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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

P10-2019 & T43-2019 - Colantuoni - 43 Woodvale Drive
Slope and Trees

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: The first matter is PT-2019 and
2 T43-2019, the public hearing on the application of John
3 and Marisa Colantuoni, owners of the property located at
4 43 woodvale Drive in Laurel Hollow for approval to
5 remove 34 trees and for an approval to disturb steep
6 slope and very steep slopes in connection with a
7 building permit for a new two-story addition, new
8 one-story addition, retaining walls, new swimming pool,
9 patio and steps, new driveway, and front patio and
10 steps.

11 The parcel of property under application is
12 also known as Section 25, Block 49, Lot 12 on the Land
13 and Tax Map of Nassau County.

14 The exhibits in connection with this
15 application are as follows:

16 First, an Affidavit of Posting from Elizabeth
17 Kaye that the legal notice was posted on the bulletin
18 board at Village Hall on October 25, 2019.

19 The next exhibit is an Affidavit of
20 Publication that the legal notice was published in the
21 North Shore Leader on October 30, 2019.

22 The next exhibit is a document that confirms
23 that the legal notice was published to the village
24 website on October 25, 2019.

25 And the next exhibit is a document that

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1 confirms that the legal notice was sent to village
2 website News subscribers on November 14, 2019.

3 The next exhibit is an Affidavit of Mailing
4 from the applicant indicating that the Notice of Public
5 Hearing was mailed on November 8, 2019.

6 And the final exhibit is notification from the
7 Nassau County Planning Commission dated October 17 that
8 the matter is referred to the Village of Laurel Hollow
9 Planning Board to take action as it deems appropriate.

10 There is a representative. Mr. Russo is here
11 this evening for the applicant.

12 Please give your name and address for the
13 record.

14 MR. RUSSO: My name is Paul Russo, the
15 architect. My address is 114 Birch Hill Road, Locust
16 Valley. I'm here representing the owners, and I'll go
17 through the project and I will answer any questions that
18 the Board may have.

19 The property is located on the west side of
20 Woodvale Drive and it's north of Syosset Cold Spring
21 Harbor Road. Currently, there is a house on the
22 property. I have it highlighted in orange here so you
23 can see that. We're renovating the house and adding
24 additions to the house, enlarging the home. We're also
25 changing how we access the garages.

1 It's a bit of challenging site. The property
2 slopes from Woodvale Drive westwards towards the back
3 property on a decent slope. The current driveway on the
4 property is basically the same curb cut that is
5 currently there. And what we're doing is, to the -- I
6 guess to the south of this orange spot which shows the
7 existing home is an attached two-car garage. The garage
8 is very close to the property line. We tried to work
9 with this in the beginning, but any addition that we
10 wanted to do on this side of the home didn't make it
11 zoning compliant. So, we removed the garage on this
12 side of the house and actually put it on the other side
13 of the house, and by doing so, we really centered the
14 house on the property more than it was. Before, it was
15 really favoring one side of the property over the other.

16 We are adding additions to the front, the side
17 and the rear. We're also adding several retaining walls
18 on the back of the property, a patio and a swimming
19 pool.

20 We originally had a different type of a
21 driveway design. It was actually a circular driveway.
22 And I know we had some preliminary meetings with some of
23 the village officials, and we changed that design of
24 that driveway to be what you see in front of you today.

25 There are steep slopes on this property. I

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1 will just go to Drawing A-2. It might be easier if I
2 show you. So, the property does have steep slopes, very
3 steep slope and severely steep slopes. The subject
4 house is highlighted in yellow here.

5 In the front of the property there is steep
6 slopes which is -- they range between 15 and 25 percent
7 in slope and they're hatched in this horizontal manner.
8 We are disturbing those slopes to put in this driveway,
9 this parking area in front of the driveway, and then to
10 get into the garage area.

11 On the rear of the property right where the
12 pool and the retaining walls are, there is steep slopes
13 and also very steep slopes. We're not affecting any
14 severely steep slopes on this property. I'm sorry. We
15 don't actually have severely steep slopes on this
16 property. So, it's just those two different criteria
17 that we have here. So, we are affecting these.

18 Jim Antonelli, the Village Engineer, did have
19 comments for me once he did review this. I addressed
20 his comments. He did e-mail me back and said that it
21 was sufficiently addressed.

22 We do have our landscape architect here that
23 can talk about the tree removals to install this, to
24 design this site work and to do all the driveways,
25 walkways, patios and retaining walls. So, I think he

1 should speak about that and then we can answer any
2 questions you have.

3 MR. NATALIE: Good evening, Mr. Chairman and
4 Members of the Board. My name is Kevin Natalie,
5 31 Prospect Street, Huntington, New York.

6 With respect to the application, in
7 collaboration with Mr. Russo and the Colantuonis, as
8 discussed there was an initial design with a circular
9 drive. That being said, I think that was deeming where
10 you would have 34 trees. Since working with the Board
11 and in taking advisement and discussing with our client,
12 we've since made it the singular entry drive where we
13 are preserving the curb cut that is currently there
14 coming into the courtyard and coming around. We have
15 reduced the amount of trees from 34 removals down to 26,
16 which is the application that was submitted. I believe
17 you should have that amended plan. Out of the 26 trees,
18 just staying on that, five of them have hazardous
19 conditions, there be it cavities, there's one with
20 evidence of a dead strike, there's one that's dead. So
21 in recognizing the application, you know, and the extent
22 of this property being heavily wooded also is being
23 substantially preserved in a natural element, we are
24 seeking the request of 21 trees.

25 The focus of the amendment was to preserve a

1 large grove stand up in the front which would be
2 preserved, and then also there's a large oak that is
3 currently close to the current driveway. I have that
4 tree to be preserved. My concern is, any construction
5 near or large, and even demoing that old driveway could
6 potentially put the tree at risk. My comment as a
7 landscape architect is stating that during construction
8 that tree should be monitored and preserved and
9 observed. If during demolition or removals they find
10 significant root damage, I think that is something that
11 should be taken in advisement, and if necessary to be
12 removed, then additional trees be replaced. But the
13 intent is to preserve that tree, though it is a large
14 tree right near an old driveway. So, we know the
15 challenge of that, but every measure is to be taken to
16 preserve that grove and that oak in the front.

17 CHAIRMAN HADJANDREAS: Can you refer to the
18 oak in terms of the number?

19 MR. NATALIE: So the large oak that we're
20 preserving up in the front is T-67, which is a 30-inch
21 oak. In changing the design of the drive, we preserved
22 a large maple, beech -- I'm sorry, five maples, a beech,
23 a hickory and an oak averaging from 18 inches up to 36.
24 That was the intent. We recognize the value with that
25 and what that has to the community and want to make that

1 preservation.

2 There are a grove of more modest trees on the
3 north side of the property where the driveway would be
4 necessary to come in and then to the northwest, if you
5 will, where we're just trying to claim a little bit of
6 functional-use property.

7 As Mr. Russo stated, there is an aggressive
8 grade change on this property, not very usable, but
9 there's an elegance to it and that is to be preserved.
10 The property currently has trees of total of 113 on site
11 that are of large caliper that the village requires
12 under the guide. And we recognize tonight that we're
13 asking for 26, five of which which are deemed hazardous.

14 with respect to the application, we really
15 tried to keep the use areas close to the home. We are
16 trying to propose a pool area on the, if you will, the
17 southern side with close proximity to the active-use
18 areas of the home, and also mitigating, going towards
19 there's a swale and a low spot that the water travels
20 through the yard. I think the topography will show it
21 better. So again, we were trying not -- we were trying
22 to stay out of disturbance of that area and work more
23 near the active-use area of the home.

24 with respect to the application and the
25 adjoining properties and the community, we recognize

1 that we are taking down trees and we want to put trees
2 back in. We have proposed a total of 13 shade trees to
3 go back in - seven oak, two zelkova and four maple.
4 Fitting in terms of what was on the property, we felt
5 that this would be appropriate and relatively native.
6 We're using a red oak, the zelkova, which is just a
7 unique shade tree, I was doing them flanking up by the
8 entrance of the drive, and then the dotting of the
9 October Glory Maples for some other fall color.

10 with respect to the property, we also
11 recognized the need to add some buffering and privacy
12 between the two neighbors. So on the southern line, we
13 are proposing an arborvitae. We do have a bit of shade
14 here from the neighboring property and the trees
15 buffering. The green giant arborvitae is one that does
16 well in these conditions and the soils and the shade and
17 would provide a good screening here between the two
18 neighboring properties.

19 Fortunately, to our south, we have a natural
20 preserve and we have a dense grove of woodlands that
21 will be preserved. There's also a pretty mature stand
22 to the north. And then again, our objective is to
23 preserve that strong cluster of trees on the northeast
24 side and then also utilizing the existing drive on the
25 southeast side of the home.

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1 CHAIRMAN HADJANDREAS: Is there a total number
2 on the screening trees in terms of the arborvitae?

3 MR. NATALIE: The arborvitae, I have 29, and
4 they were going in at 7 to 8 foot in height. And the
5 shade trees were going in at a fair 3 to 3 1/2 inch
6 caliper.

7 We recognize the magnitude of what we're
8 doing, but we also hope the Village and the Board will
9 recognize the magnitude of the preservation and the
10 conservation on the site, recognizing the beauty and the
11 elegance. But really, we're just trying to concentrate
12 some functional active-use area around the home was our
13 objective.

14 MR. AVRUTINE: Mr. Natalie, are all of the
15 trees that you're proposing to install depicted on your
16 schedule set forth on your landscape plan?

17 MR. NATALIE: That is correct.

18 CHAIRMAN HADJANDREAS: In regards to Tree
19 No. 67, which is the large oak that's to the left of the
20 existing driveway, how close, it's hard to tell, I don't
21 have a scale, how close do you, you know, the way the
22 driveway is written or drawn, rather, how close do you
23 think you're going to come to the --

24 MR. NATALIE: My intent is to keep the
25 driveway as close to it currently is. The challenge

1 that we have is the current driveway right now comes in
2 and the garage is over here. what we're doing is we're
3 just trying to allow for a proper radius to come in.
4 Because the driveway is straight into those garages, I
5 initially had the driveway over a little bit to allow
6 for a more comfortable radii. Recognizing and
7 respecting what the Board was asking, we've tightened
8 that up a little bit, not in a way that I think would
9 compromise the functionality, but leave the driveway
10 relative to what it is, within a foot of where it is.

11 CHAIRMAN HADJANDREAS: what is the width of
12 the driveway at that point?

13 MR. NATALIE: I believe we're 12 feet.

14 CHAIRMAN HADJANDREAS: when we did our site
15 visits, we noticed that the existing cobble that's there
16 is a good 8 to 10 feet from that tree. So, do you think
17 the new driveway is going to bring it about -- on here,
18 it looks a lot more than a foot, but --

19 MR. NATALIE: No. I would say we're between 6
20 and 8. But like you're saying, I think we are that.
21 That is a large caliper oak and that driveway is close
22 to that root system already.

23 CHAIRMAN HADJANDREAS: And when the driveway
24 is removed, is there any reason -- does the elevation of
25 the driveway have to change?

1 MR. NATALIE: I have to look at the grading
2 plan.

3 The tree is elevated already from the
4 driveway. One of the things creatively we can do if not
5 doing a wall, we know a wall requires footings and all
6 this stuff, it's not uncommon sometimes when I've dealt
7 with some grade changes we can do some boulders in
8 there, a boulder revetment, which is a more organic way
9 of stabilizing a hill. And that's something that we
10 would -- I would be open and recommending when we look
11 at when the driveway comes out.

12 CHAIRMAN HADJANDREAS: Are you thinking the
13 driveway is going to have to come up at that --

14 MR. NATALIE: The grades are close.

15 MR. RUSSO: Relatively the same.

16 CHAIRMAN HADJANDREAS: What I'm getting at,
17 you're not going to be digging down. So, we shouldn't,
18 you guys shouldn't impact the root structure of the tree
19 ideally.

20 MR. NATALIE: You should not. Root systems
21 are typically found in the first 18 inches to 24 inches.
22 So, we're going to have a modest grade change just to
23 get the driveway at a more comfortable slope coming in.
24 But again, it can be evaluated further in the field and
25 see what's going on exactly with the root systems.

1 CHAIRMAN HADJANDREAS: The other question was,
2 shifting the driveway, I don't know which direction that
3 would be, further up Woodvale, north, would then make
4 that radius untenable?

5 MR. NATALIE: That would make it pretty -- you
6 have the challenge not only of a radii, but you also
7 have the grade change. Slope and a tight radius could
8 make a dangerous situation. I think it would compromise
9 the functionality of that.

10 CHAIRMAN HADJANDREAS: Understood.

11 Do any of the other board members have any
12 questions in this area?

13 There's some concerns that the arborist had
14 that I want to address with you. Did you receive the
15 letter from the Village arborist?

16 MR. NATALIE: No, I did not.

17 CHAIRMAN HADJANDREAS: So, how we can handle
18 that is go area by area, front, rear, how she broke it
19 up.

20 MR. AVRUTINE: Sure.

21 CHAIRMAN HADJANDREAS: So what I will do is,
22 I'm going to start with where we were just discussing,
23 Tree 67. Her words are, Tree 67 is a 30 inch oak in
24 good health shown to remain, but the proposed driveway
25 is closer than the existing driveway. If the new

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1 driveway moves several feet to the north, the
2 construction would not disturb this tree as much.

3 So, we've discussed that. From your plans and
4 from what you're saying, you may have to come a foot to
5 two feet closer. I, after seeing it in the field, I
6 don't think that's going to be an issue. I don't think
7 that, you know, it's going to be an issue. I understand
8 what you're saying, you know, if things change, we'll
9 have to, I guess --

10 MR. NATALIE: Absolutely. I think we can work
11 on that. And, you know, if there could be a preliminary
12 driveway review and if there could be a slight
13 adjustment to it, absolutely.

14 CHAIRMAN HADJANDREAS: So, if we move north in
15 the front of the house, Tree 12 and 15 are in the path
16 of the driveway, should be removed. Tree 20 through 26,
17 are also within an area of the proposed driveway
18 construction and grading, will need to be removed. Tree
19 No. 30 -- so, we are still in the -- no, now that's the
20 rear. So, all of the other trees in the front of the
21 house, the arborist had no issue with removal.

22 We did see the tree that you were referring to
23 is Tree 5, I believe, that had the lightning strike.

24 MR. NATALIE: Yes.

25 CHAIRMAN HADJANDREAS: She did not address

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1 that. The members of the board had saw exactly what you
2 were referring to.

3 If we go around the side of the property, now
4 we're in the rear yard. So, Trees 32 and 33 are red
5 maples close to the proposed retaining wall in the rear
6 yard. Tree 32 has a cavity and is dying back. This
7 tree should be removed.

8 Tree 37 is dead and should be removed.

9 Is that the one that you were referring to
10 earlier?

11 MR. NATALIE: Yes. Tree 37 is in the
12 woodland, but it's, you know, just off from the
13 construction, but it's, you know, we call those widow
14 makers.

15 CHAIRMAN HADJANDREAS: Earlier you mentioned
16 one dead tree.

17 MR. NATALIE: That is the tree, yes.

18 CHAIRMAN HADJANDREAS: Tree 40 and 41 are in
19 good health but in the path of the proposed swimming --
20 that's the other area of the house.

21 The question that --

22 MR. NATALIE: To my knowledge, my
23 recollection, I have 30 is an oak.

24 CHAIRMAN HADJANDREAS: Okay. So there was a
25 little confusion when we did the site visit because the

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1 oak that's over there that's a large 30-inch oak was not
2 labeled, but there was a small tree, probably 12 or so
3 inches in diameter, that was labeled as Tree 30 that is
4 not an oak. And her words are, Tree 30 is a 34-inch oak
5 in good health noted to be removed for construction,
6 this tree seems to be outside the area of construction
7 and is a nice buffer tree, the designers should try to
8 save this tree.

9 From the site visit, and I'm not sure if there
10 was a miscommunication somewhere, but there is a large
11 oak that is there that the Board did not want to see
12 removed. You have it not being shown to be removed. So
13 I'm not sure where the mistake is, if it's on her or if
14 it's on you guys.

15 MR. NATALIE: Yeah. We can double check.

16 So, if the Board would find in favor, on the
17 record if grading could be amended around that and we
18 could take the measures to save that tree, I don't see
19 why we couldn't accommodate.

20 CHAIRMAN HADJANDREAS: Because like here you
21 have Tree 30 as a 34-inch oak and in the field Tree 30
22 was marked. I think either the tree was marked wrong or
23 the ribbon was put on the wrong tree.

24 MR. NATALIE: That's possible. I could take a
25 look at it. But if the intent is to save Tree 30 and if

1 it's outside the grading limits, I think we would not be
2 amenable.

3 CHAIRMAN HADJANDREAS: It didn't seem that it
4 would need to be addressed.

5 MEMBER JONES: The tree that is 30 --

6 MR. NATALIE: I'll take a look at that.

7 MEMBER JONES: -- it was like over in an angle
8 off, almost, of it.

9 CHAIRMAN HADJANDREAS: So basically the
10 confusion is, what is Tree 30.

11 MR. NATALIE: We could verify that. But in
12 the best interest of the Board and keeping things moving
13 forward, if the intent is to save the tree and if the
14 grading will allow or if there's measures that can be
15 taken to preserve it, it's outside of the major
16 construction and I think it's on the fringe, you know,
17 so --

18 CHAIRMAN HADJANDREAS: So, if we go around to
19 the left now heading south on the corner there, 32 and
20 33 are red maples close to the proposed retaining wall
21 in the rear yard.

22 So the question I have is, do we know the
23 height of that retaining wall and what is proposed as a
24 retaining wall, is it a poured concrete or is it going
25 to require a 4-foot footing and --

1 MR. RUSSO: So, we have several retaining
2 walls that are designed here. No wall is taller than 4
3 feet. So it depends which one you're referring to.

4 CHAIRMAN HADJANDREAS: Right where your finger
5 is.

6 MR. RUSSO: So, this wall that I'm referring
7 to right here which is basically closest to the driveway
8 is 3 feet in height and then the one next to it is also
9 3 feet in height. So these combined are 6 feet in
10 height.

11 CHAIRMAN HADJANDREAS: So, they're tiered?

12 MR. RUSSO: They're tiered.

13 CHAIRMAN HADJANDREAS: I'm talking about the
14 area that is the lawn. Once you get off the lawn, I
15 guess these are shrubs, you have a wall and then it
16 drops down how many feet to the second wall?

17 MR. RUSSO: Between these two walls, from here
18 to here, it's a 6-foot drop. So these walls are both 3
19 feet in height. This is natural grade.

20 CHAIRMAN HADJANDREAS: And it's poured
21 concrete also. You're going to need a 4-foot --

22 MR. RUSSO: These are actually interlocking
23 block walls, so there's just the 6-inch gravel footing.

24 CHAIRMAN HADJANDREAS: Right, that footing
25 isn't as deep. So in terms of disruption to the trees

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1 in the area, it's --

2 MR. RUSSO: It's very minimal.

3 CHAIRMAN HADJANDREAS: Because you're not
4 digging down to put a footing.

5 MR. RUSSO: Right.

6 CHAIRMAN HADJANDREAS: The concern the
7 arborist had was Tree 32 and 33, red maple, is closer to
8 the proposed retaining wall in the rear yard. 32 has a
9 cavity, that's the one that's dying, should be removed.
10 33, she just said it's close, she didn't have any
11 opinion on removal or not.

12 MR. AVRUTINE: 33, she said it should be
13 removed.

14 CHAIRMAN HADJANDREAS: 32 has a cavity, is
15 dying back. Oh, these trees should be removed. Okay.

16 Moving now to the left where the pool is
17 going. That's the last area that has the bulk of the
18 trees. In that area we have six trees that you're
19 asking in that one area ranging from Tree 40 through
20 Tree 45.

21 MR. NATALIE: Yes.

22 CHAIRMAN HADJANDREAS: So Tree 40 and 41 are
23 in good health but both in the path of proposed swimming
24 pool.

25 42, red maple, in poor health, it's too close

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1 to a proposed retaining wall in any case, remove this
2 tree.

3 43 is a stately 28-inch beech that would be an
4 asset to the property if preserved, but the pool area
5 would have to be moved to the north.

6 44 is an 18-inch beech that would be an asset
7 to the property if preserved, but the pool area would
8 have to be moved to the north.

9 And Tree 66 --

10 MR. NATALIE: 66 is a small sassafras. That's
11 up in the front. I think that was one when we met that
12 day in the field, that's a small tree, remember that, I
13 think the top is in poor condition.

14 CHAIRMAN HADJANDREAS: Yes. So that needs to
15 be noted to be removed. She's saying this tree should
16 remain. The Board, I know, we didn't have any issue.

17 MR. NATALIE: I think there was damage to it.
18 I remember when we were out there it was noted that that
19 tree was not in great condition.

20 CHAIRMAN HADJANDREAS: Exactly.

21 So, she had no notes on Tree 45.

22 So, I wanted to ask the Board to speak
23 about -- I know when we did our site visits there were
24 some concerns with -- the two beeches are 44 and 43; am
25 I right?

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1 MR. NATALIE: Yes.

2 CHAIRMAN HADJANDREAS: Tree 43 and 44 which
3 are to the left of the patio, it looks by about 10,
4 15 feet; is that accurate?

5 MR. NATALIE: Yes. I would say that's plus or
6 minus accurate.

7 One of the things, so you know, there was a
8 couple of factors that went in again, and Mr. Russo's
9 plan can maybe help support this a little bit. So a
10 couple of challenges that we have is, what happens is,
11 as I mentioned, there's a natural swale that comes down.
12 So moving the pool starts to push further into the
13 significant drop of the backyard. It starts to disrupt
14 the natural swale that I think is beneficial for the
15 property. We also have grading and site work even to
16 accommodate the new pool in the back area. There's
17 drainage systems that need to go in for the rear of the
18 home as well. Unfortunately, we're trying to put the
19 pool in a position that's relative to the backyard where
20 there's not significant grade change. There's also the
21 ramification of the swale. You know, if you try to save
22 those trees, you would have to move the pool to a
23 substantial --

24 CHAIRMAN HADJANDREAS: which would also
25 increase those retaining walls.

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1 MR. NATALIE: Increase the walls and
2 potentially affect some other trees in the property as
3 well. So recognizing that, it's just we took great
4 measures to preserve much of the caliper and the trees
5 around the property recognizing this. Just in terms of
6 even the modest lawn area that we're trying to develop
7 for this property and the areas for preservation, we
8 were hoping the Board would find in favor. And if the
9 Board would like to add a few more trees in
10 consideration, I don't think my client or myself would
11 be opposed to that.

12 CHAIRMAN HADJANDREAS: In terms of Tree 43 and
13 44, they are large beech. Where the pool is being
14 located, the sun rises in the east and sets in the west,
15 those trees would basically shade the --

16 MR. NATALIE: Fully compromise any sun. And
17 the only way to move that out substantially is to move
18 the pool significantly to the north which then we'd have
19 greater disturbance, greater disturbance to that natural
20 swale. It makes the grading much more complex as well.

21 CHAIRMAN HADJANDREAS: Can you -- on the plan
22 it shows, you don't have it on yours, we have it on
23 ours, in terms of all the trees that you are planting,
24 can you just go, I don't know if you can just tell us
25 what is going where and --

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1 MR. NATALIE: Sure. So what we have is, as I
2 mentioned, we have the zelkovas, the shade trees, out by
3 the front.

4 CHAIRMAN HADJANDREAS: How big do those get?

5 MR. NATALIE: Easily 50 to 60 feet tall.
6 They're going in 3 to 3 1/2, which means they'll
7 probably be at 15 to 18 feet at going in. The canopy is
8 modest. It's probably 6 feet at that point.

9 Then we have around the pool to not disturb
10 but act as a little buffer we did some ornamental trees.

11 At the courtyard here to create an elegance
12 and a sense of buffer, if you will, for the home, we
13 planted the October Glories. Two of those going in at 3
14 to 3 1/2. They can easily mature north of 60 feet at
15 full growth, beautiful fall color, very indicative of
16 this north shore and Laurel Hollow area. There are four
17 in that area. So we did them in a balance in a symmetry
18 to respect the architecture and to act as a buffer from
19 the street. Currently there is nothing right now from
20 the street to the home. We thought this would be a nice
21 addition to the home to act as a buffer.

22 And one of the other elegance I think the way
23 this property lends itself is, atypical of a house with
24 a courtyard is like overlooking, you're staring at this,
25 these cars are nestled in. The walls are actually on

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1 the interior. So, the cars are actually in. So as you
2 drive by, it's very subdued as the cars are ducked
3 under.

4 CHAIRMAN HADJANDREAS: How tall are the walls
5 in the front of the house?

6 MR. NATALIE: No wall is bigger than 4 feet.

7 MR. RUSSO: It's 4 feet tall.

8 CHAIRMAN HADJANDREAS: Are they consistent or
9 they go with the topography?

10 MR. NATALIE: In the area to the south and the
11 west, if you will, where there is kind of almost like
12 this natural clearance, that's where we did a grove of
13 oak trees. It's kind of dotted in amongst right at the
14 base of the grading. So our limits of grading are right
15 around there. And then to bring this back to a natural
16 element, we did a natural grouping of the shade trees.

17 CHAIRMAN HADJANDREAS: I believe there is one
18 between the lawn and the fire pit area.

19 MR. NATALIE: Those are ornamentals. So I
20 didn't even recognize those. Those are four ornamentals
21 there.

22 Actually, we have four zelkovas. I have two
23 and two. My notes says two. I apologize. I think we
24 made our adjustment with the driveway. But we have two
25 zelkovas at the entrance of the garage area, two at the

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1 street, four shade trees up at the courtyard, and then
2 the seven oaks in that region.

3 We were leaving this open. It currently is
4 natural open and it is a little bit of a use area and a
5 lawn area. Very modest with respect to the property.

6 So, we actually have 15 shade trees going in
7 and then the evergreens as well.

8 CHAIRMAN HADJANDREAS: Right. All the
9 screening.

10 MR. NATALIE: That is correct.

11 CHAIRMAN HADJANDREAS: Is the only evergreens
12 going in the screening?

13 MR. NATALIE: Yes. Well, we have a couple
14 hollies in the front of the home. But really with the
15 natural preserve in the back, the intent was just to aid
16 the privacy. This neighbor, too, I believe has a pool,
17 so we were trying to add additional buffer.

18 CHAIRMAN HADJANDREAS: Does the Board have any
19 questions or comments about --

20 MEMBER ABRAMS: Yes.

21 Let's continue on the backyard for a second.
22 I highly object to T-43 being removed. First off, T-43
23 is on the south side of the property. And the way the
24 sun traverses, east to west, it will not create shade on
25 the pool. From what I see here, T-43 does not interfere

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1 with the pool at all. It comes close to the patio, but
2 the patio doesn't even have to extend necessarily past
3 the end of the pool over there. It can end where the
4 pool ends.

5 T-43 -- you can put in a hundred trees to make
6 up for T-43 and it will never equal T-43. T-43 is so
7 large that you can see it from the street over the roof
8 of the house. The neighbors in the area see T-43 how it
9 is right now. When you drive down the current driveway,
10 T-43 is right in front. Even though it's in the
11 backyard, you see it as you're pulling up.

12 The way the plans are right now, I cannot
13 approve these plans. I think there's something that can
14 be done to preserve T-43. As a minimum -- as an
15 alternative, like I said, the patio can be shortened so
16 that T-43 would survive.

17 I'd also like to hear a little more than a
18 best effort to preserve T-67 in the front. I would
19 encourage you to try and keep the driveway in
20 relationship to T-67 right where it is so that we don't
21 disturb the roots associated with T-67. It is a
22 healthy, large tree that again, not only this homeowner,
23 but the neighboring homeowners I think enjoy being on
24 that piece of property.

25 MR. NATALIE: Sir, if I may, thank you.

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1 Measures are being taken to preserve T-67. I
2 think we all recognize that, and measures will be done
3 so to do that.

4 With regards to T-43, not only is it just the
5 patio, and again, the grading plan with respect to
6 accommodate the home and the patio and what's necessary
7 here is grading, there's infrastructure that is also
8 potentially going to affect the trees in that area. I'm
9 not sure, you know, how the tree being to the south and
10 the sun -- the sun is on a southern angle with respect
11 to our location in the northern hemisphere, so as the
12 sun comes around and it is at high noon, the tree will
13 literally be direct in front of the pool. So,
14 unfortunately, it will. I'm not sure, late in the
15 afternoon, the sun goes behind the canopy of all the big
16 trees. Midday, that tree at high noon is going to be
17 encompassing. So again, this is things.

18 As I stated too, not only is it the pool, but,
19 you know, and then there's grading. We have to obtain
20 and keep the water, you know, and put in infrastructure.
21 So it was a combination of preserving the other trees on
22 the property, working the pool, not damaging the natural
23 swale, not taking out other properties.

24 And by all means, sir, I recognize with full
25 agreement, it is a nice beech tree. Putting back in a

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1 hundred trees, I disagree. I've been with many
2 landscape architects and many arborist. That tree is an
3 older tree. Eventually that tree is going to die.
4 Putting new trees back in that are going to have a new
5 life expectancy, we will be putting back into the
6 community.

7 Very modest and conservative efforts have been
8 taken here to preserve the elegance and the core of the
9 property. Really, very little of the property is being
10 utilized and developed, and that's part of the reason
11 why they moved here. They are just trying to create a
12 space that they can use with close proximity to the home
13 and not do further damage to the property, and that was
14 the reasoning that we had for doing this.

15 Moving the tree 15 feet is, you know, is not
16 going to significantly improve the grading. You know,
17 you have to move the tree 60, 70 feet in any hopes of
18 doing enough effort to preserve grading, drainage and
19 any other things to stay outside of that, and then we
20 start to have other ramifications on the property.

21 So these were the measures that we all looked
22 at in consideration of this and hoping we could work
23 together with the Board, and that was our intent.

24 And recognizing if the Board would find in
25 favor, we would be willing to add some more trees in the

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1 hopes of a collaboration of working together.

2 CHAIRMAN HADJANDREAS: Any questions?

3 Anybody from the public have any comments
4 about this application?

5 MR. AVRUTINE: Let the record reflect there
6 are none.

7 CHAIRMAN HADJANDREAS: Scott, is there
8 something that would, in terms of from what they are
9 saying with the tree being within -- the existing
10 tree -- being within 10 or 15 feet of the proposed pool,
11 is there something that you think they can do?

12 MEMBER ABRAMS: I would like to see an
13 alternative design around that patio so that T-43 can
14 stay. We've dealt with this before where there's
15 elevation changes. None of this is unusual, the
16 challenges that they have on this property. I think if
17 it was -- I think it's a matter of balancing priorities
18 on what they're attempting to do or want to do in the
19 backyard. Listen, I'm here representing all the
20 homeowners for Laurel Hollow.

21 CHAIRMAN HADJANDREAS: As we are all.

22 MEMBER ABRAMS: Right, as we all are. And
23 when I look at that tree, I get it, some of the other
24 trees that are equally beautiful, but it's in the pool.
25 And I love a beautifully designed piece of property. I

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1 love a gorgeous house. I want people to be able to
2 develop their piece of property and use it how they want
3 to use it. But we have to balance that with what we are
4 supposed to be doing in Laurel Hollow to preserve the
5 look of this community.

6 If T-43 wasn't as large as it was that you
7 literally can see it from the road, the neighbors can
8 see it, anyone driving by can see it, but I think the
9 loss of T-43 is going to be felt in the neighborhood.

10 MR. NATALIE: We're balancing the effects of
11 what are the ramifications of moving it all. We have a
12 greater -- we have more walls going in. We have
13 disturbance on a natural swale that is significant on
14 the property. So understandably, we're looking at the
15 ramifications.

16 If this was flat and we could just slide the
17 pool here, I think that would have been a consideration.
18 There is a severe grade change and natural swale, and we
19 know what's happening when we have massive rain and all
20 the runoff.

21 MEMBER ABRAMS: T-43 is sitting over here.

22 MR. NATALIE: Right here.

23 MEMBER ABRAMS: So isn't one of the largest
24 problems that this patio -- here's the end of the pool
25 and the patio extends this entire distance and it gets

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1 close to T-43. If this patio didn't extend out here and
2 just came across, would that not help the situation?

3 MR. NATALIE: No, sir. If you look here at
4 all that grading to accommodate the walls, the drainage,
5 the swales, because we have to collect all the water, so
6 it's not only just the patio, sir, it's all the grading
7 necessary to contain the water.

8 MEMBER ABRAMS: But if this wall here was
9 extended further so that you're not disturbing the grade
10 here as much.

11 MR. NATALIE: That wall is low. We'd have to
12 build another wall, and to stay out of that root
13 network.

14 The theory is, on a large caliper tree, the
15 theory is go outside the canopy, and that canopy is
16 probably 30 feet plus away. We're talking any
17 construction would have to be over here, you know, and
18 then now we move all this to here into this heavy area
19 with a significant grade change and then we're adding
20 more walls.

21 CHAIRMAN HADJANDREAS: And the trees that are
22 in that area would be disturbed.

23 The pool -- the elevation, the finished
24 elevation of the patio, the proposed patio, what is it
25 in regards to the elevation that Tree 43 is at

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1 currently?

2 MR. NATALIE: It is about 18 inches to 2 feet
3 lower than the -- and that's just because we found a
4 middle ground here of the grade change that's going on.
5 You know, at one point we're at elevation 206, 207 at
6 the patio and then we drop down to 198 at the other end.
7 So again, there's about an 8 to 10 foot grade change
8 just for that area that we're dealing with already.

9 CHAIRMAN HADJANDREAS: Can you educate us on a
10 beech tree. What falls out of a beech tree in the
11 spring or fall?

12 MR. NATALIE: The oaks will have an acorn
13 and --

14 CHAIRMAN HADJANDREAS: What does a beech do?

15 MR. NATALIE: They're pretty clean except for
16 the leaf foliage. But they have a very large, dense
17 canopy. So it's not like you can even thin it and let
18 filtered light in there.

19 And they also are extremely sensitive to
20 construction. So not only is it just the pool area, but
21 the grading and the site work to develop the home today,
22 you know, you put the tree at great risk.

23 CHAIRMAN HADJANDREAS: Are there dry wells
24 going in that area?

25 MR. NATALIE: Yes. There's grading and dry

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1 wells to accommodate -- there's a septic system on the
2 side yard and then there's dry wells for the roof area
3 and/or patios, and they are very sensitive.

4 CHAIRMAN HADJANDREAS: Is the septic system
5 existing or is that --

6 MR. RUSSO: A new septic system.

7 CHAIRMAN HADJANDREAS: And is that going where
8 basically the existing --

9 MR. RUSSO: Driveway is.

10 MR. NATALIE: Where the old driveway is in
11 this area. Currently, the current curb cut is here, the
12 driveway comes in, there's the old parking area.

13 MR. RUSSO: Currently, this is basically the
14 garage and blacktop almost to the property line. So,
15 we're removing that and actually this will all be lawn
16 on that side.

17 MR. NATALIE: And then we're adding the
18 benefit of the screening in the vicinity of this area.

19 CHAIRMAN HADJANDREAS: You're technically
20 removing structure from the setback that's currently in
21 the setback, rather, in terms of the driveway. Not
22 structure, but the driveway.

23 MR. NATALIE: We're actually balancing the
24 house more on the property with the limits being
25 preservation of area on both the north and the south

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1 side, trying to balance it a little bit better.

2 CHAIRMAN HADJANDREAS: So, Scott, in terms of
3 your objection, I understand what you're saying in terms
4 of that one leg of the patio if you were to cut it off
5 at the top, the eastern corner of the pool, then it
6 wouldn't be near the tree. But if you have a pool, do
7 you want an 80-foot tree on top of it is the question.

8 MEMBER ABRAMS: You haven't been to my back
9 yard, have you.

10 CHAIRMAN HADJANDREAS: No. You never invited
11 me.

12 MEMBER ABRAMS: I've got beautiful trees
13 around my beautiful pool and it looks magnificent.

14 CHAIRMAN HADJANDREAS: Understood.

15 Jim, do you have something to add?

16 MEMBER GALTIERI: Well, unless I'm missing
17 something, I think any alternative design to that pool
18 is going to cause more collateral damage than that tree.
19 That's what I'm hearing. I'd like to save a tree just
20 as much as Scott and everyone else. The mission of this
21 committee is to preserve what we can. But unless I'm
22 not hearing you clearly, because I think any way you
23 shape beyond what you've done is going to be worse for
24 the property than that removal of the tree.

25 Am I right or am I wrong?

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1 MR. NATALIE: There are ramifications to
2 moving the pool to the north, if you will. The severity
3 of the grade, more grade changes, more trees that will
4 have to come down. We would save, but we would lose.

5 And then another significant concern is, and
6 you can see it right here, this represents a natural
7 swale that's been there for, you know, it's just a
8 natural way the water moves through the property and the
9 adjoining properties, and there would be more damage and
10 have to be restitution in that area.

11 CHAIRMAN HADJANDREAS: You would be basically
12 pushing the retaining walls into that swale, the way I
13 see it, and you won't be able to have a retaining wall
14 with an 8-inch footing or a gravel footing with water
15 running by it.

16 MEMBER ABRAMS: But, Chris, that's only if
17 everything got shifted. Nobody says we have to shift
18 everything.

19 CHAIRMAN HADJANDREAS: well, I think if
20 they're digging a pool in the proximity of that tree,
21 you can't -- they're digging down a minimum of 6 or
22 8 feet over there. All those roots, that entire root
23 structure of the tree on that entire side is going to
24 be, you know, gone and destroyed. So no matter what, I
25 mean having the pool there, and even if the patio is

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1 just on gravel and there's no cement and whatever,
2 they're not digging down deep for the patio, still 4
3 feet away from that you're digging a pool which is going
4 down, I don't know --

5 Is that the swallow end or the deep end?

6 MR. NATALIE: Irregardless, to save that tree,
7 everything here, in proportion, would have to slide that
8 way. You would have to move the pool at least 30 or
9 40 feet, not just 10 feet of taking patio, because the
10 canopy on that, if we're going to be realistic, you have
11 to move that pool substantially to really not let it be
12 impacted by that structure.

13 MEMBER ABRAMS: What's the problem with the
14 canopy?

15 MR. NATALIE: No, the root systems go beyond
16 the canopy. The root systems go to the extent of the
17 canopy. And a canopy on that size tree --

18 MEMBER ABRAMS: So you're going to cut it,
19 okay.

20 CHAIRMAN HADJANDREAS: Basically what he's
21 saying is, if you want to envision what's underground,
22 look up at the canopy and that's the root structure.

23 MR. NATALIE: The theory is that you stay
24 outside the canopy when you can. And beeches are known
25 to be more sensitive.

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1 CHAIRMAN HADJANDREAS: My concern is keeping
2 the tree and then digging the pool and cutting half of
3 the root structure off of this large tree, then what's
4 going to happen in a storm or --

5 MEMBER ABRAMS: I just know -- Chris, you're
6 invited to my backyard whenever you want to come.

7 CHAIRMAN HADJANDREAS: It's on the record.

8 MEMBER GALTIERI: We'll do a site inspection
9 on you.

10 MEMBER ABRAMS: You'll see the big, beautiful
11 trees around my pool that they had no trouble saving.

12 Let me just ask one other question about T-67.
13 When I saw the property with Chris, T-67 was marked to
14 be removed.

15 CHAIRMAN HADJANDREAS: It was a blue ribbon
16 which meant -- he had orange ribbons which were what
17 they wanted to remove. And blue meant --

18 MR. NATALIE: What happened was, it was
19 originally that. And to show the Board that it was
20 originally in your plans for removal, we did blue almost
21 just to highlight that we're recognizing it and saving
22 that. I will go tomorrow and remove that ribbon and
23 make any adjustments necessary. I was trying to respect
24 that the application was submitted with the tree
25 initially, but my statement is to preserve that tree.

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1 MEMBER ABRAMS: All right.

2 MR. NATALIE: Absolutely, a hundred percent.
3 I think that has a significant impact on the community
4 up front.

5 MEMBER ABRAMS: Thank you.

6 CHAIRMAN HADJANDREAS: would the Board -- I'm
7 not sure which way this is going to go, but would the
8 homeowner be okay with adding, you know, beech trees of,
9 you know, something of a little bit bigger than what you
10 were referring to earlier, not in that area, but just
11 where this, you know, towards the screening, if you
12 will. I'm not even sure. I don't have the actual tree
13 survey.

14 MR. NATALIE: There are opportunities for us
15 to put back. And if it would appease the Board and we
16 were to put back some 4 inch, 4 1/2 inch caliper
17 trees --

18 CHAIRMAN HADJANDREAS: But just tell the Board
19 in terms of what that means in terms of the tree going
20 in the ground.

21 MR. NATALIE: When you get a 4 to 4 1/2 inch
22 in caliper, you're adding respectfully probably another
23 two to three years of growth from a 3 to 3 1/2. There
24 are two growth cycles on a tree. So you're adding
25 several years of more mature growth on it. You're

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1 adding probably another couple feet of height, 2 to
2 3 feet in height, and maybe a little bit more in width.

3 what happens, if you go much more than that,
4 the time it takes, unfortunately like us, as we get
5 older it takes us longer to recoup from a cold, if you
6 will, when you cut roots systems of a tree at a nursery,
7 it takes time for the trees to regroup and reestablish
8 their roots. So going significantly larger doesn't
9 necessarily mean you catch up quicker. But a 4 to 4 1/2
10 I think is a more maturer tree. Recognizing the nature
11 of that, I think that would be fair. If we were to
12 place a group of three beeches on the property, if that
13 would be appealing to accommodate, I think that would be
14 fair and reasonable.

15 MR. AVRUTINE: I need a motion to the close
16 the public hearing.

17 Member Abrams. Seconded by Member DiBlasio.
18 All in favor?

19 CHAIRMAN HADJANDREAS: Aye.

20 MEMBER ABRAMS: Aye.

21 MEMBER DiBLASIO: Aye.

22 MEMBER JONES: Aye.

23 MEMBER GALTIERI: Aye.

24 MR. AVRUTINE: We need a motion for the Board
25 to declare itself lead agency through the New York State

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1 Environmental Quality Review Act.

2 MEMBER GALTIERI: So moved.

3 MEMBER JONES: Second.

4 MR. AVRUTINE: Member Galtieri. Seconded by
5 Member Jones.

6 All in favor?

7 CHAIRMAN HADJANDREAS: Aye.

8 MEMBER ABRAMS: Aye.

9 MEMBER DiBLASIO: Aye.

10 MEMBER JONES: Aye.

11 MEMBER GALTIERI: Aye.

12 MR. AVRUTINE: A motion to declare the matter
13 unlisted under the New York State Environmental Quality
14 Review Act.

15 MEMBER ABRAMS: I'll make that motion.

16 MEMBER JONES: I will second.

17 MR. AVRUTINE: All in favor?

18 CHAIRMAN HADJANDREAS: Aye.

19 MEMBER ABRAMS: Aye.

20 MEMBER DiBLASIO: Aye.

21 MEMBER JONES: Aye.

22 MEMBER GALTIERI: Aye.

23 MR. AVRUTINE: Mr. Antonelli, as noted, is not
24 here this evening, but he did indicate that all of his
25 concerns and comments were adequately addressed, and

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1 based upon that, he noted a recommendation for a
2 negative declaration under SEQRA that the application,
3 if approved, would not have significant environmental
4 impacts.

5 So, is there a motion to enact a negative
6 declaration?

7 MEMBER JONES: Moved.

8 MEMBER GALTIERI: Second.

9 MR. AVRUTINE: All in favor?

10 CHAIRMAN HADJANDREAS: Aye.

11 MEMBER ABRAMS: Aye.

12 MEMBER DiBLASIO: Aye.

13 MEMBER JONES: Aye.

14 MEMBER GALTIERI: Aye.

15 MR. AVRUTINE: Now a motion on the
16 application.

17 CHAIRMAN HADJANDREAS: In terms of what he was
18 proposing, for me that would be a good compromise.

19 Is there anything else that the Board would
20 like to see?

21 MEMBER GALTIERI: We would want to certify it
22 at the end, right?

23 CHAIRMAN HADJANDREAS: Right.

24 what we would ask is that you would have to
25 amend your landscape plans, and we're not going to make

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1 you come back, we'll just say you're going to amend them
2 and resubmit them. If we vote to approve, it would be
3 based on you adding in three of the large caliper beech
4 trees in the area of, you know, closer, I know they
5 don't want them right in the middle of their lawn, but
6 towards the shade area, towards shade trees.

7 Also, the approval would be contingent on
8 keeping Tree 67 and basically keeping --

9 MR. NATALIE: And T-30.

10 MEMBER JONES: Or whatever 30 is supposed to
11 be.

12 MR. NATALIE: Yes. I'll double check that and
13 have that amended.

14 MR. AVRUTINE: Just to clarify, the three
15 beech trees, what's the caliper going to be on those?

16 MR. NATALIE: Four, four and a half.

17 MR. AVRUTINE: Four to four-and-half-inch.

18 And for descriptive purposes, where are they
19 going to be?

20 CHAIRMAN HADJANDREAS: Rear south area.

21 MR. AVRUTINE: And the plan would be amended
22 to show that?

23 MR. NATALIE: Yes.

24 MR. AVRUTINE: As well as maintaining Tree
25 No. 67 as well as Tree 30, once that's clarified?

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1 MR. NATALIE: Yes.

2 CHAIRMAN HADJANDREAS: Or whatever that --

3 MR. NATALIE: I will double check all of that.

4 MR. AVRUTINE: So there'll be an amended
5 landscape plan which depicts those changes?

6 MR. NATALIE: That's correct, sir.

7 MR. AVRUTINE: So that will be to the
8 satisfaction of the Board once it's resubmitted to
9 ensure that everything on there is to the Board's
10 specifications.

11 CHAIRMAN HADJANDREAS: And so that the
12 homeowners understand, what you're proposing today in
13 terms of replanting is tied to them obtaining the
14 certificate of occupancy of their residence. So once
15 all the construction is done and the landscaping is
16 finalized, you are the architect of record --

17 MR. AVRUTINE: The landscape architect.

18 CHAIRMAN HADJANDREAS: -- the landscape of
19 record, you would need to certify that everything that
20 was promised to be planted is planted, healthy and --

21 MR. AVRUTINE: And in full compliance with the
22 revised plan.

23 MR. NATALIE: Yes.

24 CHAIRMAN HADJANDREAS: And then that's just
25 another certification and then it gets inspected. Then

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1 that's just another certification that they have to
 2 achieve like any electrical certification or plumbing
 3 certification for them to receive their certificate of
 4 occupancy. If that's not done, then again, they can't
 5 close out their permit and there are other ramifications
 6 for that.

7 MR. NATALIE: Yes, sir.

8 MR. AVRUTINE: That's the motion with the
 9 conditions, and that's by the Chair.

10 Do we have a second on that?

11 Member DiBlasio.

12 All in favor?

13 CHAIRMAN HADJANDREAS: Aye.

14 MEMBER ABRAMS: Aye.

15 MEMBER DiBLASIO: Aye.

16 MEMBER JONES: Aye.

17 MEMBER GALTIERI: Aye.

18 MR. AVRUTINE: Application approved with the
 19 conditions as set forth.

20 *****
 21 CERTIFIED THAT THE FOREGOING IS A TRUE AND
 22 ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES
 23 IN THIS CASE.

24 *Ronald Koenig*
 25 _____
 RONALD H. KOENIG
 Senior Court Reporter