal notice was posted

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1 conspicuously on the bulletin board located at the main
2 entrance to the Office of the Village Hall on June 15,
3 2018.

4 The next exhibit is an affidavit of
5 publication by Michele Snow of Richner Communications
6 stating that the legal notice was published in the
7 Oyster Bay Guardian on June 15, 2018.

8 The next exhibit is a document that confirms
9 that the legal notice was published to the Village
10 website and sent to Village website NEWS subscribers on
11 the June 13, 2018.

12 The next exhibit is an affidavit from the
13 Deputy Clerk stating that the legal notice was mailed on
14 June 12, 2018 to the agencies set forth in the
15 affidavit.

16 The next exhibit is an affidavit of mailing
17 from the applicant indicating that the notice of public
18 hearing was mailed on June 13, 2018 to the individuals
19 set forth in the affidavit.

20 The next exhibit consists of correspondence
21 from a neighbor, Annette Givelekian.

22 And the last exhibit is an amended letter of
23 denial dated June 19, 2018.

24 Do we have representatives of the applicant
25 here this evening?

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1 MR. VAGGI: Yes.

2 MR. AVRUTINE: Please state your name and
3 address for the record.

4 MR. VAGGI: Good evening.

5 My name is Douglas Vaggi, DRV Architect, P.C.,
6 1180 Park Avenue, Franklin Square, New York.

7 I'm here with Jim Haralampoudis, also from the
8 same office. And also here is the owner, Sofia
9 Kakoulidis, and John Moutopoulos.

10 MR. AVRUTINE: Proceed.

11 MR. VAGGI: We're proposing to do what is
12 considered an attached garage to the existing house.
13 Although the walls are separated, we have a roof
14 connection from the main house over to this new garage.

15 The owners have, in addition to John and
16 Sofia, there is two adult children and a mother that
17 lives in the house. They all have cars, plus John has a
18 couple collectors that he likes to keep. Right now all
19 the parking is out in the circular drive in the front,
20 which to us we feel is a detriment to the community.
21 And there's also no on-street parking, so we're looking
22 for a place to store the cars out of view.

23 Due to the nature of the house, the
24 configuration of the property, we have a ranch-style
25 house, which naturally is a larger footprint than a

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1 two-story house could be. The existing garage, there is
2 an existing two-car garage attached off on the east side
3 of the property. So what we're looking to do is come
4 off the same driveway and have a new garage, 34 feet by
5 24 feet, set into this existing driveway area.

6 The driveway dips down a bit, existing
7 driveway dips down a bit from the topography along the
8 east property line. So what that's doing is with this
9 addition, I can show you in a section how, the profile
10 to the neighbor's property is decreased. So we'd have
11 two bays to come in. We're looking to possibly get four
12 cars stored in there plus the two cars off on the
13 existing side. And there is an existing covered porch
14 that extends out along the back. That will continue
15 across. The roof covering would extend across to the
16 new garage as a breezeway connection.

17 We've got a space about 14 foot 9 inches from
18 the east wall of the existing house to the west side of
19 the proposed garage, so that if people, if they do pull
20 their car out, there is still space to maneuver and get
21 past with the new garage as well.

22 Then this section over here kind of shows that
23 the grade to the east is elevated about 3 or 4 feet from
24 where the slab -- the slab is being set in line with the
25 existing garage slabs since everything is coming off the

1 same driveway. So you can see up here where the
2 grade -- there's actually a retaining wall existing
3 along that east side of the driveway, and we're going to
4 maintain that, and we got the grade up about 3 feet from
5 the proposed slab. So with that and the property line
6 having a 6-foot-high stockade fence, the limitation from
7 the house to the east really is not seeing much because
8 of the plane of the roof here. We did a hip all around,
9 not only for the purposes of matching the house style,
10 but also eases off the vertical dimension of the walls.
11 If we need to expand the dry well out for the new roof
12 area, we can take care of that.

13 We are refacing the front. It's a very long
14 house, very low profile. We're doing some accents to
15 that. There are no zoning issues with that.

16 CHAIRMAN MOHR: Any questions from the Board?

17 MEMBER PARZIALE: What type of screening are
18 you going to do for the neighbor's property so the
19 neighbors aren't impacted?

20 MR. VAGGI: Along the east, we can add
21 arborvitae or some type of evergreen planting. There
22 are some trees that will remain as well. To some
23 extent, this is the stockade fence, we can add some
24 growth along the fence in this area here if needed, but
25 there is not going to be a large expanse of wall that's

1 going to be visible to the neighbor.

2 CHAIRMAN MOHR: There is no landscape plan
3 that was prepared for this application?

4 MR. VAGGI: No.

5 CHAIRMAN MOHR: What is -- the total height
6 from slab to the peak is 18 feet; is that right?

7 MR. VAGGI: 14.3 plus 3.9, yes 18 feet.

8 CHAIRMAN MOHR: 18 feet. And 3 feet below
9 grade?

10 MR. VAGGI: Three feet below grade, roughly.

11 MEMBER BLUMIN: How did you make the
12 determination where to place the new structure?

13 MR. VAGGI: Again, it was essentially because
14 of the pullout from the existing garage. Should they
15 want to pull a car out and keep it parked here, it's not
16 in the way of the rest of the new garage area. So if
17 somebody parked here, either way it works that you could
18 pull out and make the turn to get into the circular
19 driveway whether you're pulling out from the existing
20 garage or the proposed.

21 And 14.9, it's really a little undersized, but
22 we wanted to try and keep it as tight as we could. And
23 the garage itself is 24 foot outside dimension which is
24 also brick veneered, so the inside dimension is coming
25 in around 23 feet. We're trying to keep it as tight as

1 possible.

2 MEMBER LEBEDIN: On the coverage area, the
3 existing coverage as I calculate it is already
4 20.7 percent. So do you have approval, was that already
5 granted giving you to exceed the 20 percent requirement?

6 MR. VAGGI: They purchased in 2013. I don't
7 know if anything has been done prior to that.

8 MEMBER LEBEDIN: Obviously you're exacerbating
9 the coverage issue.

10 MR. VAGGI: We included every piece of
11 impervious coverage in there. You'll see everything
12 listed down there.

13 MR. AVRUTINE: Mr. Lebedin, we can check with
14 the Building Department if you'd like to see whether
15 there were any prior applications for relief in that
16 regard.

17 MR. VAGGI: The inspector didn't bring
18 anything up on that.

19 MR. AVRUTINE: Understood.

20 CHAIRMAN MOHR: Is there -- you know, we
21 always have to ask the question, is there any way you
22 can possibly comply?

23 MEMBER LEBEDIN: You're already over.

24 MR. VAGGI: Being we are over already --

25 CHAIRMAN MOHR: I'm talking with regards to

1 the side yard setback.

2 MR. VAGGI: The setback there, if we're
3 looking for the six spaces, and it's a tight six if we
4 were able to get four into the new garage, just
5 unfortunately with the positioning of the house, it's a
6 very long house and the setback is already 44 feet on
7 one side, the garage has to be on the east side only
8 because the existing garage there just makes sense for
9 the whole flow into the house. There's really no place
10 for us to go with it. If we start to extend forward,
11 the garage in the front would be a front yard
12 encroachment. It's just the most practical place.

13 CHAIRMAN MOHR: You have 14.9 to play with
14 with the breezeway, right?

15 MR. VAGGI: To play with --

16 CHAIRMAN MOHR: With trying to -- a typical
17 parking spot is about 20 by 10, right?

18 MR. VAGGI: Well, a legal commercial space.

19 CHAIRMAN MOHR: So if you're backing out, you
20 have a big driveway, is there a possibility to squeeze
21 that in a little bit to get closer to the 10 feet to get
22 closer to the 40-foot setback? You would still be
23 requesting relief.

24 MR. VAGGI: It becomes a space that's not
25 practical to park in anymore. You only have that

1 10-foot space where we're creating a situation of why
2 have it. If we didn't have it at all, we can't have the
3 two corners of the garage meeting. The 10-foot doesn't
4 really give us enough to work with. Fourteen to 15 foot
5 allows for that car to be parked outside the garage door
6 and still be able to get past.

7 MEMBER PARZIALE: You mentioned that, so that
8 the neighbor didn't have any issues, you would put in
9 some drainage to take the load of the water?

10 MR. VAGGI: Yes, as a concern. I don't know
11 if there's any impact on the neighbor. We're lower than
12 their property to begin with, so there is no surface
13 runoff going. We'd probably do it more for our sake
14 because the driveway kind of pitches down into this area
15 existing. So the extent of the garage -- the driveway
16 expansion is very limited. We're really building a new
17 garage at the point of the existing driveway edge. So
18 if anything, it's probably more for roof coverage.

19 MEMBER LEBEDIN: Are you committed to put in a
20 dry well?

21 MR. VAGGI: It's really for the roof. There's
22 dry well for the driveway already. But again, it's not
23 impacting the neighbor.

24 CHAIRMAN MOHR: Would anybody from the public
25 like to speak on this matter?

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1 MR. BOLLON: I'm the neighbor. I'm Richard
2 Bollon. I'm here with my wife, Leticia. We're both on
3 the deed. We've been here for forty years.

4 MR. AVRUTINE: Mr. Bollon, can you spell your
5 name and give your address.

6 MR. BOLLON: B-O-L-L-O-N, 2 Hemlock Court.

7 So our property is the dividing line between
8 4 Hemlock Court.

9 You know, the little history about this
10 property -- fortunately or unfortunately, I kind of
11 senior all of you people. None of you were here 40
12 years ago. When this property was developed, this is
13 what the builder put out. And you can see what he put
14 out. This is all trees. This was the meaning to come
15 to Laurel Hollow. You came to Laurel Hollow to be in a
16 place of trees.

17 We received a certified letter on Monday,
18 June 18. I immediately called Nancy Popper. She
19 explained that we could look at the plans on Wednesday
20 at 12:30, and we came to the Village Hall and saw the
21 plans. We were shocked on the plans. We were never,
22 you know, invited to look at these plans or even told by
23 the neighbors that they were even addressing doing
24 something like this.

25 We were told on the initial letter that the

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1 setback was 50 feet. I know that you are the one -- I
2 believe the attorney was the one that stated on a
3 subsequent amended letter -- by the way, which we never
4 received. We only received that on Wednesday from Nancy
5 Popper. So we had no time to respond to the fact that
6 it was actually 40 feet and not 50.

7 And not only that, my attorney who could not
8 be here tonight, who is in real estate and my corporate
9 attorney, kind of doesn't believe that that's true, that
10 that is not a structure that is a portion of the house,
11 just having that one little piece attaching that
12 structure to the house. He believes it should be
13 50 feet and not 40. So that has to be cleared up.

14 MR. AVRUTINE: I can explain that, if you
15 would like.

16 MR. BOLLON: Okay.

17 MR. AVRUTINE: Initially, it was an error by
18 the building inspector categorizing this as a detached
19 accessory structure. Even though it is not fully
20 integrated into the home like a typical garage may be,
21 it is still connected and that makes it part of the
22 primary structure. So a variance is still required, but
23 the distinction being that since it's part of the
24 primary structure it is now the primary structure that
25 is not in compliance with the Code and that setback is

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1 40 feet whereas the accessory structure would be
2 50 feet.

3 If your attorney has a question regarding
4 that, there are legal remedies and you can discuss those
5 with him.

6 MR. BOLLON: Certainly.

7 MR. AVRUTINE: Also, just to clarify for
8 everyone here, if you needed more time or if you still
9 need more time to present your case or to gather more
10 information, it is perfectly appropriate for you as an
11 interested resident to request that the hearing not be
12 closed tonight, that it be kept open and continued on a
13 future date so that you would have the opportunity to
14 present whatever it is you would like to present for the
15 Board to consider.

16 MR. BOLLON: I'll finish what I have to
17 present tonight.

18 MR. AVRUTINE: I just want to make those
19 points clear to you. That's all.

20 MR. BOLLON: First of all, I have some
21 exhibits which I'll leave with you.

22 MR. AVRUTINE: Anything you wish to submit,
23 you can.

24 MR. BOLLON: The first exhibits are noted 1A,
25 1B and 1C.

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1 1A shows the actual development as it was
2 divided. And the reason I'm showing you this is so that
3 on the number 2 and 4, it shows the actual distance in
4 the front from my property is 212 feet and for the other
5 property it's 197 feet. His property is not as
6 rectangular as mine. However, the distance from the
7 front to the rear of the property is approximately
8 375 feet. This comes into play on my next idea.

9 MR. AVRUTINE: Do you wish to submit that at
10 this time?

11 MR. BOLLON: Yes.

12 MR. AVRUTINE: Let the record reflect that
13 Mr. Bollon is submitting -- are you ready to submit the
14 other two or just 1A at this time?

15 MR. BOLLON: I'm going to submit all of this.

16 MR. AVRUTINE: Are you doing them all now or
17 separately?

18 MR. BOLLON: I can do them all now in one
19 shot.

20 MR. AVRUTINE: That would be better.

21 We have three separate exhibits labeled 1A, 1B
22 and 1C which we will now mark for the record.

23 MR. BOLLON: Let me explain what 1B is.

24 1B is actually a copy of my three-car garage
25 that exists.

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1 MR. AVRUTINE: A photo?

2 MR. BOLLON: An actual drawing. The actual,
3 you know, what was original.

4 This three-car garage is 29 feet wide and
5 21 feet deep. If you Google up what an average garage
6 will be in depth, it ranges from 16 to no more than
7 21 feet. A garage of 34-foot depth is unheard of. It's
8 not a garage then. That's a storage facility. Not only
9 that, it's 18 feet high and you're putting it -- this is
10 supposed to be put within 24 feet of my property line.
11 Eighteen feet high, a rectangular building, 25 feet wide
12 and 34 feet deep, that's not a two-car garage. That's a
13 four-car garage. Therefore, he would have a six-car
14 garage in his house, which according to my intuition as
15 far what Laurel Hollow, I believe that you're limited to
16 a five-car garage.

17 Is that correct?

18 MR. AVRUTINE: I don't believe there is a
19 limitation on that, but I can check the Code.

20 MR. BOLLON: I thought it was. So here's the
21 exhibit on the garage which will give you an idea.

22 MR. AVRUTINE: This second sheet is being
23 marked as Opposition Exhibit 1B.

24 MR. BOLLON: And the last exhibit is an actual
25 plan of my property with our existing pool with our

1 existing tennis court where it shows that our main
2 building is 83 feet from our property line. The pool is
3 69 feet from the property line and set back
4 approximately three quarters of the way on our property.
5 The tennis court is on the right side. It has no effect
6 here.

7 The reason I'm showing you this is because
8 both of our houses -- and we knew the Pittases for over
9 30 years and they were close friends of ours -- were set
10 back 100 feet. It was some of the only buildings in
11 that property that was set back 100 feet. So from the
12 100-foot setback of his building, add the other setback
13 for this 34-foot garage, add 34 feet, and now you are
14 more than midway between the front and back of this
15 377 feet, which, and I'll show you in the next exhibits,
16 gives a direct view from our pool, a direct view from
17 all of our established areas of use, et cetera. So this
18 is the exhibit showing that.

19 MR. AVRUTINE: This document will be marked as
20 Opponent's Exhibit 1C.

21 MR. BOLLON: So now we have some pictures
22 showing you what the property looks like from my point
23 of view, and they're all noted as to where the view is
24 from.

25 For example, the first view is west view of

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1 the property line of 4 Hemlock Court and house, and the
2 proposed building would be in the direct view of this.
3 The next three show exactly from the pool. You can
4 already visualize the top of their house, and the new
5 building would be across from the mid to that house
6 34 feet back after the setback, an intrusion which to
7 tell you the truth after 40 years of living here I never
8 thought would happen.

9 MR. AVRUTINE: These are all photos. If it's
10 acceptable to you, we will mark them all as one exhibit
11 and we'll call them Opponent's Exhibit No. 2A, a
12 three-page set of photographs.

13 MR. BOLLON: They're marked on the back as to
14 the exact location.

15 MR. AVRUTINE: Okay.

16 MR. BOLLON: Now you go to the property line
17 on my side of the property line and you stand on the
18 property line looking directly at where the new, that
19 proposed building would be built. By the way, there is
20 at least two or more, probably three, established oak or
21 hardwood trees that would have to be removed. Nobody
22 determined that. So these two pictures show from my
23 property line viewing the space that would be
24 incorporated with the 25-by-34 rectangular 18-foot-high
25 building.

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1 MR. AVRUTINE: Marking these as Opponent's
2 Exhibit No. 3, and that's two photographs.

3 MR. BOLLON: The next two exhibits show you
4 exactly the destruction of the 50-to-60-year oak or
5 hardwood trees that need to be done in order to put the
6 25 by 34 and height of 18 foot proposed building.

7 CHAIRMAN MOHR: What does this show?

8 MR. BOLLON: This is standing on my property
9 line looking at the exact spot where that building would
10 be built.

11 MR. AVRUTINE: We've marked these two
12 additional photos as Opponent's Exhibit 3.

13 MR. BOLLON: And the last four or five photos
14 show something of interest, because you touched upon it
15 and asked what are you going to put between yourself and
16 your neighbor. These exhibits show what they don't put
17 between me and them.

18 The only barrier between myself and their
19 property is what we've planted over the last 40 years.
20 This neighbor has actually denuded and defoliated
21 everything right to his property line. If you don't
22 believe me, these show that. That's the back. It tells
23 you where it's facing on the other side.

24 MR. AVRUTINE: Sir, how many photos?

25 MR. BOLLON: There are five.

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1 This one, this is what exists now right to my
2 property line. It's not pachysandra. It's not ivy.
3 It's dirt.

4 MR. AVRUTINE: Do you wish to make those part
5 of the exhibit as well?

6 MR. BOLLON: Yeah, sure. They all show
7 basically the same thing.

8 And that goes right to my property line from
9 the front to the back. So where would I believe that
10 this individual, after encroaching on my property line,
11 that he would actually put something that would make any
12 difference?

13 MR. AVRUTINE: Just one moment.

14 MR. BOLLON: Sure.

15 MR. AVRUTINE: This is a set of five
16 photographs, and they will be marked as Opponent's
17 Exhibit No. 5.

18 MR. BOLLON: I'll just say a few words in
19 closing, and then, if you don't mind, my wife would like
20 to say a few words after I close.

21 I don't want to be here. Okay. This is
22 nothing that I want to do. And for the 40 years that
23 we've lived here, we've never had to approach something
24 like this from any of our neighbors.

25 Laurel Hollow is what it is. If you look at

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1 our property, and some day you could drive by, you'll
2 see how many trees we actually had secured and still
3 have room for a 50-foot pool, a tennis court in the
4 back, and life as it should be in Laurel Hollow.

5 This is not Laurel Hollow. I'm not going to
6 look at a 25-by-34-by-18 rectangular building so that an
7 individual who is in the auto business can store
8 vehicles on his property.

9 Thank you.

10 MR. AVRUTINE: Ma'am, do you wish to say
11 something?

12 MS. BOLLON: Yes.

13 MR. AVRUTINE: Your name and address.

14 MS. BOLLON: Leticia Bollon, I'm the wife.
15 2 Hemlock Court, the same address.

16 Forty years ago, in 1978, we built our house,
17 custom built it, and we designed it narrow and deep for
18 the purpose of protecting our privacy. We kept all the
19 trees around us. And now we got this letter in the mail
20 that a new garage is proposed.

21 I'm concerned. I feel we'll be affected by
22 this garage because it'll be noisy, it'll restrict our
23 view, we'll have a lack of fresh air and space, no
24 trees, no privacy. My hammock is right there, because
25 it's not in the driveway. It's in the backyard where my

1 hammock is. So I'm concerned about these things.

2 And furthermore, I feel that it'll have a
3 negative impact on the neighborhood because they're
4 going to see more surface coverage and less peaceful
5 landscaping.

6 So for these reasons, I'm objecting to the
7 garage.

8 CHAIRMAN MOHR: Thank you.

9 MR. AVRUTINE: Thank you.

10 MS. BOLLON: I don't know anybody who has a
11 six-car garage, but --

12 MR. AVRUTINE: Thank you very much.

13 MS. BOLLON: Thank you.

14 CHAIRMAN MOHR: would anybody else from the
15 public like to speak?

16 MR. KRUMHOLZ: Yes.

17 MR. AVRUTINE: Sir, your name and address,
18 please.

19 MR. KRUMHOLZ: William Krumholz, 12 Hemlock
20 Court.

21 I'm not adjoining to the neighbor. I'm one --
22 two houses away. I've been there more than 20 years.

23 I was always taught by my father to welcome
24 your neighbors and to be welcomed. But I think this is
25 unreasonable. And most of all, I have to respect

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1 someone who was there before me, 20 years before me.
2 And everything he said, I actually agree.

3 You know, we would like to accommodate them in
4 some way. Maybe we can, but not that structure. I
5 think it's overwhelming.

6 And that's it.

7 CHAIRMAN MOHR: Please step forward.

8 MR. MCCRORIE: James McCrorie, 16 Hemlock
9 Court.

10 Good evening. Thanks for your service,
11 gentlemen.

12 I am at 16 Hemlock Court. I have a different
13 vantage point from either the Bollons or Mr. Krumholz.
14 When I come out of my side door which is the door we
15 use, we see the driveway. We see the cars in there. We
16 don't have a particular objection, but we don't -- we
17 would rather see less cars in the driveway.

18 I had a much different experience than
19 Dr. Bollon. The occupants, who we're neighborly with
20 but we don't socialize with, they approached us before
21 the letter. They offered to show us the plans. They
22 had the plans with them. They explained to us what they
23 were going to do.

24 We are -- the Givlekians who wrote the letter
25 in support are our next door neighbors. Admittedly, in

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1 the summer there's a lot more of the landscaping we put
2 up. We don't see the trees as much in the winter. It's
3 not like we're commenting on look at all those cars. We
4 thought it thoughtful of them, we've never been out with
5 them socially, to come and tell us, I'm sure you don't
6 like seeing the cars. So I would be here as a neighbor
7 that would be in favor of it and if there's any
8 accommodations that could be made.

9 Mr. Moutopoulos approached me recently to ask
10 how I was able to get -- they're called green giants
11 instead of the arborvitae -- how I was able to get them
12 so big and full. I put them in because Dr. Bollon had
13 an objection to a shed that was outside the setback. He
14 just told this Board that he's never come up here. When
15 I moved in in 2009, he was the only one objecting
16 through the variance for the pool, which doesn't affect
17 him across the street, and reporting me for taking trees
18 down when I was under the permit. I was under the
19 limit. We had landscape designers. So in him telling
20 the Board that he doesn't want to be here and that he's
21 never come up and done this, he has. It's on record. I
22 was the applicant.

23 So I would say I'm in favor of it and I would
24 rather not see the cars in the driveway. But I don't --
25 it's not like we're making a complaint about the cars in

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1 the driveway, but especially from what they showed us
2 the structure will like look.

3 Thank you.

4 CHAIRMAN MOHR: This is not a time for
5 rebuttal. If you would like to speak to the
6 application --

7 MR. BOLLON: Sure. I don't want to be abused
8 by counselor.

9 CHAIRMAN MOHR: Again, it's not a time for
10 rebuttal.

11 MR. BOLLON: But he made statements that are
12 false, and I don't want you to believe that. They are
13 false. I was never against his pool. We were
14 against --

15 CHAIRMAN MOHR: You can talk about it outside.

16 MR. BOLLON: He made in public and in front of
17 you a false statement. The only thing that was brought
18 upon is he took 50 trees down on his property.

19 CHAIRMAN MOHR: Sir, it's not on the record.

20 MR. BOLLON: If he comes in front of you and
21 makes false statements and he's a counselor, an
22 attorney, he should know better.

23 MR. AVRUTINE: Sir, right now you're being out
24 of order.

25 If someone else wishes to speak.

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1 Please give your name and address.

2 MR. ANDRIOTIS: Gary Andriotis,
3 A-N-D-R-I-O-T-I-S, 44 Timber Ridge.

4 I'm not in the immediate vicinity. I'm here
5 because I'm going to meet you next month and I wanted to
6 get the feel of how these hearings go. I hired Bladykas
7 & Panetta. I'm doing something with a steep slope, and
8 I wanted to get a feel.

9 I just wanted to add -- and I know that
10 gentleman. You know, I've met a few people because I'm
11 new to the neighborhood, about a year. And I respect
12 anybody here that's 40 years. We moved here for trees
13 as well. I actually have the most wooded property on
14 Timber Ridge. I even have hawks. I have little
15 animals. It's an amazing nature preserve on my
16 property.

17 But one of the things I also moved here for is
18 I have children. They're going to get older and they're
19 going to want cars and stuff like that. I will be doing
20 a garage in the next ten years, I don't know how big his
21 is, I can't really picture it, but, you know, on my
22 property as well. So I can see why he would want to add
23 a garage on these 2-acre lots. There's plenty of room.
24 I don't know if I'll be able to do, I haven't done that
25 part yet, but it would be in my plan.

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1 And as a car collector myself, which I realize
2 he's a car collector, a typical garage is not 20 feet
3 deep for a car collector because he has his tools,
4 benches, the doors must open all the way, there must be
5 plenty of room. So a typical garage in Lattingtown or
6 anywhere you're building new construction, which is what
7 I do for a living, they're much larger than what was
8 mentioned. I just want to make that clear.

9 I don't know if it's going to help or hurt
10 this gentleman, but that's my point for being up here
11 right now.

12 CHAIRMAN MOHR: Thank you.

13 MR. ANDRIOTIS: Thank you.

14 MR. AVRUTINE: Anyone else wish to speak on
15 the application?

16 Let the record reflect that no one else wishes
17 to speak.

18 Mr. Bollon, I was just conferring with the
19 Chair. In light of the comments that you made at the
20 outset, do you wish to make a request that the public
21 hearing be kept open for purposes of you making an
22 additional submission, whether personally or through
23 your attorney, that the Board would consider in
24 connection with this application?

25 MR. BOLLON: Yes.

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1 MR. AVRUTINE: You do. Okay.

2 So what the Board is going to propose to do
3 is, close the public hearing portion of the case, but
4 keep the record open for a period of 30 days within
5 which anyone who wishes to make a written submission can
6 do so. That way, you can have your attorney or
7 yourself, as I indicated before, or anyone else for that
8 matter, submit whatever they wish in terms of
9 evidentiary material for the Board to consider in its
10 deliberations on this case.

11 So at this time, we would have the motion to
12 close the public hearing but to keep the record open for
13 a period of 30 days for additional submissions.

14 May I have a motion in that regard?

15 MEMBER BLUMIN: So moved.

16 MR. AVRUTINE: Member Blumin.

17 A second?

18 MEMBER LEBEDIN: Second.

19 MR. AVRUTINE: Member Lebedin.

20 All in favor?

21 CHAIRMAN MOHR: Aye.

22 MEMBER BLUMIN: Aye.

23 MEMBER PARZIALE: Aye.

24 MEMBER LEBEDIN: Aye.

25 MR. AVRUTINE: Let the record reflect that

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1 this is a Type II matter under the New York State
2 Environmental Quality Review Act.

3 The public hearing portion of the application
4 is closed. However, there will be a period of 30 days
5 from today within which any interested party can submit
6 additional information for the Board's consideration.

7 Thank you.

8 MR. VAGGI: Can we respond to the comments
9 that were made today?

10 MR. AVRUTINE: You mean rebuttal?

11 MR. VAGGI: Just to respond to what's been
12 said.

13 MR. AVRUTINE: Do you want to submit that in
14 writing as part of your --

15 MR. VAGGI: Whatever the Board prefers.

16 MR. AVRUTINE: The public hearing is now
17 closed. So there'll be an opportunity to do that in
18 writing. I think it would be better in this instance to
19 do it in writing.

20 MR. VAGGI: So the next hearing would be when?

21 MR. AVRUTINE: There's no more hearing. Just
22 get your --

23 MR. VAGGI: Okay.

24 MR. AVRUTINE: -- written submission within
25 30 days. Anyone else will have 30 days. And then the

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1 Board will render its decision.

2 CHAIRMAN MOHR: I would recommend, in writing,
3 that you put in a landscape plan, and to revisit if
4 there is any way to shorten that breezeway --

5 MR. VAGGI: We will consider it.

6 CHAIRMAN MOHR: -- to get closer.

7 MR. VAGGI: I understand he's going to have a
8 problem no matter what, but we'll try to do what we can.

9 MEMBER LEBEDIN: And something they can do
10 about the height.

11 MR. VAGGI: The height again, that's why I was
12 asking to respond to the comments that were made, the
13 height is not 18 feet from his property. It's maybe
14 15 feet max to the ridge at his property. Now if you're
15 standing at a 6-foot fence, I don't know how he's
16 looking into the yard. But if he's at the 6-foot
17 stockade fence, what is he actually seeing if he's
18 looking straight at it. He's not seeing an 18-foot
19 structure.

20 MS. BOLLON: These fences are only 5 feet.

21 MEMBER LEBEDIN: You have a coverage issue and
22 you're basically interfering with setback, and now you
23 have a height issue.

24 MR. VAGGI: There is no zoning issue with the
25 height.

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MEMBER LEBEDIN: In a sense of the optics.

MR. VAGGI: It's the same height as the rest of the house. No difference.

CHAIRMAN MOHR: But if you reduce the breezeway, you're reducing the coverage, right, and you're also shortening up the issue on the side yard. I'd recommend you take a look at it and see what you could do.

MR. AVRUTINE: Also, the Board always encourages in cases like this that you reach out to the impacted neighbor to see if there is any common ground in connection with the application, whether there can be some accommodation or compromise that would be satisfactory. It may not be possible.

MR. VAGGI: I just wanted to point out that the neighbor to the west, the house to the west is a precedent, like 25 foot side yard setback existing.

MR. AVRUTINE: You can submit that as part of your supplement submission.

MR. VAGGI: Thank you.

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

RONALD H. KOENIG
Senior Court Reporter