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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

ZV4-2018 - McCarey - 5 Cedarwood Court

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: Case ZV4-2018, the public
2 hearing on the application of John and Rita McCarey to
3 maintain existing pool equipment at 5 Cedarwood Court
4 where the accessory structures are not set back at least
5 40 feet from every lot line not abutting a street in
6 violation of Section 145-5(B)(2) of the Laurel Hollow
7 Village Code. The existing setback is 30 feet.

8 The property under application is designated
9 as Section 14, Block A, Lot 1108, on the Land and Tax
10 Map of Nassau County.

11 The exhibits in connection with this hearing
12 are as follows:

13 First, notification from the Nassau County
14 Planning Commission dated June 13, 2018 that the
15 application is referred to the Laurel Hollow Board of
16 Zoning Appeals for action as deemed appropriate.

17 The next exhibit is the legal notice dated
18 June 11, 2018.

19 The next exhibit is an affidavit of posting
20 from Nick Porcaro that the legal notice was posted
21 conspicuously on the bulletin board located at the main
22 entrance to the Office of the Village Hall on June 15,
23 2018.

24 The next exhibit is an affidavit of
25 publication by Michele Snow of Richner Communications

1 stating that the legal notice was published in the
2 Oyster Bay Guardian on June 15, 2018.

3 The next exhibit is a document that confirms
4 that the legal notice was published to the village
5 website and sent to village website NEWS subscribers on
6 June 13, 2018.

7 The next exhibit is an affidavit from the
8 Deputy Clerk stating that the legal notice was mailed on
9 June 12, 2018 to the agencies set forth in the
10 affidavit.

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

15 Is there a representative here on behalf of
16 the applicant this evening?

17 MR. MCCAREY: Yes.

18 MR. AVRUTINE: Come to the front and give your
19 name and address for the record.

20 MR. MCCAREY: John McCarey, 5 Cedarwood Court.

21 MR. AVRUTINE: The floor is yours.

22 MR. MCCAREY: We're just putting up the -- we
23 did work to the house recently, and it wasn't until we
24 did our final survey and were going for the CO that we
25 realized the pool equipment was in violation. We moved

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1 in five years ago, and the pool equipment has been there
2 I think over 20 years. So we didn't realize that it was
3 in violation. So that's when we went for the variance.

4 CHAIRMAN MOHR: Any questions from the Board?

5 MEMBER LEBEDIN: Is there any issues with your
6 neighbors regarding the optics, noise level, or anything
7 else coming from those units?

8 MR. MCCAREY: No. I talked to the neighbor
9 behind me, the only one that would really be of any
10 consequence, and, you know, they didn't have any issue.
11 I was going to get something to sign. It was short
12 notice. I went late in the day today, and I didn't get
13 an answer.

14 MEMBER LEBEDIN: You are not aware of anybody
15 having an issue with the neighbors?

16 MR. MCCAREY: No.

17 MEMBER BLUMIN: Have you been using the pool
18 since you moved in?

19 MR. MCCAREY: Yes.

20 MR. AVRUTINE: How long did you say you
21 resided there?

22 MR. MCCAREY: 2013.

23 MR. AVRUTINE: Is there a reason that the
24 equipment cannot be relocated so that it's in compliance
25 with the Code?

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1 MR. MCCAREY: Just out of -- I mean, with all
2 the equipment that's there, you know, beyond just the
3 cost and moving it and probably having to move, you
4 know, our trees around in the area back there, you know,
5 if there is a way that we can keep it where it is, just
6 because moving things you can get underground leaks from
7 that, that can lead to a lot of issues. If we can keep
8 it where it is without any issues, we would like to do
9 that.

10 MEMBER BLUMIN: The pool equipment has been
11 there since --

12 MR. MCCAREY: The pool has been there since
13 the late 80s, I believe. One of the landscapers told me
14 that.

15 MEMBER PARZIALE: It's almost 30 years.

16 MR. MCCAREY: Yes.

17 CHAIRMAN MOHR: And it's approximately 30 feet
18 from the property line?

19 MR. MCCAREY: I know the fence -- the property
20 line goes another few feet from the fence. I think it's
21 32 feet, what we measured, you know.

22 CHAIRMAN MOHR: Because the fence is inside
23 the property line?

24 MR. MCCAREY: Yes.

25 MR. AVRUTINE: According to the Building

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1 Department denial, it's 30 feet.

2 CHAIRMAN MOHR: Any questions?

3 MEMBER LEBEDIN: Nothing.

4 CHAIRMAN MOHR: Any questions from -- anybody
5 from the public like to address the Board on this
6 matter?

7 MEMBER PARZIALE: No.

8 MR. AVRUTINE: Motion to close the public
9 hearing?

10 MEMBER BLUMIN: So moved.

11 MR. AVRUTINE: Member Blumin.

12 May I have a second?

13 MEMBER LEBEDIN: Second.

14 MR. AVRUTINE: Member Lebedin.

15 All in favor?

16 CHAIRMAN MOHR: Aye.

17 MEMBER BLUMIN: Aye.

18 MEMBER PARZIALE: Aye.

19 MEMBER LEBEDIN: Aye.

20 MR. AVRUTINE: Let the record reflect that
21 this application is deemed Type II under the New York
22 State Environmental Quality Review Act.

23 A motion on the application?

24 MEMBER BLUMIN: Motion to approve.

25 MR. AVRUTINE: By Member Blumin.

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As submitted?

MEMBER BLUMIN: As submitted.

MR. AVRUTINE: Any conditions proposed?

MEMBER BLUMIN: No.

MR. AVRUTINE: May I have a second?

MEMBER PARZIALE: I will second that.

MR. AVRUTINE: Member Parziale.

All in favor?

CHAIRMAN MOHR: Aye.

MEMBER BLUMIN: Aye.

MEMBER PARZIALE: Aye.

MEMBER LEBEDIN: Aye.

MR. AVRUTINE: Application approved as submitted.

MR. McCAREY: 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