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INCORPORATED VILLAGE OF LAUREL HOLLOW
PLANNING BOARD
PUBLIC HEARING
May 21, 2020
7 p.m.

VILLAGE HALL
1492 Laurel Hollow Road
Syosset, New York 11791-9603
(Via video conference.)

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

ALSO PRESENT:

- HOWARD AVRUTINE, Village Attorney
- ELIZABETH KAYE, Clerk/Treasurer
- JAMES ANTONELLI, Village Engineer

P6-2019 - Turilli - 1234 Moores Hill Road

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: This is the public hearing on
2 Case No. P6-2019, the application of Emily and Joseph
3 Turilli for final approval of a two-lot partitioning to
4 maintain the existing dwelling as well as accessory
5 structures on one parcel while creating a separate
6 buildable lot for residential construction on the second
7 parcel at their property located at 1234 Moores Hill
8 Road. The property is also known as Section 26, Block
9 C, Lots 124 and 224 on the Land and Tax Map of Nassau
10 County.

11 The exhibits in connection with tonight's
12 hearing are as follows:

13 First, an Affidavit of Posting from Elizabeth
14 Kaye that the legal notice was posted on the front
15 bulletin board at Village Hall on April 24, 2020.

16 The next exhibit is an Affidavit of
17 Publication that the legal notice was published in the
18 North Shore Leader on April 24, 2020.

19 The next exhibit is a document that confirms
20 that the legal notice was published to the Village
21 website on April 21, 2020.

22 The next exhibit is a document that confirms
23 that the legal notice was sent to Village website NEWS
24 subscribers on May 13, 2020.

25 The next exhibit is an Affidavit of Mailing

1 from the applicant indicating that the notice of public
2 hearing was mailed to neighboring property owners on
3 May 6, 2020.

4 And the final exhibit is notification from the
5 Nassau County Planning Commission dated November 25,
6 2019, that the matter is referred to the village of
7 Laurel Hollow Planning Board to take action as it deems
8 appropriate.

9 In connection with this application, the Board
10 may recall that the preliminary subdivision approval was
11 granted on May -- excuse me, on December 18, 2019, and a
12 resolution granting preliminary approval issued at that
13 time and the preliminary approval contained various
14 conditions which were required to be addressed and
15 satisfied prior to the application for final approval.
16 I'm sure the applicant's representative will take us
17 through that, but I just wanted to advise the Board that
18 from the legal perspective of the village and my role as
19 counsel to the Planning Board, that the requirements set
20 forth in the preliminary approval resolution have been
21 satisfied such that the application and public hearing
22 for final approval of the subdivision can take place.

23 Chris Wagner is here representing the
24 applicants. Mr. Wagner, the floor is yours.

25 MR. WAGNER: Thank you, Mr. Avrutine.

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1 Good evening, Mr. Chairman and Members of the
2 Board. My name is Christopher Wagner with the law firm
3 of Humes and Wagner, 147 Forest Avenue, Locust Valley,
4 New York. I represent Joseph and Emily Turilli, owners
5 of the property located at 1234 Moores Hill Road.

6 I'll start off by saying, I hope all are
7 staying healthy and well during these crazy times, and I
8 want to thank this Board for accommodating us and
9 allowing us to make this presentation tonight in the
10 midst of everything going on.

11 On the teleconference with me tonight is
12 Mr. Mike Rant, Northcoast Civil, as well as my client
13 Joe Turilli, and also their friend and contract vendee
14 of the proposed parcel, Mr. Kris Koka.

15 As the Village Attorney pointed out, we were
16 here before you in December which seems like almost
17 years ago at this point with everything that is going
18 on, and this Board did see it fit to grant preliminary
19 approval for my client to subdivide their 7.03 acre
20 parcel and create just one lot, one new lot, a 2.19 acre
21 parcel of property subject to certain conditions. And,
22 as the Village Attorney had pointed out, before we could
23 come here tonight before you again to seek final
24 approval, those conditions had to be satisfied, and we
25 believe that all of those conditions have, in fact, been

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1 satisfied. Specifically, we know that the preliminary
2 decision called for a letter from the water District for
3 water availability. In fact, the water District did
4 issue a letter dated February 13, 2020 which was
5 previously submitted.

6 Furthermore, the Atlantic Steamer Fire Company
7 has issued its letter and determined that the proposed
8 driveway is adequate for emergency access, and that
9 letter has also been previously submitted.

10 We've also submitted a common driveway
11 agreement for review and approval by the village
12 Attorney which I believe has also been submitted and
13 approved.

14 And then finally there was some discussion at
15 the last hearing with respect to the access driveway and
16 perhaps a shift of that driveway to save some trees,
17 specifically some Mountain Laurel. The village engineer
18 had pointed out some proposal to propose changes, and
19 Mr. Rant had resubmitted a revised plan and I believe
20 that too has met with the village engineer's approval.

21 Unless anyone has any procedural or questions
22 about the application in general, I would like to hand
23 it off to Mr. Mike Rant to discuss the revised plan.

24 MR. AVRUTINE: Anybody have any questions of
25 Mr. Wagner before we proceed with Mr. Rant?

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1 Okay, Mr. Rant, the floor the yours.

2 MR. RANT: Good evening, Mr. Chairman, Members
3 of the Board.

4 For the record, Michael Rant, Northcoast
5 Civil, 23 Spring Street, Oyster Bay, New York. I'm here
6 this evening representing the owners of the property.

7 As Mr. Wagner had mentioned, really the
8 changes that were made to the map that brought us here
9 this evening seeking final approval have to do with the
10 shifting and modification of the location of the
11 driveway easement. There were some concerns about tree
12 removal and positioning the driveway further away from
13 Moores Hill Road.

14 So the previous plan that was submitted as
15 part of the preliminary approval had a driveway easement
16 further to the south about 50 feet from Moores Hill
17 Road. So, we pushed the entrance of the driveway
18 easement further to the north about another 50 feet so
19 that the closest point of the driveway is about 100 feet
20 from Moores Hill Road which allowed us to retain all of
21 the Mountain Laurel that's along the edge of Moores Hill
22 Road. It also allowed us to save a number of trees that
23 would fall within the driveway easement to construct the
24 driveway.

25 So, the previous plan had ten trees slated for

1 removal in order to construct the driveway easement, the
2 portion that enters through Turilli's property and
3 accesses the new proposed lot, and the new proposed plan
4 has a total of six trees for removal, and those are
5 delineated on the latest site plan. Any trees that fall
6 within the work area, we are showing a proposed hardened
7 tree protection so they'd all be protected during
8 construction and typically done prior to the start of
9 any construction. That would be put into place. That
10 really outlines the changes in the plan themselves.

11 We also did submit, as noted, the Letter of
12 Water Availability from Jericho Water District, as well
13 as the Fire District Letter from the Atlantic Steamers
14 Fire District. All of those are on record with the
15 Village. And I believe that satisfies all the Board's
16 comments from the previous hearing.

17 If the board members have any questions, I
18 would be happy to answer them.

19 CHAIRMAN HADJANDREAS: Thank you, Mr. Rant.

20 One of the questions that came up -- can I be
21 heard?

22 MR. AVRUTINE: We can hear you.

23 CHAIRMAN HADJANDREAS: I just got a notice
24 that my internet is unstable.

25 MEMBER JONES: I'm getting that also.

1 CHAIRMAN HADJANDREAS: So, one of the points
2 that came up when I went and did the site visit with one
3 or two of the board members, there are some trees that
4 are very close to the proposed driveway that's marked
5 out and, you know, I'm just wondering what could be done
6 to protect them during construction and what will be
7 done and what would go on the plans to kind of delineate
8 that.

9 MR. RANT: Sure. Any trees that fall within
10 the limits of disturbance, they have a circle, a circle
11 symbol around the tree, and those delineate a hardened,
12 typically a 2 by 4 framed box that goes around the base
13 of the trunk of the tree that would prevent any
14 machinery from damaging the root system during
15 construction. So all of that must be in place prior to
16 any ground disturbance. That would be the way we
17 mitigate any potential damage to the existing trees.

18 CHAIRMAN HADJANDREAS: So from my experience,
19 before construction or in this case excavation would
20 start, there would be a site visit from the village
21 building inspector, and not only would he be inspecting
22 for things like erosion control and fencing,
23 construction fencing, he would be inspecting for the
24 protection of those trees as well?

25 MR. RANT: Yes. So, we would install all of

1 our erosion control, our silt fencing; to delineate the
2 edge of disturbance we would install the construction
3 anti-tracking pad; we would ribbon, any trees that's due
4 to come down would have ribbon on them so it's clear
5 which ones come down; and the tree protection which a
6 detail for that is provided on the detail sheet which
7 shows typically 2 by 4 posts with rails around the base
8 of the tree. And that would all be inspected prior to
9 construction.

10 CHAIRMAN HADJANDREAS: Excellent. Those were
11 some concerns that came up during the site visit.

12 I wanted to open it up to the other board
13 members that are on the call. A couple of the board
14 members went on their own and did their own site visits
15 and I haven't had the opportunity to speak with them
16 before it.

17 Do any of the board members have any questions
18 or concerns about this?

19 MEMBER JONES: I have a question.

20 When I looked at the plans on the tree
21 schedule, the Final Grading and Planning Plan, I noticed
22 that Tree 100 is marked to be taken down but it's not on
23 the tree schedule as marked. So it looks like the total
24 number of trees is 47, not 46.

25 CHAIRMAN HADJANDREAS: Okay. Is Tree 100 --

1 wait.

2 MR. RANT: So Tree 100 is within the building
3 envelope for the construction.

4 CHAIRMAN HADJANDREAS: I got it.

5 MR. RANT: So that would be corrected. But
6 any of those trees that are shown for the construction
7 of the dwelling are not part of this application. The
8 home itself, once this subdivision is approved, would
9 have to go back to the Board for any tree removal. So
10 although we're showing a full comprehensive site plan,
11 it's really to demonstrate the lot could be developed.
12 But the only trees that would need to be removed for
13 construction of the driveway would be the six trees
14 delineated with Xs on them within the right of way.

15 MEMBER JONES: Right. But there's no X on
16 this plan by 100, and the number is off. That's why I
17 just brought that to your attention.

18 MR. RANT: We'll make note of that and make
19 that change.

20 CHAIRMAN HADJANDREAS: Nancy, you did remind
21 me of something that I wanted to put on the record.
22 Tonight, as Mike stated earlier, besides approving the
23 subdivision, this board is only approving -- Mike, what
24 was the number of trees on the portion of the driveway
25 that's on the Turillis' property?

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1 MR. RANT: Six trees.

2 CHAIRMAN HADJANDREAS: So we're only approving
3 the removal of six trees total. And then once the
4 people that submit on the subdivided lot for a building
5 permit, they're going to be denied to get a variance.
6 They're going to have to come back in front of the
7 Planning Board, and at that time we're going to then
8 look at the complete plan and all the trees that are on
9 the subdivided lot that are going to be necessary to be
10 removed for construction and driveway and all that other
11 good stuff. So that's when I'm sure we'll see a
12 landscape plan and everything else. But for now, all
13 we're concerned about is the access to the subdivided
14 lot that goes through the existing lot.

15 Mike, one other question. Just to be clear,
16 there's only two dry well rings, you know, two separate
17 or one, I don't know if you consider it one dry well
18 that has two rings or however you word it, but there's
19 only two rings going in the ground?

20 MR. RANT: So, there are two separate dry
21 wells. They are each 12 feet deep, 10 foot diameter,
22 and those are designed to handle the entire driveway
23 area within the right of way.

24 CHAIRMAN HADJANDREAS: Understood.

25 MR. AVRUTINE: Mr. Antonelli, I saw you

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1 gesture before. Did you want to make a comment?

2 MR. ANTONELLI: Yes. I have a question just
3 to make sure the record is clear.

4 Mike, can you tell us the date of the latest
5 plan, please.

6 MR. RANT: January 31, 2020.

7 MR. ANTONELLI: Then I'd like to just add to
8 the record that that is the latest plan that I saw and I
9 did review that in connection to the various conditions
10 of approval on the preliminary. And knowing how the
11 village feels, how the board members feel about various
12 things, knowing what we discussed at various points, I
13 thought that that certainly addressed all of the
14 conditions. I understand that's why we're here tonight,
15 how we got here. But I also want to mention that it
16 was, at least in my humble opinion, a much better plan.
17 You know, I think I was the one that said, oh I think we
18 can change the configuration of the driveway and save
19 some trees. I didn't think we'd be able to save all of
20 the Mountain Laurel. And I know when I showed Mike my
21 plan it had a couple of S curves in it and it got a
22 little crazy, but it's a much simpler approach to the
23 house and I think it was a big improvement.

24 CHAIRMAN HADJANDREAS: Mike, one other point
25 that Mr. Antonelli just raised was about the Mountain

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1 Laurel. Besides protecting the trees, we really like to
2 the see the Mountain Laurel protected as well. So
3 please in the plans that you submit for final, you know,
4 delineate that those will be protected as well.

5 MR. RANT: Sure.

6 CHAIRMAN HADJANDREAS: Any board members have
7 any other questions or concerns about this application?

8 MEMBER GALTIERI: Not me.

9 CHAIRMAN HADJANDREAS: Howard, we go for a
10 motion to approve?

11 MR. AVRUTINE: Yes. The next step, presuming
12 there's any members of the public who wish to speak, I
13 see the applicants are here. I don't know if they have
14 anything they wish to add to the record.

15 Mr. and Mrs. Turilli, do you have anything you
16 wish to add?

17 MR. TURILLI: No.

18 MR. AVRUTINE: And there's no one else from
19 the public. So at this time we would entertain a motion
20 to close the public hearing.

21 CHAIRMAN HADJANDREAS: I'll put the motion up
22 to close.

23 MR. AVRUTINE: And a second, please.

24 MEMBER ABRAMS: I second the motion.

25 MR. AVRUTINE: All in favor?

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1 CHAIRMAN HADJANDREAS: Aye.

2 MEMBER ABRAMS: Aye.

3 MEMBER JONES: Aye.

4 MEMBER GALTIERI: Aye.

5 MR. AVRUTINE: Let the record reflect that the
6 Board voted unanimously to close the public hearing.

7 As part of the preliminary hearing that was
8 held back in December, the Board was appointed lead
9 agency under the New York State Environmental Quality
10 Review Act and designated this matter as unlisted and
11 issued a negative declaration indicating that all
12 significant or all environmental impacts have been
13 mitigated to the maximum extent practicable. Therefore,
14 there's no further environmental review, and, as
15 Mr. Antonelli indicated, he thought that it was actually
16 less impactful than the original plan. So, at this time
17 the Board can make a motion on the request for final
18 approval with the usual conditions that are imposed in
19 connection with final approvals of subdivisions by the
20 Planning Board.

21 May we have a motion?

22 MEMBER GALTIERI: I make that motion.

23 MR. AVRUTINE: Motion to approve as I've
24 indicated, Mr. Galtieri?

25 MEMBER GALTIERI: Yes.

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1 MR. AVRUTINE: And a second, please.

2 MEMBER JONES: Nancy seconds.

3 MR. AVRUTINE: All in favor?

4 CHAIRMAN HADJANDREAS: Aye.

5 MEMBER ABRAMS: Aye.

6 MEMBER JONES: Aye.

7 MEMBER GALTIERI: Aye.

8 MR. AVRUTINE: Let the record reflect that
9 it's a unanimous final approval of the subdivision in
10 accordance with the usual conditions.

11 Mr. Wagner, I will have a draft final
12 subdivision resolution prepared shortly for the Board's
13 consideration. And you will also be able to get a look
14 at that as a draft if you so desire.

15 MR. WAGNER: Yes, please. Thank you.

16 CHAIRMAN HADJANDREAS: Howard, can I add just
17 one thing to the homeowners. I should have said this
18 earlier. These trees that we approved tonight, they
19 shouldn't be removed until the whole, the subdivided
20 lots final approval through the Planning Board when all
21 those trees get removed, this way if, you know, if
22 basically it doesn't happen you don't have all these
23 trees cut down leading to nothing.

24 Is that clear?

25 MR. AVRUTINE: Well, let me add this just to

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1 even clarify it further.

2 This is an application for a subdivision.
3 There was no aspect of this that formally applied for
4 tree removal. You understand that as a consequence of
5 the construction of the driveway for access to the newly
6 created parcel there will be necessarily tree removal,
7 but that will be done, the actual application to remove
8 those trees will be done at such time as the actual
9 construction is intended to take place.

10 MR. TURILLI: That's very clear. And we look
11 forward to working with the Board on the next steps.

12 CHAIRMAN HADJANDREAS: Excellent. Thank you.

13 MR. AVRUTINE: Any comment on that,
14 Mr. wagner? I want to make sure we are all clear.

15 MR. WAGNER: No, no comment.

16 MR. AVRUTINE: Thank you.

17 I believe that completes the application,
18 unless anyone has anything to add.

19 *****
20 CERTIFIED THAT THE FOREGOING IS A TRUE AND
21 ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES
22 IN THIS CASE.

23 Ronald Koenig
24 RONALD H. KOENIG
25 Senior Court Reporter