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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:

- JOSEPH J. SCARPULLA, Architect
- ALBERT and CATHLEEN BAUER

ZV8-2017 - Hearing on application to construct
alteration/addition at 11 Woodgreen Way

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: This the public
2 hearing on case number ZV8-2017, the
3 public hearing on the application of
4 Albert and Cathleen Bauer to construct a
5 second floor addition/alteration at 11
6 Woodgreen Way, where the existing
7 building is nonconforming with respect
8 to setback from a side yard lot line and
9 the proposed addition will increase the
10 nonconformity in violation of Section
11 145-21(A) of the Laurel Hollow Village
12 Code. Existing setback is 20.4 feet.

13 This property is designated as
14 Section 14 Block A Lot 1082 on the Land
15 and Tax Map of Nassau County.

16 The exhibit list in connection with
17 this hearing is as follows: First,
18 notification from the Nassau County
19 Planning Commission dated July 21, 2017
20 that the matter is deferred to the
21 Laurel Hollow Board of Zoning Appeals
22 for action as it deems appropriate.

23 The next exhibit is the Legal
24 Notice of the Public Hearing dated July
25 26, 2017.

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

7 The next exhibit is an Affidavit of
8 Publication from James Slater stating
9 that the Legal Notice was published in
10 the Oyster Bay Guardian on August 4,
11 2017.

12 The next exhibit is an Affidavit
13 from the Deputy Clerk stating that the
14 Notice of Public Hearing was mailed to
15 other interested parties on August 2,
16 2017.

17 The next exhibit consists of
18 documents confirming that the Notice of
19 the 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 last exhibit is an Affidavit of
24 Mailing from the applicant indicating
25 that the Notice of Public Hearing was

1 mailed on July 31, 2017 to the
2 individuals set forth in the affidavit.

3 Good evening. Do we have a
4 representative of the applicant?

5 MR. SCARPULLA: Good evening. My
6 name is Joseph Scarpulla, I am an
7 Architect. My office is at 251 Main
8 Street, Huntington. I am here
9 representing Albert and Cathleen Bauer
10 who are here with me tonight if you have
11 any questions for them in particular.

12 As noted, we are seeking a variance
13 to construct a second-floor addition
14 over an existing nonconforming garage.
15 This is the site plan showing the
16 location of that garage and the 20-foot
17 setback that is presently there.

18 Since the structure we built
19 directly over the existing garage, there
20 is no further variance into the existing
21 side yard, so we're not increasing that
22 side yard setback. The only real
23 difference is we're going to be raising
24 the height of the roof in that area so
25 there is a height change; otherwise, we

1 are not increasing nonconformance in any
2 way whatsoever.

3 The reason for this change, the
4 addition, is the Bauers are looking to
5 have a bedroom for each of their
6 children, in addition to a guest room.
7 If they have guests or parents come to
8 visit, they have an extra bedroom. That
9 was not part of the original
10 construction plan that is on the
11 construction plan right now.

12 So there is also a small area for a
13 play area and a study area they would
14 like to have on the second floor for the
15 children to have an area outside of the
16 bedroom, and the computer area would be
17 outside of the bedroom. So that's the
18 reason for trying to create an
19 additional bedroom.

20 The reason why there is no other
21 place to put this extra bedroom is the
22 property. If you've seen it, really
23 severely dropped down on the property,
24 it's encumbered by different site
25 conditions. At the front yard, the

1 property slopes down very severely.
2 Going forward, it's very difficult. Not
3 only is there not room, but also
4 drainage uses in the front yard. On the
5 side yard, you look, there is some
6 possible room. There is also a very
7 steep slope here so building into that
8 area would require a retaining wall and
9 drainage issues. There is an existing
10 pool and patio in the backyard going
11 further back, is also very difficult.
12 So really the only place that is
13 possible to actually extend the house is
14 over in this area, and that is where the
15 existing garage is. Really, the easiest
16 place, most convenient place is to build
17 on top of it. It's the most sensible
18 place, most economical place to do this
19 addition.

20 As far as impact to the surrounding
21 neighborhoods, I wanted to show you,
22 this is the Tax Map which you should
23 have on record. Note, this green area
24 I'm showing you, referencing here is a
25 small piece of property owned by the

1 church, St. John's Church. That's
2 basically an un-buildable lot. That
3 acts as a nice buffer, it's a very much
4 forested area. That's actually a nice
5 buffer between that and the other side
6 property which does have a house on it.

7 I did bring some photographs to
8 give you a sense of what we're dealing
9 with, if you have not been at the site.
10 This, the first photograph, number 1, is
11 a view of the house from the street. As
12 you can see the house is depressed,
13 you're really just seeing the upper
14 floor and the roof. In terms of adding
15 height to this garage structure here,
16 it's very de minimus in terms of the
17 impact of it.

18 The second photograph is of the
19 house to the right side. As you can
20 see, there is a lot of distance between
21 them, a lot of buffer, plant material.
22 This is the house opposite where the
23 garage would be, not much impact imposed
24 there. The third photograph is the
25 house to the left, the side where the

1 garage addition would be. And as you
2 can see there is a lot of growth. This
3 is the garage here and the property is
4 to the left.

5 The following picture shows that
6 the house of that property to the left
7 is far down the driveway and off to the
8 left, so there is a huge amount of
9 buffer space between the two properties.
10 So we feel there is very little
11 detriment and impact to doing the second
12 floor addition over the existing garage.

13 The garage did receive a variance
14 in 2009, we have certificate of
15 compliance for that structure. This is
16 the existing garage. As you know there
17 is construction going on now in this
18 part of the house. This is the existing
19 garage. And this is the existing floor
20 plan as it is now being constructed,
21 this will be the additional bedroom.
22 This is -- this will become a guest
23 bedroom. It is rather small, so for the
24 two kids this is not a uniquely sized
25 room. We would like to have a guest

1 bedroom, so this becomes an extra
2 bedroom for their daughter. This is the
3 area outside which will be a sitting
4 area and study area for the kids.

5 So in terms of front elevation, I
6 want you to see this. The dotted line
7 represents the existing garage profile.
8 This is the addition on top of it, about
9 8-foot additional ridge height. Other
10 than that, everything else is as it is
11 now. Again, I think it's a rather small
12 intrusion into the property. I think it
13 really has no detrimental effect to the
14 surrounding properties.

15 So, in conclusion, due to the site
16 constraints and the post-variance would
17 not have any detrimental impact on the
18 neighboring properties, we respectfully
19 ask you to approve our request for a
20 variance, side yard variance.

21 CHAIRMAN MOHR: Thank you.

22 Any comments from the public?

23 No comments from the public.

24 Do any Board members have any
25 questions?

1 MEMBER BLUMIN: Just to clarify.

2 Did you say that the elevation is
3 higher on the garage today in your plan,
4 versus today is about 8 feet, you said.

5 MR. SCARPULLA: Yes, the original
6 garage ridge to the new ridge is 8 feet.

7 MEMBER BLUMIN: And the 20-foot
8 setback is 20 feet from an un-buildable
9 piece of property.

10 MR. SCARPULLA: Well, that's my
11 opinion, based upon the size of it.
12 This green area is part of the property
13 owned by the St. John's Church, they own
14 this entire lot. This is a small sliver
15 that connects the road, actually, to
16 their property. I assume it was their
17 intent to put a driveway in there and
18 connect it at some point, but in terms
19 of the Zoning Code, it's really an
20 un-buildable lot currently.

21 CHAIRMAN MOHR: The 2009 variance
22 that was granted, that was for an
23 addition to the house for the garage?

24 MR. BAUER: For the garage with
25 nothing above it, so there was just --

1 MR. AVRUTINE: Just give your name
2 and address for the record.

3 MR. BAUER: Al Bauer, owner of the
4 house. It was --

5 MR. AVRUTINE: And your address?

6 MR. BAUER: 11 Woodgreen Way.

7 MR. AVRUTINE: Thank you.

8 MR. BAUER: It was for the garage.
9 And there was no structure above it
10 aside from storage.

11 CHAIRMAN MOHR: But it was always
12 attached to the house.

13 MR. BAUER: Always attached.

14 CHAIRMAN MOHR: And it's going to
15 continue to be attached to the house?

16 MR. BAUER: Yes.

17 CHAIRMAN MOHR: So it's not an
18 accessory structure.

19 MR. BAUER: No.

20 MEMBER BURKETT: No questions, it's
21 a significant variance from the setback,
22 but it's a problematic property and I
23 recognize that, and I think the plan you
24 have come up with is an improvement,
25 certainly, to what is there. So I don't

1 really see a negative impact on the
2 neighborhood. And certainly, there is
3 no one here from St. John's to object.
4 I can't imagine that they would.

5 CHAIRMAN MOHR: Any other
6 questions?

7 MR. AVRUTINE: Motion to close the
8 Public Hearing.

9 MEMBER KAUFMAN: So moved.

10 MEMBER BLUMIN: Second.

11 MR. AVRUTINE: Member Kaufman,
12 seconded by Member Blumin.

13 All in favor?

14 MEMBER BURKETT: Aye.

15 MEMBER KAUFMAN: Aye.

16 MEMBER BLUMIN: Aye.

17 MEMBER LEBEDIN: Aye.

18 CHAIRMAN MOHR: Aye.

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

23 Can we have a motion on the
24 application?

25 MEMBER BURKETT: Motion to approve.

1 MR. AVRUTINE: By Member Burkett.

2 Second?

3 MEMBER KAUFMAN: Second.

4 MR. AVRUTINE: Seconded by Member
5 Kaufman.

6 All in favor?

7 MEMBER BURKETT: Aye.

8 MEMBER KAUFMAN: Aye.

9 MEMBER BLUMIN: Aye.

10 MEMBER LEBEDIN: Aye.

11 CHAIRMAN MOHR: Aye.

12 MR. AVRUTINE: Application is
13 approved and submitted.

14 MR. BAUER: Thank you.

15 MR. SCARPULLA: Thank you.

16 * * * * *

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

18 I, Mary Anne Coppins, Court
19 Reporter, hereby certify that the above
20 transcript is a true and accurate copy
21 of the minutes taken by myself
22 stenographically in the within matter.

23

24 _____
Mary Anne Coppins

25 Court Reporter