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INCORPORATED VILLAGE OF LAUREL HOLLOW
PLANNING BOARD
Public Hearing
July 30, 2019
7:00 p.m.

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

PRESENT:

CHRIS HADJANDREAS, CHAIRMAN
ELIZABETH DiBLASIO, MEMBER
NANCY JONES, MEMBER
JAMES GALTIERI, MEMBER

ALSO PRESENT:
HOWARD AVRUTINE, VILLAGE ATTORNEY

ALSO PRESENT:
JASON PAUL, HOMEOWNER

P7-2018/T42-2018

Application for removal of 15 trees
in connection with permits filed for
excavation and fill and wetland
disturbance

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 CHAIR HADJANDREAS: Tonight we are
2 going to start with Mr. Paul, 3 Picardy
3 Lane.

4 MR. AVRUTINE: This is
5 P7-2018/T42-2018, the Public Hearing on
6 the application of Jason Paul, 3 Picardy
7 Lane, an approval to remove 15 trees in
8 connection with permits filed for
9 excavation and fill and wetland
10 disturbance.

11 The parcel of property under
12 application is known as Section 14,
13 Block 14, Lot 23, on the Land and Tax
14 Map of Nassau County.

15 The exhibits in connection with
16 this hearing are as follows:

17 First, is an affidavit of posting
18 from Elizabeth Kaye that the legal
19 notice was posted on the bulletin board
20 in front of Village Hall on July 12,
21 2019.

22 The next exhibit is an affidavit of
23 publication that the legal notice was
24 published in the North Shore Leader on
25 July 17, 2019.

1 The next exhibit is a document that
2 confirms that the legal notice was
3 published to the Village website on July
4 16, 2019.

5 The next exhibit is a document that
6 confirms that the legal notice was sent
7 to Village website NEWS subscribers on
8 July 25, 2019.

9 The next exhibit is an affidavit of
10 mailing from the applicant indicating
11 that the notice of public hearing was
12 mailed as required on July 16, 2019.

13 The last exhibit is the
14 notification from the Nassau County
15 Planning Commission that is dated
16 October 22, 2018 that the matter is
17 referred to the Village of Laurel Hollow
18 Planning Board to take action as it
19 deems appropriate.

20 Is there a representative on behalf
21 of the applicant here this evening?

22 MR. PAUL: Yes.

23 MR. AVRUTINE: Please state your
24 name for the record.

25 MR. PAUL: Jason Paul, 3 Picardy

1 Lane, Laurel Hollow, New York 11791.

2 CHAIR HADJANDREAS: The floor is
3 yours, sir.

4 MR. PAUL: Okay. I don't know what
5 the format is. I assume you guys have
6 gone through all the documents.

7 CHAIR HADJANDREAS: Why don't you
8 talk about the planned project, what you
9 want to accomplish, why you want to do
10 it, why it's necessary to remove the
11 trees.

12 We don't make a decision on the
13 fill permit. If we approve what is
14 going on, or however we approve, you
15 still have to go in front of the Board
16 of Trustees for a fill permit.

17 MR. AVRUTINE: And a wetlands
18 disturbance, as well.

19 CHAIR HADJANDREAS: And wetlands
20 disturbance.

21 Tonight, we are basically
22 discussing your plan for what you want
23 to do in regards to the removal of trees
24 and landscaping.

25 MR. AVRUTINE: Just to clarify, for

1 the Board's edification, as well as the
2 applicant, any approval issued in
3 connection with the removal of the
4 trees, presumably, will be contingent
5 upon approval by the Board of Trustees
6 of the fill and the wetlands disturbance
7 application, as well.

8 MEMBER GALTIERI: What about the
9 landscaping, the landscaping, I thought
10 we also had.

11 CHAIR HADJANDREAS: If we approve
12 it, he still can't do it until the Board
13 of Trustees approves the fill permit,
14 the wetland disturbance. If they don't
15 approve it, then everything we do is
16 null and void.

17 MR. AVRUTINE: Presumably. This
18 Board is authorizing, assuming it does,
19 removal of trees in connection with the
20 project that is also going to be before
21 the Board of Trustees. Assuming, for
22 argument sake, the Board of Trustees
23 denies those applications, I presume,
24 and you will determine, whether you want
25 to allow them to remove the trees even

1 if those applications are denied.

2 MEMBER GALTIERI: Right, but there
3 is a landscape proposal here, as well,
4 right?

5 MR. AVRUTINE: There is a
6 landscaping plan submitted along with
7 this, yes.

8 MEMBER GALTIERI: We would want,
9 before we get the final approval, that
10 has to be certified that it's been done,
11 right?

12 MR. AVRUTINE: Well, not --

13 MEMBER GALTIERI: The landscaping.

14 MR. AVRUTINE: At the end, yes,
15 there is a certification requirement.

16 MEMBER GALTIERI: I just want to
17 make that clear.

18 CHAIR HADJANDREAS: Absolutely,
19 because the applicant is going for a
20 building permit, they basically, in a
21 sense a building permit, but he's not
22 building anything, he's doing some
23 drainage, it's still a permit and he
24 won't be able to close that permit
25 unless the certification, whatever we

1 approve is done.

2 MEMBER GALTIERI: I just want to
3 make it clear.

4 MR. PAUL: Just for clarification,
5 when you're talking about the
6 landscaping plan, we're talking about
7 the trees, not the grass, not the
8 gardens.

9 CHAIR HADJANDREAS: Right. You
10 are saying here that you want to cut
11 down 15 trees, but we are going to
12 discuss what you want to put in and what
13 trees you want to plant. That is what
14 we are talking about your landscaping
15 plan. We are talking about screening
16 and trees and not perennials or annuals
17 or anything like that or grass.

18 But after everything is said and
19 done, you do the work, we normally would
20 say the landscaper of record would have
21 to certify with their, but you don't --
22 this is something that you have done, so
23 you don't have a landscaper of record.
24 So that is something that we are going
25 to need, some kind of certification that

1 everything you commit to planting is in
2 the ground, healthy and where it's
3 supposed to be.

4 MR. PAUL: Sure.

5 CHAIR HADJANDREAS: But that is
6 one thing we are going to have to figure
7 out.

8 MR. AVRUTINE: A professional is
9 going to have to --

10 CHAIR HADJANDREAS: A professional
11 is going to have to certify that. It
12 could be the Village arborist. We would
13 have to see if she may -- it may be
14 something between you and her in terms
15 of her then certifying your project
16 outside of her.

17 MR. AVRUTINE: We haven't done that
18 before.

19 CHAIR HADJANDREAS: Everyone else
20 has to like whatever, a nursery or a
21 professional to do it.

22 MR. AVRUTINE: In many instances a
23 landscape architect.

24 MR. PAUL: Sure. I mean to the
25 extent with that, that does not seem to

1 be a problem. I would just add that
2 many of the items on there are really
3 more by choice, rather than the
4 necessity to facilitate some of the
5 things I'm going to do.

6 If I'm taking out five trees and
7 replacing them with five, I don't have
8 to do 15, some of those items are still
9 to be determined, but at a minimum, it
10 will be something along those lines and
11 at least those types of trees that I
12 have indicated, which is based upon the
13 arborist's feedback.

14 CHAIR HADJANDREAS: Does someone
15 have the arborist report for Mr. Paul?
16 I didn't bring mine.

17 Before you start, I just wanted to,
18 as part of the record, put in the
19 arborist report.

20 As per your request, I inspected
21 the above site as per your request.

22 MR. AVRUTINE: The reason you're
23 reading it into the record, it is part
24 of the record already.

25 CHAIR HADJANDREAS: For the

1 record: A marked up survey shows 15
2 trees to be removed. They're primarily
3 red maple with a couple of sassafras.
4 Trees are in various stages.

5 I just want to see if there is
6 something in the arborist report where
7 she says specifically her concerns.

8 MR. AVRUTINE: What she basically
9 stated, I'll sum it up, but it is part
10 of the record.

11 The Village arborist recommends
12 that the application be approved, but
13 she also stated that she recommended
14 that three trees be replaced and she was
15 suggesting native species such as red
16 maple, oak or sassafras flowering
17 dogwood or red bud as lower level
18 flowering trees. These trees should be
19 planted inside the property line, so as
20 not to interfere with the power lines.

21 She also indicated that there were
22 trees that were slated to be removed
23 which should remain. And she stated
24 there is a 14 inch and 15-inch red maple
25 outside of the proposed fill area, along

1 with a northerly property line. So she
2 indicated those should be slated to
3 remain.

4 I think the application materials
5 also contain a response to those
6 comments, but I don't know whether those
7 issues, if those issues have been
8 resolved in any way.

9 Maybe the applicant could shed some
10 light on that.

11 MR. PAUL: Yes. I mean, I don't
12 know if this is the one, I don't know
13 what exhibit you guys have this as.

14 MR. AVRUTINE: That was submitted
15 separately from what you are looking at.

16 MR. PAUL: As a result of the
17 larger project, which is on the
18 northeast portion of my property, the
19 only low area we have that is flat, the
20 idea is we put in a garden. This is
21 where my kids will play. Granted, it's
22 2 acres, but there is a lot of slope and
23 unusable land so this is really the only
24 place we can deem usable.

25 It was previously not kept up at

1 all, a lot of poison ivy. We removed
2 all the poison ivy and cleared out all
3 the dead trees that were laying on the
4 ground, nothing that was standing.

5 The idea is that we are going to
6 increase the privacy screening because
7 the current trees that exist are either
8 in deteriorated health and are going to
9 fall down, have fallen down, have been
10 in the power lines, down on the street
11 during the snowstorms, there are others
12 that just snapped off, so underneath the
13 Village requirements for size for
14 needing a permit to be able to remove.
15 For the most part, it's not been up-kept
16 in a long time so I am trying to improve
17 upon it the same way I did the rest of
18 the property.

19 MEMBER GALTIERI: Your house looks
20 beautiful, by the way.

21 MR. PAUL: Thank you.

22 The area down there is very much
23 roots, wild growth, more poison ivy
24 that's come back because I was trying to
25 do it a year and-a-half ago. So, the

1 area in there, there has been water
2 observed. I deem it's never been more
3 than 4 inches. I have the evidence to
4 support that.

5 In that low area, there is an
6 accumulation of water through the
7 process of submitting for permits to add
8 fill to stabilize the hill that is along
9 the slope that is on eastern side of --
10 western side of Picardy, eastern side of
11 the property, so I can finish my fence
12 project, which I got permits for a year
13 and-a-half ago.

14 I am also trying to keep the trees
15 that I have put in from dying because
16 they are too exposed the way the slope
17 is and the water runoff mostly because
18 of the sand that is there. So adding
19 the fill will allow me to finish that
20 off. The idea is you can't tell the
21 difference from the street. It's all
22 just to back fill on the exposed side on
23 the privacy screening that I already
24 have. When you guys were there, you
25 could see that some of those trees have

1 died, in large part due to that.

2 Down in the basin I need to install
3 some drainage to be able to aggregate
4 the water so there is no pooling. That
5 is also part of the wetlands and fill
6 permits.

7 The trees that are in this area
8 that are in the fill area are either,
9 one, in the way of where the fence will
10 go. They're not necessarily in the
11 ground where the fence is but they're
12 leaning into it and potentially can fall
13 onto it. Again, most of them are in bad
14 health, not going to enhance the beauty
15 of the area. There are a couple of
16 other trees that are also based upon the
17 landscaping plan that would make it very
18 difficult for the new trees to survive
19 because they are blocking most of the
20 sunlight.

21 In fact, trees one, two and three,
22 although, I think tree one is dead,
23 trees two and three will block a
24 majority of the sunlight going into the
25 area where we're going to be planting a

1 vegetable garden, it's where the sun is
2 on our property throughout the day.

3 The other remaining trees that are
4 in what is labeled the flat area on the
5 landscaping plan are simply either very
6 small, or, quite frankly, just in the
7 way. I envision this as a place where I
8 can have a catch with my son, where more
9 kids can play soccer or lacrosse, you
10 name it. I don't want them to hit a
11 tree or run into a tree in the middle of
12 playing. I never had a tree in the
13 middle of my backyard when I was growing
14 up.

15 The trees that we do want to have,
16 and I am not looking to just blatantly
17 remove all the trees, I want to remove
18 the trees that are in the way, that I
19 don't think do anything to aid, again,
20 the property at all. There are other
21 trees that I would like to stay which I
22 believe are healthy, and which I believe
23 look nice, and will look nice once we
24 are able to add other trees, lower
25 trees, which will allow us to have

1 privacy.

2 In fact, some of the trees on here
3 of 9, 14, 15, which are in the flat area
4 in the most northeastern most section do
5 nothing to aid any privacy at all. And
6 I believe those would be the biggest
7 deterrent to the new trees actually
8 surviving. I think that is the general
9 nature of what I am trying to do.

10 MEMBER JONES: Can I ask a
11 question?

12 CHAIR HADJANDREAS: Of course.

13 MEMBER JONES: I just wanted to --
14 I am confused, I just want a
15 clarification.

16 On the document it says the trees
17 that are marked 14 and 15 are inside the
18 project area because one of the trees we
19 are looking at is number 14.

20 But here you are saying that I
21 believe 14 is under the circumference
22 required for a permit on the cover here,
23 in your paragraph.

24 MR. PAUL: Tree number 14?

25 MEMBER JONES: Yes.

1 MR. PAUL: Number 9 is --

2 MEMBER JONES: It says trees marked
3 number 14 and 15 are inside the project
4 area. As previously noted, not all the
5 trees require permits for removal even
6 though you put them on the application.

7 I believe number 14 is under the
8 circumference required for a permit.

9 MR. PAUL: Which one are we talking
10 about, I apologize. There have been
11 like five different submissions because
12 of the other permits, so the numbers of
13 the trees may be different.

14 MEMBER JONES: This is Tuesday,
15 November 13th.

16 But then when you go to -- you have
17 a picture here because I thought that
18 number 14 that we were referring to is
19 bigger.

20 MR. PAUL: Number 14 is bigger, so
21 that...

22 MEMBER JONES: Okay.

23 MR. PAUL: Number 14 would not fall
24 into the category of not requiring a
25 permit because of the size, number 9

1 definitely would.

2 MEMBER JONES: So number 9 is also
3 18 inches, right?

4 CHAIR HADJANDREAS: According to
5 this.

6 MEMBER JONES: So, number 14, this
7 is number 14, then...

8 CHAIR HADJANDREAS: A 30-inch
9 tree. It's easily, if not the biggest,
10 probably the biggest single tree on the
11 property.

12 MR. PAUL: To give you a little bit
13 more insight into what I was thinking,
14 there are two trees that would be --
15 that are larger trees that would be in
16 the play area, one is more towards the
17 interior of the property. This is a
18 nicer tree. This one gets more privacy.
19 It's not on there for removal because I
20 wasn't looking to remove it.

21 So the deciding factor we had was
22 to keep that tree or keep this tree
23 because then it would shift the area,
24 the play area. And because this one
25 doesn't do anything for privacy and is

1 also going to hurt the other trees that
2 we plant, we decided we would try to
3 remove this one and leave that one.

4 CHAIR HADJANDREAS: Mr. Paul, the
5 question I have for you is with what you
6 are saying, removing tree 14, what,
7 specifically, what is going to enable
8 you to plant along what we will call
9 along Picardy, and then the northern
10 property line.

11 MR. PAUL: In that area I have on
12 here, we're planting a flowering
13 dogwood, some lower hollies, red maple,
14 mountain laurel, things of that type,
15 and we are going to have to see exactly.

16 CHAIR HADJANDREAS: Do you have a
17 specific breakdown, because I see all of
18 these dots and blue circles and dark
19 dots.

20 Do you know what you would -- what
21 you can commit to in terms of how many
22 deciduous trees, how many screening
23 trees you are going to be planting along
24 the north side and along Picardy.

25 MR. PAUL: Along the north side,

1 there would be -- assuming I can remove
2 all of these trees because if I can't, I
3 don't think they're going to survive and
4 I don't think that makes sense, it
5 defeats the project. Five trees along
6 the north side.

7 CHAIR HADJANDREAS: And what is
8 the breakdown on that? Is it cypress or
9 similar? Is that Leland or something
10 along those lines?

11 MR. PAUL: Along those lines. And
12 the idea there is I need something
13 taller because of the slope coming down.

14 Frankly, this is my largest concern
15 of everything, that you can see into my
16 entire backyard and I don't want that to
17 be the case. So those trees will grow
18 taller and enable privacy from the site
19 line that is higher up on the hill. The
20 other trees that are lower, like the
21 flowering dogwood, are relative to the
22 trees that are already there.

23 CHAIR HADJANDREAS: So one
24 flowering dogwood, the five cypress,
25 honestly, I don't think cypress is going

1 to do anything there. I think you are
2 going to have to have something like a
3 holly or something that can handle the
4 shade, but that is between you and your
5 -- this is, again, whatever we approve
6 tonight is like okay, you are saying
7 you're going to put five hollies or
8 cypress, something that is evergreen.

9 MR. AVRUTINE: In that case, you
10 may want to consider requesting a
11 revised landscaping plan specifying what
12 the Board is requiring so it's clear on
13 the record and then in the file.

14 CHAIR HADJANDREAS: Then
15 contingent to that.

16 MEMBER GALTIERI: What I was saying
17 is normally when we see a plan to remove
18 trees there is a plan to plant, but a
19 formal plan so that we can see more or
20 less exactly what is going in. It's
21 hard to approve the trees going out
22 without seeing definitely what is going
23 back in, in my opinion.

24 CHAIR HADJANDREAS: And this could
25 be that.

1 I understand what you are saying,
2 like this is your idea. But what we
3 want to say is okay, if this is the
4 plan, that is the plan, and you drew it,
5 it's here. If we work off of this plan,
6 and we can make amendments to that plan
7 and then you would revise it to the
8 amendments we make, then your permit and
9 everything would be subject to that.

10 But I just wanted for the Board,
11 it's five trees along the north side,
12 that flowering dogwood. Then it's
13 showing a holly, a red maple, then a
14 mountain laurel and there are two
15 others.

16 Now, moving towards the left of --
17 towards your driveway along Picardy, and
18 you have some Leyland cypress, two of
19 them, a weeping willow, red bud, another
20 dogwood, and then the rest are shrubs or
21 whatever else.

22 MR. PAUL: I think to this point I
23 put in far more trees than I've removed
24 since day one of being on the property.
25 There is up to 30 spruce and pines along

1 the street. So the trees that are going
2 to be on the interior, I'm fine with
3 what is on here as the proposal. Again,
4 I just state that I wasn't asked to
5 replace every single tree I removed. I
6 think that kind of defeats a little bit
7 of the purpose of clearing some of the
8 area, but I'm happy to plant things that
9 the Board is looking for and that gets
10 me privacy and allows me to have this
11 area as a play area and garden and
12 nothing obstructing it.

13 CHAIR HADJANDREAS: Would the
14 weeping willow -- it's hard to tell from
15 here, but there is a big drop off and I
16 know you want to add fill behind where
17 the berm is that is along Picardy.

18 Is the weeping willow, are you
19 considering that at the top of the hill
20 or the bottom in the low lying section.

21 MR. PAUL: On the drawing you can
22 see that there is the grid, so one
23 square of the grid is where the low area
24 ends. So, effectively, that's the low.
25 So all the new trees, none of them are

1 going to be on slope, they'll all be at
2 the basin, at the bottom. The weeping
3 willow, that'll be closest to the
4 drainage and where the water
5 accumulates.

6 CHAIR HADJANDREAS: That's what you
7 want.

8 Okay, Mrs. DiBlasio, do you have
9 any questions?

10 MEMBER DiBLASIO: Not at the
11 moment.

12 CHAIR HADJANDREAS: I think, again,
13 a concern with the Board is tree number
14 14. It's the only tree out of all the
15 trees that you are -- besides tree
16 numbers two and three that I'm kind of
17 separating that out right now but
18 focusing on the new grass flat area,
19 tree 14 was the only tree that was there
20 that was healthy and is in good shape.

21 And from what I understand, what
22 you are saying is that removal of that
23 tree would push the flat area back
24 further. How many other trees -- and
25 they are not on the plan here -- but

1 what would that impact?

2 MR. PAUL: If that one was kept,
3 then there is only one tree we would
4 have to remove and that's the blue dot
5 above the word flat area.

6 CHAIR HADJANDREAS: What is that
7 tree?

8 I see a picture of it, I see the
9 dot, but we don't have any records of
10 it.

11 MR. PAUL: The height?

12 CHAIR HADJANDREAS: Yes.

13 MR. PAUL: It's a big tree. It's
14 similar size, it's just -- I'm not an
15 arborist, it has more leaves along the
16 tree going up so it serves as privacy.
17 It's a nicer tree than the tree we are
18 proposing. The tree that we are
19 proposing doesn't give us any privacy.
20 It's stuck up in the canopy.

21 In one of the pictures that I took
22 you can see actually it doesn't increase
23 the side of the canopy because it's
24 underneath the bigger trees that are
25 going to remain.

1 MEMBER JONES: I'm confused. The
2 tree that I think we were looking at, I
3 thought it had the big caliper and it
4 wasn't under the trees, it was kind of
5 over the trees.

6 CHAIR HADJANDREAS: The canopy.
7 I mean it's a big tree, tree number
8 14 is the tallest tree there.

9 MR. AVRUTINE: If I may, I just
10 want to say, so the record is clear, the
11 reference is the tree numbers and the
12 plan the applicant submitted it states
13 at the top of it 3 Picardy, LM Lane
14 Landscaping, and it says add -- does not
15 have a date, no. But it is multicolored
16 and specifies numbered trees, as well as
17 numbered trees to be removed as well as
18 trees to be planted.

19 CHAIR HADJANDREAS: Would you
20 propose planting additional deciduous
21 trees to get acceptance to remove that
22 tree? Is there something else --

23 MR. PAUL: To what I already
24 proposed?

25 CHAIR HADJANDREAS: Yes.

1 MR. PAUL: What do you have in
2 mind?

3 CHAIR HADJANDREAS: Would the
4 Board consider that or is that
5 something --

6 MEMBER GALTIERI: Yes. I think,
7 look, maybe I am missing something here,
8 but I don't think this is ready, in my
9 opinion. I would like to see really
10 what is going in and that will determine
11 what we need to approve and not to
12 approve. It's hard to do this in the
13 abstract, for me, anyway.

14 CHAIR HADJANDREAS: Well, he does
15 show what he wants to put in. What I am
16 asking is if he adds -- because there is
17 only like the dogwoods and the cypress
18 are not -- are more screening. They are
19 not anything that is going to add to the
20 canopy, which is a concern. The only
21 trees that -- and are Leylands are not
22 -- the red maple and the red bud.

23 I am only seeing two deciduous
24 trees that are really -- you are taking
25 -- you are asking to take down 15 trees

1 and really, in the big scheme of things
2 in terms of replacing, you're putting in
3 two -- I mean, the weeping willow would
4 fall in that category as well, so three
5 trees that are in the same
6 classification as the trees that are
7 removed. So that's why I am throwing
8 this back to you so that if you say,
9 okay, in this area.

10 MR. PAUL: I mean, I am trying to,
11 I guess in my mind I was not really
12 asking to remove many healthy trees;
13 really two to three, not 15. I still
14 stand by the fact I don't need a permit
15 to remove all 15 trees based upon what
16 the Village Code says; however, I don't
17 think I need to add all of these trees
18 based upon what the arborist has
19 suggested either. I'm willing to, to
20 appease, effectively. But I don't want
21 there to be an overwhelming number of
22 trees.

23 MR. AVRUTINE: I just wanted to
24 make it clear that the arborist's report
25 is an assessment based on her

1 professional training, et cetera, but
2 it's a recommendation only. The Board
3 makes the decision as to whether the
4 proposed mitigation of the impacts from
5 the removal are sufficient by what new
6 plantings you are going to make.

7 I know you have mentioned that you
8 are planting more than you are taking
9 out, but I think what the Chairman is
10 indicating is that there may be more in
11 number, but they may not be equivalent
12 in quality or the ability to screen or
13 any of these qualities.

14 CHAIR HADJANDREAS: Let me explain
15 why I am saying this.

16 Everything that you want to do here
17 is the setback. Normally, in previous
18 hearings, last week's hearing,
19 everything that the homeowner wanted to
20 do is behind their house within their --
21 outside of their setback. So, again,
22 they were removing X amount of trees to
23 put in a pool and patio and whatnot, but
24 nothing was visible from the road.
25 Everything you want to do is visible

1 from Picardy and from possibly
2 Stillwell, and that is why this is a
3 sensitive area and that is the concern
4 that the Board has. So that's why. And
5 what the Board wants to maintain is
6 canopy and maintaining canopy of trees.
7 That's why tree 14 really fell on a lot
8 of the Board members's concerns because,
9 again, it's the tree that offers the
10 biggest canopy. It is the biggest tree
11 and the nicest tree that is there.

12 MR. PAUL: Of the list.

13 CHAIR HADJANDREAS: A lot of what
14 you propose removing, within a year or
15 two will remove themselves by falling
16 down. We know that. But again, the
17 healthy trees that are there, and there
18 are a couple of them that we are trying
19 to see if we can work something around
20 or say, okay, if this is what you are
21 proposing you're kind of limited on your
22 property, there is really -- other than
23 this, there is really no other --

24 MR. PAUL: I'd like to do things in
25 the setback but this is how the property

1 works. Unfortunately, that's what I
2 have to deal with.

3 Again, I think you guys have seen
4 what the house was before and what the
5 property was before what it is now. I
6 think all of this would be done in the
7 same vein and it'll do nothing but to
8 make it look nicer. There is still well
9 over 500 trees on the property, most of
10 which are never going to be touched and
11 I can't use that land. So I think that
12 this is a small portion in relative
13 terms compared to the amount of trees
14 actually on the property.

15 MEMBER DiBLASIO: Would you be
16 adverse about replacing the cypress
17 maybe with red maple?

18 MR. PAUL: The Leyland cypress with
19 the red maple? Sure, that's fine.

20 CHAIR HADJANDREAS: And one of the
21 things in the arborist report was there
22 is a list of trees that the Village
23 wants to encourage to plant. I think
24 the list is 10, maybe 15 trees long, and
25 the red maple is on there. There are

1 other trees, species. Again, those are
2 the trees that are going to enhance the
3 canopy.

4 The other concern that the arborist
5 had with your specific application was
6 you can plant trees like red maples or
7 oaks, or whatever, if you plant them
8 underneath the power lines, in five
9 years they're just going to get
10 decapitated like all these other trees
11 on your property. Again, we want them
12 planted in an area the canopy can expand
13 and grow and do whatever.

14 MR. PAUL: Sure.

15 CHAIR HADJANDREAS: Without
16 interfering with the power lines and
17 PSEG coming in every other year and
18 cutting them.

19 MR. PAUL: I agree with that. The
20 ones that are through the power lines, I
21 have complained to them that I think
22 they should come down, that they're
23 problematic.

24 CHAIR HADJANDREAS: We have seen
25 this.

1 MR. PAUL: All of the new trees are
2 going to be on the interior of the power
3 line. They won't be anywhere near them.
4 They're actually probably 20 feet from
5 them. Even if they grow up, there is
6 not going to be any issues to deal with.
7 There's definitely no issues with
8 Picardy like some of the trees have been
9 down during the storms. But, again, the
10 reason why they're on the perimeter is:
11 One, privacy; and, two, if I planted
12 them in the middle where I am removing
13 trees then I don't have a yard.

14 CHAIR HADJANDREAS: To address Mr.
15 Galtieri's concern in terms of your
16 plan, and if we work off of this plan,
17 we are seeing on the north side of the
18 property five -- it's a cypress or
19 similar, can we narrow that down. That
20 is a concern for you because as cars
21 come west on Picardy, again, you are
22 completely exposed over there.

23 Is five hollies or whatever that
24 you're going to do in that area in terms
25 of evergreens, is that sufficient to

1 screen that side?

2 MR. PAUL: Assuming they will
3 survive.

4 So one issue I have, right, is this
5 is my property. To the north of me,
6 there are a lot of trees because the
7 house is much further up the hill. They
8 are not maintained, so those are
9 definitely blocking sunlight and they do
10 nothing for privacy because of how full
11 they are. So to the extent that
12 planting trees there and it gets enough
13 sun, I am fine with adding two more.

14 CHAIR HADJANDREAS: That's why I
15 am saying the specific types of trees
16 you are going to have to put there that
17 can handle that area, that's where a
18 landscape designer, but I don't know;
19 again, that is something.

20 So, in this area in terms of
21 screening between that and your neighbor
22 to the north, because again, everything
23 you are doing is in this setback, so we
24 have that concern.

25 One thing I didn't ask if there's

1 anyone in the audience that -- are any
2 of your neighbors here?

3 No, okay.

4 That is a concern that the Village
5 has that we're allowing you to remove
6 all this now and your neighbor is
7 exposed more, so that's why we want to
8 enhance that buffer zone.

9 So if we go side to side, on the
10 north side of the property, you are
11 proposing there are three dots, but you
12 were proposing five.

13 MR. PAUL: The two are in the
14 corner, other than relatively the tree
15 remaining. The idea is to kind of shape
16 it out catty corner with -- inside the
17 fence line. So in this general
18 vicinity, it could be a couple of feet
19 over.

20 CHAIR HADJANDREAS: And you are
21 proposing five cypress or holly or
22 something that would, in your
23 professional opinion, would work in that
24 area?

25 MR. PAUL: Right.

1 CHAIR HADJANDREAS: In the front,
2 where Mrs. Di Blasio had suggested
3 Leylands, they offer screening, they
4 need full sun, you're not going to have
5 full sun there. You're proposing two
6 Leylands.

7 And, again, the Board is -- this
8 isn't me saying, the Board would have to
9 agree. Would the Board like to see
10 something additional there, in terms of
11 deciduous, if we move forward with this
12 application as to the rest of it?

13 MEMBER GALTIERI: You're taking
14 down 14?

15 CHAIR HADJANDREAS: Yes.

16 MEMBER GALTIERI: What would be the
17 proper tree to go there, though.

18 CHAIR HADJANDREAS: I think
19 something from the list that the
20 arborist has already approved, and I
21 don't have them off the top of my head,
22 but there's about 10 different types,
23 oaks, maples, different types of maples.

24 MR. PAUL: I can move the red bud.
25 Again, I've got excess number of trees

1 that I need for the area because of all
2 the trees along the street that are now
3 going to survive. I can move the red
4 bud in place of where the Leyland
5 cypress is. There are two existing
6 trees that I am not taking down that are
7 right in that area. That's why I didn't
8 overwhelm that area with trees because
9 they are not going to get sun. There
10 still are a lot of trees. I can move
11 that one over.

12 I don't want to -- part of the
13 problem with the property is that nobody
14 thinned the trees over the years, so the
15 big ones are clogged in with the smalls
16 ones and you don't get to see the nice
17 healthy ones. I would like to be able
18 to see the nice healthy ones.

19 CHAIR HADJANDREAS: And replace
20 the Leylands with something from the
21 tree list, we'll call it the tree list,
22 it's the arborist.

23 MR. PAUL: Sure.

24 CHAIR HADJANDREAS: Would the
25 Board -- Mrs. Jones, do you have a

1 question?

2 MEMBER JONES: With a permit, he is
3 requesting, Mr. Paul has requested 15
4 trees but he keeps saying that there are
5 not that many that require permits.

6 Can you -- I can't remember what
7 size is in the code.

8 MR. AVRUTINE: 8 inch.

9 CHAIR HADJANDREAS: 7 inches.

10 MR. AVRUTINE: 7 inch.

11 CHAIR HADJANDREAS: It's specific,
12 there is specific -- there are others --

13 MEMBER JONES: All of these trees
14 require a permit.

15 CHAIR HADJANDREAS: Right;
16 however, if a tree is coming out of the
17 ground or is significantly a danger,
18 then a lot of times I am asked, and yes,
19 remove it. You still have to file a
20 permit but it's granted automatically
21 because it's a danger, but it still
22 counts towards your tree count and it's
23 still -- so the wording that Mr. Paul
24 was using is not accurate -- he still is
25 required to and he is applying to remove

1 15 trees.

2 MR. AVRUTINE: Correct. The
3 application calls for 15, so you're
4 considering removing the 15.

5 CHAIR HADJANDREAS: There are no
6 other trees that he wants to remove that
7 are not on here, that he's decided he
8 didn't need a permit for, if that
9 answers your question.

10 MEMBER JONES: Okay.

11 CHAIR HADJANDREAS: So, do you
12 guys -- let's sit on this for a second
13 and then move to tree numbers 1, 2 and 3
14 because that's the only other trees the
15 Board member had concerns with.

16 Tree number 1, I viewed and saw
17 that it is precarious, I'd say, so, I've
18 spoken to the Board and nobody has any
19 issue with the removal of that tree.

20 Tree numbers 2 and 3, as per one of
21 your submissions to the Board, I'm not
22 sure you received this over e-mail, I
23 know Liz did. I don't know if this got
24 into the record or --

25 MR. AVRUTINE: If it's in the file,

1 it is in the record.

2 CHAIR HADJANDREAS: Showing the
3 site line, and the concern with tree
4 number 2 and 3, removing those trees,
5 what that does in terms of opening up
6 that whole side of the -- this whole
7 area in terms of exposing it. Those,
8 tree number 2 and 3, specifically, offer
9 a lot of screening. So...

10 MR. PAUL: I would argue -- and you
11 can see from the pictures -- that the
12 angle, the only location you can see
13 them from the street is standing in the
14 driveway. The angle at which you can
15 see them, there is another tree behind
16 it that is bigger and more flowering,
17 that when you remove it that tree will
18 still be there. You still will not be
19 able to see into the backyard. That's
20 one thing with the trees.

21 Secondly, I am going to continue to
22 plant shrubs, bushes, as I've got on
23 here, once the fence is in, and that's
24 the fence that runs right along where
25 those trees are.

1 CHAIR HADJANDREAS: That was a
2 question I had. The fence permit has
3 already been issued. These trees, tree
4 1, forget about that for now it's not an
5 issue, but tree 2 and 3, is it in the
6 path of the fence? Is it -- can the
7 fence be adjusted to the right, to the
8 left?

9 MR. PAUL: It is not in the direct
10 path of the fence but the two issues
11 with it: One, it's at the same angle as
12 the dead tree, which is actually over
13 the power lines through the remaining
14 trees that are just growing bigger. And
15 the larger issue is it blocks all of the
16 sunlight to the garden. So I don't
17 think the garden survives at all with
18 those trees there. That's the only
19 place I have that I can put a garden,
20 none of which will be visible from the
21 street.

22 So this area -- one other thing to
23 consider as well, the only way you can
24 see this currently is from an angle
25 through the driveway. All the

1 landscaping I have around the driveway
2 is going to get bigger. My ultimate
3 goal is, unless you're standing in my
4 driveway you cannot see into my yard,
5 similar to many of the other homes
6 throughout the Village.

7 CHAIR HADJANDREAS: Do any of the
8 Board members have any concerns or
9 questions?

10 MEMBER GALTIERI: No. I can let 2
11 and 3 go. But will we see a formal
12 write up of what gets planted in any
13 period of time.

14 MR. AVRUTINE: If that's what you
15 want.

16 MEMBER GALTIERI: That's what I
17 want.

18 CHAIR HADJANDREAS: I think
19 amending this, and making -- amending
20 this and then having -- just saying,
21 okay, we're working with his plan, but
22 then...

23 MR. AVRUTINE: Let me propose two
24 options to you: You can continue the
25 hearing, subject to submission of a plan

1 that is satisfactory before you vote;
2 or, you can vote on the application
3 tonight conditioned upon submission of a
4 plan with sufficient detail and
5 explanation that is satisfactory to the
6 Board. Those would be the two options I
7 could recommend.

8 CHAIR HADJANDREAS: And I would
9 agree with that, because I think in
10 terms of changing some of the things
11 he's suggesting he has a plan here. We
12 can amend the plan, then he can fix it
13 and resubmit it to us and as long as
14 it's what we agree to, then move
15 forward.

16 MEMBER GALTIERI: I'm good with
17 that.

18 CHAIR HADJANDREAS: So, in terms
19 of adding to work off the plan that you
20 have submitted, again, the concern was
21 adding more deciduous trees that are
22 going to kind of replace the ones that
23 we are concerned with. So we have
24 everything you are proposing here, which
25 is fine. If we replace the Leylands

1 with something from the tree list, let
2 me just cross that out and write tree
3 list. And there are two Leylands that
4 are shown on here.

5 MR. PAUL: Yes. I would think we
6 would just go with the one we are
7 replacing because it's going to be a
8 bigger wider tree.

9 CHAIR HADJANDREAS: Well, Leylands
10 are actually wider initially in terms of
11 their 6-foot round circumference. When
12 you put them in the ground then they go
13 from there. A deciduous tree you're
14 going to put in is going to be a 4-inch
15 caliper. So I would like to see the
16 number that you -- even increasing
17 possibly to instead of two Leylands, we
18 stick -- is there a number that any of
19 Board members -- these trees are coming
20 off the list that Betsy suggests.

21 MEMBER GALTIERI: I think Howard
22 said let us look at a proposal. Let's
23 approve this upon the contingency of us
24 approving the proposal that comes back.
25 Let's give him some latitude to take a

1 look at what he wants to do.

2 MEMBER DiBLASIO: Are there any
3 size constraints that we need to deal
4 with on the size of the trees that he
5 puts in?

6 CHAIR HADJANDREAS: I mean, we
7 have never -- the only time we have done
8 that is when it's a specific -- when
9 it's evergreens and we said, okay, we
10 don't want evergreens this tall, we want
11 at least 6 to 8 foot. But we can make
12 on the side, that's a good point, the
13 hollies or whatever you are going to put
14 along the side. We can state that in
15 the plan, it should state that you have
16 a minimum of 6 to 8-feet tall.

17 Those are the only trees, the
18 dogwood, the red buds, the weeping
19 willows, you're buying them and you are
20 getting them at 4-inch caliper,
21 whatever, and they're going to be at
22 about 10 to 12-feet tall from the get
23 go.

24 MR. AVRUTINE: Mr. Paul, did you
25 prepare this yourself or did the person

1 who you are going to be buying the
2 plants from?

3 MR. PAUL: Except for the survey, I
4 did everything myself.

5 MR. AVRUTINE: For whatever it's
6 worth, you may wish to consider having,
7 even if it is not a landscape architect,
8 but maybe if you know who you are going
9 to be purchasing the trees from, they
10 may be able to do something for you that
11 is a little bit more detailed and
12 contains the information that the Board
13 is looking for. For instance, the
14 calipers, the circumferences and the
15 height when planted, et cetera, so that
16 it will be a sufficiently detailed plan
17 so that you won't have to resubmit more
18 than once.

19 CHAIR HADJANDREAS: And that
20 person is then the designer of record
21 and that person can certify, after
22 everything is said and done, that what
23 you have committed to planting is
24 actually in the ground and healthy
25 because we're not going to take -- we

1 can't take your certification as the
2 homeowner. We need someone with a stamp
3 or someone with a license.

4 MR. PAUL: I guess I'm not planting
5 these myself.

6 CHAIR HADJANDREAS: You can plant
7 them, you just need a design person that
8 can certify that they are what they are
9 and that they are in the ground and they
10 are alive.

11 MR. AVRUTINE: And that they match
12 the approved plan.

13 MR. PAUL: I will provide detail.

14 CHAIR HADJANDREAS: So, I guess we
15 can move forward based on that amended
16 -- on the amended plan that we
17 discussed.

18 MEMBER GALTIERI: Right.

19 CHAIR HADJANDREAS: Okay.

20 MR. AVRUTINE: Any questions from
21 the Board?

22 (No response.)

23 Any questions from the audience?

24 (No response.)

25 MR. AVRUTINE: Motion to close the

1 public hearing.

2 CHAIR HADJANDREAS: Motion.

3 MR. AVRUTINE: Second.

4 MEMBER GALTIERI: Second.

5 MR. AVRUTINE: Motion by the Chair,
6 second by Member Galtieri.

7 All in favor.

8 MEMBER JONES: Aye.

9 MEMBER GALTIERI: Aye.

10 MEMBER DiBLASIO: Aye.

11 CHAIR HADJANDREAS: Aye.

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

16 Is there a motion on the
17 application?

18 CHAIR HADJANDREAS: Motion to
19 approve.

20 MR. AVRUTINE: Motion by the Chair.
21 That would be subject to the submission
22 of a revised landscape plan to the
23 satisfaction of the Board.

24 CHAIR HADJANDREAS: Right.

25 MR. AVRUTINE: With sufficient

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detail and satisfaction to the Board.

CHAIR HADJANDREAS: Right.

MR. AVRUTINE: Second on that?

MEMBER DiBLASIO: Second.

MR. AVRUTINE: Member DiBlasio.

All in favor?

MEMBER JONES: Aye.

MEMBER GALTIERI: Aye.

MEMBER DiBLASIO: Aye.

CHAIR HADJANDREAS: Aye.

MR. AVRUTINE: Application granted
with the proposed stipulations.

MR. PAUL: Thank you.

* * * * *

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