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INCORPORATED VILLAGE OF LAUREL HOLLOW
PLANNING BOARD
PUBLIC HEARING
March 12, 2019
7:00 p.m.

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

PRESENT: SCOTT ABRAMS, Member

ELIZABETH DiBLASIO, Member

NANCY JONES, Member

JAMES GALTIERI, Member

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney

P1-2019/T1-2019 - ZARRO - 43 Springwood Path

RONALD KOENIG
OFFICIAL COURT REPORTER

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1 MR. AVRUTINE: This is the public hearing in
2 connection with Application P1-2019/T1-2019, the
3 application of Donny Zarro, 43 Springwood Path, for
4 approval to remove up to twenty trees in connection with
5 the proposed retaining wall and regrading in the rear
6 yard.

7 The parcel of property under application is
8 known as Section 14, Block 25, Lot 15, on the Land and
9 Tax Map of Nassau County.

10 The exhibit list in connection with this
11 hearing are as follows:

12 First, an affidavit of posting from Elizabeth
13 Kaye that the legal notice was posted on the front
14 bulletin board in front of Village Hall on February 15,
15 2019.

16 The next exhibit is an affidavit of
17 publication that the legal notice was published in the
18 North Shore Leader on February 20, 2019.

19 The next exhibit is a document that confirms
20 that the legal notice was published to the Village of
21 Laurel Hollow website on February 19, 2019.

22 The next exhibit is a document that confirms
23 that the legal notice was sent to Village website NEWS
24 subscribers on March 8, 2019.

25 The next exhibit is an affidavit of mailing

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1 from the applicant indicating that the notice of public
2 hearing was mailed on March 4, 2019.

3 And the final exhibit is notification from the
4 Nassau County Planning Commission dated January 29,
5 2019, stating that this matter is referred to the
6 Village of Laurel Hollow Planning Board to take action
7 as it deems appropriate.

8 Is there a representative for the applicant
9 that is going to make a presentation?

10 State your name and address for the record,
11 please.

12 MR. RANT: Good evening, Mr. Chairman, Members
13 of the Board, Michael Rant from the firm Bladykas &
14 Panetta, 23 Spring Street, Oyster Bay, New York. I'm
15 here this evening representing the owners of
16 43 Springwood Path seeking site plan approval to
17 construct a new swimming pool, patio, pergola and a rear
18 yard retaining wall.

19 As the notice had stated, the original
20 application was for the removal of twenty trees. Since
21 then, based on comments from the village engineer and
22 the village arborist, we re-modified the plan. We are
23 now seeking approval for thirteen trees. So we are able
24 to save seven of those twenty trees.

25 And just for the Board's clarification, which

1 if the Board members had a chance to visit the site,
2 I've highlighted in pink on the site plan the location
3 of the existing fencing and the lawn area, and then in
4 orange is the location of the proposed wall, so you can
5 see the relationship between the two.

6 So again, we're here for proposing inground
7 pool and pergola that's located on the north side of the
8 rear yard. And you can see the pool and the patio and
9 the pergola all fall within the existing lawn area, so
10 that would fall in the existing clear area. And really
11 the area that we're looking to encroach into the step
12 slope would be on the south side of the property. We
13 tried to keep the area that had the least amount of
14 slope in our disturbance. So there are varying degrees
15 of steepness of slope.

16 In the rear of the property to the north,
17 there is a large amount of severely steep slope which we
18 are staying out of that slope. We are not disturbing
19 that.

20 Along the south side is where the main
21 disturbance is being created, and that falls within the
22 smallest category, the steep slope, 15 to 25 percent.

23 So we feel that we've been able to achieve the
24 client's goal which is usable space for his family and
25 by minimizing impact of the slopes itself.

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1 The way that we were able to save the seven
2 trees, there is a cluster of trees on the south side,
3 we've left the grade natural in those areas and we were
4 able to preserve those trees. There's a very large
5 Beech, a 34-inch Beech tree, which we were able to save
6 which is a specimen tree on the property.

7 Based on other comments by the village
8 engineer, we had shown grading along the property line,
9 and by extending the proposed wall approximately
10 15 feet, we were able to eliminate any of that
11 disturbance in that area. So we can leave really a
12 natural buffer on the north side, the south side and the
13 rear of the property, 150, 200 feet of natural wooded
14 area.

15 The home to the north faces -- the home faces
16 to the north direction, so they would not have any
17 visible impact in their rear yard. The home to the
18 south faces further to the south. So we feel that the
19 improvements that are being proposed really have limited
20 to no visible impact to the surrounding properties. By
21 utilizing a retaining wall, it helps us really to keep
22 our disturbance as tight as possible, and again, limit
23 the amount of tree removal, limit the amount of grading
24 and excavation, and limit the impact to the property.

25 The plan has been submitted to the village

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1 engineer, and I believe he's been satisfied as far as
2 grading and drainage and erosion control.

3 Any questions from the Board, I'd be happy to
4 answer them.

5 MR. AVRUTINE: Before the Board poses
6 questions, I just want to state for the record and for
7 the Board's edification that this application is also in
8 conjunction with an application that's going to be heard
9 by the Board of Zoning Appeals for a variance
10 regarding -- I believe the variance concerns a walkway.

11 Is that correct, Mr. Rant?

12 MR. RANT: The variances that are being sought
13 are pertaining to setback.

14 MR. AVRUTINE: The setback for what structure?

15 MR. RANT: There is an existing shed on the
16 south side which is to remain, and that requires a
17 variance.

18 MR. AVRUTINE: Does it? Because I'm looking
19 at Mr. McNerney's disapproval, and the only item I see
20 referenced in it is the existing side yard setback for
21 the lower patio. If that's not correct, I just want to
22 clarify. That's what I see in the rejection.

23 MR. RANT: This is the notice of disapproval I
24 have. It's just two items. The proposed accessory
25 structures are not set back at least 40 feet from the

1 side lot lines. The pool and patio do not comply with
2 the side yard setback and the existing shed of 29.2 feet
3 do not comply.

4 MR. AVRUTINE: Okay. That's fine.

5 MR. RANT: May I submit a copy?

6 MR. AVRUTINE: What is the date on that?

7 MR. RANT: This is February 1. I believe
8 there was an updated denial letter.

9 MR. AVRUTINE: The package that I was
10 furnished did not have that.

11 Do you have an extra copy?

12 MR. RANT: (Handing.)

13 MR. AVRUTINE: Thank you.

14 MR. RANT: The structures that require
15 setbacks, the pool and patio, there are some existing
16 dry wells that are in the center of the property in the
17 rear yard, and in trying to keep the pool and patio in
18 again the flattest part of the property, we've situated
19 all those improvements on the north side. So we will be
20 seeking a variance for setbacks to those structures.

21 MR. AVRUTINE: In addition to the setback
22 variances that are required, there's also a slope
23 disturbance application before the Board of Appeals. So
24 in the event that this Board approves the pending
25 application for tree removal which is before you this

1 evening, that approval would necessarily be conditioned
2 upon and contingent upon the Board of Zoning Appeals
3 granting the relief sought that we've just described.
4 In the event the Board of Zoning Appeal does not grant
5 that relief, then there would be no removal of the
6 trees.

7 MEMBER GALTIERI: Do we have any neighbor
8 issues here?

9 MR. AVRUTINE: For the record, Mr. Galtieri, I
10 have an e-mail from -- this is dated -- I received it
11 today.

12 MEMBER ABRAMS: I got it today.

13 MR. AVRUTINE: I don't see a date on it.

14 Regardless, it basically said that the folks,
15 Patricia and Colin William-Hawkes at 48 Springwood Path,
16 indicated that they have no comments on the application.

17 MEMBER JONES: 10:15 a.m., this was printed.

18 MR. AVRUTINE: I will make and mark this
19 Hearing Exhibit Number 1.

20 MEMBER JONES: Where is 48?

21 MR. RANT: They're not an adjacent neighbor.

22 MEMBER JONES: They're across. But the two
23 people on the side didn't say anything?

24 MR. RANT: We haven't heard any objection.
25 Again, I do have a photograph.

1 MEMBER ABRAMS: That was sent in to the
2 Village Hall on March 11 at 9:23 at night.

3 MR. RANT: I can submit for the record, this
4 is an overhead photograph of the property and it shows
5 our home and the kind of situation of the two homes to
6 the north and south.

7 The home to the north, it really faces, the
8 rear of the property faces away from our property. So
9 they don't have any visible impact into the home. And
10 then the property to the south, again, the visible view
11 is to the north. And you can see how much tree cover
12 and foliage there is between all of the properties.

13 MEMBER ABRAMS: And everybody on the Planning
14 Board made a site visit, right?

15 MEMBER JONES: Um-hum.

16 MEMBER ABRAMS: Which one did we say was 48?

17 MEMBER JONES: It's not there. It's across
18 the street.

19 MR. RANT: On Springwood.

20 MEMBER ABRAMS: South side?

21 MR. RANT: South side.

22 MEMBER JONES: Howard, could you review the
23 code, the tree code.

24 MR. AVRUTINE: With regard to what? I'm not
25 sure what you're --

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1 MEMBER JONES: With cutting trees and slopes.
2 Isn't there some kind of code?

3 MR. AVRUTINE: Well, the tree, it's not with
4 respect to slopes per se. It's with respect to
5 setbacks.

6 If you disturb a slope, you need a BZA
7 approval. In other words, if you're going to disturb a
8 slope to remove a tree, for argument sake, without
9 construction of a structure of some sort, you would
10 still need BZA approval for the slope removal.

11 MEMBER JONES: I was kind of looking at the
12 code and it said, with trees, you know, unless with a
13 permit, like trees that are within slopes, severe
14 slopes, those should not be touched.

15 MR. AVRUTINE: Unless the Board of Zoning
16 Appeals approves the slope disturbance for that purpose,
17 because it depends upon what else is going on on the
18 property. Maybe it would be a set of different
19 considerations if the application was simply to remove
20 trees without any other structures that were going to
21 disturb a slope.

22 Here you have accessory structures that this
23 applicant wants to build which are necessarily going to
24 disturb the slope. So that's why any approval this
25 Board makes is contingent upon what the BZA does because

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1 if the BZA does not approve the slope disturbance in
2 order to accommodate the proposed project, then the
3 trees don't get removed. So that's the interplay
4 between the slope and whatever fill there may be and the
5 variances as well as the application that's before the
6 Board this evening.

7 MEMBER JONES: Because it looked like those
8 trees coming down in those areas is going to be, I
9 think, a big impact.

10 MR. AVRUTINE: That's what this hearing is all
11 about, for the Board to consider what the impacts are
12 and what the implications are.

13 MEMBER GALTIERI: Nancy, where do you see the
14 impact?

15 MEMBER JONES: Just how those trees were in
16 the back. When you look at the property, what's going
17 to happen when those trees are removed and everything
18 below it?

19 MEMBER GALTIERI: Well, I mean, that's what
20 the slope issue is going to address.

21 MR. AVRUTINE: Maybe Mr. Rant can explain.

22 MR. RANT: So right now the entire property
23 slopes to the rear, and the reason we're needing to
24 remove those trees is we're building a wall to raise the
25 grade and flatten the grade. There wouldn't be any

1 excess removal past the wall. The wall would be
2 constructed to flatten out the grade which will help
3 reduce any runoff to the rear yard. We're going to be
4 providing new drainage facilities that currently don't
5 exist.

6 MR. AVRUTINE: Why don't you explain where the
7 flattened areas are going to be.

8 MR. RANT: The whole area that's between the
9 pink line and the orange line is what's being filled in
10 with fill. This is going to create a flat lawn area.
11 And inside that lawn area we'll be installing drainage
12 facilities to contain all of the runoff that's being
13 created from the project.

14 Currently, there are no drainage facilities,
15 so all of the runoff flows down hill. By lessening the
16 slope, stabilizing the grade with lawn, we'll be able to
17 contain all that runoff which will help mitigate any
18 impacts to the lower area of the property.

19 MEMBER GALTIERI: What's the wall going to be
20 made of?

21 MR. RANT: It's going to be a segmental, stack
22 block wall. And there's a large -- again, we are
23 removing thirteen trees, but we are maintaining a large
24 buffer of trees throughout the property which will help
25 screen any visible impact from the surrounding

1 properties.

2 MR. AVRUTINE: Is it fair, and I don't know if
3 this is your area of expertise, is it feasible at all to
4 transplant any of those trees to the buffer area?

5 MR. RANT: Once you get to really above 6 or
6 7 inches, it becomes cost prohibitive to relocate and
7 remove a tree of that size.

8 MEMBER GALTIERI: And my memory was that a
9 number of those trees, although not dying, they were
10 covered with ivy and --

11 MR. RANT: They are not healthy specimen trees
12 that are thriving and really creating a, you know, a
13 setting, a feeling that the owner wants to look at it.
14 A lot of the trees are damaged, they've been neglected
15 for years, and there is no real benefit from keeping
16 them in their current location.

17 MR. AVRUTINE: Mr. Rant, you mentioned earlier
18 Elizabeth Bibla's report. That's the Village Arborist.
19 Were all of the trees that she recommended to be
20 preserved being preserved?

21 MR. RANT: Yes. She had identified a cluster
22 of trees, it was about seven trees, six or seven trees
23 on the south side of the home.

24 So currently -- the previous plan had
25 excavating additional earth in that area to create more

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1 flat area. So in order to save those trees, we've left
2 that grade natural and we were able to, if you were on
3 site, there was a large Beech tree on the south side and
4 that is staying, and there is a cluster of trees around
5 that tree that are all staying. So that was her
6 recommendation to save those trees, and we've done that,
7 and also to add screening along the property lines to
8 help, again, mitigate any visible impact.

9 MR. AVRUTINE: With respect to the trees that
10 you are contemplating to remove, is there any way you
11 can achieve the desired result in terms of flat area but
12 preserve some or all of those?

13 MR. RANT: I think we were mindful of trying
14 to mitigate and minimize that impact as much as
15 possible. We had to pick a point where we weren't
16 increasing it to a much larger scale. If we pushed the
17 wall 5, 10 feet further, we would have needed to take
18 maybe ten additional trees back. In order to save this
19 cluster of trees which is about eight trees, we'd have
20 to move the wall 30 feet towards the house. So I think
21 we found a place where we're mitigating the tree removal
22 as best as possible and also giving the owner what he is
23 trying to accomplish, which is some useable space for
24 his family. If you move the wall 5 feet back, you may
25 save one tree but you still need to remove this entire

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1 cluster of trees in that location.

2 MR. AVRUTINE: Can you explain a little bit
3 more in detail in connection with the accessory
4 structures -- forgetting about the retaining wall for
5 the moment -- the swimming pool and the patio area,
6 explain why it's necessary to disturb the slope and
7 remove trees anywhere other than the area where those
8 structures are going. In other words, can the applicant
9 survive with the accessory structures but without the
10 modification to the area where the trees are being
11 removed?

12 MEMBER ABRAMS: Tree No. 4 is a good example.
13 It's in the middle of that new lawn in between your pink
14 and orange line. Do you happen to see that?

15 MR. RANT: Yep.

16 MEMBER ABRAMS: As an example. That's not
17 near the new retaining wall. I don't remember off the
18 top of my head what that tree looks like shape-wise, you
19 know, how healthy it is, but that's on the plan. It
20 looks like that's fairly far away from the retaining
21 wall, as is No. 1, possibly.

22 MR. RANT: Well, the only way to save any of
23 those trees would be to leave that area undisturbed
24 which would defeat the purpose of the project.

25 MEMBER ABRAMS: Because we're filling --

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1 MR. RANT: Filling in that entire area.

2 MR. AVRUTINE: I recognize that. I guess my
3 question is, is the fill portion of the project
4 necessary in order to accomplish the other results with
5 the accessory structures? I guess that's the question.
6 In other words, can you leave that area the way it is
7 and still have your accessory structures?

8 MR. RANT: Yes, you can. But the overall
9 project, which is the goal of the client, the owner, is
10 to create flat, useable space for his --

11 So the two projects are hand in hand. He
12 would like to have a pool and entertaining space as well
13 as lawn area for, again, his children. They want to be
14 able to enjoy the property. And we feel that, again,
15 we've done a good balance between trying to save as many
16 trees as possible. I think the thirteen trees, what
17 he's proposing, I think the minimal amount of trees that
18 were needed for removal is thirteen trees. We started
19 at twenty. We took a look at the plan. We've mitigated
20 some areas that we felt we could, although not end up
21 with the overall plan that he likes, we felt that it was
22 a good balance to save those seven trees in order to
23 move forward with the project and come to a kind of a
24 middle ground of where he would be satisfied and we're
25 mitigating the amount of trees for removal.

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1 MR. AVRUTINE: Thank you, Mr. Rant.

2 MR. RANT: You're welcome.

3 MEMBER ABRAMS: So you need over 1,000 cubic
4 yards of fill for that area?

5 MR. RANT: Yes. We'll be generating on site
6 with the excavation of dry wells and the pool about half
7 of that, and the additional would need to be imported to
8 site.

9 MEMBER ABRAMS: Okay.

10 MEMBER GALTIERI: Is there any plantings going
11 in?

12 MR. RANT: The only planting that's being
13 proposed, we did submit a landscape plan, a row of Green
14 Giant Arborvitae is being proposed around the entire --
15 on top of the proposed wall. That would help screen any
16 visible impact from the neighbors.

17 MR. AVRUTINE: You said on top of the wall.
18 You mean adjacent to the wall?

19 MR. RANT: On top of the wall. So the
20 proposed pool/patio lawn area is on the high side of the
21 wall, and that's where the landscaping would be so it
22 can block his visibility from the neighbors and vice
23 versa.

24 MR. AVRUTINE: So the wall will not be at all
25 visible from the direction of the south side?

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1 MR. RANT: No.

2 MR. AVRUTINE: It would only be visible from
3 the area below, essentially?

4 MR. RANT: Correct. Correct.

5 MEMBER JONES: On these plans, there is a
6 proposed dry well on the other side, do you know? Up
7 top, I'm sorry, you have --

8 MR. RANT: Yeah. We can have the landscape
9 designer submit a revised plan. Our site plan --

10 MR. AVRUTINE: Is that not accurate?

11 MR. RANT: -- is not accurate. No dry wells
12 are being installed on the lower side of the wall. All
13 dry wells are being installed on the higher side. And
14 this plan, which is the plan that Jim Antonelli
15 reviewed, the site plan prepared by our office, is the
16 governing plan as far as grading and drainage.

17 MR. AVRUTINE: I want to clarify that.

18 The site plan, if approved both in terms of
19 the tree removal and in terms of the slope disturbance
20 application, I'm presuming, Mr. Rant, that the plan that
21 you have mounted here, the site plan that is before this
22 Board, is the identical plan that is before the BZA?

23 MR. RANT: Correct.

24 MR. AVRUTINE: So that will govern in terms of
25 the structures, in terms of the drainage.

1 The landscape plan is solely to depict
2 proposed landscaping that's going to be installed,
3 nothing else?

4 MR. RANT: Yeah. And that was at the
5 direction of the village arborist. Ms. Bibla has
6 requested a landscape plan showing evergreen screening
7 in those areas.

8 MEMBER ABRAMS: This landscape plan, as a
9 matter of fact, is missing the proposed dry well that's
10 going where the cut and fill is taking place?

11 MR. AVRUTINE: I think that's just to
12 illustrate plants.

13 MR. RANT: Yes. They should remove all
14 drainage structures from a landscape plan.

15 MEMBER ABRAMS: Yes. Otherwise we have to
16 make sure it's accurate there too.

17 Does anyone else have any questions, comments?

18 MR. AVRUTINE: Open it up to the audience such
19 as it is?

20 MEMBER ABRAMS: Absolutely.

21 MR. AVRUTINE: Does anybody wish to speak on
22 this application?

23 Let the record reflect that there is no one.
24 Any further questions from the Board?

25 MEMBER GALTIERI: No.

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1 MR. AVRUTINE: Do we have a motion to close
2 the public hearing?

3 MEMBER ABRAMS: I will make the motion to
4 close the public hearing.

5 MR. AVRUTINE: Second, please?

6 MEMBER JONES: I'll second.

7 MR. AVRUTINE: All in favor?

8 MEMBER ABRAMS: Aye.

9 MEMBER DiBLASIO: Aye.

10 MEMBER JONES: Aye.

11 MEMBER GALTIERI: Aye.

12 MR. AVRUTINE: Does the Board wish to render a
13 decision at this time?

14 MEMBER ABRAMS: Yes.

15 MR. AVRUTINE: Do we have a motion, a decision
16 on the application?

17 MEMBER GALTIERI: I'll make it.

18 MR. AVRUTINE: And your motion is to --

19 MEMBER GALTIERI: Approve.

20 MR. AVRUTINE: Any conditions, Mr. Galtieri?

21 MEMBER GALTIERI: No.

22 MEMBER ABRAMS: well, the conditions are --

23 MR. AVRUTINE: I was going to suggest some.

24 MEMBER ABRAMS: The conditions are --

25 MR. AVRUTINE: Strict compliance with the site

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1 plan.

2 MEMBER GALTIERI: Okay.

3 MR. AVRUTINE: Strict compliance with the
4 landscape plan regarding the landscaping to be
5 installed. And conditioned upon approval of all pending
6 applications before the Board of Zoning Appeals.

7 MEMBER GALTIERI: Right.

8 MEMBER ABRAMS: I don't know if we need to say
9 anything about -- I mean this says thirteen trees, the
10 application got twenty.

11 MR. AVRUTINE: Yes. This is an application to
12 remove thirteen trees as explained by the applicant's
13 representative.

14 MEMBER GALTIERI: Is there a date for that
15 Zoning Board meeting?

16 MR. AVRUTINE: I believe it's next week.

17 MR. RANT: Next Tuesday.

18 MR. AVRUTINE: Do I have a second on the
19 motion with the conditions as stated?

20 MEMBER DiBLASIO: Yes.

21 MR. AVRUTINE: Member DiBlasio, second.

22 All in favor?

23 MEMBER ABRAMS: Aye.

24 MEMBER DiBLASIO: Aye.

25 MEMBER GALTIERI: Aye.

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MR. AVRUTINE: We have --

MEMBER JONES: That's a quorum, though, that's okay.

MR. AVRUTINE: We have four members present and you need three to approve in order for it to pass. So I just want to poll the Board now so we are clear since it is a split vote.

Member Abrams?

MEMBER ABRAMS: Yes, aye.

MR. AVRUTINE: Member DiBlasio?

MEMBER DiBLASIO: Aye.

MR. AVRUTINE: Member Galtieri?

MEMBER GALTIERI: Aye.

MR. AVRUTINE: And Member Jones?

MEMBER JONES: No.

MR. AVRUTINE: Thank you.

The application passes, three votes in favor and one opposed.

MR. RANT: Thank you.

CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN THIS CASE.

RONALD H. KOENIG
Official Court Reporter