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INCORPORATED VILLAGE OF LAUREL HOLLOW
PLANNING BOARD
PUBLIC HEARING
November 20, 2019
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

P14-2019 & T49-2019 - Barri ol a - Ri dge Road
Tree Removal

RONALD KOENIG
OFFICIAL COURT REPORTER

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1 MR. AVRUTINE: This is a public hearing on
2 Case P14-2019 and T49-2019, the application of Manuel
3 Barriola, owner of the property located on Ridge Road,
4 for approval to remove 29 trees in connection with a
5 proposed new single-family dwelling and pool.

6 The parcel of land is known as Section 26,
7 Block C, Lot 2011 on the Nassau County Land and Tax Map.

8 The exhibits in connection with this
9 application are as follows:

10 First, Affidavit of Posting from Elizabeth
11 Kaye that the legal notice was posted on the front
12 bulletin board in Village Hall on November 8, 2019.

13 The next exhibit is a copy of the legal
14 advertisement as it appeared in the North Shore Leader
15 on November 13, 2019. The affidavit of actual
16 publication will be made part of the file when received.

17 The next exhibit is a document that confirms
18 that the legal notice was published to the village
19 website on November 8, 2019.

20 The next exhibit is a document that confirms
21 that the legal notice was sent to village website NEWS
22 subscribers on November 14, 2019.

23 The next exhibit is an Affidavit of Mailing
24 from the applicant indicating that the Notice of Public
25 Hearing was mailed on November 12, 2019.

1 The final exhibit consists of the Nassau
2 County Planning Commission letter entered into the
3 record of hearing on November 15, 2016 by reference in
4 connection with the previous case heard by the Board of
5 Zoning Appeals under cases ZV4-2016 and ZS5-2016.

6 You may proceed. Please state your name and
7 address for the record.

8 MS. SORDELLA: Raffaella Sordella,
9 R-A-F-F-A-E-L-L-A, S-O-R-D-E-L-L-A, 1640 Moores Hill
10 Road.

11 So, you see from the first page --

12 MR. AVRUTINE: I'm sorry to interrupt you. I
13 want to mark for the record as Applicant's Exhibit 1 a
14 bound booklet of some depictions, renderings and
15 photographs that states on the front, Sordella-Barriola
16 Residence, November 2019, and that's Applicant's
17 Exhibit 1.

18 MS. SORDELLA: As you see from Page 1, the
19 property provides some challenges. It's typical of this
20 area. It's on a slope.

21 When we designed the house, we essentially we
22 wanted to design a sustainable property. We tried to
23 position the house in a manner to really distract as
24 less as possible trees and have a minimal impact on the
25 property. As you see, especially on the lower part of

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1 the property, there are severe slope, and we didn't want
2 to affect that. So we positioned the house on the
3 opposite side, and especially we wanted to position it
4 as far as possible from the neighbor to have a minimal
5 impact also on them.

6 Building on a slope is possible, especially
7 coming from Italy, we have great experience, and it's
8 possible by using terraces. We have good drainage.
9 This is what we have done when we designed the house.
10 You can see from the rendering, indeed, that there are
11 several terraces in which there is also vegetation,
12 shrubs. And these terraces, they have ideal drainage
13 and new materials. They have been designed to absorb
14 water. The house and the plan have been approved.

15 In the next pages, you will see some
16 rendering. In Page 2 is essentially a rendering of how
17 essentially the house will look in regard to the tree
18 and the shrubs that they will be plant. The other, they
19 are essentially for the rendering how the house will
20 look like with the new trees. As you see, we are trying
21 to maintain as much as possible the current landscape.

22 The last, I think, two pages, they actually
23 they have picture also of the current property on the
24 little inlet. And as you see, the property, it will not
25 look much different than what is currently looking.

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1 We are asking the permit to remove 29 trees.
2 We are full aware that the trees, they have important
3 function, especially in the slope to provide security
4 and stability to the hill. So when essentially we
5 designed with our architect and our consultant the
6 planting schedule, we essentially we want also to be
7 very aware of the importance of tree to maintain and to
8 preserve the slope. So as you will see in terms of
9 example of the tree, we didn't substitute oak. We
10 decided to plant instead red maple and eastern red
11 cedar. Also, plant all the tree, the shrub and the
12 perennial that we are using are essentially local and we
13 want to essentially to maintain a feeling of essentially
14 local landscape.

15 The reason why we decided not to substitute
16 oak but instead to go with red cedar, and we actually we
17 are proposing to plant 32 instead of the 29 oak tree, is
18 because you must be aware that oak tree they look
19 beautiful but they have really small root system. They
20 just go 18 inches deep, while instead northern red
21 cedar, they are much deeper. They are actually two,
22 three times deeper. They essentially they maintain and
23 they essentially will sustain better the slope and they
24 will prevent essentially erosion.

25 As you will see also from the shrub, we

1 essentially we not only we are removing some of them,
2 but we are actually restoring and planting much more.
3 We are proposing to plant 39 laurel. We are proposing
4 also to plant azalea and rhododendron, some 24. In this
5 case, again, like the goal is not only to restore the
6 landscape, but actually to impact and to essentially
7 improve the maintenance of the hill and to provide
8 essentially what we call sustainable landscape.

9 In regards, for example, there was a problem
10 with the swimming pool that we essentially we have a
11 breath again like with terraces. And as you see, the
12 retaining wall, they are not just retaining wall, but
13 essentially they have also drainage and they have
14 essentially, we will essentially plant shrub within
15 these terraces, again to provide for the drainage and to
16 essentially provide a sustainable landscape.

17 CHAIRMAN HADJANDREAS: How many trees are
18 slated to be removed?

19 MS. SORDELLA: Twenty-nine.

20 CHAIRMAN HADJANDREAS: And besides the cedars,
21 I'm counting 46 trees that you're planning on --

22 MS. SORDELLA: All big trees.

23 CHAIRMAN HADJANDREAS: Yes. You're planning
24 on putting in.

25 MS. SORDELLA: Yes.

1 CHAIRMAN HADJANDREAS: This lot does have a
2 lot of mountain laurel on it, and I see you're planting
3 39 shrubs of mountain laurel, replanting.

4 MS. SORDELLA: Yes. And 24 rhododendron.
5 They are a similar species. They are just a little bit
6 smaller. They have better root system. They are ideal
7 for steep slope.

8 CHAIRMAN HADJANDREAS: In Laurel Hollow,
9 mountain laurel is protected. I'm not sure what the
10 number is in terms of we know the tree count, we don't
11 know how much mountain laurel is being removed with the
12 project. But again, they're planting 29, so it should
13 be a pretty fair balance.

14 MEMBER JONES: Thirty-nine.

15 MS. SORDELLA: If can I address that also.

16 So, we were very careful. We did a survey
17 also of the property. We didn't count the hollow that
18 they were there. But a lot of them, they are not in
19 good quality because the property has not been
20 maintained. So there's a lot of dead branches, a lot of
21 dead trees. Especially where we are contracting the
22 house, the hollow are not in good condition.

23 MR. AVRUTINE: You mean the laurel?

24 MS. SORDELLA: The laurel, yes.

25 So what we are planning to do actually is, the

1 ones that they are there, to just move them as much as
2 possible, just to transplant them in another side of the
3 property.

4 CHAIRMAN HADJANDREAS: Does the public or --

5 MEMBER GALTIERI: I have a question.

6 You know, in looking at the road, the road is
7 extremely narrow and it turns.

8 MS. SORDELLA: Yes.

9 MEMBER GALTIERI: I'm just concerned about the
10 equipment that goes on that road to build this house in
11 terms of will there be possibly any damage to the
12 existing road or the trees that are lining that road.

13 CHAIRMAN HADJANDREAS: That are stated to be
14 maintained.

15 MS. SORDELLA: Yeah. I took a picture,
16 actually. So if you go the one before the last, you see
17 essentially there is a picture. So, the first thing
18 that we are planning to do is essentially to build the
19 driveway, the side road, in a manner that essentially we
20 will have a minimal impact on the existing road. So we
21 have discussed it actually with one of our neighbor.

22 So, we are thinking just to move a chipping
23 machine first when essentially we are cutting the tree
24 and essentially clear the path. And then we will built
25 the access road. And then essentially this is where

1 essentially all the machinery. So we will essentially
2 build the road, flatten the area, and there essentially
3 is where the machinery essentially will go.

4 So addressing that, we originally didn't want
5 to build a big access road. We wanted to make a smaller
6 one. The reason why we decided to proceed with that is
7 essentially because the road is very narrow, so we would
8 essentially have required much more work in terms of
9 retaining wall and --

10 CHAIRMAN HADJANDREAS: So to clarify, the
11 driveway is basically going to -- that's going to be
12 built first to accommodate machines, parking. There's
13 going to be many people working on this project that
14 have to put their car somewhere.

15 Any other comments from the Board?

16 For the record, this project was reviewed by
17 the Zoning Board a couple years ago.

18 MR. AVRUTINE: Back in 2016.

19 CHAIRMAN HADJANDREAS: And the Zoning Board
20 had approved not only the plan as we're seeing it, but
21 they approved the siting of the house, the retaining
22 walls, the septic, the drainage, the driveway, the
23 access, all of that. And for us to say, oh, let's shift
24 the driveway, we can't, you know, it would again send it
25 back to the Zoning Board. So basically what is drawn,

1 because of the previous decisions that were made, has to
2 be what we approve. We can't move anything.

3 MEMBER ABRAMS: Chris, I assume the Zoning
4 Board approved a variance for building in the setback.

5 MR. AVRUTINE: Yes. The BZA approved slope
6 disturbance as well as variances.

7 MEMBER ABRAMS: Okay.

8 MR. AVRUTINE: But for the tree removal
9 application before the Planning Board this evening, they
10 have all required approvals.

11 CHAIRMAN HADJANDREAS: For the record, I was
12 previously a member of the Zoning Board and voted to
13 approve this application back when it was first
14 presented to the Zoning Board.

15 MR. AVRUTINE: This property, as you can see
16 from the drawings, primarily because of the slopes was a
17 challenge to design a suitable home and with as minimal
18 intrusion due to topography on the property as possible.
19 So the public hearing process focused on that issue as
20 far as the slope disturbances were concerned. So this
21 set of plans that you see before you is the set of plans
22 that was approved by the BZA after the public hearing
23 process was completed.

24 CHAIRMAN HADJANDREAS: So the total area, is
25 it two acres or --

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1 MS. SORDELLA: Yes.

2 CHAIRMAN HADJANDREAS: The square footage of
3 the residence, do you know about how big the house is?

4 MS. SORDELLA: I don't know, sorry.

5 MS. MAYER: I think 4826.

6 MS. SORDELLA: I just know that it's smaller
7 than --

8 MEMBER ABRAMS: What number did you say?

9 MS. MAYER: I think 4,826.

10 MS. SORDELLA: It's like 60 percent of what --

11 MS. MAYER: The footprint was something like
12 2,400, but the square footage of the house including the
13 multiple floors was something like 4,800.

14 CHAIRMAN HADJANDREAS: Does anybody from the
15 public have any comments?

16 MS. MAYER: Yes, two things.

17 MR. AVRUTINE: First, your name and address
18 for the record.

19 MS. MAYER: Marsha Mayer. I have the adjacent
20 property, 1320 Ridge Road.

21 One concern is the tree plan. So, yesterday I
22 looked at the maps here at village Hall. I didn't have
23 a copy to take with me. I walked the property. The
24 trees are marked in orange. And two or three of the
25 trees, I have a picture of one of them, that are slated

1 for removal, are very far from the entrance and they're
2 on what certainly looks to be the extremely steep slope
3 of the property. So I can't be certain sitting here if
4 it's the very steep or the extremely steep, but because
5 they're so far back from the entrance to the property, I
6 wonder do those particular trees which are holding onto
7 the slope have to come down. So I have a picture. I
8 don't know the number because I didn't have a copy of
9 the plan to take with me.

10 CHAIRMAN HADJANDREAS: Do you know in
11 relation? Here is the plan.

12 MS. MAYER: I know sort of where it is.

13 CHAIRMAN HADJANDREAS: So from my information
14 to you, the surveyor of the property that did all the
15 survey work, the tree survey, the slope survey and the
16 siting of the house and everything, he was instructed to
17 mark with ribbon the area of clearing. And the area of
18 clearing includes retaining walls, drainage, septic,
19 everything that's going to go into building the house.
20 So, you know, it's hard to see on these plans because
21 these are landscape plans, but you can see over here
22 retaining walls and then there's requirements beyond
23 them for trees.

24 MS. MAYER: You enter from here and it's over
25 here that the land becomes extremely steep. And

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1 approximately here and here, it's in this area that
2 is --

3 CHAIRMAN HADJANDREAS: Here's the structure,
4 but then below it, as you can see, they have a dry well,
5 retaining wall. And, you know, again, because those
6 parts of the plan were already approved by the ZBA in
7 terms of the limits of clearing, you know, all the
8 aspects of the construction, we just get involved with
9 the trees. And the limits of clearing, the area, let's
10 say, was approved by the ZBA previously. My information
11 is that that's the area they have to clear for what was
12 approved previously.

13 MS. MAYER: I can't tell from the plans as
14 I've seen them. And from my walking on this site is if
15 this is on the very edge of -- there's this orange area
16 roped off, and on the very edge of the orange area
17 closest to the water there is this particular tree.

18 MS. SORDELLA: I'm sorry to interrupt. We are
19 not really close to the water.

20 MS. MAYER: Closest, on the side of the
21 property closest to the water where the steep --

22 MS. SORDELLA: I'm not really sure. But, for
23 example, there are these -- some of the trees, they are
24 close to the retaining wall. Those tree, unfortunately,
25 they have to go just because of the construction. It's

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1 on a steep slope. And it's just very hard, there are 29
2 trees, and it's really hard to know which one you have
3 marked.

4 MS. MAYER: well, if they were numbered, I
5 would have had the number of the tree.

6 MS. SORDELLA: As I was mentioning, we are
7 essentially to protect the topography of the property.
8 We are essentially have put a retaining wall to
9 essentially prevent slides and so on. And the type of
10 retaining wall that you saw, they are not just wall,
11 they essentially have drainage. They will have plant on
12 top. So we have been very, very careful on the type of
13 landscape that we've been doing.

14 The tree again, you can see we are not really
15 cutting any tree that they are really far from the
16 property. The property and the size essentially of
17 excavation have been approved.

18 CHAIRMAN HADJANDREAS: The walls they are
19 putting in, unlike the first application that came
20 before us tonight, the walls they are putting in are
21 those stacked stone walls that interlock, and those
22 walls require 4 to 6 inches of gravel. The walls
23 they're putting in from the plans that I've seen that
24 are submitted are poured concrete walls that require a
25 3-to-4-foot footing. You know, the excavation that's

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1 required for those walls isn't a small little channel.
2 They have to get equipment there.

3 So again, it's going back over two years, but
4 I remember going through these plans. It was a big
5 discussion. And building on a slope has its challenges.
6 You know, when your house was built, I don't know if
7 they came from below or whatever. But this house
8 doesn't have the ability to do that, otherwise a lot
9 more trees would be cut down because they would have to
10 clear all of those trees between the house and the
11 water.

12 So when you're building a retaining wall, it's
13 not just the size of the wall, it's 10 feet in either
14 direction. And looking at the plans, seeing where the
15 walls are and seeing where the limit of clearing is, it
16 does go another 10 to 15 to 20 feet past because, again,
17 of the construction requirements.

18 MS. MAYER: I'm sorry. You're saying the tree
19 clearance goes 10 feet --

20 CHAIRMAN HADJANDREAS: No. The limit of
21 clearing that is marked on this line on this plan that
22 goes all the way around here is the limit of the
23 clearing. And this line is represented in the field and
24 this was certified by the surveyor that that is
25 represent -- the ribbon, the orange ribbon that's in the

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1 field, is represented on this page by this line. And
2 that's the limit of clearing. And the reason for that
3 is, again, the construction requirements that have to
4 take place eventually after they get their building
5 permit, you know, to build this house.

6 MS. MAYER: But I'll just note that not every
7 tree within that limit of clearing is marked to come
8 down. So I was wondering whether this particular tree
9 on a very steep part of the slope --

10 CHAIRMAN HADJANDREAS: They didn't mark every
11 tree. They just put the ribbon around the perimeter and
12 basically everything inside that perimeter is being
13 removed.

14 MS. MAYER: Twenty-nine trees have a ribbon
15 around them within the perimeter.

16 CHAIRMAN HADJANDREAS: So those are the trees
17 of size there.

18 MS. MAYER: And other trees within the
19 perimeter are not marked. So that's why I'm questioning
20 the marking of a particular tree.

21 CHAIRMAN HADJANDREAS: Trees under a certain
22 size are not required to get a permit.

23 MS. MAYER: I see.

24 CHAIRMAN HADJANDREAS: And that's why large
25 caliper trees are marked and small calipers are not.

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1 MS. MAYER: The other issue, I don't know if
2 it's one that this Board can address, but as part of the
3 zoning variance that was granted there was an agreement
4 by the Zoning Board that the pool would have to be moved
5 somewhat, like one-third of it would have to be moved
6 over.

7 MS. SORDELLA: There was not. There is no
8 report on that.

9 CHAIRMAN HADJANDREAS: whatever the Zoning
10 Board agreed to, I don't remember the exact decision
11 that was made, but whatever it was, it's been, you know,
12 is on these plans. So if there was any kind of movement
13 of anything, we wouldn't see -- we would see the final
14 iteration of the plans. So this is what went to court.
15 This is what was upheld by, you know, the decisions by
16 the State Supreme Court.

17 MR. AVRUTINE: If I can just clarify. I
18 believe what you're referring to was during the hearing
19 process there was some discussion about relocating the
20 pool out of the severely sloped area, which was done.

21 MS. MAYER: It was moved out of that area?

22 MR. AVRUTINE: It was moved out of the
23 severely sloped area.

24 MS. MAYER: That is what I was referring to.

25 MR. AVRUTINE: That's what was done. So the

1 final plan that you can see and you can ask Nancy,
2 she'll make it available to you, the approval that the
3 BZA issued back in 2016 was predicated upon a specific
4 plan. So that is the approved plan in accordance with
5 the direction of the Board when changes were required,
6 and it is a plan specific approval meaning that there
7 can be no deviation from that approved plan.

8 So you're free to look at the plan. You can
9 request a copy if you wish and it can be reproduced for
10 you to have if you want one for a souvenir or something
11 else. But seriously, I was joking, if you wish to have
12 a copy for whatever purpose, you can get one from Nancy.
13 And that is, like I said before, the approved plan which
14 must be adhered to and which, when all of the
15 inspections throughout the construction process are
16 taking place, the village will ensure that the
17 construction is being done in accordance with that plan.

18 MS. MAYER: Since with the other three
19 applications there was a lot of detailed discussion
20 about particular trees and what should happen to the
21 trees, I guess here it sounds like that's not even up
22 for discussion.

23 CHAIRMAN HADJANDREAS: well, the issue is
24 again, because the house, the walls, the septic, the
25 drainage, everything was sited by the Zoning Board.

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1 Normally the trees go first in terms of we would make
2 and then they would move the house around to
3 accommodate. But, you know, we're not able to do that
4 and it will be -- the house has been sited, so we can't
5 shift.

6 And when you're building on a slope, it's very
7 hard to save a specific tree because the whole slope is
8 getting regraded. So you can't save a tree here and
9 lower the grade. It's not going to happen. So
10 typically when you're building on a slope, and this has
11 happened on other areas in the village, the area is
12 cleared and there's cut and fill, cut in terms of they
13 remove dirt here and put it there. And when you are
14 doing that, you can't save trees. It's just the way
15 construction is. It's just the building and with the
16 terraces they're going to build, you can't save a tree
17 and keep, you know, do the actual house, build the
18 house.

19 MR. AVRUTINE: Ms. Mayer, you may recall that
20 during the hearing process before the BZA back in 2016
21 there was quite a bit of discussion and input dealing
22 with the siting of the home taking into consideration
23 the challenges on this lot with the slopes.

24 MS. MAYER: Sure.

25 MR. AVRUTINE: And so while the Board

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1 recognized that as a building lot, something was
2 appropriate to be built here, they had a very, very
3 serious consideration regarding while believing that a
4 house should be allowed to be built on this property, to
5 require that the slope intrusion be minimized to maximum
6 extent that could be accomplished. And I specifically
7 recall that even though maybe some dimensional variances
8 were made maybe a little bit more severe that
9 unbalanced, the Board felt that that was appropriate to
10 minimize slope intrusions. Plus the fact that the size
11 of the home was minimized as well, considering the fact
12 that you have a two-acre lot, in order to minimize slope
13 intrusions.

14 So when the Board approved the whole design
15 concept for the property, it necessarily approved the
16 line of disturbance as Chairman Hadjandreas was
17 referring to before. So in doing so, the growth within
18 that line of disturbance needs to be removed. And in
19 contemplation of that and in an attempt to remediate the
20 impacts of that, there was a substantial landscape plan
21 which was submitted at that time which is the same plan
22 that is really here today before this Court.

23 So, this application has essentially come full
24 circle to the point where now in order to obtain the
25 permit and to proceed, the implementation of the

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1 original approved plan needs to be reviewed here, and
2 that's what's going on this evening.

3 Do you have any further questions?

4 MS. MAYER: No. It seems like this isn't
5 really a tree permit application, that it's been
6 essentially approved in advance.

7 MR. AVRUTINE: No. That's not the case. I
8 think the reality here is that in order to develop the
9 property as approved already, the trees depicted do have
10 to be removed. It's not that it's been approved in
11 advance. The purpose of this is for this Board to
12 approve it. But the Board is considering what's before
13 it, is looking at the proposed remediation plan and
14 presumably will make a decision on that based upon
15 what's before it.

16 Do you have anything further to add?

17 MS. MAYER: No.

18 MR. AVRUTINE: Does anyone else?

19 MS. WALL: I do.

20 MR. AVRUTINE: Please give your name and
21 address for the record.

22 MS. WALL: My name is Laura wall. It was
23 Ackerman. The property is 1372 Ridge Road, and my
24 parents built that home there when I was seven. So,
25 we've been taking care of it for a long time and my dad

1 plowed that driveway when he was alive, and I've been
2 plowing it for seven years now.

3 CHAIRMAN HADJANDREAS: Really.

4 MS. WALL: And we just, just listed the house
5 for sale, and there's a number of things I have
6 questions about that I would like to find out about.

7 We talked. We met on Monday and talked about
8 there's an S curve on the driveway, a very sharp curve.
9 That curve is where all the snow goes when you plow
10 because you can't get around that sharp curve. The snow
11 has to go somewhere. So the way the driveway grades, if
12 your car is going to slip or anything like that, right
13 now you go straight into that berm on the S curve which
14 keeps you from skyrocketing off the hill.

15 There's two huge trees there that Raffaella
16 said her person said were not well, but I tend to
17 disagree on that. They've got leaves. Yes, one of them
18 you can see its roots. But those trees are what --
19 that's the steepest hill on the property. That's where
20 everybody gets stuck if they're going to get stuck
21 there. And I think if, I mean I don't know how wide the
22 bodies of those trees are, but if you remove those, you
23 are creating like a shoot. There's no way to stop the
24 cars from going down the hill. And then just looking at
25 this picture, there's, from what you were given --

1 CHAIRMAN HADJANDREAS: where they're putting a
2 parking area.

3 MS. WALL: The problem I see, though, is that
4 this line, number one, is not in the right place in your
5 diagram here because I have the survey here. But
6 whatever this is is sitting on our property line and
7 they want to store all the construction equipment in
8 there. Their driveway is up the hill. The only person
9 that's going to see that stuff is us.

10 MS. SORDELLA: Sorry. That is a confusion.
11 Here essentially that part is because, you know -- I
12 don't know if you went on site.

13 CHAIRMAN HADJANDREAS: we did.

14 MS. SORDELLA: There is an S turn that is very
15 hard. The condition of that part is really not good.
16 So there is sand that is going up. Also, the trees --

17 MS. WALL: What do you mean the condition is
18 not good?

19 MS. SORDELLA: Is not flattened. Essentially
20 you go like this. All this is sand. So because again,
21 like it has been plowed for a long time against these
22 big trees, so if you keep plowing snow against trees,
23 and these are just oak tree on a steep slope, these are
24 really not the best way to maintain it. If you talk to
25 arborist, they will tell you it's oak. And if you just

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1 go around after a storm, the oak are the first ones that
2 come down.

3 So our plan to restore the area was
4 essentially to flatten out, and, unfortunately, we have
5 to take out those two trees, but in any case they are
6 small. The idea was to flatten out and restore and
7 improve the quality of the road, and essentially on the
8 side of the road of this little parking lot that is very
9 small, essentially can just fit one car, to have trees.
10 So actually if the concern is for people sliding down,
11 that's actually better because it will be flattened and
12 they will essentially stop.

13 CHAIRMAN HADJANDREAS: I just want to clarify
14 with you because you made a couple -- so if you want to
15 approach here, I want to make sure that we are all
16 talking about the same area.

17 From my understanding, you're talking about
18 this is the existing road here and this is the area
19 where the trees are currently, and this is the area
20 they're going to make a flat parking area. But you were
21 saying that it was near your property line. Your
22 property line is over here. Where the power lines are
23 is representing the property line.

24 MS. WALL: You're at the wrong curve.

25 CHAIRMAN HADJANDREAS: They're not disturbing

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1 anything, this is the limit of disturbance, so they're
2 not disturbing anything over here. This is your road
3 and this is the entrance where they're coming onto
4 there. So this is the only S curve. In that S curve is
5 where they are flattening and putting a small parking
6 area. This is the only S curb. You know, everything
7 else is your property.

8 MS. WALL: The property line is right here. I
9 can show you on the survey that I have.

10 CHAIRMAN HADJANDREAS: Because their survey is
11 showing the property line here and the edge of the road
12 is shown here. Their property line is showing it --

13 MS. WALL: This is Mr. Reese's survey I have.

14 CHAIRMAN HADJANDREAS: This was done by a
15 licensed surveyor.

16 MR. AVRUTINE: Do you have a copy of the
17 survey that you were referring to?

18 MS. WALL: I do. It was given to us by
19 Mr. Reese before any of this came to be.

20 See, on here is the marking on the road.

21 MR. AVRUTINE: The road that you're referring
22 to --

23 CHAIRMAN HADJANDREAS: This is the corner
24 right here. This is this corner. And does this show
25 the road?

1 MR. AVRUTINE: Well, I think the cross-hatched
2 area is the road. So the road goes on both sides of the
3 property line.

4 CHAIRMAN HADJANDREAS: Yes, it does. And it
5 is exactly the same on here.

6 MR. AVRUTINE: Yes, the property line matches.

7 CHAIRMAN HADJANDREAS: So what I'm saying is
8 the area that, and then what they're disturbing stops
9 over here which is a good -- if this is 20 feet --

10 MR. AVRUTINE: Can you point, generally
11 speaking, on here where the trees you're talking about
12 are?

13 MS. WALL: They are right there.

14 MR. AVRUTINE: So, they're adjacent to the
15 road on the Barriola property.

16 MS. WALL: Yes.

17 MR. AVRUTINE: That would translate to right
18 here. So that's where Chairman Hadjandreas is saying is
19 going to be where the flat area of the parking court is
20 going to be.

21 MS. WALL: Right. And it's legal to put a
22 parking area at the end of your property like that?

23 CHAIRMAN HADJANDREAS: Well, the end of the
24 property would be over here.

25 MR. AVRUTINE: This parking area was approved

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1 as part of the approved plans by the Zoning Board back
2 in 2016. And that case was the subject of a court
3 action, and the approval of the Board of Appeals was
4 sustained by the Court.

5 MS. WALL: So as far as storing all the
6 construction equipment and things like that there,
7 that's no problem, that you can just put?

8 MR. AVRUTINE: Well, understand that this
9 Board doesn't have jurisdiction or authority over the
10 means and methods of construction or anything else.
11 That is the responsibility of the Building Department to
12 monitor those issues.

13 Rest assured that there'll be no trespassing
14 onto your property from activities that take place on
15 this property. And if there are, then that's a totally
16 different issue, but that should not be the case based
17 upon everything that's been submitted to the village.

18 In addition to that, there is an erosion
19 control plan which is part of the approved drawings to
20 take steps that are necessary to ensure that there is no
21 erosion and runoff of water onto adjacent properties.
22 So all of those drawings have been prepared, submitted
23 and approved as part of the overall project.

24 So, I understand the concern, but also I want
25 to make it clear for the record and for you that these

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1 issues have been addressed in terms of the drawings that
2 have been submitted and approved.

3 MS. WALL: So, you're saying taking those
4 trees down is already approved?

5 MR. AVRUTINE: No. What I'm saying is that
6 the concern you're raising about the elimination of
7 those trees has been addressed by virtue of the fact
8 that the property will be regraded and there will be
9 retaining structures, and a flattened area with a
10 parking area that would alleviate the concern that you
11 raised which you thought would result of removal of
12 those trees.

13 MS. WALL: So if there is eventual fall off on
14 that road, there's some kind of plan to fix it?

15 MR. AVRUTINE: What do you mean by fall off?

16 MS. WALL: Well, if you walk along the beach
17 you'll see tons of trees that come down on the shore
18 because the hill is eroding. And if you take those big
19 trees out and that whole hill then goes over, which
20 there's no kind of upward part of that hill anymore, I
21 think with the way the water runs when the snow melts or
22 a heavy rain which is like a river, it's going to take
23 the dirt down with it.

24 MR. AVRUTINE: I understand your concern.
25 What I would suggest to you is, and you can get your own

1 copy of the plans if you want or share the one that
2 Ms. Mayer is going to get, that this was taken into
3 account in the design in terms of this is a common
4 practice when there's going to be a slope disturbance.
5 Generally speaking, you have a sloped area and you have
6 growth on it already. So, to the extent that there's
7 going to be retaining structures and additional growth
8 planted there which is intended to minimize or eliminate
9 runoff, so they're -- as a legal matter and as a code
10 matter in the village no construction is allowed which
11 would result in runoff onto adjacent properties. Any
12 development that takes place must be designed so that
13 all water on the property is retained by drainage
14 structures on the property, and that is determined and
15 approved based upon engineering calculations that are
16 done in order to assure that that is the case, and
17 that's what happened here.

18 CHAIRMAN HADJANDREAS: I just want to add one
19 thing. There are no dry wells or drainage structures on
20 this property currently. And because of what they're
21 doing and which also is the reason for the additional
22 clearing besides just where the house is, they're
23 adding, it doesn't show it on here but again I recall
24 from my previous role, there is many, many dry wells
25 being installed throughout the property.

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1 MS. WALL: We actually saw them at the very
2 first hearing on that property when they brought the
3 plan. I'm not concerned.

4 CHAIRMAN HADJANDREAS: I wanted to address
5 that so that you knew.

6 MS. WALL: I'm sorry.

7 MR. AVRUTINE: You can finish what you were
8 saying.

9 MS. WALL: I'm not concerned so much about the
10 water flow in general. That one area, though, it's the
11 only place that if your car went off that driveway you
12 can get hurt badly.

13 CHAIRMAN HADJANDREAS: Now what they're doing
14 to remediate that is flattening the area which I, from
15 just looking at this, there are two below that area.
16 It's going to be, it looks to me, again this isn't a
17 topography map, that that is at the height of the
18 current road and then there are two tiered retaining
19 walls that go down. So basically right now it's this.
20 They are going to make it like that with straight so it
21 gives more runoff, not runoff, but more area that if you
22 were to miss that turn it's now flat and a parking area.
23 Hopefully, there is not a car there, but if you slide
24 you will be on flat land, not hitting a tree or going
25 down the hill the wrong way.

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1 MS. WALL: As long as there is something to
2 stop you. That's the only thing I worry about because
3 you will keep going.

4 CHAIRMAN HADJANDREAS: And there are two
5 retaining walls, the upper retaining wall and then the
6 lower one. And then the house -- well, the house is
7 over here.

8 MS. WALL: I have a question, though, about
9 now the trees are marked out on Ridge Road to cut. What
10 is happening there?

11 CHAIRMAN HADJANDREAS: The Zoning Board -- the
12 access to your property and this property goes -- I have
13 a letter from him, from another one of your neighbors.

14 MS. WALL: Marino.

15 CHAIRMAN HADJANDREAS: Let me find that
16 letter. Mr. Marino's address is --

17 MR. AVRUTINE: 1368.

18 CHAIRMAN HADJANDREAS: So the current access
19 for this property and your property goes through
20 Mr. Marino's driveway and then it makes a sharp left and
21 then a sharp right onto what's now a gravel, overgrown
22 gravel path, and then that passes, I forgot the number
23 of the house, the last name is Miriam and Ali --

24 MS. WALL: Khaledi.

25 CHAIRMAN HADJANDREAS: Right. It passes that

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1 house and then goes onto the road we were speaking
2 about.

3 Currently, everybody is driving on Miriam and
4 Ali's driveway and then going onto your driveway to get
5 to your house and to get to this site. We cannot, the
6 homeowners, the builder, they cannot with trucks and
7 equipment that they're going to need to bring in to
8 build this house, cannot make the turns that are
9 required to make from the existing entrance to the
10 property. So, what was sited and what was approved by
11 the Zoning Board was a construction entrance from Ridge
12 Road that doesn't interfere with Mr. Khaledi's driveway
13 and doesn't interfere with Mr. Marino's driveway. So
14 it's a new curb cut on Ridge Road that gives access to
15 the existing gravel driveway that is supposed to feed
16 the new house and your house.

17 MS. WALL: Not us. We use the Khaledi
18 driveway. That's the right-of-way.

19 CHAIRMAN HADJANDREAS: They have to use the
20 other one.

21 MS. WALL: Correct.

22 CHAIRMAN HADJANDREAS: So all we're doing,
23 there are two trees that are in that area, that small
24 area by Ridge Road, and, you know, again that was part
25 of the Zoning Board's decision to put in that

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1 construction entrance like their decision to put the
2 house where they put the house and not put the house
3 further down by the beach, so that's why we're reviewing
4 tonight the trees to be removed in the areas that
5 they've already sited.

6 MS. WALL: I get it.

7 CHAIRMAN HADJANDREAS: So that's the
8 construction.

9 This is from Salvatore Marino. It says, I'm
10 writing this letter as the owner of an abutting property
11 to the above proposed application. My address is 1368
12 Ridge Road, Laurel Hollow, New York. The new road
13 opening which was previously approved by the Zoning
14 Board of Appeals is located on my property and is part
15 of the current application for tree removal. Please let
16 this letter serve as my permission for the tree removal
17 related to the aforementioned access road as I will not
18 be able to make tonight's meeting.

19 In addition, I have no issue with the tree
20 removal necessary for the building of the new home. If
21 I'm needed to answer any questions, feel free to reach
22 out to me.

23 MS. WALL: So "construction entrance" means
24 that when the home is finished that entrance doesn't get
25 used anymore? It's a forever entrance to that property?

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1 CHAIRMAN HADJANDREAS: I don't recall the
2 zoning Board's decision. I do remember that -- again,
3 you know, if they're bringing in a ten-wheel dump truck,
4 it's not going the way that it's currently supposed to
5 go.

6 MS. WALL: I follow.

7 CHAIRMAN HADJANDREAS: So, I don't have that
8 answer, if it has to be returned back or if that's going
9 to be now their new entrance. I don't know that answer.

10 MR. AVRUTINE: I think that question will be
11 answered when you review a copy of the plans that have
12 been approved. If it doesn't depict it, that means it's
13 only temporary.

14 MS. WALL: I got you.

15 And one last question. That driveway looks
16 abandoned. It looks like it's a foreclosed property
17 driveway or something. So I'm wondering who is
18 responsible to care of it.

19 CHAIRMAN HADJANDREAS: That driveway that
20 we're talking about that is on Sal Marino's property --

21 MS. WALL: Right.

22 CHAIRMAN HADJANDREAS: -- they have an
23 easement on his property for that driveway. I have a
24 similar situation where I live here in Laurel Hollow
25 and, again, that's not our decision. This is an

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1 assumption on my part, that the homeowners that use the
2 driveway maintenance and plow the driveway. It's their
3 responsibility, otherwise they can't access their
4 property. They're not allowed to go onto Mr. Khaledi's
5 property to access their property. Maybe Mr. Khaledi
6 allows you to, but --

7 MS. WALL: Let me clarify that. In 1964, my
8 father bought the four acres that our house was put on.
9 That house at the top that the Khaledis live in was a
10 house owned by Admiral Perry that owned eight acres, and
11 my father wanted to be down by the water, so they split
12 it. The Gallo family bought the house with the four
13 acres and my family bought the bottom. When they did
14 that, there were rights-of-way written back then, and so
15 the Khaledi driveway we use legally.

16 CHAIRMAN HADJANDREAS: I know. I'm not making
17 any judgment.

18 MS. WALL: I'm just saying that's the way
19 we're supposed to go.

20 CHAIRMAN HADJANDREAS: But they have to use
21 the other driveway.

22 MS. WALL: Correct.

23 CHAIRMAN HADJANDREAS: And that's what was the
24 easement or whatever words that were written previously.

25 MR. AVRUTINE: By the way, it could very well

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1 be that in the agreements that you just mentioned there
2 are provisions in there about the responsibilities of
3 maintenance and otherwise of the easement areas that
4 were created by those agreements. In many instances,
5 agreements like that do specify who is responsible. I
6 don't have the agreements, so I couldn't tell you.

7 MS. WALL: What Mr. Marino did was had one big
8 driveway. He split it in half, planted a line of trees
9 and said this one on the outside is your driveway. But
10 meanwhile, he has landscaping people come in and
11 everything but nobody touches that driveway. So it's
12 sort of like weeds like that.

13 MS. SORDELLA: We just acquired the property
14 recently because all the legal issue related to the
15 property. We don't live there. We are just trying to
16 build the house, and then I think we will maintain the
17 driveway. But we just acquired the property.

18 CHAIRMAN HADJANDREAS: Eventually when they
19 get their building permit and there's construction being
20 done, the driveway is going to have to be maintained and
21 fixed. I know I drove on it and --

22 MEMBER GALTIERI: And I did.

23 MEMBER ABRAMS: And I did.

24 CHAIRMAN HADJANDREAS: It's traversable.

25 MS. WALL: It looks shabby. I'm trying to

1 sell the property and it's like, oh, this is nice.

2 This is just one small issue.

3 CHAIRMAN HADJANDREAS: What I will do because
4 I've been in contact with the homeowner, well the
5 homeowners, and also with the building superintendent of
6 that project for the homeowners, I will express your
7 concerns and ask them to clean it up. I'm going to say
8 to the building inspector, because people have to
9 maintenance their property in Laurel Hollow, and point
10 it out to him that it looks derelict. The building
11 inspector will address that issue.

12 And that's actually a good point. If you send
13 a letter or just a note to the building inspector, it
14 will get addressed right away because whoever, you know,
15 is responsible for that property will be notified
16 officially that they have to maintenance it.

17 MS. WALL: Got you. I sent my landscape guy
18 up to work on it, and Mr. Marino came out and basically
19 gave him a very hard time. So, I said don't go up there
20 again.

21 CHAIRMAN HADJANDREAS: Does anybody else from
22 the public have any comments on this application?

23 MR. AVRUTINE: Let the record reflect there
24 are none.

25 A motion to close the public hearing?

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MEMBER JONES: A motion.

MR. AVRUTINE: Member Jones.

CHAIRMAN HADJANDREAS: Second.

MR. AVRUTINE: Seconded by Chairman
Hadjandreas.

All in favor?

CHAIRMAN HADJANDREAS: Aye.

MEMBER ABRAMS: Aye.

MEMBER DiBLASIO: Aye.

MEMBER JONES: Aye.

MEMBER GALTIERI: Aye.

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

A motion on the application?

MEMBER GALTIERI: Moved.

MR. AVRUTINE: A motion to approve.

MEMBER GALTIERI: Approved.

MR. AVRUTINE: By Member Galtieri.

Do I have a second?

MEMBER JONES: Second.

MR. AVRUTINE: Seconded by Member Jones.

All in favor?

CHAIRMAN HADJANDREAS: Aye.

MEMBER ABRAMS: Aye.

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MEMBER DiBLASIO: Aye.

MEMBER JONES: Aye.

MEMBER GALTIERI: Aye.

MR. AVRUTINE: Approved in accordance with the
plans submitted.

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

Ronald Koenig

RONALD H. KOENIG
Senior Court Reporter