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INCORPORATED VILLAGE OF LAUREL HOLLOW
PLANNING BOARD
PUBLIC HEARING
September 13, 2018
7:30 p.m.

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

PRESENT: SCOTT ABRAMS, Member
ELIZABETH DiBLASIO, Member
JAMES GALTIERI, Member

ALSO PRESENT:
HOWARD AVRUTINE, Village Attorney

P6-2018 & T21-2018, Golden Homes Property, Inc.,
16 Waylor Lane

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: Public hearing on the
2 application of Golden Homes Property, Inc., Case No.
3 P6-2018 and T21-2018, seeking permission to remove trees
4 in connection with property at 16 Waylor Lane. The
5 proposal calls for approval to remove 41 trees in
6 connection with a building permit for a proposed new
7 swimming pool.

8 The parcel of land is known as Section 25,
9 Block 48, Lot 13 on the Land and Tax Map of Nassau
10 County.

11 The exhibits in connection with this hearing
12 are as follows:

13 First, an affidavit of posting from Elizabeth
14 Kaye that the legal notice was posted on the front
15 bulletin board in front of Village Hall on August 10,
16 2018.

17 The next exhibit is a copy of legal notice and
18 affidavit of publication that the legal notice was
19 published in the North Shore Leader on August 15, 2018.

20 And the next exhibit is a document that
21 confirms that the legal notice was published to the
22 website on August 10, 2018.

23 The next exhibit is a document that confirms
24 that the legal notice was sent to Village NEWS
25 subscribers on September 7, 2018.

1 And the last exhibit is an affidavit of
2 mailing from the applicant indicating that the notice of
3 public hearing was mailed on August 31, 2018 to the
4 individuals set forth in the affidavit.

5 Do we have a representative on behalf of the
6 applicant?

7 MR. REILLY: Yes.

8 MR. AVRUTINE: Your name and address for the
9 record.

10 MR. REILLY: Vincent M. Reilly, 5 Godfrey
11 Lane, Huntington, New York.

12 MR. AVRUTINE: Good evening.

13 MR. REILLY: Good evening.

14 MR. AVRUTINE: You may proceed.

15 MR. REILLY: Thank you.

16 Good evening, ladies and gentlemen. Tonight I
17 will be speaking for Golden Homes, their project at
18 16 Waylor Lane, concerning the tree removal and
19 subsequent landscape to replace that.

20 I just want to, first, I have to draw
21 everything like one inch is equal to ten feet so you can
22 actually differentiate between the plants and
23 everything. So it made for an awkward drawing being
24 it's a narrow property that really goes back far. But
25 enough said about that.

1 The tree removal -- I'll just overlay that
2 quickly here. As you can see, these are the same scale.
3 The tree removal, nothing goes on beyond this limit.
4 Same line right there. So a really nice feature of what
5 we are doing here is that this entire area which is
6 slightly over half of the property, slightly over one
7 acre, is going to be left completely untouched. It'll
8 be just natural woodland.

9 And this area back here, all back in here,
10 connects with several neighbors' houses that have the
11 same thing. It goes all the way out to Cold Spring Road
12 is the next property. So it's going to contribute to a
13 very large greenbelt in here and make a great place for
14 the animals, the native plants and animals. So they're
15 really not developing much of the land that hasn't
16 already been developed from the previous house site.

17 The trees that we're looking to take out,
18 they're basically -- everything on this property has
19 been neglected for at least 15 years, maybe 20. So
20 really all of the plants that we're talking about taking
21 out were completely vine covered. And the only
22 growth -- when they get covered in vines, it kills all
23 the lower branches. The only thing alive on almost all
24 of these plants is the top 10, 20 percent of these
25 trees, which does absolutely nothing for privacy

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1 screening from the neighbors, from the road. There's
2 nothing to these plants.

3 In addition, six of the plants are Norway
4 maples which are now considered an invasive species from
5 the New York State Department of Environmental
6 Conservation. The majority of the remainder of these
7 trees, especially here, here and a couple in here, they
8 are all eastern red cedar.

9 Eastern red cedar is more or less a weed
10 plant. That's what happened. These were weeds that no
11 one ever pulled out and they developed into these trees.
12 They have little to no landscape value. They're never
13 going to look nice. They're kind of something that
14 would grow in the middle of a field. So we're really
15 not taking out anything of any landscape value in this.
16 The others is a couple of cherries, they have black knot
17 on them. There is a couple of Norway spruces that are
18 also in poor shape.

19 I met with the arborist, Ms. Bibla, there. We
20 reviewed every tree on the application, and she came to
21 a conclusion that the request was reasonable and
22 recommended the permit be granted as is. You have
23 copies of her report. I'm sure you've read it.

24 The replacement trees that we are going to be
25 putting in -- we're taking out 11 deciduous trees.

1 we're going to put in 11 deciduous trees, all
2 8-to-10-foot trees, all more appropriate trees,
3 replacing the aforementioned maple trees, which are
4 again invasive species, with more natural plants that
5 are recommended for the area, some dogwood, some other
6 cherry trees. The remainder of the plants are all
7 evergreen trees. There is 29 of them altogether. About
8 half of them are fast-growing evergreen trees that will
9 lead to getting our privacy screening built up quicker.
10 So there's 29 of them, all 8-to-10 footers, very large
11 big trees.

12 Then there's an additional about 145 plants
13 from 21 inches to 5 feet. There's 95 perennials.
14 There's annual beds. Obviously we will have grass
15 through here. It really represents a net increase in
16 plant life on the property as it is compared to now.
17 And in years to come, that will only be magnified as
18 everything grows in.

19 As I said, along here which that's where most
20 of the trees that we're looking to take out, here, a
21 little in here, here, and here, they are all the trees
22 that are just the tops are alive on them. We're
23 replacing them with all evergreen plants, and that will
24 give us all the screening that is kind of not there now
25 because of the way those trees are growing.

1 Also, I put in a large bed along the road so
2 that we're not going to have grass down to the road.
3 we'll have a nice, thick bed. It kind of is higher on
4 this side and this side, kind of like picture frame the
5 house a little bit. It will be very nice.

6 I went and I spoke to the neighbors on the
7 project. The two neighbors that are the most affected
8 are the Diefendorfs to the west here and across the
9 court right here, the Maccarones. Both of them were
10 greatly in favor of the project as it's going along and
11 also to get the landscape done as proposed. They looked
12 at it. They are very happy with it. They want to get
13 everything done and back to, you know, just having the
14 neighborhood with no construction going on in there
15 again.

16 The one neighbor -- over here to the east,
17 there's another neighbor. But this is just heavy
18 woodland in here. You cannot see one house from the
19 other. And I added down here where his driveway is,
20 that's the only part where there is any privacy issue at
21 all between the houses. I stopped at his house maybe
22 three times. I just couldn't get him to try to get a
23 letter from him to get the approval on it, but I'm sure
24 he's been made aware of it through the mailings. He's
25 not here tonight, so I hope he likes it.

1 And normally, a lot of times when I'm doing
2 these, I'll have a request from the arborist or a
3 request from one of the neighbors or a request from you
4 folks on the Board, and I do whatever I can to satisfy
5 those things, but I've had no requests from anyone to
6 change from what we've done here, unless you have some
7 tonight.

8 The property was long abandoned and it was a
9 horrible eyesore. Two years ago, I was here working on
10 a different job, and the gutters, the shutters, even the
11 facias boards were falling off. I'd have to imagine
12 raccoons and squirrels were living in there. So the
13 building of this house is not only an improvement to the
14 neighborhood, you are getting rid of basically a safety
15 hazard that was there one time. And when I spoke to
16 Mr. Diefendorf, he told me that years ago there was a
17 half a dozen junk cars and a junk boat in the woods. So
18 to improve upon that property is not a hard bar to pass.

19 That's basically it. I think it's well
20 thought out, and I hope to get your approval. If you
21 have any questions on anything, I'd be happy to answer.

22 MEMBER GALTIERI: My only concern were the
23 neighbors. And if they are in shape, the property is
24 narrow, and the frontage, a lot of houses in that area
25 go right to the road as well, so it's not quite as

1 heavily as wooded as down here, but if the neighbors are
2 good, I mean I see no problem.

3 MR. REILLY: They were enthusiastic, to tell
4 you the truth. They loved getting rid of what was here.

5 MEMBER ABRAMS: Is there another set of plans
6 that show the tree removals with respect to the current
7 placement of the house?

8 I can't tell from these plans. This is the
9 trees that are coming out with the outline of the old
10 home, not the new home. So I don't know how that
11 placement is. I mean, are we just taking out trees
12 because we don't like the way they look and they're not
13 healthy?

14 MR. REILLY: Basically, yes and no. They are
15 unsightly. They are unhealthy and they are not doing
16 the effect that we're trying to do by screening out on
17 Mr. Diefendorf's side by making a screen from the road.
18 I mean, it's basically a question of replacing some
19 diseased, damaged trees with trees that are going to
20 grow up to be really nice looking plants.

21 MEMBER ABRAMS: So the application says, this
22 is installation of new landscape, lawns and pool. It's
23 my understanding there is no pool permit that's been
24 submitted.

25 MR. REILLY: I would have to ask Dary on that.

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1 MR. SHOOSTARY: Not at the moment.

2 MR. AVRUTINE: Can you give your name and
3 address for the record.

4 MR. SHOOSTARY: Dary Shoostary, Golden Homes,
5 I represent, 70 Hofstra Drive, Plainview, New York.

6 We didn't file for a pool permit yet, only
7 because I wanted to make sure that this was going to
8 pass. And if this did pass, then we will file for the
9 pool permit. That's going to happen.

10 MR. REILLY: One thing that I'd like to add to
11 that is that our intentions at this point were basically
12 do the landscape kind of like across like that. This
13 would be left out obviously because of the construction
14 of the pool.

15 So the neighbors definitely want to get this
16 done as soon as possible. So we had to discussed it.
17 We have gotten estimates on the tree removal and also
18 the landscape installation. It is our hope to have the
19 trees removed maybe within two weeks after we get the
20 finalization of the permit and to get the landscape put
21 in prior to winter for this part, not the pool part,
22 which is really about 80 percent of the landscape.

23 MEMBER ABRAMS: How do the rest of the members
24 feel here that we've got an application that's referring
25 to a pool that's, I guess, it's on the landscape plan,

1 but --

2 MR. AVRUTINE: If I can make a suggestion. If
3 the Board were inclined to approve the application, it
4 can be conditioned on filing an application to construct
5 a pool. In other words, if the applicant is
6 representing this evening that the purpose of the tree
7 removal is to accommodate installation of a swimming
8 pool, then it would not be inappropriate for the Board
9 to issue a condition stating that the permit is
10 conditioned upon the obtaining an approval for a permit
11 for a swimming pool.

12 MR. REILLY: The trees involved in the pool
13 really are limited to this group here and pretty much
14 this group here.

15 MR. SHOOSTARY: It's just really a handful of
16 trees.

17 MR. REILLY: It's probably somewhere in the
18 area I'd say eight or nine trees that are really
19 involved in the pool area. But I mean, you've been to
20 the property, there's not a nice tree among them, you
21 know, you really want to save. So --

22 MEMBER GALTIERI: So making it conditional
23 upon the permit makes sense to me.

24 MR. AVRUTINE: If that's what the Board was
25 inclined to do.

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1 MEMBER ABRAMS: If we wanted to do that. If
2 we feel like the trees that are in question we would be
3 okay with them coming out regardless of whether the pool
4 is put in or not, I guess we would be able --

5 MEMBER GALTIERI: I think your point is sound.
6 This is a permit for a pool. I mean this is an
7 application for tree removal for a pool.

8 MR. AVRUTINE: That's what the application
9 states.

10 MEMBER ABRAMS: It has multiple things listed
11 here, landscape, lawn and pool.

12 MEMBER GALTIERI: I think our approval has got
13 to have some reference to the pool issue, I would think.

14 MEMBER ABRAMS: I would think so.

15 MR. AVRUTINE: That's certainly something that
16 the Board can consider.

17 would the applicant have any objection to
18 that?

19 MR. SHOOSTARY: I don't have any objection
20 because I am going to put in for a pool permit. But I
21 honestly don't feel that that's fair because we are
22 talking about 40 trees here that we want to take out,
23 and we're talking about maybe five trees that are in the
24 way of the pool. So to say what you guys are saying is
25 honestly, I feel, not fair. I will put in for a pool

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1 permit. I will. It's a hundred percent. But honestly,
2 I don't feel this to be fair.

3 MR. REILLY: Aren't you saying that you're
4 going to issue a permit that we will be able to go ahead
5 with the trees on condition of him filing for the pool
6 permit?

7 MR. AVRUTINE: That's what we were talking
8 about.

9 MR. SHOOSTARY: Okay. That's fine. I'm just
10 stating how I take this, how I interpret it. So if I
11 don't put in for a pool permit, none of this goes
12 through. That's what we are saying, correct?

13 MR. AVRUTINE: That would be the case. If
14 there is no application --

15 MR. SHOOSTARY: Ninety percent of these trees
16 have nothing to do with a pool, and they are dead. I'm
17 just letting you know that.

18 MR. AVRUTINE: Understood. However, the
19 application that you submitted --

20 MR. SHOOSTARY: Okay.

21 MR. AVRUTINE: -- states it.

22 MR. SHOOSTARY: That's fine.

23 MR. AVRUTINE: It's not the Board.

24 MR. SHOOSTARY: I understand. Then we should
25 have, I guess, put in the application a little

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1 differently. But that's fine. I'm going to put in for
2 a pool permit. That's no problem.

3 MR. REILLY: It's really that we went out of
4 the way to kind of give full disclosure that we're
5 having a problem with the pool. If I wiped that off and
6 just had that as lawn --

7 MEMBER ABRAMS: But we also have a landscape
8 plan that shows a pool and a cabana.

9 MR. SHOOSTARY: Right. That is in the plans.

10 MEMBER GALTIERI: It's in the application, and
11 that's what Howard is saying.

12 MR. SHOOSTARY: That's fine. I'm okay.

13 MEMBER GALTIERI: If it wasn't in the
14 application, it wouldn't be a comment.

15 MR. SHOOSTARY: That's fine. I have no
16 problem.

17 MR. AVRUTINE: Any other questions from the
18 Board?

19 Anybody in the audience?

20 MR. MCCARTHY: My name is Phillip McCarthy. I
21 live at 8 Waylor Lane. I live next door to
22 Mr. Diefendorf.

23 I just have a -- first of all, a general
24 concern is that a developer is coming into Laurel Hollow
25 and clear-cutting the entire areas just to put in lawns.

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1 They feel that's better than trees. Personally, I think
2 why Laurel Hollow is beautiful is because of the trees,
3 not because of houses or the cabana houses. If you get
4 rid of all the trees and you just see the cabana houses,
5 not so pretty. But if you got rid of all the houses and
6 just saw the trees, it would be nice still.

7 I had an experience over the last five years
8 at 4 Waylor Lane which they did that, they clear-cut the
9 entire area and a cabana house was put very close to me.
10 The pool filter was put very close to me making a lot of
11 noise. A huge house. Instead of seeing trees from my
12 property, I see buildings.

13 And then Mr. Diefendorf decided to put in a
14 soccer field and clear-cut his entire backyard because
15 he was somehow inspired by the 4 Waylor Lane because
16 they would visit there every weekend and look out on the
17 grass, and they did the same thing. And saying that
18 they would plant trees, it's always that we will plant x
19 amount of trees, and I don't see that he planted any
20 trees at all. I don't know of any trees that he
21 planted.

22 I don't know who follows up with that when
23 they say, okay, we're going to take out, you know,
24 80-year-old trees that are 50 feet high, 80 feet high
25 and we'll put in 10-foot trees to replace that, whether

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1 that's followed up at all, because those trees are gone
2 now and all I see is grass. So a concern here, you
3 know, I was never told about this as far as you never
4 contacted me.

5 MR. SHOOSTARY: I didn't have to.

6 MR. MCCARTHY: I'm not right next to --

7 MR. AVRUTINE: You can't -- folks, stop,
8 please. This is a public hearing. This isn't a
9 conversation in someone's living room. When one person
10 is speaking -- you have a court reporter, he has to take
11 down what's going on. So when you are done, you will
12 get an opportunity if you want to say anything further.
13 I want to make sure we have a record, a public record
14 that we're making with the transcript. If people speak
15 over each other, it becomes very, very difficult to read
16 it.

17 Sir, please finish what you were saying.

18 MR. MCCARTHY: You know, my concern with this
19 project -- well, first of all, I was a little confused
20 hearing, because as far as I understood they were
21 cutting down 41 trees for a pool. So now we're getting
22 a little different story. I don't know if that was the
23 story that you had all along or it was a
24 miscommunication between the residents. It sounds like
25 there is five trees, you said, for the pool, and all the

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1 other trees are for this entire area.

2 Now 41 trees are a lot of trees. I know some
3 of them are close to each other, but these trees are 50,
4 70, 80-year-old trees. They are eastern red cedars
5 which some of them are nice. I know you mentioned the
6 Norways that are invasive, but some of them are
7 beautiful to cut them down just because they are
8 invasive too.

9 I just hate to see so many trees cut down.
10 You know, it's just kind of a heartbreak. I know there
11 is a lot of seedy looking trees in the front. I know
12 that would be nice to clear that up. But so many trees
13 to clearcut just for grass? What I'm going to see
14 instead of trees now from my backyard, and I see because
15 of the elevation difference here, that house is high on
16 a hill. From my backyard I see the house pretty well
17 exposed because there's been a number of trees already
18 taken down at the border between Diefendorf's property,
19 12, and their property, No. 16. Already a lot of trees
20 taken down there completely exposing the house and not
21 having nice trees to look at, now you want to cut down
22 more trees and put a cabana house. I'm tired of seeing
23 houses and cabana houses. I like to see trees.

24 My statement, please don't cut down so many
25 trees.

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1 MR. REILLY: If I can answer that?

2 MR. AVRUTINE: Of course you can.

3 MR. REILLY: As I stated in the beginning,
4 over half of the property is going to be untouched.
5 It's going to remain complete woodland in the back. So,
6 you are not going to find that many houses in Laurel
7 Hollow that's done that much to keep a natural look.

8 On top of that, maybe from your house you are
9 seeing the very tops of these cedar trees which I said
10 that 10, 20 percent of it is a decent tree, but below
11 that it's sticks. And to get a proper screening across
12 Mr. Diefendorf's property, we are going to put in plants
13 that will grow up and they will be much nicer, much
14 better suited to the property.

15 MR. MCCARTHY: Can I add --

16 MR. AVRUTINE: No, we really can't.

17 MR. MCCARTHY: Just a little bit?

18 MR. AVRUTINE: I have a question. How many
19 trees are you putting in, new trees?

20 MR. REILLY: A total of 40.

21 MR. AVRUTINE: You are putting in 40 trees?

22 MR. REILLY: Yes, 8 to 10 feet tall, yes.

23 MR. AVRUTINE: I thought the list said there
24 were about 10 trees and the rest were shrubs.

25 MR. REILLY: No. Eleven deciduous trees and

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1 29 evergreen trees.

2 MR. AVRUTINE: So 40 trees are replacing 41
3 essentially --

4 MR. REILLY: That's --

5 MR. AVRUTINE: -- plus new shrubs and new
6 perennials?

7 MR. REILLY: Yes.

8 MR. AVRUTINE: Sir, you want to add something?

9 MR. MCCARTHY: I'm 62 years old. When you
10 take down a 50-to-80-foot tree and you promise to plant
11 a 10-foot tree, it doesn't really cut it, you know,
12 because I'm not going to live that long to see these
13 trees up and big and actually protect and screen these
14 houses and these cabana houses.

15 It's also the sound. You know, people have
16 parties. It's a lot nosier when you don't have any of
17 these trees.

18 And also, these trees add to a buffer for cold
19 Spring Harbor Road. Now I've heard a big difference
20 since Mr. Diefendorf clear-cut his backyard. And I can
21 imagine what it's going to be with these trees gone
22 also. It's nice when we didn't hear the road like we do
23 now, and that's just with Diefendorf. Now you are going
24 to take out the large, thick, big trees and put in what
25 I call king kullen bushes. It just doesn't cut it. You

1 can consider maybe taking out 20 trees, maybe, bargain
2 here and take out less trees.

3 MR. REILLY: If I may, your property,
4 Mr. Diefendorf, and yours is the next one. Cold Spring
5 Road is here. All these trees are staying. 25-A is out
6 here. So this will not add any noise or anything from
7 Cold Spring Road which you're talking about. And
8 basically, I mean, it's nice to say we want something to
9 change, but it's progress. And compared to what was
10 here, I mean, you know, what was here, it was a
11 dilapidated house that was really not only an eyesore,
12 but really a safety hazard. I can't see the downside
13 really.

14 MR. MCCARTHY: Okay. But your argument is the
15 house.

16 MR. AVRUTINE: Sir. Sir. Sir, we can't have
17 a conversation. You made your statement. And unless
18 there is something new to add, the back and forth is
19 really not productive. If there is something more you
20 want to say on behalf of your position --

21 MR. MCCARTHY: Just to counter his point he's
22 saying about the house. The house isn't the issue.
23 It's the trees we are talking about. The house is gone.
24 We knew that was dilapidated. You put in a larger
25 house. That's fine. It's the trees, and they screen

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1 the sound tremendously. We are very, very high up
2 there. The road is about 130 feet above sea level. We
3 are about 165 feet above level. 120 down there at 25-A,
4 these trees make a big difference.

5 MR. AVRUTINE: Mr. Reilly, is there anything
6 else you want to add?

7 MR. REILLY: No.

8 MR. AVRUTINE: Any Board members?

9 MEMBER GALTIERI: One of the letters that you
10 got, was it a Diefendorf letter?

11 MEMBER DiBLASIO: Yes.

12 MR. SHOOSTARY: Yes.

13 MEMBER GALTIERI: Was he in favor of --

14 MR. AVRUTINE: Diefendorf and Maccarone, the
15 two abutting neighbors, signed letters in support.

16 MEMBER ABRAMS: Maccarone is not abutting.
17 It's on the opposite side of waylor.

18 MR. AVRUTINE: Understand.

19 Anything else from the Board?

20 Anything else from the folks in attendance?

21 Do we have a motion to close the public
22 hearing?

23 MEMBER DiBLASIO: Yes.

24 MR. AVRUTINE: Member DiBlasio.

25 A second?

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By Member Galtieri.

MR. AVRUTINE: All in favor?

MEMBER ABRAMS: Aye.

MEMBER DiBLASIO: Aye.

MEMBER GALTIERI: Aye.

MR. AVRUTINE: Let the record reflect that this matter is deemed Type II under the New York State Environmental Quality Review Act and, therefore, no further environmental review is required.

At this point in time, we are still awaiting a response from the Nassau County Planning Commission regarding its recommendation on the application, so the Board cannot decide at this time. As soon as we get that back, the Board will schedule to meet and render a decision on the application.

MR. REILLY: 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