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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING
Public Hearing
January 22, 2019
7:00 p.m.

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

PRESENT:

CHRIS HADJANDREAS, CHAIRMAN
ELIZABETH DiBLASIO, BOARD MEMBER
NANCY JONES, BOARD MEMBER

ALSO PRESENT:
HOWARD AVRUTINE, Village Attorney

ALSO PRESENT:
SCOTT SHEEHAN, Landscape Architect
ELIZABETH BIBLA, Village Arborist

P10-2018/T53-2018 Public Hearing on the
application of Greg and Melissa Newman
80 Wildwood Drive, for approval to
remove up to 41 trees in connection with
a building permit for a proposed new
pool, pool terrace, tennis court,
retaining wall, barbecue and fence.

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: The next hearing is
2 P10-2018 and T53-2018, the Public
3 Hearing on the application of Greg and
4 Melissa Newman, 81 Wildwood Drive for
5 approval to remove up to 41 trees in
6 connection with a building permit for a
7 proposed new swimming pool, pool
8 terrace, tennis court, retaining wall,
9 barbecue and fence. This parcel of
10 property under application is known as
11 Section 25, Block 64, Lot 7 on the Land
12 and Tax Map of Nassau County.

13 The exhibits in connection with
14 this application are as follows:

15 First, an Affidavit of Posting by
16 Elizabeth Kaye that the legal notice was
17 posted on the front bulletin board in
18 front of Village Hall on January 16,
19 2019.

20 The next exhibit is an Affidavit of
21 Publication that the legal notice was
22 published in the North Shore Leader on
23 January 16, 2019.

24 The next exhibit is a document that
25 confirms that the legal notice was

1 published in the Village website on
2 January 16, 2019.

3 The next exhibit is a document that
4 confirms that the legal notice was sent
5 to the Village News subscribers on
6 January 17, 2019.

7 The next exhibit is an Affidavit of
8 Mailing from the applicant indicating
9 that the Notice of Public Hearing was
10 mailed on January 14, 2019 to the
11 persons set forth in the affidavit.

12 The last exhibit is a Notification
13 from the Nassau County Planning
14 Commission dated January 18, 2019 that
15 the matter is referred to the Village of
16 Laurel Hollow Planning Board to take
17 action as deemed appropriate.

18 Do we have a representative from
19 the applicant?

20 MR. SHEEHAN: Yes.

21 MR. AVRUTINE: Your name and
22 address, please.

23 MR. SHEEHAN: My name is Scott
24 Sheehan: S-H-E-E-H-A-N, Landscape
25 Architect with New York State, address

1 is 31 Prospect Street, Huntington, New
2 York.

3 MR. AVRUTINE: Thank you.

4 You may proceed.

5 MR. SHEEHAN: If you don't mind, I
6 would like to kind of walk you through
7 the project so you understand what the
8 elements and so forth are being put in
9 and some of the restraints they have.

10 Number 80 is at the end of
11 Wildwood, it's at the end of that road,
12 it's a dead-end. You come into this
13 property and you can see the property
14 line is this way and this way, and then
15 it makes a hard turn left with a narrow
16 section and that goes all the way out to
17 Cold Spring Harbor Road. Roughly, about
18 500 feet of that is the distance from
19 the main portion of the house, so that
20 gives them their two acres.

21 It's kind of an odd-shaped lot for
22 sure, in terms of usable space of a
23 two-acre lot. It's situated right now
24 in this location, which is roughly an
25 acre, using about half of their property

1 there.

2 There is a preexisting pool
3 southeast of the home in the backyard in
4 this location. I have it mapped out on
5 other plans, on my illustration as
6 colored. That is to be removed.

7 Just to repair the falling-apart
8 issues with the pool itself, they would
9 like a new pool, a gunite pool instead
10 of a vinyl pool, and put it to a new
11 location.

12 So what is existing there now is a
13 preexisting non-conforming pool that I
14 am sure had some prior permit in the
15 past. But we would like to remove it
16 and make it a more conforming location
17 on the right side of the property closer
18 to the home. Having said that, that
19 opens up a lawn space here.

20 There is a proposal for a tennis
21 court that comes into this portion of
22 that narrow location that runs out to
23 Cold Spring Harbor Road. There still is
24 going to be remaining over 200 feet of
25 woods that will remain as is, untouched,

1 that go to the road.

2 So what we are just working with
3 now is what's happening around the pool
4 area on the south-side property line, on
5 the west-side property line, where the
6 new pool location is, as well as on the
7 three sides of the tennis court location
8 for additional screening and buffering
9 of the property.

10 Currently, on the south side of the
11 property line in many locations,
12 actually, most locations, there is no
13 buffer at all existing. There are one
14 or two trees that are near the edge of
15 the property line up on a hillside that,
16 in my opinion, are decayed or not -- or
17 are in a severe decline situation or are
18 just not a viable tree that would add
19 anything to the value of the home or the
20 neighboring properties.

21 The landscape plan shows additional
22 plants such as woody shrubs and
23 perennials and flowering shrubs, as well
24 as other deciduous trees and evergreen
25 trees on both the west side and the

1 south side where there is no really
2 heavy buffer there at all now.

3 Part of the removal of any trees in
4 this property is due to the location of
5 the structure of the pool. There is
6 limited space for that because of the
7 shape of the property, the locations
8 there are to move the pool, as well as
9 the grading necessary for a three-foot
10 high retaining wall, and, of course, the
11 amenities that go along with that, such
12 as drainage and putting in utilities.

13 Then, when you get back towards the
14 tennis court, there is some grading
15 there as well we need to adjust to make
16 a flat level court. It's a relatively
17 flat property in that location. The
18 tennis court area has a lot of just
19 unkept briar and brush and vine-ridden
20 trees that are not worthy of remaining
21 there, so we are going to be buffering
22 that with a number of evergreen trees.

23 I brought some photos of the types
24 of trees we're introducing to the plan
25 so you can get an understanding of the

1 added value we are putting in there.
2 Because, like I said, there is only a
3 zero to very minimum buffer there now,
4 and we are adding 12-to-16, depending on
5 where you're looking, a 12-to-16-foot
6 buffer to the rear border.

7 If any of you went to the job site,
8 to the property, it's not a job site
9 yet, when you go to the property you
10 notice that there is a lot of extension
11 of woodlands around the perimeter, which
12 are neighboring trees. So it's very
13 deceiving on how shallow that property
14 is because you may think it goes deeper.
15 But there is a quite a heavy buffer from
16 the neighboring properties as well that
17 remain there and exist that we're not
18 touching, of course.

19 So there is a good amount of
20 screening there already, but we
21 understand neighbors and we are going to
22 do our own part and put in additional
23 plants.

24 I do know that there is a letter
25 from the Village Arborist that has some

1 concerns about 10 trees to be kept from
2 our plan.

3 I did make a site visit since then
4 to kind of reanalyze the plan. It was
5 my understanding from the Village
6 because of their letter, that the
7 Village arborist, at that time, did not
8 see a planting, a proposed planting
9 plan.

10 I don't know if that was taken into
11 consideration after the fact for the
12 Village Arborist to review and maybe
13 reconsider what it is that we were
14 putting in because there were some
15 concerns there would be no buffer in
16 place, but there is a proposed buffer
17 there. It may have just been a snafu in
18 the mail delivery.

19 Having said that, since that site
20 visit we went back to the drawing board
21 and took a look at some of the proposed
22 plants, trees to be removed. Out of
23 those 10 the Village Arborist would like
24 us to keep we did keep two, which are on
25 the west side outside of any of the

1 proposed retaining wall and so forth,
2 that were not within any construction
3 area.

4 I still feel that the tree is not a
5 viable tree because a good portion of it
6 is still rather -- if it is not
7 considered a dead tree, a good 70
8 percent of it would be dead limbs that
9 would be removed and it's just a
10 telephone pole, at some point.

11 But in lieu of trying to appease
12 the Village, we are keeping two more of
13 those trees there and then also adding
14 an additional, from what you have had on
15 your plans, adding an additional five
16 deciduous trees along the south property
17 line, so increasing the amount of
18 deciduous trees that are there of three
19 maple trees, as well as three cherry --
20 two cherry trees.

21 CHAIR HADJANDREAS: I have a
22 question.

23 MR. SHEEHAN: Yes.

24 CHAIR HADJANDREAS: What numbers --
25 the two trees you are proposing to keep

1 side here?

2 MR. SHEEHAN: North is this way, so
3 west.

4 CHAIR HADJANDREAS: Okay, west.

5 So let's just take the part of her
6 letter that focuses on the west side of
7 the property. That would be the lot
8 that has a large quantity of junipers,
9 whatever, juniper, eastern red cedar and
10 some mixed hardwoods including oak,
11 cherry and locust.

12 The tree removal list indicates
13 that all eastern red cedars are dead or
14 in severe decline. So in terms of my
15 inspection, show no more than one cedar
16 is dead. The red cedars have dead wood
17 in the lower canopies as happens when
18 trees are densely crowded and sunlight
19 doesn't reach the lower branches.

20 The caliper noted on many of the
21 trees seems slightly low as well, such
22 as indicating a 15-inch oak as a
23 12-inch.

24 So, in regards to the Arborist's
25 comment, what you are saying is that the

1 trees on the west side of the property,
2 yes, they are not dead, but they're
3 mostly 80 percent.

4 MR. SHEEHAN: There is not a living
5 leaf or foliage to that on a good more
6 than half of the tree. So it's just the
7 top of the tree that is what is just
8 getting some light to it. So, I
9 believe, most of those would be the
10 eastern red cedars on that side.

11 I'm not sure when they were
12 planted. They're not specimens by any
13 means and we can do better in terms of
14 plantings in there.

15 CHAIR HADJANDREAS: In terms of
16 screening, currently, there is --

17 MR. SHEEHAN: You see right through
18 that.

19 MR. AVRUTINE: What about the
20 height of existing trees versus the
21 height of what you propose to plant?

22 MR. SHEEHAN: So we're proposing to
23 plant, in that location we are
24 discussing now, river birches of
25 12-to-10-foot high to start,

1 multi-stemmed trees. River birches grow
2 very fast and they will grow over
3 30-feet tall, the matching end will be
4 over or exceeding what is there now and
5 fuller.

6 MR. AVRUTINE: What are the heights
7 you are talking about removing?

8 MR. SHEEHAN: They are probably 20,
9 25 to 30, depending on what tree.

10 MR. AVRUTINE: How long would it
11 take for the tree you are going to plant
12 to reach that height?

13 MR. SHEEHAN: Those river birches
14 grow very fast. I have been through
15 properties where I go back three years
16 later and I couldn't believe how much,
17 how fast those river birches have grown.

18 I would say, you're looking at a
19 three-to-four plus, depending, a year
20 growth on those trees once established,
21 so probably --

22 CHAIR HADJANDREAS: They are going
23 into the ground at 12 feet?

24 MR. SHEEHAN: Yes, 12 to 14 feet I
25 believe in this location.

1 CHAIR HADJANDREAS: Ms. Bibla, do
2 you have -- again, we are going by your
3 recommendation to the Board.

4 Did you see their landscape plan?

5 MS. BIBLA: I have reviewed it,
6 yes.

7 CHAIR HADJANDREAS: Tonight?

8 MS. BIBLA: Just now, yes.

9 It does help in terms of screening,
10 but birch trees are very fast growing
11 and short-lived. So maybe some
12 hardwoods, some maples or oak or
13 something that will actually have some
14 longevity might be good idea. The birch
15 will grow rapidly and form a nice,
16 dense --

17 CHAIR HADJANDREAS: Is birch
18 deciduous?

19 MS. BIBLA: Yes.

20 I think my point about the eastern
21 red cedar, yes, there is a lot of dead
22 wood on them but it's because they are
23 so crowed and it's a shaded area. But
24 they do provide a canopy of sorts.

25 It's habitat, it's greenery. It's

1 a higher level of screening from the
2 neighbor, although I believe the
3 neighbor is lower than them on that
4 side.

5 MR. SHEEHAN: This is what a river
6 birch is, if you would like to see.
7 That's a rather immature one.

8 CHAIR HADJANDREAS: So the other
9 part of Ms. Bibla's letter says the new
10 proposed grading will require removal of
11 many of the trees.

12 Trees in the proposed tennis court
13 area are overrun with invasive
14 bittersweet vine. The plan indicates a
15 woodland boundary but notes two new
16 trees being removed south of the
17 proposed court.

18 I recommend that tree 19 remain as
19 it should be outside of the work area.

20 Let's just focus on tree 19.

21 MR. SHEEHAN: 19 is right south of
22 the, I guess, west side of the court.

23 CHAIR HADJANDREAS: Okay, it's very
24 close to the property line.

25 What would you say, it's about 10,

1 15 feet from the property line?

2 MR. SHEEHAN: Probably not even.

3 CHAIR HADJANDREAS: What is tree
4 19?

5 MR. SHEEHAN: I think it's an oak
6 tree.

7 MS. BIBLA: It's a 10-inch oak.

8 MR. SHEEHAN: That has a good
9 amount of vine up in it as well, had a
10 little lean to it. It wasn't anything
11 super significant, in my opinion.

12 There is vegetation going in that
13 location for screening of that tennis
14 court of evergreen. We want to make
15 sure we are able to fill that up with
16 viable evergreen trees without
17 interference of root structure, and it
18 wasn't a tree that I felt was worthy of
19 keeping, based on the condition I saw on
20 site.

21 CHAIR HADJANDREAS: Could that tree
22 be de-vined and can you plant the
23 proposed screening around it?

24 MR. SHEEHAN: I'm sure to some
25 extent, yes. There may be a gap in that

1 location until things fill in over time.

2 THE COURT: Trees number 21, 22 and
3 26 should remain as they are well out of
4 the work area where we are now.

5 21 -- so this is behind the
6 existing?

7 MR. SHEEHAN: May not have been
8 understood through the plans because
9 they are near the existing pool that is
10 being removed with plumbing lines and so
11 forth that are running all right
12 underneath all of these root systems
13 there.

14 So based on the intention of
15 removing that and the demolition, they
16 are going to get severely damaged and we
17 want to improve what is there, not
18 just hang onto it.

19 CHAIR HADJANDREAS: Where is the
20 existing pump and electric? Where is
21 that now?

22 MR. SHEEHAN: Currently?

23 CHAIR HADJANDREAS: In this area?

24 MR. SHEEHAN: So the pump is here.

25 CHAIR HADJANDREAS: Okay.

1 MR. SHEEHAN: Against the house.

2 We're changing it now because the
3 pool is now going to go all the way over
4 here.

5 CHAIR HADJANDREAS: I was just
6 wondering with what you are saying about
7 removing that stuff, what it would do.

8 MR. SHEEHAN: It does go down.
9 That portion of the pool is the deep
10 end, so it goes down eight feet.

11 CHAIR HADJANDREAS: Tree numbers 21
12 and 22, what are they?

13 MR. SHEEHAN: I believe these are
14 cedars.

15 CHAIR HADJANDREAS: Okay. And just
16 to clarify, in this area the pool comes
17 out and that is the area where the
18 buffer is going to be. The new buffer
19 is going to be anywhere between -- you
20 said 12 to 16 feet from the property
21 line.

22 MR. SHEEHAN: Yes, 12 to 16 feet.

23 Then we added, since the Village
24 Arborist reviewed the plan, we added
25 three red maples in that location.

1 CHAIR HADJANDREAS: Okay. In that
2 location for those trees that she
3 identified as possibly wanting to save.

4 MEMBER JONES: Number 26, that is
5 not part of that.

6 CHAIR HADJANDREAS: Right, I
7 mentioned it, 21, 22 and 26.

8 MEMBER JONES: 26 is kind of not by
9 the pool area.

10 CHAIR HADJANDREAS: Outside the
11 pool area to the right of the existing
12 pool.

13 MR. SHEEHAN: Right, that's just an
14 old cedar, there is nothing really to
15 it.

16 CHAIR HADJANDREAS: A cedar or a
17 deciduous, number 26?

18 MR. SHEEHAN: Cedar.

19 CHAIR HADJANDREAS: It's cedar,
20 okay.

21 MR. SHEEHAN: In that location,
22 we've added two cherry trees.

23 So I can show you, if you're not
24 familiar, those two trees are these, we
25 added three of these and two of those.

1 CHAIR HADJANDREAS: How big do the
2 cherry trees get?

3 MR. SHEEHAN: In excess of 25 feet.
4 They get very full. You can see in this
5 picture here.

6 CHAIR HADJANDREAS: Okay.

7 MR. SHEEHAN: Then the maples will
8 get well over 30.

9 MS. BIBLA: What kind of maples?

10 MR. SHEEHAN: I believe the October
11 Glory.

12 MS. BIBLA: A great choice.

13 MR. SHEEHAN: It's a beautiful fall
14 color. It's going to add a deciduous
15 color to what's underneath that. We
16 have four-to-five-foot in height
17 rhododendrons and other perennials.

18 CHAIR HADJANDREAS: So the big
19 trees would be in the back, pretty close
20 to the existing fence. Then in front of
21 that you would be creating a 16-foot
22 boundary to a buffer, one word, where
23 there is nothing now.

24 MR. SHEEHAN: Right.

25 CHAIR HADJANDREAS: Where you see

1 straight through to the neighbor's
2 property.

3 MR. SHEEHAN: Straight through to
4 the woods that are behind it now.

5 CHAIR HADJANDREAS: That's the
6 neighbor's property.

7 MR. SHEEHAN: Yes.

8 CHAIR HADJANDREAS: The last thing
9 that Ms. Bibla brought up about the
10 proposed fence along the rear of the
11 property line, that is existing,
12 correct?

13 MR. SHEEHAN: In portions of the
14 property. Where there is the pool, the
15 existing pool, there is a fence line
16 there. Then it stops because it closes
17 on itself. But since that it is being
18 removed, we are extending that with new
19 fencing down the property line to
20 connect to where it picks up again on
21 the western side.

22 CHAIR HADJANDREAS: Okay.

23 MR. SHEEHAN: So, basically, the
24 southern line will have a fence there
25 for pool code, at four-feet high, black

1 chain link you wouldn't see because
2 we're putting that whole --

3 CHAIR HADJANDREAS: Putting the
4 buffer --

5 MR. SHEEHAN: Putting that whole
6 buffer --

7 CHAIR HADJANDREAS: In front of it.

8 MR. SHEEHAN: Um-hum.

9 CHAIR HADJANDREAS: So Ms. Bibla's
10 recommendation says the fence along the
11 rear property line.

12 But if this fence does not get
13 installed -- I'm sorry, if this does not
14 get installed but we're told it is and
15 it's part of the plan, at the beginning
16 of the construction a work fence should
17 be erected on the south property line as
18 there is no physical barrier to the
19 neighbor's woodland. Their fence
20 appears to be 30 to 40 feet south of the
21 line, so I'm not quite sure what --

22 MS. BIBLA: The neighbor has a
23 fence right now that is way behind.

24 CHAIR HADJANDREAS: The property
25 line?

1 MS. BIBLA: Yes. It's right over
2 along the southern border.

3 I just made that comment because
4 during construction they might think
5 that that fence denotes the property
6 line. So just to keep it clean and keep
7 it undisturbed, there should be -- if
8 the enclosure, the pool enclosure fence
9 doesn't get installed right away, at
10 least a snow fence or something should
11 be put up.

12 CHAIR HADJANDREAS: Would you have
13 an issue, because I know you are not
14 going to put up a fence in the middle of
15 a construction site, so would you put up
16 a temporary snow fence on the property
17 line?

18 MR. SHEEHAN: It will be some form
19 of construction fence because we will
20 have the surveyor stake out the property
21 line to make sure we've delineated that
22 exactly where it is.

23 If, logistically, it doesn't make
24 sense or it doesn't work out to put the
25 fence in right away, we don't want

1 anything damaged, we can put up some
2 barrier, whether it's a construction
3 fence or a silk fence or something of
4 that nature to delineate that space so
5 nothing is going back there.

6 CHAIR HADJANDREAS: So, basically,
7 to adhere to Ms. Bibla's recommendation,
8 if we propose to approve this,
9 contingent on a temporary fence or a
10 fence being installed on the property
11 line at the onset of construction so
12 that whatever is the neighbor's stays
13 the neighbor's and doesn't get
14 disturbed.

15 MR. SHEEHAN: Sure. I'm sure at
16 some point during the project there will
17 be a start that will need that,
18 regardless. Then during the project,
19 even though there's still other portions
20 going on, the fence goes in so we'll
21 always have some kind of fence there.

22 CHAIR HADJANDREAS: For protection.
23 Doe any of the other Board Members
24 have any questions?

25 (No response.)

1 Let me just state for the purpose
2 of the record, whatever we decide
3 tonight is contingent. Nothing will be
4 done, like, if we give permission to cut
5 trees down or remove trees or do
6 anything, nothing can be done until you
7 go in front of the Zoning Board because
8 this application requires a --

9 MR. SHEEHAN: Zoning Board of
10 Appeals approval.

11 CHAIR HADJANDREAS: Right, because
12 it's a --

13 MR. AVRUTINE: Slope disturbance.

14 CHAIR HADJANDREAS: No, not slope.

15 It's site percentage -- site lot
16 area coverage. Because they are
17 exceeding the maximum lot area coverage,
18 they need to go in front of the Zoning
19 Board -- and the setback -- and it
20 infringes upon the setback.

21 So unless we receive that approval,
22 anything that we approve tonight is
23 subject to the Zoning Board also giving
24 their approval. So nothing can be done
25 unless they get that approval.

1 MR. SHEEHAN: Understood.

2 CHAIR HADJANDREAS: Okay. Did you
3 have any other questions?

4 MEMBER JONES: I think the
5 plantings that you've chosen will really
6 enhance the area and I think it will
7 ultimately give, the canopy, is what the
8 Village is looking for.

9 MR. SHEEHAN: Thank you.

10 MEMBER DiBLASIO: I agree, yes.

11 CHAIR HADJANDREAS: I agree, as
12 well.

13 MEMBER JONES: You picked a
14 beautiful specimen.

15 MR. SHEEHAN: Thank you.

16 CHAIR HADJANDREAS: Ms. Bibla, do
17 you feel that the plan that the Laurel
18 Group has presented tonight covers the
19 concerns that you raised in your
20 Arborist report?

21 MS. BIBLA: Yes, I do.

22 I am happy to see a few natives,
23 like red maples being planted, of
24 course, birches are native, as well. We
25 like to encourage native plant material

1 and not just rows and rows of
2 evergreens. That's one of the reasons
3 why I suggested we retain some of the
4 trees already there because you can't
5 just have a line of evergreens on the
6 whole property. It still needs to be
7 punctuated with native vegetation.

8 CHAIR HADJANDREAS: Now, I'm
9 looking at the proposed new plant
10 schedule. You have on here a lot of
11 shrubs and trees that you are proposing.

12 Again, one thing that is new in the
13 Village is everything you are proposing
14 after the project is done for the
15 Newmans to close out their permit, they
16 will have to -- you will, as the
17 landscape designer of record, will have
18 to certify that everything that you have
19 shown us has been planted and is in
20 healthy condition and --

21 MR. SHEEHAN: Okay -- -

22 CHAIR HADJANDREAS: -- and growing.

23 With that said, give us -- if we
24 approve it tonight you are asking to cut
25 down, what was it, 42?

1 MR. SHEEHAN: Originally, I believe
2 41 but we kept two, so 39.

3 CHAIR HADJANDREAS: 39 trees.

4 MR. SHEEHAN: And added additional
5 trees that you don't have on that plan.
6 This is the revised plan I brought
7 tonight.

8 CHAIR HADJANDREAS: And you are
9 going to --

10 MR. SHEEHAN: Submit it if it's
11 approved, obviously.

12 CHAIR HADJANDREAS: Correct.

13 On the revised plan, how many
14 evergreens, how many deciduous trees are
15 there going in?

16 MR. SHEEHAN: I did a quick count
17 of 86 what I consider are large trees.
18 Now, that is a mixture of evergreens and
19 deciduous.

20 CHAIR HADJANDREAS: 86?

21 MR. SHEEHAN: 86, make sure a
22 mixture of evergreens and deciduous
23 trees.

24 If I were to break out the
25 difference -- I'm sorry -- plus nine

1 medium flowering trees like a crepe
2 myrtle and some of those other smaller
3 specimens; plus numerous other shrubs,
4 woody shrubs.

5 If I were to break out those 86, we
6 have 15, 15 deciduous trees and the rest
7 are a lot of evergreen trees. A portion
8 of that is around the tennis court
9 because that is a typically 10-foot high
10 fence that we want to screen.

11 CHAIR HADJANDREAS: Okay. Would
12 you, with the trees that we mentioned to
13 amend, if we approve tonight, to amend
14 the plans where you're keeping, again,
15 tree number 39 and 36?

16 Tree number 19, what are you doing
17 with that one?

18 Are we going to try or are we going
19 to -- it was an oak.

20 Actually, I think that is a better
21 question for Ms. Bibla.

22 With what he proposed, again, you
23 had recommended keeping tree 19. He's
24 planting additional deciduous trees
25 there. Would you be okay with that?

1 MS. BIBLA: Actually, the whole row
2 is evergreens right there.

3 CHAIR HADJANDREAS: I thought it
4 was.

5 MR. SHEEHAN: In that location,
6 it's evergreens.

7 MS. BIBLA: A 10-inch oak is a big
8 tree. It could take 20, 30 years to get
9 that big. Oaks are native and squirrels
10 like them. But if you feel that it's
11 going to ruin the look or something, I
12 guess if there is a design intent, I
13 don't think it's going to be affected by
14 the construction. I just thought it
15 would be nice to have an oak tree there.
16 As the neighbors look down, it will be a
17 visual relief.

18 CHAIR HADJANDREAS: How are the
19 evergreens -- what are you proposing
20 planting in there, was it leylands?
21 I know they need full sun.

22 MR. SHEEHAN: I do have leylands on
23 that portion. That area has a mixture
24 of spruce, a regular norway spruce
25 leylands, cryptomeria and western

1 arborvitae in those locations. In that
2 spot, we have leylands.

3 CHAIR HADJANDREAS: What is your
4 opinion, if that oak were to remain,
5 what it would do to your current
6 landscape plan in terms of amending it?

7 Would you have to amend it or could
8 you just kind of move it around a little
9 and keep it, or would it not allow those
10 trees to grow?

11 MR. SHEEHAN: In that location, I
12 would say I would try to compare -- I
13 don't have all the -- as close to the
14 border, that's where all the evergreens
15 are. We would have to spread them out a
16 little bit further so we don't get into
17 the root system of that tree, obviously.

18 It will fill in. It kind of grows
19 around over time and gives us the most
20 protection from the most amount of
21 screening from the neighbor in that
22 location. That's why I was moving and
23 adding.

24 CHAIR HADJANDREAS: An oak tree is
25 high and especially seeing the tennis

1 court there.

2 MR. SHEEHAN: I'm not necessarily
3 saying that it's a no-go in any way.
4 We're happy to kind of negotiate with
5 the Board over that one tree. If the
6 Village Arborist thinks that is an
7 issue, we will make that work and make
8 that happen, but I don't think --

9 CHAIR HADJANDREAS: Are we talking
10 about a healthy tree here, or is it?

11 MS. BIBLA: No, it's healthy.
12 There are a lot of vines in there, but
13 once that gets cleaned up. Unless the
14 intent is to have another open lawn area
15 for recreation outside, it would seem
16 it's sort of a rectangular lawn area
17 for --

18 MR. SHEEHAN: We have that, yes.

19 MS. BIBLA: For maybe auxiliary
20 play, yard play.

21 MR. SHEEHAN: Because of we're
22 pitching drainage to that location.

23 CHAIR HADJANDREAS: Is there going
24 to be dry wells installed?

25 MR. SHEEHAN: Yes.

1 CHAIR HADJANDREAS: That will
2 destroy the roots of that tree anyway.

3 MR. SHEEHAN: We have drainage,
4 having structures coming through here to
5 other dry wells below in many locations.

6 CHAIR HADJANDREAS: Okay.

7 MEMBER JONES: It looks like the
8 drainage is going the other way, though.

9 MR. SHEEHAN: You see the grading
10 line comes up here. It close, but...

11 MEMBER JONES: It will be right
12 around there.

13 MR. SHEEHAN: Um-hum.

14 CHAIR HADJANDREAS: What is that?

15 MEMBER JONES: For screening
16 purposes, that is not an issue because
17 there is no one there really, when you
18 look at the aerial shot. The other end
19 of the tennis court would be more
20 visible.

21 CHAIR HADJANDREAS: From?

22 MEMBER JONES: The house on Cold
23 Spring, that corner would be -- yes.

24 CHAIR HADJANDREAS: What do you
25 think?

1 MR. SHEEHAN: You're asking me?

2 CHAIR HADJANDREAS: Yes.

3 MR. SHEEHAN: I personally -- I am
4 a landscape architect. I'm not one just
5 to remove trees. That is not my
6 intention. I am trying to develop
7 something, design something that is
8 professional looking.

9 We've add a ton of trees into this
10 property. I don't think we are doing
11 the property or anybody else any
12 injustice by taking that one particular
13 tree out, based on everything that we've
14 added to the property.

15 I'm sensitive to the fact that
16 there are limitations. There is no
17 laurel on this property, so we are aware
18 of everything that is happening.

19 There is an extensive buffer that
20 is beyond that as well from the neighbor
21 that if it makes a difference, no one --
22 it's not going to change anybody's world
23 on that side of the property, on the
24 other side of the property, if that was
25 removed. It's a non-visible issue from

1 any outside, if you are worried about
2 what people are seeing from the outside.

3 MR. AVRUTINE: It is not solely
4 that. If you read the Legislative
5 Intent of the Tree Ordinance that the
6 Village has, and I'm sure you have
7 looked at it, the idea that is being put
8 forward is to preserve what can be
9 preserved in the context of projects
10 that homeowners undertake and property
11 owners undertake.

12 So while I understand what you are
13 saying, it has to be viewed in the
14 context of what the Legislative Intent
15 is. And part of that is if you have a
16 tree which is mature and has a certain
17 height and has a certain canopy, has a
18 certain root system, that may be
19 contrary to what a particular plan is,
20 but that may not necessarily serve as a
21 reason to remove it if it's otherwise a
22 tree that maintains a character of what
23 has existed previously, and I think that
24 is part of the Legislative Intent, as
25 well.

1 This Board strikes that balance in
2 its deliberations over these types of
3 issues. Clearly, if a tree is dead
4 dying, et cetera, those are different
5 considerations. But when a tree is
6 otherwise healthy, I think the intent of
7 the Trustees in adopting this was to try
8 to preserve those types of trees when
9 they can be.

10 MR. SHEEHAN: Sure, I understand
11 and respect that. I think we have
12 accomplished that in terms of what we
13 have selected to remove. If that one
14 tree makes a difference, I, personally,
15 don't think it's a good-looking tree and
16 with all the vines that are there and
17 how it's being girdled in certain areas,
18 my personal opinion is that it's not
19 viable. If the Village insists that it
20 be kept, we will make it work.

21 So, I do leave that up to you, in
22 terms of that. Because out of any of
23 those trees on this property, that is
24 probably one that can go either way.
25 All the other ones that we selected, I

1 would be strongly -- a strong opinion of
2 keeping to what we have in the plan.
3 But that one particular tree, because it
4 is off of the tennis court a good amount
5 in terms of construction, it is where
6 the vegetation is going in, we would
7 have to adjust around that. There may
8 be some gaps that we see and we can live
9 with until it grows.

10 CHAIR HADJANDREAS: And it's far
11 enough away from the tennis court where
12 the roots would not affect?

13 MR. SHEEHAN: In that one, yes.

14 CHAIR HADJANDREAS: Okay.

15 Mrs. Newman, do you have anything
16 you want to add?

17 MRS. NEWMAN: No.

18 CHAIR HADJANDREAS: Okay, anything
19 from the audience?

20 Do you have any questions or
21 concerns?

22 (No response.)

23 MR. AVRUTINE: Motion to close the
24 Public Hearing.

25 CHAIR HADJANDREAS: Motion to close

1 the Public Hearing.

2 MEMBER DiBLASIO: Motion.

3 MR. AVRUTINE: By Member DiBlasio.

4 Second?

5 MEMBER JONES: Second.

6 MR. AVRUTINE: Second by Member

7 Jones.

8 All in favor?

9 CHAIR HADJANDREAS: Aye.

10 MEMBER DiBLASIO: Aye.

11 MEMBER JONES: Aye.

12 MR. AVRUTINE: Let the record
13 reflect this matter is deemed Type II
14 under the New York State Environmental
15 Quality Review Act.

16 Motion on the application?

17 MEMBER JONES: Moved.

18 MR. AVRUTINE: Member Jones.

19 And so it's approved with
20 maintenance of which trees?

21 Do you want to be specific --

22 CHAIR HADJANDREAS: Yes.

23 MR. AVRUTINE: -- as to which
24 trees, as identified in the Bibla
25 report, are going to remain.

1 CHAIR HADJANDREAS: Do you want me
2 to give them to you?

3 MR. AVRUTINE: Yes.

4 CHAIR HADJANDREAS: Tree number 39.

5 MR. AVRUTINE: Motion to approve,
6 subject to maintaining tree numbers 39.

7 CHAIR HADJANDREAS: 36.

8 MR. AVRUTINE: 36 and --

9 CHAIR HADJANDREAS: What tree?

10 MR. AVRUTINE: 19, and 19.

11 So, notwithstanding the
12 recommendation that 40, 34, and 35
13 remain, those are authorized to be
14 removed.

15 CHAIR HADJANDREAS: Um-hum.

16 MR. AVRUTINE: And, similarly, 21,
17 22 and 26 can be removed as well.

18 CHAIR HADJANDREAS: Um-hum.

19 MR. AVRUTINE: Just for
20 clarification purposes.

21 CHAIR HADJANDREAS: As well as the
22 other --

23 MR. AVRUTINE: I am talking about
24 those that are conflicting with the
25 recommendations.

1 MEMBER JONES: 33, 34 and 35?

2 MR. AVRUTINE: 33, 34 and 35; as
3 well as 21, 22 and 26.

4 MEMBER JONES: Great.

5 MR. AVRUTINE: Okay.

6 CHAIR HADJANDREAS: And as well as
7 the plan to be amended, the new plan, to
8 show the additional trees that you are
9 adding.

10 MR. SHEEHAN: Yes.

11 There is an additional five trees:
12 Three red maples, October Glory and a
13 Yoshino Cherry, two Yoshino Cherries.

14 MR. AVRUTINE: Just to clarify,
15 tree numbers 39, 36 and 19 will remain.
16 The trees, the other trees mentioned in
17 the Bibla report: 21, 22, 26, 40, 33,
18 34 and 35 will be removed.

19 The plan will be amended to depict
20 five additional trees, other than those
21 already shown.

22 MR. SHEEHAN: Correct.

23 CHAIR HADJANDREAS: And, as I said
24 earlier, the trees that are to remain
25 should be protected, the fence we

1 discussed earlier.

2 MR. AVRUTINE: Along the property
3 line, a construction fence.

4 CHAIR HADJANDREAS: Or the fence
5 that you are going to install should be
6 at the beginning of the project,
7 something should go in on the property
8 line at the beginning of the project.

9 Was there anything else that we --

10 MR. AVRUTINE: Along the property
11 line.

12 MEMBER JONES: The issue of the
13 Zoning Board.

14 CHAIR HADJANDREAS: And everything
15 we say tonight is subject to the Zoning
16 Board granting their approval.

17 MR. SHEEHAN: Right.

18 MR. AVRUTINE: And the last one was
19 subject to the Board of Zoning Appeals
20 approval.

21 Do we have a second on that motion?

22 MEMBER DiBLASIO: Second.

23 MR. AVRUTINE: Second by Member
24 DiBlasio.

25 All in favor?

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CHAIR HADJANDREAS: Aye.

MEMBER DiBLASIO: Aye.

MEMBER JONES: Aye.

MR. AVRUTINE: Approved as
conditioned.

* * * * *

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