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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING
PUBLIC HEARING
August 15, 2017
7:30 p.m.

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

PRESENT:

- RUSSELL MOHR, Chairman
- NEWTON J. BURKETT, Member
- JEFFREY BLUMIN, Member
- CINDY KAUFMAN, Member
- LOUIS LEBEDIN, Member

ALSO PRESENT:

- HOWARD AVRUTINE, Village Attorney
- JAMES ANTONELLI, Village Engineer

ALSO PRESENT:

- NEAL M. WECHSLER, Architect
- COLIN AND PATRICIA WILLIAMS-HAWKES

ZV4-2017 - Hearing on application to construct a
two-story addition at 48 Springwood Path

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 CHAIRMAN MOHR: The next item on
2 the agenda will be ZV4-2017,
3 Williams-Hawkes.

4 This is case number ZV4-2017, a
5 Public Hearing on the application of
6 Neal M. Wechsler, Architect, PC on
7 behalf of Colin Williams-Hawkes to
8 construct a two-story addition to an
9 existing accessory building at 48
10 Springwood Path where: One, the
11 servants' building shall be a detached
12 building exclusively for living or
13 sleeping accommodations of bona fide
14 domestic servants and caretakers
15 required by Section 145-5(E)(3)(d)(1) of
16 the Laurel Hollow Village Code. The
17 proposed servants' building is used both
18 as servants' quarters and a garage.

19 No accessory building shall be
20 erected at a distance less than the same
21 distance from the front lot line as the
22 principal building as required by
23 Section 145-5(B)(2) of the Laurel Hollow
24 Village Code. Principal building
25 setback is 395.1 feet; accessory

1 building setback is 204.4 feet.

2 Next, no accessory building shall
3 exceed 1,000 square feet as limited by
4 Section 145-5(A)(1)(c) of the Laurel
5 Hollow Village Code. 2,537 square feet
6 is proposed.

7 Next, no accessory building shall
8 exceed 25 percent of the area of the
9 principal building, as required by
10 Section 145-5(A)(1)(c) of the Laurel
11 Hollow Village Code. 133 percent is
12 proposed.

13 And, lastly, no accessory building
14 shall have a heating system as required
15 by Section 145-5(A)(1)(c) of the Laurel
16 Hollow Village Code.

17 The property under application is
18 designated as Section 14 Lot A Lot 1057
19 on the Land and Tax Map of Nassau
20 County.

21 The exhibits in connection with
22 this application are as follows:

23 The first is notification from the
24 Nassau County Planning Commission that
25 is dated April 5, 2017 that the matter

1 is hereby deferred to the Laurel Hollow
2 Board of Zoning Appeals for action as it
3 deems appropriate.

4 The next exhibit is a Legal Notice
5 of Public Hearing dated July 26, 2017.

6 The next exhibit is an Affidavit of
7 Posting from Nicholas Porcaro that the
8 Notice of Public Hearing is posted
9 conspicuously on the bulletin board at
10 the main entrance of the Office of the
11 Village Clerk on August 4, 2017.

12 The next exhibit is an Affidavit of
13 Publication from James Slater stating
14 that the Legal Notice was published in
15 the Oyster Bay Guardian on August 4,
16 2017.

17 The next exhibit is an Affidavit
18 from the Deputy Clerk stating that the
19 Notice of Public Hearing was mailed to
20 other interested parties on August 2,
21 2017.

22 The next exhibit consists of the
23 documents confirming that the Notice of
24 Public Hearing was published to the
25 Village of Laurel Hollow website and

1 sent to Village website NEWS subscribers
2 on August 2, 2017.

3 The next exhibit is an Affidavit of
4 Mailing from the applicant indicating
5 that the Notice of Public Hearing was
6 mailed on August 1, 2017 to the
7 individuals set forth in the Affidavit.

8 MR. WECHSLER: Good evening. I'm
9 Neal Wechsler, I am the architect. My
10 business address is Post Office Box 245,
11 Lindenhurst, New York. I am here
12 representing Colin and Patrick
13 Williams-Hawkes, they are sitting right
14 here, 48 Springwood Path, Laurel Hollow.
15 They've been 21 years residents of the
16 area.

17 We come before you today asking for
18 approval to enlarge and remodel an
19 existing structure that includes a
20 garage level and servants' quarters
21 above, which has previously been
22 approved by the BZA of Laurel Hollow and
23 received a CO for the use back in 1996.

24 This is a copy of the CO.

25 MR. AVRUTINE: Copy of the

1 Certificate of Occupancy number 1144
2 dated May 31, 1996, being marked as
3 Applicant's Exhibit Number 1.

4 MR. WECHSLER: The existing
5 structure that is there on page 3 of the
6 plan I submitted to you.

7 Although the structure receive a CO
8 from the Village back in 1996, it's
9 believed to have been built by the
10 original owner back in 1969 during or
11 shortly after the completion of the
12 residence.

13 You may be familiar with this
14 residence. This house is well known as
15 the octagon house on the hill in this
16 post-card picture. It was here,
17 submitted that for your review. It was
18 built by the original owner, David Dowd,
19 who at the time was the president of
20 Franklin National Bank which was the
21 20th largest bank at the time. Mr. Dowd
22 built a servant's quarters for the
23 servants that had been known to be
24 working on his property.

25 The Williams-Hawkes are only the

1 third owners of this residence. The
2 property is accessed from a cul-de-sac
3 and is 4.4 acres, which is 191,643
4 square feet, 2.4 acres larger than the
5 minimum required lot area. The owners
6 intend to maintain the use of the
7 structure as a garage, as well as
8 servants' quarters to be used by health
9 care aides to assist for their elderly
10 parents, as well as groundskeepers or
11 other domestic workers.

12 If you look at page 2 shown in the
13 plan, actually page 4 is probably
14 easier, showing the plans of the
15 proposed structure. So the garage area
16 you can see the shaded areas for both
17 levels. That's where the existing
18 structure is now.

19 So to the west side, which is the
20 rear of the garage, we're looking to
21 extend it by 5 feet, it's 5 feet from
22 the wall. But the house, the existing
23 structure has a cantilever on all four
24 sides of the roof overhang, so we're
25 actually to the rear. On that side,

1 we're extending 2 feet further than what
2 is going on now. North side, which
3 would be the right side of the garage,
4 we're extending 7 and-a-half feet, which
5 is really only 5 and-a-half feet from
6 the existing cantilever. The only thing
7 that goes beyond that is the bedroom on
8 the upper level. That cantilevers out
9 to make a larger bedroom.

10 On the south side of the garage,
11 which I don't know, I believe many of
12 you have been to the property, this is
13 where there is a drop off to that side
14 of about 15 feet away from the
15 structure. We are not doing anything to
16 that wall, we're staying in line with
17 that existing wall. And then it's just
18 the structure is cantilevering above,
19 but matches the existing cantilever that
20 is there.

21 The east side, which is the front
22 of the garage, we're extending that 9
23 feet, 9 and 3 quarters, which, again,
24 takes 2 feet off from what is existing
25 there.

1 So number 2 is no accessory
2 structure shall be erected less than the
3 same distance from the principal
4 building. Although the structure is in
5 the front of the main building, an
6 accessory structure is only required to
7 be 100 feet from the front property
8 line, 50 feet from the sides and a
9 garage is allowed to be 60 feet from the
10 property line. Our proposed structure
11 is 204 feet from the front, 60 from the
12 sides, so it's well above what it would
13 be if the house was in line.

14 The thick trees on the property
15 actually block the street view, so it's
16 hard to see that the structure is there
17 unless you're looking for it. You
18 wouldn't even know, you can't see the
19 main house from the road, so you
20 wouldn't even think that that were the
21 house because you don't know there is
22 another structure beyond that.

23 Because these properties were
24 divided in such a way to have access
25 from the cul-de-sac, it created

1 irregularly-shaped properties, making it
2 difficult to conform to the Code written
3 for a typical shaped lot and required
4 special considerations.

5 As the neighbor who also has the
6 garage right -- if you look at the
7 radius map, the property right next to
8 it is owned by the Chens, they actually
9 have a garage on their property and it's
10 a detached garage from the house. It
11 actually sits in front of the house to
12 the road and it is actually closer to
13 the road than the garage that we were
14 proposing.

15 As for the size, where it goes no
16 accessory building shall exceed 1,000
17 square feet, it says that this structure
18 is 2,537 square feet. Town Code says
19 that the definition of building area is
20 the gross horizontal cross section area
21 of all roofed-over areas on a lot,
22 including roof decks, but excluding
23 cornices, eaves, gutters or chimneys
24 projecting not more than 18 inches,
25 steps and bay windows not extending

1 through more than one story and not
2 projecting more than 5 feet.

3 So when that number was calculated,
4 that was actually taking the area of
5 both levels, the garage level and the
6 upper level. Because if you go back to,
7 I believe it's on the first page, page
8 number 2, it would be what footprint is
9 generated and what overhang that would
10 be from above to create that footprint
11 and would be the area. So the area
12 should really be 143,042 square feet,
13 not 2,537. So this area that is 1,342,
14 which is only .7 percent of the lot area
15 covered counting all other accessory
16 structures, only covers 3.9 percent of
17 the lot. Local law allows 10 percent of
18 what you're allowed for the lot
19 coverage.

20 As previously stated, I believe the
21 building area was miscalculated
22 erroneously. The percentage as related
23 to the main building is also incorrect.
24 Because if that number is incorrect, you
25 use the 2,500 when you compare it to

1 what the existing structure is, you add
2 the percentage at 133 percent, but it
3 really would be 70.3 percent of the
4 footprint of the existing structure and
5 342 square feet over the thousand square
6 feet.

7 The building, the building area of
8 the house itself is 1,907 square feet
9 which is less than one percent of the
10 allowable 6 percent which would be
11 11,490 square feet. If we did what was
12 allowed as a resident, the house would
13 be allowed to be 11,000 square feet on
14 that property, over 11,000 square feet.
15 So it would -- and to increase the
16 garage to be 25 percent of the garage,
17 the house would have to increase 300 --
18 3,461 square feet, which is all that
19 would be needed to increase the garage
20 to meet that Code requirement of the 25
21 percent.

22 So the thing is when you consider
23 this as an accessory structure, it is
24 one set of codes, but your codes have
25 for a servants' quarters. So when it's

1 considered a servants' quarters, its
2 allowable front-yard setback only needs
3 to be 60 feet. We are at 204 feet. The
4 allowable side-yard setback of 40 feet
5 is required and we are at over 60 feet
6 on each side. The allowable building
7 area of 6 percent, which would be for a
8 servants' quarters, you're allowed to
9 have 6 percent, which would be 11,500
10 square feet on the 4.4 acres.

11 The thing is the servants' quarters
12 has its own 2 acres, it's considered 2
13 acres of it on its own, then the
14 building area would be allowed to be
15 5,227 square feet. We are just
16 proposing 1,342 square feet, just 1.5
17 percent of that lot coverage on the 2
18 acres. The required distance from other
19 buildings is supposed to be 80 feet.
20 Between the existing residence and the
21 house is approximately 146 feet.

22 The final issue is no accessory
23 structure shall have heating.

24 Well, the garage level may be
25 considered an accessory structure but

1 the servants' quarters is a servants'
2 quarters and I can't see how you can
3 have a servants' quarters without having
4 heat for the people.

5 I actually have a copy of the plot
6 plan that was used for the original
7 approval for the variance, and showing
8 how the property is subdivided. I have
9 a smaller copy for everyone. But it
10 shows how this will be its own 2-acre
11 parcel, 2.4 acre parcel. This was used
12 in the original approval to allow for
13 servants' quarters in the first place.

14 It's also a hardship the way the
15 property is. I don't know if you
16 notice, but the way the property is, it
17 drops off a lot, especially to the rear,
18 so locating the house originally, I'm
19 sure they took up the views, but to be
20 able to put a garage behind the house,
21 it is just a drop off so there is no
22 place unless they expanded the house and
23 made the house larger and put a garage
24 within the structure of the house. So,
25 since the structure's there, it was

1 already approved, we're just looking to
2 update and remodel it.

3 MR. AVRUTINE: Is this being
4 submitted as an exhibit?

5 MR. WECHSLER: Yes.

6 MR. AVRUTINE: So for the record,
7 the photograph that was previously
8 submitted is marked as Applicant's
9 Exhibit Number 2. And then the site
10 plan dated March 6, 1996, a copy of the
11 site plan dated March 6, 1996, is being
12 marked as Applicant's Exhibit 3.

13 MR. WECHSLER: The whole property
14 is full of trees, thick wooded, most of
15 it is a thick, wooded area. Much of it
16 isn't cleared. They actually planted 50
17 mountain laurels and 50 rhododendron for
18 an area that was all like brush, dead,
19 burned out. They cleaned up the area
20 and planted just because that's the way
21 they want to keep the area and keep the
22 piece of property. Their property
23 actually extends all the way to the
24 parking lot of the church.

25 So if you have any questions.

1 CHAIRMAN MOHR: Are there any other
2 presenters on your behalf?

3 MR. WECHSLER: No.

4 CHAIRMAN MOHR: We will take any
5 comments from the public, if any?

6 Yes, name and address for the
7 record.

8 MS. DiGERONIMO: My name is Jan
9 DiGeronimo. I live at 42 Springwood
10 Path and our property abuts the
11 applicant's property. I just want to
12 say that we lived in our home for 12
13 years now and we chose Springwood Path
14 and the property because it's private,
15 it's quiet and we, too, love the nature
16 on it. We back up to a 500-acre nature
17 preserve and St. John's Church.

18 As far as our neighboring property,
19 understanding that they have indicated
20 all of the appropriate, I guess,
21 property lines for this structure, but I
22 wanted to just show you, I see their
23 existing garage every day. This is my
24 home, this is their garage, so that this
25 is the yard in between. These are the

1 trees that exist. So whether I am in
2 the driveway, on the deck, in the gazebo
3 in the backyard, at the mailbox, I see
4 this structure.

5 So my question is, everyone that
6 was here tonight was talking about
7 property-specific variances, whether it
8 was the pool or tennis court or an
9 addition to a home. This is a
10 personal-use variance for a caretaker or
11 elderly parent. I understand that we
12 all have to deal with things like this,
13 but one of my first questions when I saw
14 this is that it's personal use, and they
15 want to fix their existing accessory
16 building to accommodate this. What
17 happens when that need is no longer
18 there, do they take the structure down?
19 Because it is not adding to the
20 property, it's for personal use.

21 Regarding all of the notices of
22 disapproval to this application, the
23 first was a servants' building shall be
24 a detached building to be used
25 exclusively for living or sleeping

1 accommodations of a bona fide servant or
2 caretaker that's required by Section
3 145-5(E)(3)(d)(1) of our Village Code.

4 This building is presently -- it
5 exists as such with a living quarters
6 upstairs, a bedroom, bathroom and a
7 kitchen with an existing garage
8 downstairs.

9 So, it's already, I guess,
10 according to what I heard, was approved
11 back then. That's technically
12 non-complaint by Village Code because
13 it's using a dual purpose.

14 The accessory building, the second
15 notice of disapproval was no accessory
16 building shall be erected a distance
17 less than the same distance from the
18 front of the property. And, again, the
19 main house which is almost 4,000 square
20 feet and the decking around it with, I
21 guess, the most beautiful views of the
22 Harbor, I've never been, I understand
23 it's lovely with their pool and a tennis
24 court, the existing accessory building
25 is almost 200 feet from the -- 204 feet

1 from the front of the property. The
2 primary residence is in the back.

3 The thought that I had seeing this
4 is with all the property there, perhaps
5 making an accommodation in the existing
6 basement or adding something to their
7 existing home to accommodate their needs
8 in the accessory building, instead of
9 modifying the accessory building that
10 exists.

11 The next notice of disapproval was
12 no accessory building shall exceed 1,000
13 square feet as required by Section
14 145-5(A)(1)(c) of the Laurel Hollow
15 Code. Again, presently, the existing
16 auxiliary building is 1,150 square feet
17 which is not in compliance. The
18 proposed structure is going to be 2,537
19 square feet with an additional 600 feet
20 of decking, so, that is 3,100 square
21 feet of house. So, basically, what I
22 see is another home that is being built
23 60 feet from my property line and that's
24 substantial. They have a 4,000
25 square-foot home and they're building

1 another 3,100 square feet accessory
2 building. It's a lot.

3 The next notice of disapproval is
4 no accessory building shall exceed 25
5 percent of the area of the principal
6 building according to the Laurel Hollow
7 Code. Presently 133 percent is
8 proposed.

9 My math is not a quick as everyone
10 else's here, but 133 percent versus 25
11 percent, that's a lot of house. And,
12 again, I say it's substantial. Granted,
13 we are in a cul-de-sac. There are five
14 neighbors there, but from the cul-de-sac
15 or from -- yes, you can't see their
16 primary residence and you can see a bit
17 of their garage, but from my property I
18 see everything. And when the trees are
19 down, I'm talking about the decking, the
20 lighting, the traffic, the construction,
21 I see clearly and I'm sure they see into
22 our yard as well.

23 This is why I'm just -- with what
24 is being proposed here, I don't know if
25 any other feasible alternatives are

1 presented. I didn't see anything when I
2 looked in the file, but this is not
3 something that -- they have a structure
4 right now, 1,150 square feet with one
5 bedroom, one bathroom, a living area.
6 What they are proposing is two bedrooms,
7 two bathrooms, a kitchen, and a living
8 room. This is the existing space being
9 right here. This is what is proposed
10 with all of the decking here.

11 Yes, the area we live in is very
12 sloped. You think about the waste
13 management, the runoff, I guess the
14 buffering. Because certainly if you
15 look at this photo, this is the primary
16 residence. This is the auxiliary
17 building and our property line is right
18 here.

19 Lastly, back to the last notice of
20 disapproval. No accessory building
21 shall have a heating system.

22 If there are quarters there right
23 now that has living space upstairs and
24 there is a garage below it, it is
25 already in existence, and they're

1 looking to put in a four-car garage.
2 Again, two bedrooms, two bathrooms,
3 living room, dining room and 600 square
4 feet of decking, of course they will
5 have heat.

6 But I just have a question about
7 having other feasible opportunities or
8 plans presented, I didn't see anything.

9 Again, this is a 4-acre property
10 with a 4,000 square foot home, and they
11 wish to build another 3,100 square foot
12 accessory building. And, unfortunately,
13 this was new to us. We saw this in the
14 mail, we were not approached. We had no
15 idea this was taking place. Again, we
16 see this every day as it is.

17 MR. AVRUTINE: I would just like to
18 note that the aerial photo that Ms.
19 DiGeronimo submitted will be marked
20 Opponent's Exhibit A.

21 MS. DiGERONIMO: Again, this is
22 getting, that would be Exhibit B. Here
23 is the road that leads up to the
24 accessory building, which, again, is a
25 garage, now it's living quarters

1 upstairs. And our property line, this
2 is 60 feet from here, that is our view.

3 MR. AVRUTINE: May I have this,
4 please?

5 MS. DiGERONIMO: You have all these
6 plans, right?

7 CHAIRMAN MOHR: Yes, thank you.
8 Anything else?

9 MS. DiGERONIMO: So were there any
10 alternatives?

11 CHAIRMAN MOHR: We want to hear
12 anything from the public and then we
13 will discuss amongst the Board.

14 MR. AVRUTINE: If I can, I would
15 just like to mark that second
16 photograph, second aerial photograph
17 marked as Opponent's Exhibit B.

18 MR. DiGERONIMO: Basically, what my
19 wife and I are requesting -- Richard
20 DiGeronimo -- I don't mean to put Jan on
21 the spot or our neighbors, is that what
22 we're suggesting is maybe can the
23 existing structure be utilized for this
24 in a more non-obtrusive manner?

25 There's nothing on the screening

1 plan, nothing on the slope easement
2 drainage. Is the drainage easement
3 going along the property there? So all
4 these other factors, I guess, would be
5 submitted during the building permit
6 process. But without having more
7 details of what is going to occur here,
8 we are somewhat concerned in terms of
9 our privacy and what will occur if the
10 structure is built as planned.

11 CHAIRMAN MOHR: Thank you.

12 Any comments from the public?

13 (No response.)

14 Would the applicant like to speak?

15 MR. WILLIAMS-HAWKES: Yes.

16 CHAIRMAN MOHR: Name and address
17 for the record.

18 MR. WILLIAMS-HAWKES: Colin
19 Williams-Hawkes, 48 Springwood Path.

20 I think the main reason you see as
21 much as you do --

22 MR. AVRUTINE: Please address the
23 Board with the comments.

24 MR. WILLIAMS-HAWKES: The main
25 reason the neighbors see as much as they

1 do is they've taken down so many trees
2 without permits. And they have taken
3 down a lot of trees. They are the ones
4 that have cleared the view and that's
5 the reason they can see this property.
6 If they'd left the forest untouched and
7 left nature to itself, they would have
8 had far less of a view than they do. So
9 I am very surprised they are saying
10 something about a view when they've
11 destroyed their own trees. We've left
12 all our trees up. There's a lot of
13 stuff there.

14 The numbers they have mentioned I
15 think our architect has already stated
16 that some of the numbers mentioned in
17 the presentation were not the correct
18 numbers as mentioned by the Town. In
19 fact, what they're asking for is a very
20 small increase in that building, which
21 is already approved and already has
22 permits.

23 MS. WILLIAMS-HAWKES: I'd like to
24 say something.

25 CHAIRMAN MOHR: Your name and

1 address for the record.

2 MS. WILLIAMS-HAWKES: Patricia
3 Williams-Hawkes, 48 Springwood Path.

4 This is our first time in front of
5 the Board in 21 years. We are
6 environmentalists, we are one with
7 nature. We are members of the North
8 Shore Land Alliance. We love the
9 forest, the trees. We love our
10 property.

11 We have 4.4 acres. Our house is an
12 octagonal house. Unfortunately, with
13 those crazy angles the space is what it
14 is. And in order for us to maybe knock
15 it down or expand it or build a big
16 house, we could do that, but we don't
17 wish to because we like everything sort
18 of -- everything is one with nature,
19 it's brown, it's from, like, Vermont
20 type.

21 The structure we have existing,
22 which we've never used and we were
23 granted the CO from the people we bought
24 it from because we never did anything.
25 It was already a two-car garage with the

1 servants' quarters. All we're asking
2 for is to go towards their property 5
3 feet. We're going towards the Chen
4 neighbors 7 and-a-half feet, and we're
5 going towards our house only like
6 9-point something feet. So we're just
7 expanding a tiny bit and we're reworking
8 what was in there.

9 I have my parents that are in their
10 mid-80s that I'm taking care of and that
11 I need help. In order to get help, it's
12 an incentive to be able to have
13 servants, put them somewhere, so that is
14 the reason for them to be there.

15 My parents are super healthy,
16 there's nothing else wrong with them
17 except for the fact that my mother has
18 dementia. Colin and I have no children,
19 so eventually when they go, we are going
20 to need help maintaining 4.4 acres, and
21 then eventually we will need help
22 medically, probably, even though we're
23 both very healthy, and trying to stay
24 healthy. So really, I don't think we
25 are asking for much.

1 Of course, we're going to put
2 screening in and all that, but I didn't
3 think that was what we're supposed to
4 say. I think we have enough screening.

5 I've never been to their home, so I
6 don't know what their view is, but that
7 is what has been there since they moved
8 here. We haven't changed anything,
9 except for the fact that when you look
10 into their forest, I can see all the
11 erosion and all because they've done a
12 lot of clean up.

13 One time we came home from vacation
14 and I had two trees of mine that were
15 cut by him. I came to Nancy and the
16 Town and I said why did he cut my tree.
17 I spoke to him about it and he said
18 because they were scrawny. That didn't
19 give him the right to do that. He very
20 kindly offered to pay for them, but I
21 never went back to him for that.

22 Another time we came home from
23 traveling and all of a sudden another
24 driveway right when I pull in and I can
25 see a driveway to the right. Not only

1 do they have their main driveway, they
2 have another constructed driveway that
3 he built, so we are not really changing
4 too much. It seems like they changed a
5 lot.

6 All I'm saying is we would work
7 with anybody if they wanted to actually
8 work with us back, that would be
9 wonderful. But we've kept the forest
10 lovely and thick, the way we like it.

11 In fact, in order to do this, there
12 is only one tree that might have to come
13 down, nothing else, and maybe like a
14 little bit of a mountain laurel. But we
15 did plan on planting a lot more because
16 we don't want to see them either,
17 because we don't like all the light
18 pollution. They're the ones that have
19 lights on their property all the time
20 that I actually can see from my front
21 door. I keep everything dark on purpose
22 because I like to look at the stars.

23 I don't think I have anything else
24 to add beyond that.

25 CHAIRMAN MOHR: Thank you.

1 MR. WECHSLER: If I can just add a
2 few more comments.

3 First of all, it's very small in
4 nature which more than exceeds the
5 requirements for setbacks. If that
6 property was not shaped where the
7 residence was put behind it, it's more
8 than what any other property would be
9 required to have for the cottage to be
10 set back.

11 Can I see the aerial photo of the
12 two houses, of their house?

13 (Handing.)

14 They don't show you their property.

15 This area is cleared and what
16 you're looking at is the back of their
17 house. I don't know how they're seeing
18 it because their house faces all the way
19 from it. The front door faces the other
20 way. I don't know how they're actually
21 seeing it.

22 As far as putting the servants'
23 quarters in the basement, there is no
24 basement. The way the house is stacked
25 it's on a hill. So when you look at it

1 and you pull up on the driveway, it
2 looks like a one-story house. As you go
3 down a level, it's half a house. The
4 back of the house is all exposed because
5 it's such a steep terrain and a hill
6 that's all open. Then even the pool is
7 down a level from that so nobody
8 actually sees any of this. You can
9 barely see it from the road anymore.

10 The house does not affect anybody.
11 And the size of this garage extending it
12 back 5 feet, I took very much care not
13 to go into an area where there is steep
14 slope on the property because I worried
15 about the drainage, how it is. So we
16 are not going to affect the steep slope
17 and be building that to cause erosion.

18 The plantings that are on the steep
19 slope will remain. There is one big
20 tree that is going to be removed and two
21 smaller trees, one that's half-dead. I
22 don't think it is required to have a
23 permit to remove that tree. And like I
24 said, to cut back some mountain laurel.

25 As to what -- all accessory

1 structures, that 20 percent or 10
2 percent, is all accessory structures.
3 So it's like saying one structure can't
4 be more than a thousand square feet.
5 But I can have three structures that are
6 accessory structures, each at a thousand
7 square feet, and take up, make up that
8 space. So just like instead of having
9 multiple structures, I think it would be
10 better to have that one structure that
11 is isolated by itself, not becoming
12 anymore more intrusive than what it is
13 now. It's hidden by the trees.

14 The ravine is a drop on that side
15 and from their property there's a drop
16 going from the other side down. It is
17 not like they are right on that property
18 looking at that flat piece of land. I
19 see this building sitting there, it's
20 like they're looking down a hill.
21 They're sitting up on top of a hill so
22 they can probably see over the top of
23 it.

24 The other thing is we tried to
25 minimize the height of the structure by

1 making a flat roof, a modern design.

2 If you look at the elevations, it
3 looks like there is a third level,
4 that's only an attic access on there.
5 So that way we put air conditioning
6 units up there. Rather than having them
7 sit on a roof, a flat structure, we
8 actually created a flat area access. So
9 that area that's raised up, that's not a
10 floor level, that's an attic so that way
11 we can put equipment up there. So I
12 took good care of that because we didn't
13 want to go above the trees and have
14 something sticking way up in the air.

15 I am trying to think if I addressed
16 all the issues that Jan brought up.

17 Like I said, we are minimizing any
18 trees that we are removing, it's really
19 minimal. And the trees we are removing
20 is one in the back corner, otherwise,
21 it's to the Chen side of the house that
22 we have to remove where we're expanding
23 that 7 and-a-half feet. That is where
24 probably the most of anything would have
25 to be dealt with.

1 MR. DiGERONIMO: Can I add some
2 clarification to the allegations that
3 were made?

4 CHAIRMAN MOHR: I'd rather not get
5 into the banter. You guys can certainly
6 talk after the meeting.

7 MR. DiGERONIMO: In the valley, I
8 didn't remove any trees. We lost 10
9 trees as a result of Sandy. The valley
10 was not touched.

11 As for an auxiliary driveway, we
12 had permits for that because we are on
13 the hill and we can't get up the hill
14 because of ice, et cetera. When we put
15 the permit in, we went through extensive
16 studies, fees, legal fees, we had some
17 opposition, et cetera, for a stone
18 driveway that you see in that photo.
19 Then we also created a complete buffer
20 so no one can see it. It's flat.

21 What is the height of the two
22 and-a-half stories?

23 What is the difference between the
24 height of the existing structure and
25 what you propose?

1 MR. WECHSLER: Actually, it's
2 allowed to be at 35 feet, I think it
3 is --

4 CHAIRMAN MOHR: 28.

5 MR. WECHSLER: Code, and I am at
6 28.8. The existing structure is at
7 22.2, so I'm only 6 feet higher than the
8 existing structure.

9 CHAIRMAN MOHR: Are there any other
10 comments from the public?

11 (No response.)

12 Any comments from the Board?

13 MEMBER BURKETT: Howard, can you
14 clarify for us the existing situation
15 with respect to the accessory structure
16 and the heating system and how it's
17 permitted at the moment.

18 MR. AVRUTINE: The issue its
19 created here, and I can't speak to the
20 1996 Certificate of Occupancy because it
21 was a different Building Inspector,
22 different Village Engineer, different
23 Village Attorney back then. But as far
24 as the current application and the
25 denial issued by the Building Inspector,

1 the central part of this is the fact
2 that you essentially have a mixed-use
3 accessory structure.

4 The way the Code is written, the
5 servants' quarters, to be a legitimate
6 servants' quarters as defined by the
7 Code, must just be quarters. The fact
8 that this a garage with essentially
9 quarters above, takes it out of the
10 definition of servants' quarters.

11 So I believe one of the points that
12 the applicant is making here is that,
13 yes, it's technically not definitionally
14 a servants' quarters, but it really is.

15 It has the garage, it's approved
16 that way, all we are doing is expanding
17 a little bit over what is already there.
18 Nonetheless, by virtue of the fact that
19 you have the second usage, the garage as
20 part of it, and because it doesn't meet
21 the definition, all of these variances
22 kick in. The variance, because it's not
23 solely a servants' quarters, or all the
24 setbacks that apply and then the
25 accessory structure requirements in

1 terms of the size of the percentage, the
2 principal building, all of the things
3 you have heard, so they come into play
4 as a result of the request to expand the
5 existing structure.

6 MEMBER BURKETT: I would like your
7 professional opinion as to whether you
8 believe that what is being requested
9 here would be within the spirit of the
10 intent of the Village Code.

11 MR. AVRUTINE: Well, I appreciate
12 your question. But in my role as --

13 MEMBER BURKETT: It is up to us to
14 decide.

15 MR. AVRUTINE: Right. As a legal
16 matter, you are going to be asked to
17 approve certain variance relief.

18 Now, with your judgment as a Board
19 member, you may want to consider it's
20 already there, what is the delta, if you
21 will, the change between what is there
22 and what they're proposing, what is that
23 impact going to be.

24 Similarly, you can say no, I'm
25 going to treat it like it's a clean

1 slate and with all of these numbers, I'm
2 going to look at it that way. So it's a
3 broad kind of way you can look at it
4 within your discretion in terms of the
5 impact, et cetera. But, technically
6 speaking, it does require this relief.

7 MEMBER BURKETT: Which is why we're
8 here, of course, and I appreciate that.

9 CHAIRMAN MOHR: I think as a
10 practical matter, looking at it from the
11 Board's point of view, at least my point
12 of view, I think there is an existing
13 structure there, there is a variance
14 there that exists, which relief was
15 granted. And in my opinion, you look
16 back and you say, okay, this was done in
17 the '60s and you have been there for
18 20-plus years and you never used it.
19 Now you have the need for it and you
20 want to utilize it, but you come in
21 front of us to ask for additional relief
22 and I question 20 years from now, what
23 is the next step. That's why we have to
24 deliberate here because to look forward
25 to 10, 20 years, the next owner and what

1 they're going to be using that for, we
2 have to be conscientious of and clearly
3 understand the application.

4 MEMBER KAUFMAN: I agree.

5 MR. WECHSLER: Can I just add
6 something to that?

7 Based on the way I understand your
8 Code, it says that by showing how the
9 property can be subdivided that if
10 somebody wanted to, that can be turned
11 into a single-family house and sold and
12 the property can be subdivided into 2
13 acres. So that's how it can revert
14 after to the next owner or when it's to
15 be to sold so that it reverts back to
16 that. Or you remove the heating so that
17 way it's no longer a livable space.

18 CHAIRMAN MOHR: I'd need to get a
19 legal opinion on that in order to --

20 MR. WECHSLER: I understand, but
21 I'm just letting you know my
22 understanding of the Code and the way it
23 is, the way it reads to put my part into
24 it. Because if that's what you are
25 considering, that's the way I understood

1 it. If you are going to question
2 somebody legally now you have a better
3 question to ask them, based on what my
4 thoughts are and understanding of the
5 Code. That's why I presented you with
6 that plot plan showing how it was
7 subdivided, showing how it could be
8 subdivided back when it was approved in
9 '96. So that is probably how they
10 understood to use it then.

11 MEMBER KAUFMAN: I think maybe what
12 Russ is saying, and correct me if I'm
13 wrong, going forward 20 years, perhaps
14 the property can be sold as it is and
15 someone could have a rental property on
16 it.

17 MS. WILLIAMS-HAWKES: That's not
18 allowed.

19 MEMBER KAUFMAN: Exactly, but who
20 would know. Until you find out, once
21 it's there, you know what I am saying.

22 MS. WILLIAMS-HAWKES: Well, we
23 would never leave the property because
24 it's very unique, we love it. We're
25 going to pass it on to my brother, it's

1 never leaving my family. We are here to
2 stay.

3 MR. AVRUTINE: We appreciate that.
4 But with all due respect, people change
5 their mind and anyone can sell their
6 property, things happen.

7 So I think what the Board has to do
8 is consider, again, the balancing test.
9 You folks have been here for a while
10 this evening. You've heard what the
11 standard is, what the Board has to
12 consider, including impact, precedent
13 and the future. So the Board can be
14 looking at all of that in making its
15 determination.

16 MS. WILLIAMS-HAWKES: But that can
17 be with anyone's property who has a
18 little accessory building, anybody can
19 change anything once they sell.

20 But it's in the Code that you can't
21 rent, you can't do some many things.
22 When people go to buy they always ask
23 and everyone knows that doesn't happen
24 here. It's very rare when you can do
25 that in Nassau County.

1 CHAIRMAN MOHR: Maybe the Board
2 needs to get a better understanding of
3 the various codes involved here and --

4 MR. WECHSLER: Can I just say, so
5 when -- if this were to be done and a CO
6 would be issued, because I know when
7 someone closes on a house they have to
8 get copies of the CO and everything.
9 Could it be specified on the CO that
10 this doesn't transfer as that kind of a
11 use?

12 CHAIRMAN MOHR: I understand deed
13 restrictions, I understand conditions on
14 the approval that we make, but I think
15 that I want to get a better
16 understanding. I don't know if
17 everybody else agrees, but a better
18 understanding of the Code and have a
19 separate discussion about that.

20 MR. AVRUTINE: If the Board wants,
21 the Board can complete the hearing,
22 close the Public Hearing, the Board can
23 reserve decision. I can provide
24 whatever counsel and legal advice the
25 Board would like to have post-hearing.

1 MEMBER BURKETT: I would like to
2 see a finer delineation of the Code with
3 respect to this particular case before I
4 make a decision.

5 MR. AVRUTINE: That's fine. I can
6 prepare whatever the Board desires in
7 that regard.

8 CHAIRMAN MOHR: Agreed.

9 MEMBER BURKETT: Thank you for
10 suggesting that.

11 MEMBER KAUFMAN: Yes.

12 MR. AVRUTINE: Does anyone else
13 from the public or the Board wish to
14 make any comments at this point in time?

15 (No response.)

16 So we will entertain a motion to
17 close the Public Hearing.

18 MEMBER LEBEDIN: So moved.

19 MEMBER BURKETT: Second.

20 MR. AVRUTINE: Motion by Member
21 Lebedin, seconded by Member Burkett.

22 All in favor?

23 MEMBER BURKETT: Aye.

24 MEMBER LEBEDIN: Aye.

25 MEMBER KAUFMAN: Aye.

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MEMBER BLUMIN: Aye.

MR. AVRUTINE: And let the record reflect that this matter is deemed Type II under the New York State Environmental Quality Review Act, and the Board will reserve decision on this matter.

MR. WECHSLER: 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.

Mary Anne Coppins
Court Reporter