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INCORPORATED VILLAGE OF LAUREL HOLLOW
PLANNING BOARD
PUBLIC HEARING
May 29, 2018
7:00 p.m.

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

PRESENT: CHRIS HADJANDREAS, Chairman
SCOTT ABRAMS, Member
ELIZABETH DiBLASIO, Member
NANCY JONES, Member
JAMES GALTIERI, Member

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
JAMES ANTONELLI, Village Engineer

P1-2018 & T24-2017 - Fagundo - 39 Hilltop Drive
Slope and Trees

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: This is the public hearing on
2 the slope application P1-2018 and tree removal
3 application 24-2017.

4 These applications were submitted by Arturo
5 Fagundo, 39 Hilltop Drive, for approval to remove 20
6 trees and install a swimming pool, patio, waterfall, and
7 retaining wall, disturbing a very steep slope as shown
8 on the slope analysis plan prepared by Bladykas &
9 Panetta, L.S. & P.E., dated January 5, 2018, and the
10 Fagundo tree removal plan prepared by Newport
11 Engineering, P.C., dated December 4, 2017.

12 The premises under the application is also
13 known as Section 14, Block 20, Lot 5 on the Land and Tax
14 Map of Nassau County.

15 The exhibit list in connection with this
16 application is as follow:

17 First, notification from the Nassau County
18 Planning Commission dated May 21, 2018, that the above
19 matter is referred to the village of Laurel Hollow
20 Planning Board to take action as it deems appropriate.

21 The next exhibit is the public notice dated
22 May 10, 2018.

23 The next exhibit is an affidavit of posting
24 from Elizabeth Kaye that the legal notice was posted on
25 the front bulletin board in front of the Village Hall on

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1 May 18, 2018.

2 The next exhibit is an affidavit of
3 publication that the legal notice was published in
4 Oyster Bay Guardian on May 18, 2018.

5 The next exhibit is a document that confirms
6 that the legal notice was published to the village
7 website on May 15, 2018 and sent to village website
8 subscribers on May 22, 2018.

9 The final exhibit is an affidavit of mailing
10 from the applicant, indicating that the notice of public
11 hearing was mailed on May 15, 2018 to the individuals
12 set forth in the affidavit.

13 Is there a representative here in connection
14 with this application?

15 MR. DeSANTIS: I am.

16 MR. AVRUTINE: Step up and state your name and
17 address for the record.

18 MR. DeSANTIS: Nick DeSantis, Newport
19 Engineering.

20 Good evening, Board.

21 So for the Fagundo site, they are proposing a
22 new pool, some patio pavers for the pool itself, and a
23 walkway on the front of the house.

24 The site is almost a 3-acre site in the 2-acre
25 zone. There was an update to the tree ID list. They

1 were tagged this morning. Inadvertently, five
2 additional trees were added to the tree ID. I
3 apologize. We updated that list, and that was part of
4 your new attachments today with the landscape plan.

5 The application is before the Board because of
6 the slope analysis and the slope being affected. We do
7 have a proposed retaining wall on the east side of the
8 property which is holding up the terrace for the pool.
9 The retaining wall is pretty low. It's a 4-foot-high
10 retaining wall. We are cognizant about the slopes and
11 steep slope in this area. We situated the way the pool
12 is, which is only I believe a 500-square-foot pool --
13 562-square-foot pool, so we were very cognizant of
14 trying to fit this in to where the contours made the
15 most sense for the site.

16 So looking at it, half the property is within
17 steep slope and very steep slopes, so we were very
18 cognizant of keeping it on the steep slope portion
19 tying in. So predominantly, more than half of the
20 project is on flat land and then the other portion is on
21 the steep slope. And that's what we're seeking, the
22 Board's relief.

23 CHAIRMAN HADJANDREAS: The retaining wall, do
24 you know what that is going to be constructed of?

25 MR. DeSANTIS: Yes. It's a concrete wall.

1 It's in the plans. The concrete wall is shown on C 102.
2 On the east side of the property, the
3 Fagundo's, as I said, their property continues probably
4 for another 500 feet easterly with dense woods up there.
5 So the retaining wall, you're not going to see anything
6 on the exposed side which is facing the slope side. On
7 the patio side, it's going to be complete, obviously,
8 with the paver stones up to about 8 inches below the top
9 of the wall. No wall is being exposed. It's for earth
10 retention.

11 CHAIRMAN HADJANDREAS: We know now it went
12 from 20 to 25 trees, and all in that same relative area.
13 The area that we saw that was ribboned off didn't
14 change.

15 MR. DeSANTIS: Nothing's changed. We have one
16 ribbon for the perimeter of the project and individual
17 ribbons for the tree. So the five that were missing
18 were predominantly 6-inch calipers and a couple -- two
19 10s and three 6s.

20 CHAIRMAN HADJANDREAS: The 6s -- it's 7 and
21 above that really count, so it's really not five that
22 you're asking for.

23 MR. DeSANTIS: Some of them were 6 on the
24 button, and two 10s.

25 Do you want on the record as far as the trees?

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1 MR. AVRUTINE: Sir, step up. Give your name
2 and address, this way you can respond and have it be
3 recorded properly.

4 MR. MIRABILE: Sure. Lenny Mirabile,
5 M-I-R-A-B-I-L-E, 74 Fleets Cove Road, Huntington.

6 Hello, Board.

7 MR. AVRUTINE: You were saying something?

8 MR. MIRABILE: The trees that we noticed this
9 morning were 6-inch caliper, which doesn't really mean
10 much. There was one other tree that we marked that was
11 in the 10-inch caliper, and another one that was
12 actually dead. So we figured we'd mark everything that
13 was in that zone right there, that's why it didn't make
14 it on the original plan because one was dead.

15 CHAIRMAN HADJANDREAS: Just so the Board
16 knows, anything under 7 inch, they wouldn't even need to
17 seek permission. Anything dead, they wouldn't need to
18 seek permission.

19 MR. MIRABILE: So it's one more tree at that
20 point.

21 MR. DeSANTIS: That's true, Board, because I'm
22 noticing even on the original tree ID there was quite a
23 few that were already 6s. So even on here there were
24 nine 6s. So I don't know if that has to be reflected.
25 So our tree ID for the most part is accurate. There's

1 not going to be more than 20 trees. So it's 20 or less.

2 MR. AVRUTINE: Anything further?

3 MEMBER GALTIERI: I have a question.

4 In walking the property, we discussed whether
5 there was going to be plantings between the retaining
6 wall and the house that is next door for the visibility.
7 Although there is a fair amount of foliage in the
8 setback, we discussed that there was a plan to put
9 plantings in there for some screening; is that right?

10 CHAIRMAN HADJANDREAS: Not the retaining wall,
11 on the opposite --

12 MEMBER GALTIERI: On the opposite side.

13 CHAIRMAN HADJANDREAS: The part if you're
14 standing with your back to the house, to the right where
15 the neighbor's front door would be looking at the pool
16 area.

17 And we see in here, if you can just --

18 MR. DeSANTIS: That's correct.

19 CHAIRMAN HADJANDREAS: -- discuss the
20 screening that's going in in that side because the Board
21 has some concerns.

22 MR. AVRUTINE: Let's make sure we are
23 addressing, just for the record, there was a landscape
24 plan submitted today of October 19 of 2016 with no
25 revision date on it or I don't see one.

1 Is there one?

2 MR. DeSANTIS: It was the original title
3 block. You have the right date.

4 MR. AVRUTINE: It's stamped received, May 29,
5 2018 is the date, L.101.00 dated 10/19/16.

6 Is that the one you have?

7 MEMBER GALTIERI: Yes.

8 MR. AVRUTINE: Proceed, Mr. DeSantis, to
9 explain.

10 MR. DeSANTIS: Len Mirabile will discuss the
11 screening on that.

12 MR. MIRABILE: Being that this is the
13 construction zone here and there is a residence right
14 next door, we are proposing to put about 12 or 13
15 evergreen screening trees in that place, stagger them so
16 it would completely screen the pool equipment and the
17 swimming pool from the neighbor and give it more natural
18 beauty.

19 CHAIRMAN HADJANDREAS: Any other questions
20 from the Board?

21 MEMBER JONES: I have a question in regard to
22 the slope.

23 MR. AVRUTINE: I believe you stated,
24 Mr. DeSantis, that most of the property, a good portion
25 of the property is in steep or very steep slope.

1 MR. DeSANTIS: Correct.

2 MR. AVRUTINE: Can you describe the nature of
3 the intrusion in the sloped area, whether it's steep
4 slope, very steep slope, that's being disturbed in a
5 little bit more detail.

6 MR. DeSANTIS: Will do.

7 Predominantly for this project, the slopes --
8 this is the main house. This is an upper deck area.

9 MR. AVRUTINE: You are referring to a specific
10 drawing?

11 MR. DeSANTIS: C 101.02, the main site plan.
12 Do you see where it says, inground pool IGP
13 field filed by others?

14 MR. AVRUTINE: Yes.

15 MR. DeSANTIS: There's a retaining wall that
16 has top of wall, bottom of wall, that's on the eastern
17 side. Half the pool from where it says, inground pool,
18 working easterly towards the slope, that's within the
19 steep slope ordinance. So then half of it is on the
20 flat property of the property itself.

21 So we are filing because our retaining wall
22 falls within the steep with a touch of very steep in
23 there.

24 MR. AVRUTINE: How much is it intruding into
25 the very steep?

1 MR. DeSANTIS: It's very minor.

2 MR. AVRUTINE: Can you tell how far?

3 MR. DeSANTIS: I don't have that number if
4 it's a hard number like percentage-wise of the project,
5 but --

6 MR. AVRUTINE: I mean as a distance into the
7 very steep.

8 MR. DeSANTIS: When we were out in the field,
9 we're probably dealing with about 30 feet, in that
10 ballpark, from the flatland towards where the wall is
11 going to go. So we're at the top of the slope over
12 there. We are building this beautiful concrete wall
13 that's going to lock it all in. But we are at the apex
14 of the slope.

15 MR. AVRUTINE: The Board is typically
16 concerned with intrusions into the very steep slope
17 areas. So the question that often arises is, can the
18 wall be redesigned such that it does not intrude into
19 the very steep slope area, and if it cannot be done,
20 why?

21 MR. DeSANTIS: Actually, we're following a
22 line over there which is steep slope. The very steep is
23 like a patch crossover in a certain spot. So for the
24 most part, what we're trying to do and what we did for
25 the plan was to follow the main contour across, keep the

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1 wall at the same height, a 4-foot max wall that you are
2 ever going to see. So we were working with the slopes
3 and following it around the property exactly that same
4 way.

5 CHAIRMAN HADJANDREAS: I wanted to discuss the
6 arborist's report and -- are there any questions in
7 regards to the slope or the retaining wall?

8 I wanted to discuss the arborist's report,
9 that would be Elizabeth Bibla's, B-I-B-L-A, report.

10 MR. AVRUTINE: Dated January 20, 2018, part of
11 the file materials.

12 CHAIRMAN HADJANDREAS: One question was about
13 erosion control. And below the site of impact is their
14 property for a great distance and then it goes to nature
15 conservancy. There's been times in the past where soil
16 was disturbed when torrential rains and washed --

17 Can you explain what is going to be done for
18 erosion control?

19 MR. DeSANTIS: Full erosion control procedures
20 are on the whole periphery of the entire project site.
21 That's all silt fencing and hay bales throughout,
22 especially on the slopes, and silt fence on the flat
23 areas where the dry well goes in.

24 CHAIRMAN HADJANDREAS: Elizabeth Bibla, the
25 village arborist, recommended that tree removal permit

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1 be granted as requested by the owner and applicant. She
2 made no recommendations for removal. So I wanted to
3 make the Board aware of that.

4 Jim, you need to talk.

5 MR. ANTONELLI: First of all, I have an answer
6 to your question about the wall. It's less than 10 feet
7 that's within the very steep slope. We're on an area
8 that is very difficult to tell. We're right on the
9 border between the steep and the very steep. So the
10 proposed retaining wall runs along the contour and it
11 looks like -- it's certainly less than 10 feet of the
12 wall would be within that area.

13 One of my initial comments was that I thought
14 that the pool could be moved to a flatter spot on the
15 property and avoid the slope. And once I went out there
16 with Mr. DeSantis and Mr. Fagundo, I quickly realized
17 that would put the pool in front of their house. I
18 didn't realize that was their front door on that side.

19 So having said that, honestly I thought
20 15 percent, although it's regulated, is not something
21 that is severe to cause any type of, to me, alarm,
22 especially in this village, in this neighborhood of this
23 village where we do have slopes that are quite more
24 severe than that.

25 So anyway, I reviewed the plans for site

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1 engineering which includes grading, drainage, erosion
2 control and slope stabilization. I also reviewed the
3 calculations for the retaining wall, which more than
4 adequately provide safety factors against sliding,
5 overturning and other bearing capacity failures. So I
6 have no issues with that.

7 I have no issue with the rest of the grading
8 and drainage.

9 MR. AVRUTINE: Mr. Antonelli, did you also, in
10 the course of your review, analyze the environmental
11 impact that's required under the New York State
12 Environmental Quality Review Act?

13 MR. ANTONELLI: Yes. The project is
14 considered an unlisted action under the State
15 Environmental Quality Review Act, so that requires at
16 minimum that they file the Short Environmental
17 Assessment Form. That part was filed. I reviewed it
18 and I completed Part 2 for the village in anticipation
19 of some action tonight.

20 MR. AVRUTINE: And based upon your review, are
21 you prepared to make a recommendation in connection with
22 the Board's New York State Environmental Quality Review
23 Act determination?

24 MR. ANTONELLI: Yes, I am. And it was that
25 there would be no significant impact.

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

2 CHAIRMAN HADJANDREAS: Are there any questions
3 from the Board?

4 At this time, we are going to open it up to
5 the public. If there is any public members that have a
6 comment on this application, I'd ask you to please stand
7 up and state your name and your address.

8 MS. DiLORENZO: Rosemarie DiLorenzo,
9 44 Hilltop Drive.

10 I just want to be clear about the two adjacent
11 properties on either side -- could you clarify those
12 numbers -- of this particular property, because we are
13 not --

14 MR. AVRUTINE: Ma'am, what was your address?

15 MS. DiLORENZO: 44 Hilltop Drive.

16 CHAIRMAN HADJANDREAS: So you're asking who
17 the abutters are on the left and right of the property?

18 MS. DiLORENZO: Yes, to be clarified.

19 CHAIRMAN HADJANDREAS: I know the way the
20 property is situated --

21 MS. DiLORENZO: It's funky numbers.

22 CHAIRMAN HADJANDREAS: The preserve wraps
23 around. If your back is to the house, that's the east
24 to the left?

25 MR. DeSANTIS: If you're back is to the house,

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1 correct, that's east.

2 CHAIRMAN HADJANDREAS: So the nature preserve
3 wraps around to the east, not completely, but they're an
4 abutter. And to the right and to the left on Hilltop.

5 MS. DiLORENZO: Only because we got
6 notification. So I just wanted to --

7 CHAIRMAN HADJANDREAS: If you're entering the
8 court -- if you're entering the court, the Fagundos'
9 house is on the far left at the cul-de-sac. The
10 abutters would be --

11 MR. DeSANTIS: Tax Lot 4 would be one.

12 CHAIRMAN HADJANDREAS: Do you have a name on
13 that? They didn't identify who.

14 If you see, looking at this map, can you tell
15 us which house is yours?

16 MS. DiLORENZO: Sure.

17 CHAIRMAN HADJANDREAS: This is the house.
18 Here's the court.

19 MS. DiLORENZO: (Indicating.)

20 CHAIRMAN HADJANDREAS: That's yours. So
21 you're across the street.

22 MS. DiLORENZO: Okay.

23 CHAIRMAN HADJANDREAS: You're good?

24 MS. DiLORENZO: We're good. Just wanted to
25 make sure.

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1 CHAIRMAN HADJANDREAS: There is also between
2 the pool and your house are three other houses and 6
3 acres.

4 MS. DiLORENZO: No problem. Water drains that
5 way.

6 CHAIRMAN HADJANDREAS: Any other comments or
7 questions from the audience?

8 MR. AVRUTINE: Entertain a motion to close the
9 public hearing?

10 Motion to close by Member DiBlasio.

11 A second on that?

12 MEMBER ABRAMS: Abrams.

13 MR. AVRUTINE: By Member Abrams.

14 All in favor?

15 CHAIRMAN HADJANDREAS: Aye.

16 MEMBER ABRAMS: Aye.

17 MEMBER DiBLASIO: Aye.

18 MEMBER JONES: Aye.

19 MEMBER GALTIERI: Aye.

20 MR. AVRUTINE: The next motion is for the
21 Board to declare itself lead agency under the New York
22 State Environmental Quality Review Act?

23 CHAIRMAN HADJANDREAS: Motion.

24 MR. AVRUTINE: By Chairman Hadjandreas.

25 A second?

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1 MEMBER GALTIERI: Galtieri.

2 MR. AVRUTINE: Member Galtieri, second.

3 All in favor?

4 CHAIRMAN HADJANDREAS: Aye.

5 MEMBER ABRAMS: Aye.

6 MEMBER DiBLASIO: Aye.

7 MEMBER JONES: Aye.

8 MEMBER GALTIERI: Aye.

9 MR. AVRUTINE: The next motion is to determine
10 the matter to be unlisted under the New York State
11 Environmental Quality Review Act. May I have a motion
12 on that?

13 MEMBER JONES: So moved.

14 MR. AVRUTINE: Member Jones.

15 A second?

16 Member Abrams.

17 All in favor?

18 CHAIRMAN HADJANDREAS: Aye.

19 MEMBER ABRAMS: Aye.

20 MEMBER DiBLASIO: Aye.

21 MEMBER JONES: Aye.

22 MEMBER GALTIERI: Aye.

23 MR. AVRUTINE: And the next would be a motion
24 to enact a negative declaration, meaning that the
25 approval of the application will not result in

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1 significant environmental impacts. A motion on that?

2 Member DiBlasio. Seconded by Member Galtieri.

3 All in favor?

4 CHAIRMAN HADJANDREAS: Aye.

5 MEMBER ABRAMS: Aye.

6 MEMBER DiBLASIO: Aye.

7 MEMBER JONES: Aye.

8 MEMBER GALTIERI: Aye.

9 MR. AVRUTINE: And a motion on the
10 application?

11 CHAIRMAN HADJANDREAS: I motion to approve.

12 MR. AVRUTINE: In accordance with the plans as
13 submitted?

14 CHAIRMAN HADJANDREAS: Absolutely.

15 MR. AVRUTINE: Motion to approve by Chairman
16 Hadjandreas in accordance with the plans as submitted.

17 A second?

18 Member Abrams.

19 All in favor?

20 CHAIRMAN HADJANDREAS: Aye.

21 MEMBER ABRAMS: Aye.

22 MEMBER DiBLASIO: Aye.

23 MEMBER JONES: Aye.

24 MEMBER GALTIERI: Aye.

25 MR. AVRUTINE: The application is approved as

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submitted, and that is removal of 20 trees, and the slope disturbance.

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

RONALD H. KOENIG
Senior Court Reporter