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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

P9-2020 & T32-2020 - Roberts - 88 White Oak Tree Road

RONALD KOENIG
OFFICIAL COURT REPORTER

Proceedings

1 MR. AVRUTINE: Public Hearings P9-2020 and
2 T32-2020, the public hearing on the application of
3 Gareth and Victoria Roberts, 88 White Oak Tree Road, for
4 approval to remove 12 trees which are either considered
5 to be in poor health, are too close to the home or
6 required to be removed in order to create a clearing.
7 The parcel of property under application is also known
8 as Section 25, Block 49, Lot 15 on the Land and Tax Map
9 of Nassau County.

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

12 First, an Affidavit of the Posting from
13 Elizabeth Kaye that the legal notice was posted at the
14 bulletin board in front of Village Hall on September 4,
15 2020.

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

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

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

25 And the next exhibit is an Affidavit of

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1 Mailing from the applicant indicating that the Notice of
2 Public Hearing was mailed on September 8, 2020.

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

8 Do we have a representative of the applicant
9 here to speak?

10 MR. ROBERTS: Gareth Roberts and Victoria
11 Roberts.

12 MR. AVRUTINE: Please give your address, sir,
13 for the record.

14 MR. ROBERTS: 88 white Oak Tree Road, Laurel
15 Hollow.

16 MR. AVRUTINE: Thank you so much. You may
17 proceed.

18 MR. ROBERTS: So, we submitted an application
19 for removal of 12 trees. Of those 12, eight we're
20 looking to remove due to a combination of condition and
21 the proximity to the house, the way they're leaning
22 toward the house. And these cases, we're simply looking
23 to de-risk, avoid future issues, protect the house, and
24 in the cases of Trees 4 and 5, the people in it, because
25 they are very substantial oaks and very close to the

1 house.

2 Four trees is more, in the back, it's more of
3 creating a bit of space in the back of the property.
4 There's a small area. We don't have a huge amount of
5 useable space at the back relative to other similar
6 properties on the road. And that side, the right-hand
7 side of the garden, is very dark because of the density
8 and the height of the trees in that area. So, we're
9 looking to open that up a little bit and just, you know,
10 plant low-level shrubs in between the laurels that are
11 existing.

12 I would say a couple of considerations. You
13 know, some of the work is in the front, some is in the
14 back. With regard to the work in the front, I don't
15 consider that this request impacts any other resident
16 within Laurel Hollow in particular.

17 Opposite us is village land with a heavily
18 wooded area and a steep slope up to the, I think it's
19 tall oaks on the other side. To the right of us is the
20 Fox Hollow Preserve and the Nassau County storm drain.
21 To the back of us again you've got the wooded area up to
22 Woodvale. And I don't think from Woodvale, when I went
23 over there, you can really see anything over into the
24 area we're looking at. And then to our left we have one
25 neighbor, and I think even the arborist's report

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1 described the coverage as adequate. So there's a big
2 bank of trees between us and that neighbor.

3 This is not a high-traffic area. We're at the
4 bottom of a cul-de-sac. Apart from kids hanging out
5 there when they shouldn't be, there's not a lot of
6 activity down here. As I say, this isn't a
7 hundred-thousand-dollar landscape plan. This is simply
8 we're trying to de-risk. We're trying to remove the
9 stuff that's leaning towards the house away from the
10 house. And at the same time, the information we
11 received was why if we need to go to the Planning Board
12 we might as well do more than just the initial ask. So
13 this is why we were considering the Plan B, which may be
14 next year, I don't know, that's a question I have for
15 you guys is can we break this into two, but is that,
16 that area in the back where we just want to remove that
17 congestion and create a bit more space and light.

18 So we submitted as well -- we heard your
19 feedback last week -- we submitted a basic plan on the
20 survey and an indication of the type of trees that we
21 wanted to plant in each location depending on
22 availability, et cetera. We did some research on that
23 pretty quickly over the weekend, but we already had a
24 pretty good idea of what we wanted to do anyway.

25 And I think again, it just, you know, this is

1 a very heavily wooded area that we're in here. I think
2 if I look at the two and a quarter acres I've got, I
3 think one and a half of that is woodland, I would say.
4 I have well over a hundred tall oaks, birches, whatever
5 it is in this site, and I really don't think the impact
6 on this area visually or in terms of air quality is
7 going to be massively impacted by what we're doing here
8 given where we are because we are surrounded, I'm sure
9 you saw in your site visit, by hundred-foot oaks and
10 birches, et cetera.

11 That's all I really have to say at this point.
12 I'm happy to take questions.

13 CHAIRMAN HADJANDREAS: Thank you, Mr. Roberts.
14 The Board went and did a site visit a week or
15 so ago and also read the arborist's report. And if you
16 want to look at this in two separate zones, we'll say
17 the front yard and the backyard, the Board is in a
18 complete agreement with you and your wife in regards to
19 what you want to do in the backyard. And typically when
20 it comes to people's rear yards, we really don't, you
21 know, unless it's like I said opening up a big hole
22 between your neighbors or whatever, we really don't
23 interfere. Everything you want to do is understandable
24 and within reason in the backyard. I don't want to
25 speak for the rest of my Board, but I believe after

1 discussing it with them that nobody had issues with,
2 we're calling it Zone C that you put on your plan
3 dated -- well, it's not dated but --

4 MR. ROBERTS: Yes, Zone C is actually the
5 oaks, Chris. The 4 and 5 is the tall oaks adjacent to
6 the house, the work at the back.

7 CHAIRMAN HADJANDREAS: Okay. I'm sorry.

8 MR. ROBERTS: Seven, eight, nine, ten, eleven,
9 twelve, that's the area. But within that, ten is
10 dangerous. Ten is going to hit the cars any day.

11 CHAIRMAN HADJANDREAS: If we can break up, you
12 know, in terms of the backyard and the front yard, just
13 speaking about the rear yard, do any other Board members
14 have any concerns or questions about the removal of the
15 Trees 6, 7, 8, 9 and 10 as per the plan that they've put
16 forth?

17 MEMBER JONES: No.

18 CHAIRMAN HADJANDREAS: All the Board members,
19 all of us, again, we had no issue with that. The issue
20 that we had was in the front, Trees 1 through 5. Well,
21 yeah, 1 through 5 in the front because the arborist, you
22 know -- I'm sorry. I'm getting some feedback. And
23 again, we saw how they are close to the house, how some
24 of them are leaning towards the house. Nobody has a
25 crystal ball and nobody wants to make anybody feel in

1 danger in their own home. So again, I've discussed this
2 with you and you came back with a pretty nice proposal
3 for replanting some of those healthy trees, Trees 1
4 through 5, that you're asking to remove.

5 Did all the Board members, Nancy, Jim and
6 Scott, did you guys get a chance to look at the
7 replacement planting plan for --

8 MEMBER ABRAMS: Yes.

9 CHAIRMAN HADJANDREAS: So in regards to the
10 front of the house now, the Roberts are, again, they
11 broke it up into three zones, Zone A, B and C, and
12 they're looking at planting two trees, and again, from
13 the following list because they don't know what's going
14 to be available or what the nursery is going to have in
15 stock. And a lot of these trees came from the
16 recommended list of trees that the village had sent out,
17 a list of replacement trees that the village had sent to
18 them.

19 So, in Zone A they're proposing to plant two
20 trees. In Zone B they're proposing planting two trees
21 from a separate list. And in Zone C, one tree from, you
22 know, from the looks of it a more topiary type tree,
23 more color and, you know, nothing that's going to get
24 very big.

25 So, they're asking to cut down five trees.

1 They're replacing them with five trees, not necessarily
2 in the same area in the front of the house. But, you
3 know, when these trees do get to full height or do get
4 bigger, they're not going to pose a threat to the house
5 that the trees that they are asking to remove, you know,
6 what they're doing now in terms of posing a threat to
7 the house.

8 Does anybody have any questions about the
9 trees that they're proposing on planting or the
10 landscape plan that they're proposing?

11 MEMBER GALTIERI: The house is pretty remote
12 in terms of being at the end of that cul-de-sac. I do
13 feel that whatever they do in terms of removal and
14 replanting, I mean, I don't see any neighbor impact or
15 anything like that. So, I mean it's at the end of the
16 road as they say.

17 CHAIRMAN HADJANDREAS: It is. But again,
18 whenever we're faced with anything in the front yard we
19 kind of take a, you know, a more stringent view and ask
20 for a replacement. Because of their location and
21 they're not front and center like on a different road, I
22 don't know, I mean I think we can't say to them, okay,
23 well, you're at the end of the street so you don't have
24 to do any planting when we make other people replace
25 what they want to cut down in their front yard.

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1 And I do thank the Roberts for coming to the
2 table with I think a very nice plan.

3 Howard.

4 MR. AVRUTINE: Well, does the Board wish to
5 make a condition compliance with the planting plan?

6 CHAIRMAN HADJANDREAS: Mr. Roberts, when do
7 you think, if we gave you the green light, I know you
8 want to remove the trees right away --

9 MR. ROBERTS: Yeah.

10 CHAIRMAN HADJANDREAS: -- when do you think
11 you could get these five trees in the ground?

12 MR. ROBERTS: So, we were talking with the
13 guy, Oakwood Nursery. And this is why we expanded the
14 list a little bit, because some of the stuff we could
15 see on site and was readily available, other stuff he
16 said he can get. But we really didn't get further than
17 that because we didn't really know what the outcome of
18 tonight was going to be. But I think from our
19 conversations with him on Saturday, I don't think that
20 this is difficult to turn this around quickly. I just
21 want to make sure.

22 You can tell what we're doing here. Some are
23 more ornamental than others. We have a certain
24 preference to some versus others. But if I can get this
25 done in the next month, which I think I can, that's the

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1 intention. I don't really want to carry this on through
2 to the spring. But again, I'll still take advice from
3 them. If they tell me no, this tree has to be planted
4 in the spring, than that's the best thing for the tree.
5 But I think it could be turned around pretty quickly
6 from what they were saying.

7 CHAIRMAN HADJANDREAS: We are right now in
8 prime planting season, and, you know, which does extend
9 it to mid-November. Again --

10 MR. ROBERTS: I think we can get it done. If
11 that's the case, Chris, we can get it done.

12 CHAIRMAN HADJANDREAS: I know.
13 What I was discussing earlier in terms of,
14 with the previous applicant and, again, in terms of, you
15 know, because there's no building permit to tie this to,
16 there's no open permit, again, there's a whole
17 enforcement issue and typically when there is a
18 replacement plan the Board does ask for a deposit. So,
19 I would like to get some feedback from the rest of the
20 Board in terms of their thoughts on this.

21 MEMBER GALTIERI: We do have a plan, right,
22 there is a landscape plan attached to this, right?

23 CHAIRMAN HADJANDREAS: There is.

24 MEMBER GALTIERI: I mean, in my opinion that
25 is different than the previous one. I think that there

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1 should be some kind of enforcement issued on that plan
2 that's in front of us.

3 CHAIRMAN HADJANDREAS: I also think, you know,
4 basically a nominal deposit because, you know, based on
5 what you've done in terms of going and seeing what you
6 want to put in the ground, I have every confidence it's
7 going to get done. And I think a nominal deposit just
8 so we can keep this precedent and, you know, not have an
9 issue where, oh, well, they didn't have to put up a
10 deposit why do I when I wanted to remove stuff from our
11 front yard.

12 So I would propose that we ask for a nominal
13 deposit. These trees are going to cost in the area of
14 probably two to three hundred dollars each. You're
15 looking to plant five trees. I'd say if we got a \$750
16 deposit. Is that in line? Does the Board feel
17 different?

18 And that is fully refundable back to you once
19 everything is done. The building inspector will come
20 out and say, okay, five trees, beautiful, done.

21 Anybody on the Board have any input?

22 MEMBER GALTIERI: That's a nominal fee.

23 MEMBER ABRAMS: I am fine with that. And I
24 think the homeowners did a very intelligent replacement
25 plan in that they didn't specifically identify or they

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1 gave multiple options to go in Zone A, B and Zone C.
2 I'll tell you, I would like to see other people do that
3 too because it makes it much easier for them ultimately
4 to comply with our request and easily get back the
5 deposit that they'd be giving us because they've got
6 more than one option of a tree to get planted in a
7 specific location. So I have no problem with \$750.

8 CHAIRMAN HADJANDREAS: Nancy?

9 MEMBER JONES: That's fine.

10 CHAIRMAN HADJANDREAS: Okay. Howard, I guess
11 a motion to close this hearing.

12 MR. AVRUTINE: I just have a question. So
13 this particular situation will not be a
14 self-certification because there is no professional
15 involved, correct?

16 CHAIRMAN HADJANDREAS: Yeah. At this point go
17 basically, you know --

18 MR. AVRUTINE: Will someone from the Planning
19 Board inspect to ensure? Is that how that will work?

20 CHAIRMAN HADJANDREAS: Either myself or the
21 building inspector.

22 MR. AVRUTINE: Okay. Then that's fine.

23 CHAIRMAN HADJANDREAS: Yeah.

24 MR. AVRUTINE: So at this point I don't know
25 if you want to open it up to the public.

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1 CHAIRMAN HADJANDREAS: Is there anybody on the
2 conference call or in the public have any questions or
3 concerns about this matter?

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

6 And the Board has no further questions?

7 CHAIRMAN HADJANDREAS: No.

8 MEMBER JONES: No.

9 MR. AVRUTINE: So we'll entertain a motion to
10 close the public hearing.

11 MEMBER JONES: I'll motion.

12 MR. AVRUTINE: Member Jones.

13 Second by Member Abrams?

14 MEMBER ABRAMS: Yes.

15 MR. AVRUTINE: All in favor?

16 CHAIRMAN HADJANDREAS: Aye.

17 MEMBER ABRAMS: Aye.

18 MEMBER JONES: Aye.

19 MEMBER GALTIERI: Aye.

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

23 Next will be a motion on the application?

24 CHAIRMAN HADJANDREAS: Motion to approve.

25 MR. AVRUTINE: That was by Chairman

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1 Hadjandreas. And the motion is to approve as submitted
2 with a deposit in the sum of \$750 to guarantee that the
3 landscape plan is complied with to be verified by the
4 Chair or a designee. That's the motion.

5 Do we have a second?

6 MEMBER GALTIERI: Second.

7 MR. AVRUTINE: That's by Member Galtieri.

8 All in favor?

9 CHAIRMAN HADJANDREAS: Aye.

10 MEMBER ABRAMS: Aye.

11 MEMBER JONES: Aye.

12 MEMBER GALTIERI: Aye.

13 MR. AVRUTINE: Approved pursuant to those
14 conditions.

15 CHAIRMAN HADJANDREAS: Mr. and Mrs. Roberts,
16 just so you're clear, this is considered approved. But
17 until you give the village the deposit, you can't cut
18 down the trees.

19 MR. ROBERTS: Can I ask one question, Chris?

20 CHAIRMAN HADJANDREAS: Sure.

21 MR. ROBERTS: The space in the back, if we
22 were to split it into two projects, one this year and
23 one next year, and then be back on the stuff for the
24 back as we do it, is that acceptable, or is this
25 something we now have to do all at the same time?

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1 CHAIRMAN HADJANDREAS: No. I think --
2 Liz, maybe you can -- I think if we amend the
3 application into two applications, because the Board did
4 approve it, then we have one for the backyard and one
5 for the front yard. The front yard is tied to the
6 landscape plan and the deposit. The backyard, again, we
7 had no issue with and that was approved, that we can
8 approve that permit with the trees in the backyard and
9 they can have at it.

10 The issue is with the front yard. Again, you
11 expressed a lot of concern about the potential of these
12 trees doing harm to you and your house. You know, you
13 wouldn't be -- if you did delay it with the deposit, you
14 wouldn't be able to cut them down until --

15 MR. ROBERTS: No. I completely understand
16 that. It's just we had a budget for this and we're
17 obviously going over that with the planting of the new
18 trees. So we thought we might just do the stuff we need
19 to do now and the stuff in the back maybe next year. We
20 can still figure that out. I just wanted to check.

21 (Continued on next page.)
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CHAIRMAN HADJANDREAS: If you want to do something like that, the village would definitely break it up for you.

MR. ROBERTS: All right. Thank you.

MS. ROBERTS: Thank you, everyone.

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

Ronald Koenig

RONALD H. KOENIG
Official Court Reporter