

**MINUTES OF THE MEETING HELD BY
THE BOARD OF ZONING APPEALS
AT VILLAGE HALL**

DATE: April 18, 2023 TIME: 6:00 PM

PRESENT:

Russell Mohr, Chairman
Jeffrey Blumin, Member (Appeared by
Zoom but did not participate)
Louis Lebedin, Member
Vincent Parziale, Member
Julia Zoiner, Member

ALSO PRESENT:

Howard D. Avrutine, Village Attorney (By Zoom)

See list at end of minutes

PROCEEDINGS

The Chairman called the meeting to order at 6:08 PM.

Notice of tonight's meeting was posted and provided to the Oyster Bay Herald by the Deputy Village Clerk as well as posted on the Village website.

On motion by Member Parziale, seconded by Member Lebedin with Member Blumin abstaining, the Board approved the minutes of the meeting held on March 2, 2023.

1st ITEM: ZV2-2023:

The public hearing then commenced on the application of John Colantuoni to construct a roof over an existing terrace at 1241 Moore's Hill Road where the proposed structure does not comply with the following sections of the Laurel Hollow Zoning Code:

- Section 145-5 (D)(4) states that the maximum permitted floor area ratio shall be 0.09. The floor area ratio proposed is 0.095.
- Section 145-5 (B)(2) states that an accessory building or structure having a building area of up to 500 square feet shall be set back at least 40 feet from every lot line not abutting a street. An existing 98 square foot shed is proposed to be maintained with a set back of 9.5 feet from the western side property line.

This property is designated as Section 26 Block E Lot 88 on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony of the applicant's Architect Steven Homburger, on behalf of the applicant, the Board closed the hearing to further evidence and testimony.

The Board then designated the matter as Type II under the New York State Environmental Quality Review Act.

On motion by Member Parziale, seconded by Member Lebedin and unanimously carried, with Member Blumin abstaining, the Board approved the application as submitted on the condition that the proposed structure not be enclosed.

2nd ITEM: ZV5-2023:

The public hearing then commenced on the application of Chris Gray on behalf of Sarfraz Hajee to construct a four-car garage at 1480 Laurel Hollow Road where the proposed structure does not comply with the following section of the Laurel Hollow Zoning Code:

- Section 145-5(B)(2) states that an accessory building or structure having a building area of more than 500 square feet up to 1,000 square feet shall be set back at least 50 feet from every lot line not abutting a street. The 853 square foot garage is proposed to be set back 5 feet from the side property line and 5 feet from the rear yard property line.

This property is designated as Section 26 Block A Lot 1285A on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by Chris Gray on behalf of the applicant, Matt Stern on behalf of the abutting residents at 1495 Laurel Hollow Road, and James Antonelli, Village Engineer, the hearing was continued to afford the applicant an opportunity to meet with the impacted neighbors and submit a revised plan. The applicant will be required to resend Notices when a date for the continued hearing is established.

3rd ITEM: ZV9-2023:

The public hearing then commenced on the application of Joel Friedman to construct a tennis court at 1247 Moore's Hill Road where the proposed structure does not comply with the following sections of the Laurel Hollow Zoning Code:

- The total surface lot coverage shall not exceed 20% (20,292.8 sf) of the lot area according to Section 145-5(A)(1)(d). Surface lot coverage is proposed at 24.76 % (25,130 sf).
- Section 145-5(A)(2) of the Laurel Hollow Village Code states that no building or structure shall hereafter be erected, altered or enlarged in the Residence District except on a lot which, for each principal building, together with its accessory buildings and structures, has a lot frontage on a street of at least 150', except that where said frontage coincides with the circumference of a cul-de-sac at the extremity of a dead-end street, such front lot line frontage shall be at least 50 feet. The structure is proposed on a lot with no street frontage or cul-de-sac frontage.

This property is designated as Section 26 Block E Lot 98 on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by Thomas Abbate, the applicant's attorney, resident Rich Logan (1626 Stewart Lane), and James Antonelli, Village Engineer, the Board closed the hearing to further evidence and testimony.

The Board then designated the matter as Type II under the New York State Environmental Quality Review Act.

On motion by Member Parziale, seconded by Member Zoiner and unanimously carried, with Member Blumin abstaining, the Board approved the application as submitted upon the following conditions:

1. Submission of a Landscape Plan to the satisfaction of the Board of Zoning Appeals which will contain adequate visual screening from impacted neighbors and surrounding residences; and
2. There will be no lighting of the tennis court.

4th ITEM: ZV4-2023:

The public hearing then commenced on the application of Scott Kahn on behalf of Michael Kotowski to construct additions and renovations at 38 Laurel Cove Road where the proposed structures do not comply with the following section of the Laurel Hollow Zoning Code:

- Section 145-5(A)(2) states that no building or structure shall hereafter be erected, altered or enlarged in the Residence District except on a lot which, for each principal building, together with its accessory buildings and structures, has a lot frontage on a street of at least 150', except that where said frontage coincides with the circumference of a cul-de-sac at the extremity of a dead-end street, such front lot line frontage shall be at least 50 feet. The structure is proposed on a lot with no street frontage or cul-de-sac frontage.

This property is designated as Section 26 Block A Lot 1233B on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by Scott Kahn on behalf of the applicant, the Board closed the hearing to further evidence and testimony.

The Board then designated the matter as Type II under the New York State Environmental Quality Review Act.

On motion by Member Parziale, seconded by Member Lebedin and unanimously carried, with Member Blumin abstaining, the Board approved the application as submitted.

5th ITEM: ZV8-2023:

The public hearing on the application of the Memorial Cemetery of St. John's Church to construct a garage at 1704 Route 25A, Laurel Hollow, NY where the proposed structure does not comply with sections of the Laurel Hollow Village Zoning Code as described below:

- According to Section 145-5(A)(1) no building or structure shall hereafter be erected, altered or enlarged in the Residence District except on a lot which, for each principal building, together with its accessory buildings and structures, has at least two acres of land. The lot on which the applicant wishes to erect the accessory building is .7 acres in area.
- According to Section 145-5(E)(2) permitted uses on this property include accessory buildings and structures for private and noncommercial purposes, subordinate and incidental to the single-family dwelling. The applicant proposes to construct an accessory building for commercial purposes.
- According to Section 145-5(E)(2) permitted uses on this property include accessory buildings and structures for private and noncommercial purposes, subordinate and incidental to the single-family dwelling. The applicant proposes to construct an accessory building on a lot with no single-family dwelling on it.
- An accessory building or structure must be set back 100 feet from every lot line abutting a street according to Section 145-5(B)(2). The accessory building proposed is set back 66.7 feet from the lot line abutting Route 25A.
- An accessory building or structure having a building area of more than 500 square feet up to 1,000 square feet shall be set back at least 50 feet from every lot line not abutting a street according to Section 145-5 (B)(2). The 1,350 square foot garage is proposed with a 7.42 foot set back from the rear yard property line.
- No accessory building or structure shall have a heating system according to Section 145-5 (A) (1) (c). The structure is proposed with a portion of the building containing a heating system.
- No accessory building or structure shall have a building area greater than 1,000 square feet according to Section 145-5(A)(1) (c) of the Laurel Hollow Village Code. The accessory structure is proposed with a building area of 1,350 square feet.

This property is designated as Section 25 Block 64 Lot 37 on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by Scott Kahn on behalf of the applicant as well as John Papa, Superintendent of the applicant, as well interested residents, Leslie Reduto, Valerie Ghitelman, and Gideon Pollach, it was determined that the hearing would be continued on a future date in order to afford the applicant an opportunity to meet with impacted neighbors and modify the plan in a effort to satisfy both the needs of the applicant and the potential impacts upon surrounding residents.

At 7:50 PM Member Blumin ended his participation at the meeting via Zoom.

6th ITEM: ZV6-2023 and ZS7-2023:

The public hearing then commenced on the application of Michael Rant on behalf of Joseph and Nancy Duplessy to construct a new residence and multiple retaining walls at 1 The Lane where the proposed structures do not comply with the following sections of the Laurel Hollow Village Zoning Code:

- Section 145-5(A)(2) states that no building or structure shall hereafter be erected, altered or enlarged in the Residence District except on a lot which, for each principal building, together with its accessory buildings and structures, has a lot frontage on a street of at least 150', except that where said frontage coincides with the circumference of a cul-de-sac at the extremity of a dead-end street, such front lot line frontage shall be at least 50 feet. The structure is proposed on a lot with no street frontage or cul-de-sac frontage.
- A single retaining wall three feet in height or less may be located in a required setback area. Retaining walls over three feet in height shall not be located within required setback areas, all as per Section 145-18(B). The proposal includes multiple retaining walls in excess of three feet in height (as high as four feet) in the rear, front and one side yard required setback areas (as close as 6.6 feet to the property line).
- Section 145-12(A)(3) states that no disturbance of any land defined as a "severely steep slope" herein shall be permitted other than the construction of a simple wooden staircase or similar structure, not to exceed four feet in width. The proposed structures will disturb a "severely steep slope" and they are not a simple wooden staircase.

In addition, the applicant seeks approval to construct a new residence and multiple retaining walls which will disturb steep slopes, very steep slopes, and severely steep slopes at 1 The Lane, as shown on the Grading and Drainage Plan and Stormwater Pollution Prevention Plan prepared by Northcoast Civil Land Surveying & Civil Engineering dated 8/3/2022 and last revised 3/3/2023, and Slope Analysis prepared by Northcoast Civil Land Surveying & Civil Engineering dated 11/2/2022 and last revised 3/3/2023.

This property is designated as Section 26 Block A Lot 1279 on the Land and Tax Map of Nassau County.

The exhibits were made part of the record and discussion ensued. After discussion by the Board, including testimony by Michael Rant, Engineer, on behalf of the applicant and Damon Scott, Landscape Architect, on behalf of the applicant, the Board closed the hearing to further evidence and testimony.

It was determined that the application seeking dimensional variances is deemed Type II under SEQRA.

With respect to the application to disturb steep slopes, very steep slopes, and severely steep slopes, it was moved by Member Zoiner, seconded by Member Lebedin, and unanimously carried, with Member Blumin not present, that the Board declare itself lead agency under SEQRA.

It was moved by Member Lebedin, seconded by Member Zoiner, and unanimously carried, with Member Blumin not present, that the action be deemed unlisted under SEQRA.

It was moved by Chairman Mohr, seconded by Member Parziale, and unanimously carried, with Member Blumin not present, that the Board enact a negative declaration under SEQRA.

It was moved by Member Lebedin, seconded by Member Parziale, and unanimously carried, with Member Blumin not present, that the application to grant the variances requested under Case No. ZV6-2023 be granted upon condition that all proposed plantings be suitably irrigated and submission to the Board of a letter of approval or no jurisdiction from the NYSDEC.

It was moved by Member Lebedin, seconded by Member Parziale, and unanimously carried, with Member Blumin not present, that the Board approve Case No. ZS-7-2023 as proposed upon the condition that all proposed landscaping be suitably irrigated and submission to the Board of a letter of approval or no jurisdiction from the NYSDEC.

A copy of the approval resolution will be attached to these minutes.

The Board then attended to administrative matters.

There being no further business, the meeting was adjourned at 8:40 PM.

Jeffrey Blumin

Jeffrey Blumin, Member

June 6, 2023

Date

Scott Kahn (on behalf of Michael
Kotowski and St. John's Church)
The Rev. Gideon Pollach
John Papa
Sarfraz Hajee
Chris Gray (on behalf of Sarfraz Hajee)
Rich McKean....
Thomas Abbate (on behalf of Joel
Friedman)
Don Filay
Damon Scott (on behalf of Duplessy)
Michal Rant (on behalf of Duplessy)
Michael Kotowski

68 W. Main Street, Oyster Bay, NY
1670 Rt. 25A, Laurel Hollow, NY
1704 Rt. 25A, Syosset, NY
1480 Laurel Hollow Rd., Laurel Hollow, NY
2401 Capri Pl., N. Bellmore, NY
134 Ivy Street, Oyster Bay, NY
88 Sunnyside, Blvd., Plainview, NY
1 The Lane, Laurel Hollow, NY
41 North Lane, Huntington, NY
39 West Main Street, Oyster Bay, NY
38 Laurel Cove Rd, Laurel Hollow, NY

Richard Cogan
William Brown, Matt Stern and Deanna
Stern
Leslie Reduto
Valerie Ghitelman

1626 Stewart Lane, Laurel Hollow, NY
1495 Laurel Hollow Rd, Laurel Hollow, NY
56 Vista Drive, Laurel Hollow, NY