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INCORPORATED VILLAGE OF LAUREL HOLLOW
PLANNING BOARD
PUBLIC HEARING
September 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

P2-2020 & T5-2020 - Bi ton - 16 Springwood Path

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: The next application is P2-2020
2 and T5-2020, the public hearing on the application of
3 Tomy and Jill Biton, 16 Springwood Path, for approval to
4 remove seven trees in connection with an excavation
5 permit to regrade an area of the property in order to
6 create more flat, useable space. The parcel of property
7 under application is also known as Section 14, Block 25,
8 Lot 28 on the Nassau County Land and Tax Map.

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

11 First, an Affidavit of Posting from Elizabeth
12 Kaye that the legal notice was posted at the bulletin
13 board in front of Village Hall on September 4, 2020.

14 The next exhibit is an Affidavit of
15 Publication that the legal notice was published in the
16 Oyster Bay Guardian on September 11, 2020.

17 The next exhibit is a document that confirms
18 that the legal notice was published to the Village
19 website on September 3, 2020.

20 The next exhibit is a document that confirms
21 that the legal notice was sent to Village website NEWS
22 subscribers on September 17, 2020.

23 The next exhibit is an Affidavit of Mailing
24 from the applicant indicating that the Notice of Public
25 Hearing was mailed on September 14, 2020.

1 And the final exhibit is notification from the
2 Nassau County Planning Commission dated September 15,
3 2020 that the matter is referred to the village of
4 Laurel Hollow Planning Board to take action as it deems
5 appropriate.

6 I believe Mr. Murphy is here on behalf of the
7 applicant.

8 MR. MURPHY: Good evening. My name is James
9 Murphy with the law firm of Murphy and Lynch with
10 offices in East Norwich. We represent the applicant
11 this evening, and in particular, with permission of the
12 Board, we'd like to have Vincent Reilly testify in the
13 narrative with regard to his plan that was last revised
14 September 20 of this year with regard to removal of
15 trees and the planting of trees.

16 Vincent, for the record.

17 MR. REILLY: Yes. My name is Vincent Reilly,
18 5 Godfrey Lane, Huntington, New York, certified
19 arborist, License No. NY6112-A.

20 I was over to the Bitons' place on July 17
21 when they retained me to help them come up with a
22 landscape drawing, a tree removal and a tree replacement
23 plan.

24 If we could refer you, if you all have the
25 plan, the table on the left-hand side, bottom left-hand

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1 side, refers to the tree removal. Unfortunately, it
2 says seven trees. It's actually six trees. Because the
3 village arborist was over, Tree No. 3, a 6-inch red oak,
4 she had said that she thought it was in good shape and
5 could remain, and the Bitons agreed. So we left that
6 there. So, it's actually six trees that we're looking
7 to take down, not seven. Each one of the trees has the
8 reason for it being removed and each one of those
9 reasons has been confirmed by the village arborist.

10 The last two, Tree No. 6 and Tree No. 7, are
11 large red oaks. They are in the footprint of the new
12 driveway and will have to be removed because of that.

13 Now prior to me getting involved in the job, I
14 was told that there were four trees taken down with the
15 extension of the house and the extension of their porch
16 off the front of the house. So that would make a total
17 of ten trees. Now right below that tree removal there's
18 a replacement table, and I can say there's one large --
19 these are all large, deciduous, large growing trees --
20 one weeping beach, five oaks, four weeping willow, four
21 tulip trees, four maples. Every one of those trees
22 grows to at least 60 feet tall. The oak, the tulip tree
23 can get up to 80, 90, 100 foot tall. So there are 18
24 replacement large growing, deciduous trees. And beneath
25 that on the same table I show that we have six evergreen

1 trees, all substantial size, 8 to 10 foot, and they will
2 be replaced.

3 So a total of 24 trees will be planted whereas
4 there was approximately, there may have been one or two
5 more, I don't really know, but 10 trees that I know of.
6 So 24 replacing the 10.

7 The driveway, those two trees on the driveway
8 have to come out. They're right in the middle. As you
9 can see on the plan they're right in the middle of the
10 driveway. I purposely planned the driveway. Instead of
11 a more typically on a circular driveway like that in the
12 middle of the house there would be a bump-out that would
13 be a parking area, we decided to go with a parallel
14 parking because a wider driveway in front. By doing
15 that it kept me from having to come out and add another
16 15 feet towards the road, would have needed a little
17 retaining wall in there and would have necessitated
18 taking out the one tree that is the 16-inch and a
19 14-inch that is right in front of the house. So, we
20 saved those two just by changing what we wanted to do
21 with the way that the driveway would run. That really
22 would take care of the tree removal and replacement.

23 Next we had to address the screening of the
24 pool. So, we're going to put a 6-foot cedar stockade,
25 solid wood fence all the way around. As you can see on

1 the plan it starts at the east corner of the house, goes
2 down along the driveway and then goes in a semicircle
3 all around to the back property line. I'm sure that at
4 least some of you on your visit you saw the ribbon. I
5 had put a ribbon at 6 feet so that you could determine
6 how much would be blocked by that. And because it's up
7 on a hill from the road, it actually could block. You
8 really don't see anything at all.

9 Additionally, along the east side of the house
10 down to that corner there's going to be 13 5-foot tall
11 skip laurels to block so you don't even see the fence.
12 So, it's just going to be greenery and the pool gets
13 blocked out.

14 Additionally, next to the eastern part of the
15 driveway, three of the large evergreen trees are going
16 to be planted there further making a block of that area
17 going into their backyard where the pool is. The other
18 three evergreens are going to be brought up along, what
19 is it, woodfield Court. They are up at the part of the
20 property and they're going to take time. They're going
21 to grow some. They are big trees, 8 and 10 foot. But
22 because the road coming down is so high, at some point
23 they will start to block off anything you can see at the
24 top of the hill. That addresses the screening of the
25 pool.

1 The third thing would be the landscape
2 planting. There's a table, a plant list it says. That
3 list has every one of the plants that's on the plan with
4 the number and the size of each plant.

5 By the way, anything that says "DBH," that's
6 diameter at breast height which is approximately 4 feet
7 off ground. That's pretty much how all arborists
8 designate the size of tree.

9 So, all the rest of the plants have the
10 numbers, the sizes. Obviously, according to the
11 replacement on the plan, there's also a lot of annuals
12 and perennials that we have listed in there. There's
13 screening for the air conditioning and the generator
14 back there. And all the plants, they're basically all
15 plants that are often used in our area in Laurel Hollow
16 here. They'll blend in nicely with the landscape of all
17 the other neighboring properties.

18 The other only thing, if you hadn't looked at
19 the symbols key, you can just tell the kind of squiggly
20 circle with an X is a tree to be removed with the number
21 next to it. The squiggly one with a number, it has the
22 number of inches of the height of the tree at the DBH.
23 The squiggly one with the circle around it is a new
24 deciduous tree with the plant list number on it. And
25 the pointy circle is a new evergreen tree with the plant

1 number.

2 And that pretty much concludes what I have to
3 say. If there is some questions, I'd be open to that.

4 CHAIRMAN HADJANDREAS: So, Mr. Reilly, I just
5 want to confirm. The plan that we're all looking at,
6 because there were two or three plans that were
7 submitted by the homeowners, was revised. The last
8 revision date, everybody should be looking at the plan
9 that's dated 9/20/2020 so that we're all on the same
10 page in terms of the final plan.

11 MR. REILLY: That's correct.

12 CHAIRMAN HADJANDREAS: And one of the concerns
13 that the Board had, again, and you mentioned in it --

14 Liz, if you could put up some of the pictures
15 that were sent to the Village in terms of the screening,
16 previously and currently.

17 THE CLERK: Give me a second.

18 CHAIRMAN HADJANDREAS: We already did the
19 pledge.

20 THE CLERK: I know. I got caught.

21 CHAIRMAN HADJANDREAS: So, the plan that you
22 are submitting in my view does a lot to address the
23 concerns that had been brought up to the Board and, you
24 know, had been brought up before.

25 In the back of the house on the back property

1 line, you're planting I believe a bunch of weeping
2 willows. Is it a low lying area that's very wet? I
3 mean, I know those trees do very well in like boggy type
4 areas. Is that what that condition is back there?

5 MR. REILLY: It is extremely wet back there.
6 They will help to sop up a lot of that water. And also
7 what's nice with the weeping willows is that the
8 canopies are mushroom shaped. They go all the way down
9 to the ground. So they'll provide a lot of screening in
10 there during the time in which they have foliage on
11 which is the time they want to block the pool out
12 anyhow. So I thought that would be good.

13 CHAIRMAN HADJANDREAS: So basically, I mean,
14 some of the points that were brought up to the Board
15 were in the past, before construction. You didn't even
16 know there was a pool back there and it was very
17 screened, and there were pictures that were submitted to
18 the village that showed the screening. This is I
19 believe from -- what's the side street called?
20 Woodfield Court? This is a view from there.

21 Liz, if you want to go to --

22 And this is previous. This was before
23 construction.

24 And then this is from Springwood Path
25 currently looking into the pool area.

1 And if you just go to the next picture, Liz,
2 that shows what it was before construction. And this is
3 basically the same view. And again, you know, that was
4 the main concern with the Board. So, that was the
5 concern of the Board.

6 I think the Bitons and Mr. Reilly put together
7 a very nice plan that really addresses the concern with
8 the privacy fence and the landscaping that they've, you
9 know, put forth on the plan.

10 Does any board members have any questions
11 about or have any questions for Mr. Reilly or in general
12 about this plan?

13 MR. REILLY: The last picture, the picture
14 that's up right now, I mean it really looks thick on
15 that one side. But that is where the driveway is coming
16 down now, so that's why it's so thinned out on that side
17 right there. And on the previous pictures you could see
18 the ribbon and how much that's going to block with the
19 6-foot stockade fence.

20 MR. AVRUTINE: Please identify yourself and
21 give your address.

22 MS. BITON: Jill Biton, 16 Springwood Path,
23 Laurel Hollow, New York 11791.

24 The picture you're showing isn't how we bought
25 the house. The house was yellow. The front yard was

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1 mulched. That's not how we bought it.

2 CHAIRMAN HADJANDREAS: Okay. Again, we're
3 looking at how the pool was screened previously and
4 that's --

5 MS. BITON: But what I'm saying, that's not
6 previous to when we purchased the house. So the whole
7 front was completely different when we purchased it and
8 the house was a different color when we purchased it.
9 There was no grass in the front. It was all mulch with
10 small, little new plantings, and it was yellow. So
11 that's not accurate from when we purchased.

12 CHAIRMAN HADJANDREAS: All righty.
13 Understood. We are right now looking at the picture of
14 what the current situation is.

15 And again, typically in Laurel Hollow, you
16 know, a pool is not approvable in the side yard. A pool
17 has to be physically behind your house. Now there's a
18 situation with your pool that certain roads didn't exist
19 when that pool was built. So the pool is where it is,
20 and we're just trying to make it so you have privacy and
21 your neighbors have privacy from your pool, and that's
22 the goal of the hearing and the Board.

23 Do any of the board members have any questions
24 about the plan that was submitted?

25 MEMBER GALTIERI: Does it do the job

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1 privacy-wise in your opinion, Chris?

2 CHAIRMAN HADJANDREAS: I think so. We looked
3 at the ribbon that you can see in the picture right now.
4 Again, because we're significantly below the pool and
5 the backyard area or the side yard rather, the privacy
6 fence is more than enough to screen the side yard and
7 the pool. Again, that's why we asked Mr. Reilly to show
8 us where the fence is going and the height of the fence.
9 And again, it's not a see-through fence. What they're
10 proposing is a solid, cedar privacy fence that
11 eventually will -- initially will be, you know, beige or
12 whatever, but eventually, unless it's stained or
13 treated, will blend in, will turn gray and blend in with
14 the surroundings.

15 So at this time I want to ask if there's
16 anybody from the public that has any comment about this
17 application?

18 MR. AVRUTINE: Let the record reflect that
19 there's none.

20 I just also wanted the record to reflect that
21 any approval issued by the Board would be conditioned
22 upon an excavation and fill permit that's going to be
23 required from the Board of Trustees. All the Board's
24 decisions always state that it's subject to any other
25 approvals. But in this particular case I just wanted to

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1 make the Board aware that in the event this application
2 is approved, there'll be an application that the Board
3 of Trustees will be taking up for fill and excavation.

4 CHAIRMAN HADJANDREAS: So just to clarify,
5 Mrs. Biton, if the Board is so inclined to approve what
6 you presented tonight and approve the removal of the
7 trees and the landscape plan that you submitted, you
8 can't proceed until, I guess, you go in -- not I guess,
9 but you can't proceed until you go in front of the Board
10 of Trustees and their approval.

11 MS. BITON: So we already have an excavation
12 permit in, though, with the Board of Trustees for this.
13 There's already one in.

14 MR. AVRUTINE: When you say "one in," you mean
15 you've applied for it?

16 MS. BITON: Yes. It's already been submitted.

17 THE CLERK: It's scheduled for October.

18 MR. AVRUTINE: Right, contingent upon this.
19 That was my point.

20 MS. BITON: Okay. Yeah. But it's not a new
21 application. The application is already in.

22 MR. AVRUTINE: But I just wanted to alert the
23 Board that there was also that application and that this
24 application, if it was approved, is contingent upon the
25 Board of Trustees granting the fill and excavation.

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1 CHAIRMAN HADJANDREAS: Again, I'm just going
2 to ask, does anyone from the public have any comment on
3 this application?

4 MR. AVRUTINE: Let the record reflect that no
5 one responded.

6 Are there any other questions from Board
7 members?

8 CHAIRMAN HADJANDREAS: No. But I do have one
9 comment in terms of the landscape designer of record.

10 Mr. Reilly and Mrs. Biton, if the Board is
11 inclined to approve this and Mr. Reilly is the landscape
12 designer of record, you are committing to planting
13 the -- what's the number -- replacement trees, 18, and 6
14 evergreen trees, 18 deciduous trees and 6 evergreen
15 trees, and you also are committing to planting --

16 Mr. Reilly, what was the shrub that's going in
17 front of the fence?

18 MR. REILLY: Skip laurel.

19 CHAIRMAN HADJANDREAS: Skip laurel. 13?

20 MR. REILLY: That's correct.

21 CHAIRMAN HADJANDREAS: So, 13. So normally we
22 don't get involved in shrubs and whatever, but again
23 because this is acting as screening, that will be part
24 of the, you know, certification in terms of skip
25 laurels, the trees, the 18 trees and the 6 evergreens.

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1 I have nothing else.

2 Howard, I think we can close this matter.

3 MR. AVRUTINE: Okay.

4 Mr. Murphy, do you have anything you wish to
5 add?

6 MR. MURPHY: Nothing more. Thank you very
7 much, though.

8 MR. AVRUTINE: And I just want to --
9 Go ahead, Nancy.

10 MEMBER JONES: How are we going to make sure
11 this is done?

12 CHAIRMAN HADJANDREAS: I'm sorry. They do
13 have an open building permit. They're actively under
14 construction on their house. And basically, eventually
15 they're going to finish their construction and they need
16 to, before they can move into their house and get a
17 certificate of occupancy, you know, they are not living
18 in there currently, they need to get the C of O and to
19 get the C of O they have to close out their building
20 permit. Their building permit will not be able to be
21 closed out if they do not achieve the letter from
22 Mr. Reilly saying that these 18 trees have been planted
23 and the 6 evergreens have been planted and the 13 skip
24 laurels have been planted and the plan is, that plan
25 that was presented to us tonight dated September 20, is

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1 in place. And when that is done, that's part of the
2 checklist to receive their C of O.

3 MEMBER JONES: Chris, within that plant list
4 there are several trees also.

5 CHAIRMAN HADJANDREAS: A lot of that is
6 foundation planting in other areas where the Board
7 really doesn't -- you know, what we're concerned with is
8 screening and replacement trees. So, they want to
9 landscape the front of house how they want to landscape
10 the front of the house. We really don't have --

11 MR. REILLY: They're ornamental trees that
12 only grow to 15 and 20 feet tall. So when I'm talking
13 about replacing the trees that they had taken down, we
14 want to talk about replacing large ornamental trees. So
15 I didn't even include those in it. But yes, there are a
16 few ornamental trees that are really not significant
17 enough to mention in the replacement value.

18 CHAIRMAN HADJANDREAS: I think they put
19 together a nice plan and I think the house is going to
20 be beautiful when it's completed.

21 So with that, I would like to put forth a
22 motion to close the hearing.

23 MR. AVRUTINE: Before we do that, I just want
24 to clarify for the record that Mr. Reilly will be
25 certifying ultimately compliance with the approved plan

1 if it's approved and self-certification, he'll be
2 submitting that letter, and that any approval will be
3 specifically linked to the building permit currently
4 pending on the property, and before that permit could be
5 closed with a certificate of occupancy or completion,
6 Mr. Reilly will need to first certify that there is full
7 conformance and compliance with the approved plan.

8 CHAIRMAN HADJANDREAS: I need to add one more
9 thing. I mentioned the trees and the skip laurels. I
10 did not mention the privacy fence. That's also part of
11 the screening.

12 MR. AVRUTINE: And it's part of the approved
13 plan, correct?

14 CHAIRMAN HADJANDREAS: Right.

15 MR. AVRUTINE: Very well. Anything else from
16 any of the board members?

17 Okay. Do we have a motion to the close the
18 public hearing?

19 CHAIRMAN HADJANDREAS: Motion.

20 MR. AVRUTINE: That's by Chairman Hadjandreas.

21 Do we have a second? Member Galtieri.

22 All in favor?

23 CHAIRMAN HADJANDREAS: Aye.

24 MEMBER ABRAMS: Aye.

25 MEMBER JONES: Aye.

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1 MEMBER GALTIERI: Aye.

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

5 And may we have a motion on the application?

6 CHAIRMAN HADJANDREAS: Motion to approve.

7 MR. AVRUTINE: It's a motion by Chairman
8 Hadjandreas. And that's a motion to approve the
9 application in strict compliance with the landscape plan
10 prepared by Vincent Reilly dated September 20, 2020,
11 which is also linked to the building permit currently
12 pending on the property, and the certificate of
13 occupancy or completion in connection with that permit
14 will not be issued unless and until Mr. Reilly certifies
15 full and complete compliance and conformity with the
16 approved plan. And also, of course, it's subject to and
17 conditioned upon the Board of Trustees granting the fill
18 and excavation permit application filed by the
19 applicant.

20 I think I covered it.

21 CHAIRMAN HADJANDREAS: I do too.

22 MR. AVRUTINE: May we have a second?

23 MEMBER JONES: Second.

24 MR. AVRUTINE: That's by Member Jones.

25 All in favor?

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CHAIRMAN HADJANDREAS: Aye.

MEMBER ABRAMS: Aye.

MEMBER JONES: Aye.

MEMBER GALTIERI: Aye.

MR. AVRUTINE: Okay. Approved as submitted
with the conditions that I've just outlined.

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