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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:

- JAMES P. MURPHY, ESQ.
- MICHAEL MAINLAND, Dubner Landscaping
- HENRY P. SOMBKE, Dubner Landscaping
- CHRISTOPHER BRAGOLI
  
- JEFF FORCHELLI, ESQ.

ZV7-2017 - Hearing on application to install  
pool, spa, patio and tennis court at 1216 Moore's  
Hill Road

MARY ANNE COPPINS  
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: The next Public  
2 Hearing is in connection with  
3 application ZV7-2017, the Public Hearing  
4 on the application of James Murphy, on  
5 behalf of Christopher Bragoli to install  
6 the following accessory structures: A  
7 pool, spa, patio and tennis courts at  
8 1216 Moore's Hill Road. Installation of  
9 the proposed accessory structure will  
10 cause the total surface area coverage to  
11 exceed 20 percent of the lot area in  
12 violation of Section 145-5(A)(1)(d) of  
13 the Laurel Hollow Village Code. 32.8  
14 percent lot coverage is, surface area  
15 coverage I should say, is proposed.

16 The property is designated as  
17 Section 26 Block C Lot 2154 on the Land  
18 and Tax Map of Nassau County.

19 The exhibits in connection with  
20 this hearing are as follows: First,  
21 notification from the Nassau County  
22 Planning Commission dated July 5, 2017  
23 that the matter is deferred to the  
24 Laurel Hollow Board of Zoning Appeals to  
25 take action as it deems appropriate.

1           The next exhibit is Legal Notice of  
2           the Public Hearing dated July 26, 2017.

3           The next exhibit is an Affidavit of  
4           Posting from Nick Porcaro that the Legal  
5           Notice was posted conspicuously on the  
6           bulletin board at the main entrance to  
7           the office of the Village Clerk on  
8           August 4, 2017.

9           The next exhibit is an Affidavit of  
10          Publication from James Slater indicating  
11          that the Legal Notice was published in  
12          the Oyster Bay Guardian on August 4,  
13          2017 from the Deputy Clerk stating that  
14          the Notice of Public Hearing was mailed  
15          to other interested parties on August 2,  
16          2017.

17          The next exhibit consists of  
18          documents confirming that the Notice of  
19          Public Hearing was published to the  
20          Village of Laurel Hollow website and  
21          sent to the Village website NEWS  
22          subscribers on August 2, 2017.

23          The final exhibit is an Affidavit  
24          of Mailing from the applicant indicating  
25          that the Notice of Public Hearing was

1 mailed on July 27, 2017 to the certain  
2 persons set forth on the affidavit.

3 Do we have a representative for the  
4 applicant, Mr. Murphy?

5 MR. MURPHY: Thank you, Howard.

6 Good evening, Mr. Chairman, Members  
7 of the Board. My name is James Murphy  
8 with the law firm of Murphy and Lynch.  
9 Our office is at 1045 Oyster Bay Road,  
10 East Norwich, New York.

11 In support of this application this  
12 evening we have the applicant owner, Mr.  
13 Christopher Bragoli, here to address any  
14 questions or concerns the Board may  
15 have.

16 In addition thereto, we have two  
17 representatives from the Steven Dubner  
18 Company which did the site plan and the  
19 landscaping on the site for these  
20 proposed improvements, as the Village  
21 Attorney just recited in terms of a  
22 tennis court, a swimming pool and spa  
23 and a patio addition.

24 I have a few exhibits I would like  
25 to have marked for the record at the

1 moment, and then with the permission of  
2 this Board, have Mr. Michael Mainland,  
3 on behalf of Steven Dubner Company,  
4 testify in a narrative with regards to  
5 the landscaping.

6 MR. AVRUTINE: Mr. Murphy, can you  
7 spell the last name of the witness you  
8 mentioned.

9 MR. MURPHY: M-A-I-N-L-A-N-D.

10 MR. AVRUTINE: Thank you.

11 MR. MURPHY: Before I do exhibits,  
12 however, I just want to mention I've had  
13 some conversations with Mr. Jeff  
14 Forchelli who is here this evening  
15 representing the next door neighbor, Mr.  
16 Thomas Quick. We've had discussions  
17 with regard to some concerns of Mr.  
18 Quick, and perhaps, some other neighbors  
19 and we hope to address those this  
20 evening, both to the satisfaction of the  
21 Board, and both to Mr. Quick who is here  
22 this evening.

23 The first exhibit I would like to  
24 have introduced is the deed to the  
25 subject property in which Christopher

1 and his wife, Ingrid, acquired title on  
2 March 11, 2015.

3 MR. AVRUTINE: Copy of a deed dated  
4 March 11, 2015, we will mark that as  
5 Applicant's Exhibit Number 1.

6 MR. MURPHY: The next exhibit I  
7 would like to introduce as one exhibit  
8 is two documents. These are certificate  
9 of occupancy number 1643, and the  
10 second, 1648, with regard to the subject  
11 property.

12 MR. AVRUTINE: Are you submitting  
13 those together or as separate exhibits?

14 MR. MURPHY: As one exhibit.

15 MR. AVRUTINE: The next exhibit is  
16 two certificates of occupancy, one dated  
17 February 17, 2015. That's certificate  
18 of occupancy number 1643. And the  
19 second one dated July 23, 2015,  
20 certificate of occupancy number 1648  
21 will be collectively marked as  
22 Applicant's Exhibit 2.

23 MR. MURPHY: The next exhibit I  
24 would like to have marked is an excerpt  
25 of the minutes from the Board of

1 Trustees of this Village on March 11,  
2 2015. This exhibit, I'm going to lay a  
3 subsequent foundation with regard to  
4 such -- will prove to be relevant, at  
5 least interesting, with regard to the  
6 nature of the application in terms of  
7 the degree of the relief we're seeking  
8 here.

9 I will read in part. These minutes  
10 state that portions of driveways that  
11 would, by definition, be considered in  
12 the surface area coverage calculation of  
13 a parcel, but that provide access to  
14 another property in easement, will be  
15 considered in calculating the surface  
16 area coverage on the first parcel.

17 At the benefit of the Board, I have  
18 extra copies of these Trustee Minutes  
19 and excerpts thereof.

20 MR. AVRUTINE: Let the record  
21 reflect that an excerpt from the minutes  
22 of the Board of Trustees meeting held on  
23 March 11, 2015 is marked as Applicant's  
24 Exhibit Number 3.

25 MR. MURPHY: Because applications

1 of this nature in which we are seeking a  
2 variance, in terms of lot area coverage  
3 as opposed to any other type of  
4 variances, screening has always proven,  
5 and landscape screening has always  
6 proven, to be most helpful with regard  
7 to neighbors and neighbor's concerns  
8 with regard to such.

9 As such, I have one exhibit to be  
10 marked consisting of 24 photographs as  
11 one exhibit. The principle purpose of  
12 these 24 photographs that I have taken,  
13 and I took them as recently as last  
14 Saturday, is to demonstrate the degree  
15 of the quality and the density of the  
16 landscaping along the perimeter of the  
17 property that has been engaged by the  
18 Bragolis. As well as you will hear  
19 testimony this evening with regard to  
20 additional density of landscaping in  
21 order to ensure the privacy not only of  
22 the Bragolis, but also of the neighbors.

23 MR. AVRUTINE: A series of 24  
24 photographs?

25 MR. MURPHY: As one exhibit.



1                   MR. AVRUTINE: They will be marked  
2 as Applicant's Exhibit Number 4.

3                   MR. MURPHY: For instance, in  
4 looking at these 24 photographs, you  
5 will see a number of photographs taken  
6 along Hickory Lane itself. And Hickory  
7 Lane is laced with much private  
8 landscaping on both sides of the lane,  
9 so there are several photographs that  
10 depict such with looking north with the  
11 subject property being on the east side  
12 of Hickory Lane.

13                   Also, in photographs 9 and 10,  
14 which are along the northern boundary  
15 line of the subject property, very heavy  
16 landscaping and plantings were done by  
17 the Bragolis to provide screening with  
18 regard to their property, as well as the  
19 adjacent property. It's that type of  
20 landscaping that is anticipated to  
21 ensure the privacy of not only the  
22 Bragoli family, but also of the  
23 neighbors who drive up and down Hickory  
24 Lane.

25                   In terms of numbers, and often

1 times lot area coverage variance  
2 applications are focused on the numbers,  
3 the subject property consists of 2.5  
4 acres, and which, in turn, equates out  
5 to 108,905 square feet. And proposed,  
6 with regard to the addition to the  
7 existing improvements for which the COs  
8 I just introduced, reflect a total of  
9 existing improvements of 13,621 square  
10 feet. The additions of a pool, spa,  
11 patio and tennis court indicated by the  
12 Village Attorney this evening would  
13 equate to an additional 10,767 square  
14 feet.

15 The reason why I introduced these  
16 minutes, the Board of Trustees minutes,  
17 is that on the very same day, that is  
18 March 11, 2015, the same day that the  
19 Bragolis acquired title and also the  
20 Village adopted its policy to include  
21 lot coverage with regard to the exhibit  
22 that is part of your application, the  
23 easement driveway area and the  
24 cul-de-sac area, the total of which is  
25 an additional 11,360 square feet. This

1 is how we jump up to a variance relief  
2 request of some 12.8 percent. But for  
3 this driveway easement requirement by  
4 the Board of Trustees, we deal with  
5 that, that's why we are here.

6 We are not criticizing the Board of  
7 Trustees, just commenting as to why if,  
8 in fact, such were not a consideration,  
9 we would be seeking relief of 2.39  
10 percent, rather than the 12.8 percent.  
11 The 12.8 percent in terms of  
12 mathematics, is the 13,960 square feet  
13 divided by the total square footage of  
14 108,905. And we got the 13,967 by  
15 subtracting the permitted 21,780 square  
16 feet, which we're allowed to have here.  
17 But because of the increase with regard  
18 to the driveway easement area, we're up  
19 to a square footage of 35,740 square  
20 feet. Subtracting 21,781 versus 13,967  
21 square feet, divided by the total  
22 acreage of 108,905, the relief requested  
23 is 12.8 percent.

24 As mentioned earlier, but for that  
25 addition, we would be down in terms of

1 driveway, we would be down 2.39 percent.

2 MR. AVRUTINE: Just to clarify for  
3 the Board and, of course, Mr. Murphy is  
4 being a competent advocate, the number  
5 is not really 12 percent. The limit is  
6 20 percent. The proposal is  
7 approximately 32 percent. That is more  
8 than 50 percent of the deviation from  
9 what the maximum requirement is.

10 So I wanted to clarify for the  
11 Board the degree that is being sought is  
12 not a 12 percent deviation, it's rather  
13 in excess of a 50 percent deviation.

14 MR. MURPHY: For sure, as I said,  
15 it's the numbers --

16 MR. AVRUTINE: I understand. I  
17 just wanted to clarify that on the  
18 record.

19 MR. MURPHY: There is no doubt  
20 about it. We're seeking a relatively  
21 large variance with regard to the  
22 numbers. But for the additional  
23 driveway easement area, we would be down  
24 two percent.

25 Without any further adieu, with

1           regard to such, I would like to have  
2           Mike from the Dubner Group walk the  
3           Board through this schematic plan that  
4           they have designed to show the location  
5           of the tennis court and the swimming  
6           pool.

7                     And Mike mentioned,  
8           parenthetically, the benefit of having a  
9           conversation with Mr. Forchelli, the  
10          thought had been perhaps this tennis  
11          court could be relocated where the  
12          swimming pool is and the swimming pool  
13          be located where the tennis court is.  
14          And according to Mr. Bragoli, the  
15          initial consideration was veering such,  
16          doing so, that aesthetically it did not  
17          work, in their opinion.

18                    To move their tennis court to  
19          center onto the house would destroy the  
20          ambience of the backyard. And the  
21          swimming pool has been located to be on  
22          center with regard to the covered porch  
23          area as to the line of sight, as opposed  
24          to taking a look at a tennis court fence  
25          and a tennis court directly behind the

1 house itself.

2 So those were the considerations  
3 that were borne in mind in designing  
4 this, so I have been advised.

5 Mike, for the record, would you  
6 introduce yourself.

7 MR. MAINLAND: Michael Mainland  
8 from Steven Dubner Landscaping,  
9 Landscape Architect. Our office is  
10 located at 140 Half Hollow Road in Dix  
11 Hills, 11746.

12 Good evening, Mr. Chairman, Members  
13 of the Board.

14 As Mr. Murphy just pointed out, I  
15 am going to walk you through briefly.  
16 He has begun the introduction already.

17 We are looking at the residence.  
18 We have the tennis court at the west  
19 side of the property. The swimming pool  
20 is set on access with the covered porch.

21 The environment of the backyard is  
22 very park-like. In fact, we proposed --  
23 we have the terrace here, but, in fact,  
24 are detaching and not proposing a  
25 walkway, a paved walkway between the

1 covered porch and the pool to maintain  
2 some of the aesthetics that the Bragolis  
3 enjoy so much.

4 The planting that is being proposed  
5 at the two side yards and the rear yard  
6 is substantial. And as pointed out, it  
7 is there for two purposes. In fact, it  
8 enhances the experience for the Bragolis  
9 from the inside of their property, while  
10 also improving any, or cutting down any  
11 view as seen by the neighbors' property  
12 into the property.

13 There has been some discussion  
14 about the space between the tennis court  
15 and the property line to the west. The  
16 plantings as laid out will thrive in  
17 that environment under the existing tree  
18 canopies that do exist there.

19 We have a -- there is a schematic  
20 drawing here. The enclosure for the  
21 tennis court is in fact not continuous.  
22 There is a 40-foot opening at both the  
23 east and the west side, as it is not  
24 necessary as for the enclosure of the  
25 tennis court. Hopefully, the playing

1 occurs north/south and the ball is not  
2 going too much east/west.

3 But we have -- well, I'm happy to  
4 go through more detail on the specific  
5 plans, but I would also be happy to  
6 entertain any questions the Board may  
7 have for me.

8 CHAIRMAN MOHR: Any questions?

9 MEMBER LEBEDIN: In situating the  
10 tennis court, it couldn't be moved over  
11 to the left of it, just to provide a  
12 separation without any perimeter of the  
13 property?

14 What was limiting that?

15 MR. MAINLAND: It sits within the  
16 setback line as required in the Village.  
17 We like it in this atmosphere because  
18 it's behind the existing garage. It  
19 maintains -- if we were to shift the  
20 tennis court further over to the east,  
21 let's say, for argument's sake, by 10  
22 feet, it's my professional opinion that  
23 it does not change the impact from the  
24 road as we already have -- and I can  
25 dimension that off, it's 40 feet,



1 approximately 40 feet from the tennis  
2 court to the roadway.

3 MR. AVRUTINE: Would that be the  
4 property line?

5 AUDIENCE MEMBER: 32 to the road.

6 MR. MAINLAND: 32 to the road, 40  
7 to the property line.

8 But that -- and just to fully  
9 address the question if that tennis  
10 court was to shift over to the east, as  
11 I just pointed out, I didn't think there  
12 would be a noticeable impact in the  
13 road. I do feel like it would be a  
14 substantial impact to the Bragolis as it  
15 affects circulation in out of their  
16 backyard from the driveway.

17 MEMBER BLUMIN: Maybe you can talk  
18 about the screen you have along the road  
19 there.

20 MR. MAINLAND: There is a series of  
21 existing trees here. Underneath those  
22 we have -- these are deciduous trees,  
23 I'll tell you what those are.

24 We have some pines and maples and  
25 Oaks. What we are proposing is Nellie

1 Stevens Holly which is an evergreen  
2 broad leaf. We are proposing in some  
3 places where the canopy is a little  
4 thicker, we have understory plantings of  
5 Hydrangeas, Hosta at the ground plane.  
6 But screening plants for purposes of  
7 screening from the road are Nellie  
8 Stevens Holly.

9 There is also an existing grouping  
10 of Norway Spruce that sort of sits right  
11 in here that are substantial, roughly 16  
12 or 18 feet tall. Those would remain.

13 MEMBER BLUMIN: And what is  
14 planted, how high will that be?

15 Will it grow to screening? How  
16 much screening will there be on the  
17 day --

18 MR. MAINLAND: The Nellie Stevens  
19 Holly is proposed 10 to 12 feet tall at  
20 the time of planting. This is a plant  
21 that will grow, let's say  
22 conservatively, a foot a year. Ideally,  
23 it will grow upwards of 18 inches a year  
24 and to a mature size of 20 feet maybe.  
25 As they grow taller and more mature,

1                   they slow down.

2                   MEMBER LEBEDIN:   The 10-12, is that  
3                   from the ground up?

4                   MR. MAINLAND:   That's from the  
5                   finished grade to the top at the time of  
6                   planting.

7                   MEMBER KAUFMAN:   Well, having  
8                   looked at it, having looked at it as  
9                   recently as today, it's a beautiful  
10                  property, but it is quite open to the  
11                  road right now, as it stands.  From the  
12                  photograph, it looks much more lush and  
13                  dense, but it's quite open.

14                  MR. MAINLAND:   To reiterate, it's  
15                  our client's intention to have that  
16                  privacy from the road.

17                  While they have a beautiful space  
18                  in the backyard, they really don't use  
19                  it the way they intend to with the work  
20                  that is being proposed.  So the  
21                  plantings are there just to create that  
22                  intimacy inside.  They also don't want  
23                  to be in the tennis court and feel like  
24                  they are seeing the road.

25                  CHAIRMAN MOHR:   Before we question

1           any more, I would like to hear from the  
2           public, if there's any more  
3           presentation.

4           MR. MURPHY:  If I might make a few  
5           more comments, Mr. Chairman.

6           CHAIRMAN MOHR:  Okay.

7           MR. MURPHY:  Based upon some prior  
8           experiences I have had in other  
9           applications, one of the concerns that  
10          neighbors have had -- I'm not saying  
11          it's true with regard to these  
12          neighbors, because I have not chatted  
13          with them on this specificity point --  
14          but with regard to construction and the  
15          disturbance with, vis-a-vis, potentially  
16          with regard to the neighbors and staging  
17          for construction both the pool and the  
18          tennis court, there will be no entry off  
19          Hickory Lane to the backyard for  
20          construction of these proposed  
21          improvements; but, rather, the staging  
22          would be on the cul-de-sac area here,  
23          and access, in terms of landscaping has  
24          already been provided to be able to do  
25          the equipment, construction equipment

1 coming in from the east side of the  
2 property and doing the construction to  
3 the west.

4 So that is of some benefit I found  
5 in times past with regard to  
6 construction, during the term of the  
7 construction, as well as the timing of  
8 the planting of the screening along  
9 Hickory Lane. It's anticipated and we  
10 discussed such, that the plantings would  
11 be done Ab initio and not after all the  
12 construction to start that growth  
13 processing as quickly as possible.

14 MEMBER KAUFMAN: Is there a  
15 lighting plan?

16 MR. MURPHY: No lighting. No  
17 lighting for the tennis court.

18 CHAIRMAN MOHR: Any other  
19 witnesses on behalf of the applicant?

20 Any more presenters on behalf of  
21 the applicant?

22 MR. MURPHY: Perhaps, I may have  
23 something to say after the neighbors  
24 speak.

25 CHAIRMAN MOHR: Sure.

1                   MR. MURPHY: I reserve my right to  
2 do so, thank you.

3                   CHAIRMAN MOHR: It is now open to  
4 the public.

5                   Would you like to state your name  
6 and address for the record, please.

7                   MR. FORCHELLI: Good evening. My  
8 name is Jeff Forchelli. I am the  
9 attorney for many of the neighbors,  
10 namely, Tom Quick, the Trotmans, the  
11 Vogels, the Mullens, the Basils, the  
12 Towers and Joseph Turilli, who is the  
13 contract vendee of the Lamont property,  
14 which is most of the people on the  
15 block. My address is 333 Earle Ovington  
16 Boulevard in Uniondale.

17                   I see that the Public Notice says  
18 that the installation of accessory  
19 structures is 32.8 percent surface area  
20 coverage which exceeds 20 percent.

21                   As I look at 32.8, that is 64  
22 percent more than 20 percent, so it's a  
23 substantial variance.

24                   But may I see the exhibit that was  
25 submitted, Exhibit Number 3, which was

1 from the Trustees?

2 MR. AVRUTINE: If you would like,  
3 Mr. Forchelli, I can attempt to put it  
4 in more of a vernacular.

5 MR. FORCHELLI: So I guess this was  
6 legislative enactment.

7 MR. AVRUTINE: This was a policy  
8 determination that the Board of Trustees  
9 made, essentially, for purposes of the  
10 future to clarify for the Building  
11 Inspector in cases where applications  
12 involving properties that had paved  
13 areas for access on them which served  
14 other parcels, those areas would count  
15 toward surface coverage of the subject  
16 parcel, just as we have here.

17 So we have these roadways on the  
18 parcel that are servicing other parcels,  
19 but these roadways still count toward  
20 the surface coverage of this parcel.

21 MR. FORCHELLI: In other words,  
22 they are seeking 38, 2.8 percent  
23 coverage.

24 MR. AVRUTINE: They are seeking  
25 32.8 percent coverage as the Code is

1 written, correct.

2 MR. FORCHELLI: Which is  
3 64 percent.

4 MR. AVRUTINE: Yes, yes. I just  
5 wanted to clarify what the excerpt from  
6 the Board of Trustees reflects.

7 MR. FORCHELLI: Just going through  
8 the presentation that you had tonight, I  
9 listened to a lot of testimony about the  
10 benefits to the applicant and so on, and  
11 how it would -- the ambience of the plot  
12 and so forth. But I didn't see any  
13 adherence to the five-part test that is  
14 in the Village Law in terms of what is  
15 required in order to secure a variance,  
16 such as the undesirable change in the  
17 character of the neighborhood, which the  
18 neighbors will testify about.

19 Another one is the substantiality  
20 of the variance, which is 64 percent  
21 over what it is. The adverse affect  
22 which is having a tennis court, in  
23 effect, in the front yard, and whether  
24 logic was self-created. I think if you  
25 buy a house, you're supposed to be aware



1 of what you can and cannot put in.

2 Now, in terms of whether or not  
3 it's substantial and there will be  
4 undesirable change in the character of  
5 the neighborhood, we are talking about a  
6 variance of 64 percent.

7 Your tree ordinance in the Village  
8 talks about not taking down trees and  
9 the value of trees. I think by its very  
10 nature, if you permit 32.4 percent, 32.8  
11 percent of the site to be modified and  
12 have the trees taken down, that flies  
13 right in the very face of the tree  
14 ordinance and what the tree ordinance is  
15 meant to accomplish. So I would ask  
16 that the Board consider that in terms of  
17 their deliberations.

18 Now, one thing in the Village Code  
19 Section 145-5(B)(3), which I will read  
20 to you, talks about setbacks. It talks  
21 about accessory buildings and swimming  
22 pools, tennis courts.

23 It says if it is a swimming pool,  
24 tennis court, barn, kennel, animal  
25 shelter, or similar recreational

1 structure, it shall be located in the  
2 rear yard and shall be set back at least  
3 100 feet from any lot line abutting the  
4 street.

5 Now, as I look at this, this is  
6 Hickory Lane, is that not a street?

7 MR. AVRUTINE: I can only tell you  
8 it did not get rejected for that by the  
9 Building Inspector.

10 MR. FORCHELLI: Well, let me go to  
11 something else.

12 In the Village Code, it defines  
13 street line as the boundary line of a  
14 lot abutting the street or right-of-way.

15 So, this would seem to me your  
16 boundary line abuts the street or  
17 right-of-way. Then if you go to the  
18 other section, it says the setbacks  
19 would be 100 feet, which now -- well,  
20 maybe Hickory Lane is not a street. So  
21 if it is not a street, and there is a  
22 definition of street, then it would have  
23 to be a right-of-way in order to be  
24 covered by the 100 foot setback.

25 The plan submitted by the

1 applicant, both the survey and the site  
2 plan by Dubner describe it as a 30-foot  
3 wide private right-of-way. It seems  
4 that falls into the section requiring a  
5 100-foot setback. And, further -- those  
6 were already in evidence -- but further,  
7 here is the copy of the Nassau County  
8 Tax Map which shows the subject property  
9 I highlighted, 154, but shows Hickory  
10 Lane as a right-of-way. So not only  
11 does the applicant consider it a  
12 right-of-way, so does Nassau County by  
13 virtue of their Tax Map.

14 I would like to put this into the  
15 record.

16 MR. AVRUTINE: We'll mark that as  
17 an exhibit, Mr. Forchelli?

18 MR. FORCHELLI: Yes, please.

19 MR. AVRUTINE: Let the record  
20 reflect that this is Opponent Exhibit A.

21 MR. FORCHELLI: So what I am  
22 suggesting to the Board is, first of  
23 all, the proof has been totally  
24 deficient in terms of proving the  
25 criteria for securing a variance.

1                   We have not heard any expert  
2                   testimony or any testimony at all about  
3                   what impact this would be on the  
4                   surrounding neighborhood, and you will  
5                   hear the opinion of my client with  
6                   respect to that.

7                   I think it's clear, based on that  
8                   opinion of the Planning Board or policy  
9                   decision, that this variance is a  
10                  64-percent variance, 64 as opposed to  
11                  20,000 or 21 to the 34,800, 32,800.

12                  Additionally, I think there are  
13                  problems with the site plan in that,  
14                  first of all, he said it's 40 feet from  
15                  the property line. It's only 32 feet  
16                  from the pavement. It's not even 40  
17                  feet in the spirit and intent of the  
18                  law, which requires a 40-foot setback,  
19                  it's only 32.

20                  In addition to that, I submit to  
21                  you that under the sections I have  
22                  submitted, it's supposed to be 100 feet.  
23                  So I would ask you to take that all into  
24                  consideration in your deliberations.

25                  And, at this time, I would like to

1 have the neighbors come up and testify  
2 as to their feelings on it.

3 Thank you.

4 CHAIRMAN MOHR: Thank you.

5 MS. VOGEL: I'll go first.

6 I'm Claudia Vogel, I live at 1224  
7 Moore's Hill Road.

8 I just went through a similar  
9 situation. I applied for a permit in, I  
10 believe it was March, just March 2017.  
11 I had a similar situation to the  
12 Bragolis where my property, the private  
13 road, is counted as my surface area. So  
14 I went to the Building Inspector,  
15 submitted surveys and he instantly  
16 knocked it down, over 20 percent, you  
17 can't do it. So to go from 20 percent  
18 to almost 33 percent, in order to get my  
19 permits, I've basically taken out my  
20 tennis court so I can get my surface  
21 area back.

22 I am abiding by the law and trying  
23 to make it work for the neighbors, make  
24 it work for the town. I could have  
25 easily just gone before the Board of

1 Appeals and tried to make a case, I  
2 guess as the Bragolis have done, but I  
3 feel that is one reason why I am here,  
4 because I have the same exact situation.  
5 I am abiding by the rules. They want to  
6 submit, skirt the rules and increase by  
7 64 percent, which is a lot.

8 Also, when I first moved in, I have  
9 been in my house since 1989, the street  
10 was a lot different. There were a lot  
11 of trees, just a very lovely feeling.  
12 And when they came in, they knocked down  
13 90-something trees. There were a lot of  
14 trees that came down right away. Not  
15 only the trees came down, they put up  
16 very large houses with a lot of lights  
17 on them. It just changes the whole feel  
18 already, and now we're going to have a  
19 tennis court right on the road. You  
20 have the swimming pool that abuts the  
21 other new neighbors on the other side.  
22 I just feel like it's going to change  
23 the neighborhood more than it's been  
24 changed already.

25 MEMBER LEBEDIN: Why don't you

1                   pursue a variance?

2                   MS. VOGEL:  Mostly because I felt  
3                   like it was -- actually, because Nancy  
4                   Popper showed me that they refuted,  
5                   again, in 2015.  That was completely --  
6                   there was no way I was going to be able  
7                   to change that surface area law, it was  
8                   already knocked down.

9                   The first time I could get on the  
10                  docket was September, and I just felt  
11                  like I am applying for a tiny little  
12                  addition, literally, a little tiny  
13                  addition.  And they must have asked me  
14                  three times how many trees I'm taking  
15                  down.  I'm literally taking down one  
16                  rhododendron bush.

17                 For all the aggravation I have in  
18                 those three months of dealing with Town  
19                 Hall, and I built my house 27 years ago,  
20                 and I've never done anything so I never  
21                 had to deal with the Board before, or  
22                 the Zoning Board or the Building  
23                 Inspector.  This is my first run, my  
24                 first experience with it and it is  
25                 really pretty terrible.





1           were some other new neighbors. I will  
2           never forget their very nice words  
3           describing the neighborhood. They said  
4           we were attracted to it for its parkland  
5           feeling.

6                     I think that all of us have liked  
7           that character of it. It has a lot of  
8           trees and a lot of privacy. And, now, I  
9           think it's changing. And I think we  
10          would like and try and keep it the  
11          parkland that attracted the Bragolis to  
12          it. And that's what I would like to  
13          speak to.

14                    MR. TROTMAN: I would like to add  
15          the Bragolis propose to take down 20  
16          more trees from this property, which has  
17          already had 90 trees taken off it. So  
18          when you drive down the road most houses  
19          are screened, you cannot see them, until  
20          you arrive at the Bragolis. And there  
21          is this massive 8,000 square-foot house  
22          right in your face. When you drive down  
23          at night it's lit up like Disneyland.

24                    This is not what we need in our  
25          neighborhood, this is not the kind of

1 property. And when you put the tennis  
2 court in and the swimming pool right on  
3 Hickory Lane, if you all grant this  
4 variance, I will be shocked.

5 CHAIRMAN MOHR: Would anyone else  
6 like to speak?

7 MR. MULLEN: My wife Caroline and  
8 I -- I am Tim Mullen, I live at 1226  
9 Moore's Hill Road at the very end of  
10 Hickory Lane.

11 We're relatively new to the  
12 neighborhood, been there about  
13 three-and-a-half years. We, like I  
14 think everyone on the street, have been  
15 very much drawn to the parkland view or  
16 just very much the community that exists  
17 here in Laurel Hollow. We couldn't be  
18 more happy about living here and hope  
19 that we have a long run here. My wife  
20 Caroline grew up in this town and  
21 couldn't have more to say about living  
22 here.

23 I am on vacation this week. I  
24 would not normally be here, other than  
25 this is a real concern for people who

1 live on our street. We love it. We  
2 welcome the Bragolis. We welcome all of  
3 our neighbors. We want to be thoughtful  
4 and reasonable about kind of how the  
5 community changes. Obviously, we went  
6 through a lot of changes right when we  
7 moved in a few years ago. We just want  
8 it to be -- to have the right thing  
9 happen. We really love the community  
10 and we don't want to have these dramatic  
11 changes. That's really why I am here,  
12 that's the reason why Caroline is here.

13 I think we also have a letter from  
14 one of neighbors who couldn't be here  
15 tonight, who wanted to be here that we  
16 can read that for everyone here, if it's  
17 okay.

18 CHAIRMAN MOHR: Sure.

19 MS. MULLEN: As my husband just  
20 said, I grew up here and we chose to  
21 move back here because of the private,  
22 the wooded nature. We love it. It's  
23 gorgeous, so we want to maintain that.  
24 That's really one of the reasons we  
25 moved to this street in particular, just

1 in addition to the neighbors who we love  
2 and have known forever.

3 I will read a letter from the  
4 Towers family. Maggie and Charlie also  
5 grew up in Cold Spring Harbor and bought  
6 on this road for the exact same reason.  
7 Unfortunately, they can't be here  
8 tonight, so I will read a letter from  
9 them.

10 Dear Members of the Board of Zoning  
11 Appeals of the Village Laurel. I am  
12 writing in reference to Public Hearing  
13 ZV7-2017. My name is Charlie Towers, I  
14 own the property located on 1230 Moore's  
15 Hill Road.

16 I oppose the application to  
17 increase the property coverage of 1216  
18 Moore's Hill Road from the maximum 20  
19 percent to the proposed 32.8 percent of  
20 the lot area as it violates Section  
21 145-5(A)(1)(d) of the Laurel Hollow  
22 Village.

23 The installation of the proposed  
24 structures will substantially alter the  
25 essential character and quality of not

1           only our road, but the Village as a  
2           whole. Overall, I believe the approval  
3           of this application is not in the best  
4           interest of the citizens of the Village  
5           of Laurel Hollow and strongly urge you  
6           to deny the request. Sincerely, Charlie  
7           Towers.

8           MR. AVRUTINE: Ms. Mullen, is that  
9           a copy or the original?

10          MS. MULLEN: This is a copy.

11          MR. AVRUTINE: Do you know whether  
12          the Towers submitted their original  
13          letter to the Board at anytime?

14          MR. MULLEN: Can we, after the fact  
15          or is that --

16          MR. AVRUTINE: Or you can submit  
17          the copy so that it's part of the  
18          record.

19          MS. MULLEN: Submit it, hand it to  
20          you?

21          MR. AVRUTINE: Yes. We will make  
22          it an exhibit as part of the record,  
23          thank you.

24                 Let the record reflect that a copy  
25                 of the letter that was just read into

1 the record, the name Charlie Towers  
2 appears at the bottom, dated August 15,  
3 2017 and marked as Opponent's Exhibit  
4 Number 2, T-O-W-E-R-S.

5 CHAIRMAN MOHR: Yes.

6 MR. QUICK: My name is Tom Quick.  
7 I've lived here the second longest after  
8 the Trotmans. I moved in here when my  
9 parents bought the house in '77.

10 MR. AVRUTINE: Mr. Quick, your  
11 address?

12 MR. QUICK: 1214 Moore's Hill Road.

13 There is nothing that has  
14 sentimental reasons. Progress has to go  
15 on and people have a right to come in  
16 here and make changes to their property.  
17 But we have rules and regulations.

18 And I submit to you this evening  
19 for our neighbor to submit this to you  
20 for a variance, talk about lack of  
21 consideration for his neighbors. Here  
22 is our road. 17 feet away from the road  
23 is the tennis court that is being put  
24 up. I want to ask you, would anybody  
25 like that, under these rules and

1 regulations in our town, does anybody  
2 deserve to have a tennis court 17 feet  
3 away from the road. There is a tennis  
4 court here, there is a pool here on the  
5 other side of the property. So from the  
6 house they can look out and have a green  
7 lawn.

8 I have no problem with people being  
9 able to enjoy their property, but they  
10 bought this house bucking up against the  
11 20 percent of what was allowed to be  
12 built on this property. And then there  
13 was a garage built by the Bragolis,  
14 which is here. And the reason it's so  
15 damn close to the road is because they  
16 took into consideration the problem that  
17 came up with the easement, and whether  
18 or not that should have been further  
19 away from the road, and normally it  
20 would have been. So they knew at that  
21 point they were at 22.8 percent of the  
22 20 percent requirement.

23 This is not about what is best for  
24 them, it is not what's best for the  
25 people in Laurel Hollow or what is for

1           our neighbors. It is not for what our  
2           town stands for. It is not for why we  
3           have reasons to keep the trees up. Half  
4           the trees are coming down, okay.

5                   I have pictures that I took tonight  
6           before I left. I wasn't privy to what  
7           was submitted to you this evening. But  
8           I will tell you if you drive along our  
9           private road, whatever is there, it's  
10          open. Half, along Hickory Lane is open  
11          right into the property.

12                   Now, it's great that he has a new  
13          plan put in, but I am telling you that  
14          there is no consideration for us. And  
15          that's not the way you come into a town.  
16          No one came to any of us to say this is  
17          what I think I would like to do. We  
18          were told that is what was going to be  
19          done, and that this was going to be a  
20          variance, and we're going for the  
21          variance.

22                   That is not what we are about here  
23          in Laurel Hollow. That's why we are  
24          unique and why people are buying  
25          property here and we have high values



1           and why it is a highly sought-after  
2           village because it's a wonderful place  
3           to live. We can't ruin our Village by  
4           allowing something like this, stripping  
5           the land. He should have bought in  
6           another spot where he didn't have to  
7           take any trees down. Don't buy in  
8           Laurel Hollow, okay, because that's not  
9           what we are about.

10                    Again, I don't -- I'm just sorry  
11           that as a new neighbor we have to come  
12           across this. But we've all lived there,  
13           on this road, and I submit to you this  
14           evening that everyone on our road is  
15           behind the variance to be blocked, not  
16           to be granted for this project. It is  
17           not right, and I wouldn't expect it to  
18           be voted favorably upon.

19                    Thank you.

20                    CHAIRMAN MOHR: Thank you.

21                    Anyone else from the public?

22                    MS. MULLEN: I have one more letter  
23           to read from another neighbor, a  
24           prospective neighbor, who hasn't closed  
25           yet, also, a family who grew up in the

1 area and understands Laurel Hollow and  
2 what it means.

3 Dear Members of the Board of Zoning  
4 Appeals of the Village of Laurel Hollow  
5 -- this is on behalf of Emily and Joseph  
6 Turilli and they are prospective buyers  
7 at 1234 Moore's Hill Road.

8 I am writing in reference to Public  
9 Hearing ZV7-2017. My name is Joseph  
10 Turilli. Together with my wife, Emily,  
11 I am under contract to purchase the  
12 Lamont property located at 1234 Moore's  
13 Hill Road by the end of August 2017.

14 As a family, we were drawn to  
15 Laurel Hollow for its unique landscape,  
16 the private neighborhood and the high  
17 zoning standards for the Village. We  
18 look forward to making it out home for  
19 many years to come.

20 I oppose the application to  
21 increase the property coverage of 1216  
22 Moore's Hill Road from the maximum 20  
23 percent to the proposed 32.8 percent of  
24 the lot area violating Section  
25 145-5(A)(1)(d) of the Laurel Hollow

1 Village. The installation of the  
2 proposed structures will substantially  
3 alter the essential character and  
4 quality of not only our roads, but the  
5 Village as a whole. Overall, I believe  
6 the approval of this application is not  
7 in the best interest of the citizens of  
8 the Village of Laurel Hollow and I  
9 strongly urge you to deny the request.  
10 Sincerely, Joe and Emily Turilli.

11 This is also a copy for you.

12 MR. AVRUTINE: Thank you.

13 We will mark that as Opponent's  
14 Exhibit C.

15 Let the record reflect that I  
16 improperly referenced the prior letter,  
17 the prior letter, that letter from the  
18 Towers should be Opponent's Exhibit B.

19 MR. ANTONELLI: For the record,  
20 that is T-U-R-I-L-L-I.

21 MR. AVRUTINE: Letter dated August  
22 15th, 2017 from Joseph and Emily Turilli  
23 is being marked as Opponent's Exhibit C.

24 CHAIRMAN MOHR: Anything else from  
25 the public?

1 MR. BASIL: My name is Ben Basil,  
2 this is my wife, Lisa Basil. We live at  
3 1220 Moore's Hill Road, and I guess we  
4 have been in the house 11 years on the  
5 street.

6 We just -- well, first of all, we  
7 make it unanimous. I think we are the  
8 last group on the road, so officially,  
9 this is everyone on the street that  
10 stand in opposition to the variance. We  
11 were not happy when the builder came and  
12 subdivided the lot and made it two small  
13 lots and put two big houses on it. We  
14 think he effectively sealed his fate, at  
15 that point. He knew he was putting two  
16 big houses on it. He knew he had to put  
17 an easement road on there. We think --  
18 I was wondering why didn't he put a pool  
19 in when he built the house, because he  
20 could not. He maxed out on the 20  
21 percent when he built the house. He  
22 couldn't put a pool in. This was a way  
23 to back-door into getting what they  
24 want. That's not appropriate and I back  
25 up what everyone else has said that this

1 really violates the character of the  
2 neighborhood and what we think the whole  
3 neighborhood stands for. So we also  
4 would oppose the variance.

5 CHAIRMAN MOHR: Thank you.

6 Anyone else from the public?

7 Mr. Murphy?

8 MR. MURPHY: A few comments, then a  
9 request.

10 Mr. Forchelli made reference to  
11 Section 7712 of the Village Law with  
12 regard to the obligations that this  
13 Board must consider in weighing the  
14 benefit to the applicant versus the  
15 detriment to the community, as so  
16 perceived.

17 One of the points, and it's a  
18 five-branch test that is subsumed under  
19 the balancing test of the benefit to the  
20 applicant versus the benefit to the  
21 community. I need not lecture you on  
22 such, you are more aware of that than I  
23 am for sure.

24 In any event, with regard to one of  
25 the elements, substantiality, Mr.

1 Forchelli is aware that there is no case  
2 law that says, any statute doesn't say a  
3 specific percentage. Rather, the case  
4 law focuses on context. What is the  
5 context with regard to substantiality,  
6 as opposed to a percentage. Because if  
7 there were a percentage that was at  
8 issue, that percentage would have been  
9 either statutorily established or  
10 established by way of case law.

11 I opened up this conversation this  
12 evening, this presentation this evening,  
13 with regard to the Board of Trustees  
14 minutes of the same date that the  
15 property owner, Mr. Bragoli, purchased  
16 within the context.

17 We have 11,000, to be more precise,  
18 11,360 square feet of site improvement,  
19 not building improvement. We're talking  
20 about surface area, I understand that,  
21 site improvement which bumps us way up  
22 into that percentage of 32.8 percent, as  
23 recited in the public notice and in the  
24 denial letter. But I think that much  
25 more importantly than those numbers, and

1 the mathematics with regard to such, is  
2 the following: We have listened very  
3 carefully to the neighbors this evening.  
4 I found it very beneficial to hear the  
5 various perspectives expressed by them.  
6 And with the assistance of this Board,  
7 we would like to go to school on those  
8 comments and see how we might best  
9 improve this application to meet those  
10 needs and concerns of the neighbors;  
11 and, accordingly, we request a  
12 continuance of this hearing to do so.

13 CHAIRMAN MOHR: Are there any  
14 comments from the Board?

15 MEMBER BURKETT: Perhaps I will  
16 reserve my comments on this in light of  
17 what Mr. Murphy just requested.

18 What would we want to do with  
19 respect to that?

20 MR. ANTONELLI: Just to clarify.

21 Mr. Murphy, do we understand that  
22 we're probably expecting a plan  
23 modification?

24 MR. MURPHY: The short answer to  
25 that is yes.

1                   MR. AVRUTINE: My recommendation to  
2                   the Board is that the hearing not be  
3                   closed, that we continue the case on a  
4                   date to be determined to allow Mr.  
5                   Murphy to deal with Mr. Forchelli and  
6                   his clients and see whether a modified  
7                   plan can result in common ground. If  
8                   not, then whatever Mr. Murphy, on behalf  
9                   of his client, ultimately submits to the  
10                  Board, the Board will act on at the  
11                  conclusion of the proceeding.

12                 CHAIRMAN MOHR: That's very  
13                 reasonable.

14                 MR. AVRUTINE: Okay.

15                 CHAIRMAN MOHR: Thank you.

16                 MR. MURPHY: That's correct.

17                 MR. AVRUTINE: So the hearing will  
18                 be continued.

19                 I presume Mr. Murphy and Mr.  
20                 Forchelli will speak, there will be a  
21                 revised plan with the community input,  
22                 and then there will be a new date  
23                 established and notices will be sent on  
24                 behalf of the applicant to the residents  
25                 so that they are notified of a future



1 date for the continued hearing.

2 Does anybody have any questions?

3 Okay, so the case is continued.

4 MEMBER BURKETT: May I put  
5 something on the record before we go?

6 CHAIRMAN MOHR: Yes.

7 MEMBER BURKETT: I just want to say  
8 from my part, I really appreciate the  
9 input from the neighbors. And although  
10 this case is being continued, I will  
11 hope that all of you would and could  
12 make an effort to be here at the next  
13 meeting when it's continued.

14 Thank you for being here, it's  
15 refreshing to hear the comments.

16 THE AUDIENCE: Thank you.

17 CHAIRMAN MOHR: Another thing I  
18 wanted to put on the record.

19 Mr. Murphy, in fact, with the  
20 five-month difference on the COs, there  
21 was a variance requested for the garage,  
22 so that falls under the 20 percent.

23 MR. MURPHY: Yes. Right now we are  
24 at 12.5 percent.

25 CHAIRMAN MOHR: Plus the 10 and

1 change. You're at 12 --

2 MR. MURPHY: The total existing  
3 structure could be garage.

4 CHAIRMAN MOHR: Subdivided.

5 MR. MURPHY: 13,621 which is 12  
6 and-a-half percent.

7 CHAIRMAN MOHR: Right, right.

8 MR. AVRUTINE: The hearing is  
9 continued and the community will be  
10 notified.

11

12

\* \* \* \* \*

13

C E R T I F I C A T I O N :

14

I, Mary Anne Coppins, Court

15

Reporter, hereby certify that the above

16

transcript is a true and accurate copy

17

of the minutes taken by myself

18

stenographically in the within matter.

19

20

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21

Mary Anne Coppins

22

Court Reporter

23

24

25