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INCORPORATED VILLAGE OF LAUREL HOLLOW  
BOARD OF ZONING  
PUBLIC HEARING  
April 17, 2019  
7:30 p.m.

VILLAGE HALL  
1492 Laurel Hollow Road  
Syosset, New York 11791-9603

PRESENT:

RUSSELL MOHR, CHAIRMAN  
JEFFREY BLUMIN, MEMBER  
CINDY KAUFMAN, MEMBER  
VINCENT PARZIALE, MEMBER  
LOUIS LEBEDIN, MEMBER

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney  
JAMES ANTONELLI, Village Engineer

ALSO PRESENT:

KEVIN SHEEHAN, Landscape Architect  
LAUREL GROUP  
31 Prospect Street  
Huntington, New York

NEWMAN ZV1-2019

Hearing on variances needed for rear and  
side yard setback 80 Wildwood Drive

MARY ANNE COPPINS,  
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: This the Public  
2 Hearing, ZV1-2019, on the appeal and  
3 application of Elaine Kawas of the  
4 Laurel Group on behalf of Gregg and  
5 Melissa Newman to install multiple  
6 accessory structures at 80 Wildwood  
7 Drive where, firstly, the proposed  
8 accessory structures are not set back at  
9 least 40 feet from every lot line not  
10 abutting the street as required by  
11 Section 145-(B)(2) of the Laurel Hollow  
12 Village Code. The proposed setbacks are  
13 as follows:

14 The pool patio rear-yard setback is  
15 23 feet 7 inches; the pool rear-yard  
16 setback is 33'9 inches; the pool  
17 equipment side-yard setback is 12 feet  
18 10 inches; the pool equipment rear-yard  
19 setback is 18 feet 3 inches; the fire  
20 pit side-yard setback is 24 feet 6  
21 inches. The fire pit -- the fire pit  
22 terrace side-yard setback is 15 feet 11  
23 inches, and the in-ground trampoline  
24 rear-yard setback is 26 feet 3 inches.

25 In addition, the proposed sports

1 court is not set back at least 40 feet  
2 from every lot line not abutting the  
3 street as required by Section  
4 145-5(B)(3) of the Laurel Hollow Village  
5 Code. The proposed rear-yard setback is  
6 26 feet 7 inches.

7 The property under application is  
8 designated as Section 25 Block 64 Lot 7  
9 on the Land and Tax Map of Nassau  
10 County.

11 The exhibits in connection with  
12 this hearing are as follows:

13 First: Notification from the  
14 Nassau County Planning Commission dated  
15 January 29, 2019 that the above matter  
16 is referred to the Laurel Hollow Board  
17 of Zoning Appeals for action as it deems  
18 appropriate.

19 The next exhibit is the Legal  
20 Notice of Public Hearing dated April  
21 2nd, 2019.

22 The next exhibit is the affidavit  
23 of posting from Nick Porcaro that the  
24 legal notice was posted conspicuously on  
25 the bulletin board located at the main

1 entrance of the Village Hall on April 5,  
2 2019.

3 The next exhibit is a copy of the  
4 legal notice published in the North  
5 Shore Leader on April 10, 2019.

6 The next exhibit is an affidavit  
7 from the Deputy Clerk stating that the  
8 notice of public hearing was mailed to  
9 interested parties on April 5, 2019.

10 The next exhibit is a document  
11 confirming that the notice of public  
12 hearing was published to the Village of  
13 Laurel Hollow website and Village  
14 website NEWS subscribers on April 5,  
15 2019.

16 The next exhibit is an affidavit of  
17 mailing from the applicant indicating  
18 that the notice of public hearing was  
19 mailed on April 10, 2019 to the  
20 individuals set forth in the affidavit.

21 The next exhibit consists of  
22 minutes from the Planning Board meeting  
23 of January 22, 2019 regarding tree  
24 removal.

25 And the final exhibit is the Tree

1 Removal and Planting Plan approved by  
2 the Planning Board on January 22, 2019.

3 Good evening.

4 MR. SHEEHAN: Good evening.

5 MR. AVRUTINE: Please give your  
6 name and address for the record.

7 MR. SHEEHAN: My name is Scott  
8 Sheehan, S-H-E-E-H-A-N, of the Laurel  
9 Group. My address is 31 Prospect Street  
10 in Huntington. I'm a registered  
11 landscape architect here to represent  
12 Gregg and Melissa Newman on their  
13 property that has been described.

14 What I would like to start off with  
15 is kind of the overall survey of the  
16 property.

17 You can see how the property lines  
18 lay out. It's a unique property in the  
19 area. Most properties are more  
20 consistent in terms of their space.  
21 It's at the end of Wildwood Drive.

22 I don't know if you've ever been  
23 down that road, it's a dead-end, or the  
24 cul-de-sac of that community and the  
25 highlighted portion is their property

1 lines.

2 You can see in this shape where  
3 it's very narrow through here to get  
4 those two-acre zonings for this area  
5 which then, in turn, makes it a less  
6 usable lot.

7 Right now there is an existing pool  
8 and patio that is pre-existing  
9 non-conforming located here, and it is  
10 roughly -- I'm sorry, it exists at  
11 8 feet 3 inches to the property lane.  
12 So we have a pool that is in need of a  
13 lot of repair and we figured on  
14 installing a new pool and wanted to get  
15 a better location for it, as well, and  
16 make it a more conforming position on  
17 the property.

18 So, the plan we have here is this.

19 So that was this location being  
20 removed there to have lawn space and  
21 bringing it to the western side of the  
22 property and how it lays out with the  
23 home. 20 by 40 rectangular pool, very  
24 simple, very standard. Located in the  
25 positions of setbacks were discussed in

1                   that. We have the numbers here.

2                   So now we are, instead of 8 feet,  
3                   we are 24 feet at the closest where  
4                   there is a little bump-out for a little  
5                   sitting area and 37 feet to the main  
6                   area of the pool; so a considerable  
7                   distance further away from the property  
8                   lines.

9                   We also didn't put patios around  
10                  the entire pool area, itself. We want  
11                  to reduce the amount of space and also  
12                  use what is proper for sun angles, as  
13                  well as use of the pool. There's no  
14                  need to go around the whole entire patio  
15                  space around the whole pool.

16                 There is a slight change of grade  
17                 in this area, so that is why there is a  
18                 retaining wall in this location. It  
19                 does not affect any slopes or steep  
20                 slopes in nature there. So it's only a  
21                 3-foot high wall to kind of level this  
22                 area off making it more usable.

23                 There is an area here with a fire  
24                 pit sitting here that doesn't overlook  
25                 to the pool. The pool equipment sits

1 behind here, well screened from all the  
2 neighbors and so forth.

3 There is an existing driveway that  
4 approaches this area to the north. That  
5 is also open now, but it's going to be  
6 all well screened with evergreen trees,  
7 starting at 8 to 10-foot high, deciduous  
8 trees.

9 If you notice on the top portion of  
10 this, there is a whole lot of planting  
11 of a 15-foot buffer. I don't know if  
12 anyone has been to the site, but it's  
13 kind of deceiving. When you walk out to  
14 the site there you see a lot of woods in  
15 the background and a fence in the  
16 distance which is the neighbor's fence.

17 Their property line is very short.  
18 It is right at this location and there  
19 is no plantings in this area here up to  
20 that property line. So we're adding a  
21 maximum of 15-foot additional buffer to  
22 that space with evergreen shrubs and  
23 trees and deciduous trees. All been  
24 reviewed by the Planning Board and  
25 approved, especially with the tree



1 removal that we have in place for this  
2 property.

3 Even in this corner here where the  
4 pool equipment is, is all hedging and  
5 more native, native, deciduous trees  
6 going in that are very full to the  
7 bottom increasing the amount of, I would  
8 say, border planting as well as  
9 screening from any property there.

10 There is a large consistent amount  
11 of existing woods in this spot there, so  
12 we positioned it purposely in this area  
13 so it is furthest away from any other  
14 residential homes to make it appealing  
15 for everybody; and, also, useful for the  
16 pool.

17 Another portion of the project is  
18 the proposed tennis court location over  
19 here. Because of its nature and design,  
20 we've positioned it to be parallel,  
21 perpendicular to the home itself so it  
22 works in the flow of property. There is  
23 this long piece that goes out to Cold  
24 Spring Harbor Road and the positioning  
25 of this, it keeps about over 240 feet

1 from the edge of this court, all the way  
2 out to the property line of Cold Spring  
3 Harbor Road. So there is still an  
4 additional some-odd feet to the road  
5 itself, which also sits about 4 to 5  
6 feet lower in elevation than it does 50  
7 feet in. Anything passing by is a lower  
8 profile. Cars going by over 40  
9 miles-an-hour through a dense  
10 dilapidated, for a lack of better term,  
11 but there's a lot of briar and brush in  
12 there, it wouldn't even be seen on top  
13 of that.

14 On top of that, we are also adding  
15 a number of screening trees, all  
16 evergreen, stay green all year round, a  
17 variety of species, that start at 8 to  
18 10 feet tall and will be growing up to  
19 the height of over 15, 20 feet, and even  
20 up to 30 in some cases over time. So it  
21 creates a dense coverage through that  
22 space.

23 All the drainage has been  
24 considered for this court itself to the  
25 property keeping everything within.



1           been an issue now, mosquitos, with all  
2           the viruses that they are spreading now,  
3           so getting that little bit of buffer  
4           away helps as well.

5                     We did reach out to local,  
6           actually, all the neighbors based on the  
7           requirements of the Village, but we also  
8           reached out with a personal letter from  
9           myself and the Newmans describing the  
10          project in specifics and having an  
11          aerial view of the design with their  
12          homes shown to all four abutting  
13          neighbors.  They actually -- I actually  
14          have a copy of that here if anybody is  
15          willing to have that.

16                    MR. AVRUTINE:  Would you like to  
17                    submit that as an exhibit?

18                    MR. SHEEHAN:  Sure.

19                    MR. AVRUTINE:  This is a letter  
20                    that was sent by you?

21                    MR. SHEEHAN:  This is the letter  
22                    that was sent by myself to the abutting  
23                    neighbors.

24                    MR. AVRUTINE:  Okay.

25                    MR. SHEEHAN:  It also goes with a

1 no-objection affidavit asking for their  
2 signatures of no objection.

3 MR. AVRUTINE: One minute, please.

4 I would like to note for the  
5 record, that this is a letter dated  
6 April 4, 2019. The name at the bottom  
7 is Scott Sheehan and Mr. Sheehan just  
8 indicated that this was sent to the  
9 abutting neighbors.

10 That will be marked as Applicant's  
11 Exhibit Number 1.

12 MR. SHEEHAN: This was the  
13 illustration that was sent with that  
14 showing the layout of the property and  
15 how the other neighboring homes are  
16 located to them with their addresses.

17 MR. AVRUTINE: I will attach this  
18 to the letter and it will all be part of  
19 Applicant's Number 1.

20 MR. SHEEHAN: We got some responses  
21 with three of the neighbors of no  
22 objection. I have those. I can read  
23 you their addresses, if you would like.

24 MR. AVRUTINE: Put that into the  
25 record, then we will mark those.

1 MR. SHEEHAN: 70 Wildwood Drive,  
2 503 Cold Spring Road and 505 Cold Spring  
3 Road.

4 I did also receive a phone call  
5 from Helen Travis from 533 Cold Spring  
6 Road. I had a conversation on the phone  
7 with her about the project, as well as a  
8 personal visit to her home. We went  
9 through these exact plans with her,  
10 answered any questions as best as I  
11 could about the project. And that's  
12 where we stand. I haven't heard a  
13 response besides that.

14 MR. AVRUTINE: One moment.

15 I would like to put on the record  
16 we have three sheets, all entitled no  
17 objection affidavit.

18 The first one is signed by Khalida,  
19 K-H-A-L-I-D-A, Dory, D-O-R-Y, Stutman,  
20 S-T-U-T-M-A-N residing at 70 Wildwood  
21 Drive.

22 The second one is signed by Dana  
23 Ginobbi, G-I-N-O-B-B-I, and Michael  
24 Ginobbi, 503 Cold Spring Road.

25 The third is signed by Holly,

1 H-O-L-L-Y, Pyke, P-Y-K-E, Brown,  
2 B-R-O-W-N, at 505 Cold Spring Road.

3 These three documents,  
4 collectively, will be marked as  
5 Applicant's Exhibit Number 2.

6 You may continue.

7 MR. SHEEHAN: Thank you.

8 So I also would like to add that we  
9 had an extensive review at the Planning  
10 Board reviewing every tree with the  
11 Village Arborist, if I didn't say that  
12 already, and understanding that there  
13 was only a couple of trees they asked to  
14 keep, which we did. We also added a  
15 couple more trees, more than a couple,  
16 based on their recommendation, we gladly  
17 put that into place. It was a pretty  
18 extensive review on all of that.

19 The condition of what is there now  
20 is just older areas of red cedars and a  
21 lot of vegetation fallen over from not  
22 being kept over the years because  
23 there's an older wooded lot back from, I  
24 guess, development when this was done  
25 back in this 80s, this development

1 location.

2 I feel that granting the variance  
3 of this doesn't really change the  
4 character of the neighborhood because  
5 all the -- kind of looked at this  
6 particular neighborhood itself, and  
7 there are about 27 homes in this  
8 neighborhood, if I have that correct,  
9 and a third of them have tennis courts.

10 I think we have gone above and  
11 beyond, talked about nine have tennis  
12 courts. So we have gone above and  
13 beyond to make sure that the neighbors  
14 are happy with what is going on here,  
15 and understand what is going on here.

16 We've added a substantial amount of  
17 plantings for this entire property,  
18 which is a lot going in here, to make  
19 sure things are well screened and well  
20 protected and safe, in terms of fencing  
21 and so forth.

22 With pool code enclosure, we're all  
23 up to New York State Pool Code, and I  
24 don't think it really changes the  
25 character based on those elements of



1           what the neighborhood has.

2           I believe this application warrants  
3           an approval based on the presentation  
4           that I projected to you. I don't feel  
5           it will have an adverse effect on the  
6           neighborhood. I think we are improving  
7           it. It will be more manicured. It will  
8           be a better space for the homeowners  
9           here that goes with everything that all  
10          the other neighbors have.

11          It is unfortunate that they have  
12          such an unusual shaped lot that has  
13          unusable space. It's half of their lot,  
14          a two-acre lot. Most people can  
15          actually use their two acres. This is  
16          one acre, they're paying taxes on two.  
17          It is a very small sliver throughout  
18          that that would not be able to otherwise  
19          be used in any other way.

20          MR. AVRUTINE: I have a question.

21          I would like to know whether you  
22          can certify for the Board, for the  
23          record, that the plan that is before the  
24          Board this evening, in terms of the tree  
25          removal approval that you're seeking,

1           that this plan complies in all respects  
2           with the plan approved by the Planning  
3           Board.

4           MR. SHEEHAN:   Yes, it does.

5           I have made that part of the packet  
6           you have all received in terms of tree  
7           removal with a list, the calculations,  
8           and there are specifically which ones we  
9           are allowed to keep.  You can see  
10          they're bubbled in here which ones were  
11          asked to be kept.  And then there is  
12          also a separate planting plan here that  
13          depicts all the information of the  
14          planting the Planning Board wanted to  
15          have.

16          MR. AVRUTINE:  Thank you.

17          Does that conclude your  
18          presentation?

19          MR. SHEEHAN:  It does.

20          MR. ANTONELLI:  I have a question.

21          Mr. Sheehan, as part of the second  
22          exhibit, the three letters that you  
23          have, would you be able to indicate on  
24          the plan sheet which properties those  
25          refer to.

1                   CHAIRMAN MOHR: We can use the  
2 exhibit I think, Jim.

3                   MR. AVRUTINE: Applicant's Exhibit  
4 Number 1 shows abutting properties.

5                   So from the no objection affidavit  
6 documents, which are Applicant's Exhibit  
7 2, we have 70 Wildwood, which is  
8 directly to the east, assuming the  
9 arrow, the top is north.

10                  Then we have there --

11                  MEMBER PARZIALE: Should be west.

12                  MR. SHEEHAN: It's represented on  
13 here, this is west here.

14                  MEMBER PARZIALE: This is west  
15 here.

16                  MR. AVRUTINE: Much better.

17                  The next one, 503 Cold Spring Road,  
18 which is directly to the south, and then  
19 505 Cold Spring Road which is to the  
20 south and east. The one is not the  
21 abutting, the resident that has not  
22 signed is 533 Cold Spring Road to the  
23 north and east.

24                  MR. ANTONELLI: Thank you.

25                  MR. AVRUTINE: Mr. Antonelli, do

1                   you want to see it?

2                   MR. ANTONELLI:  No, I'm fine, thank  
3                   you.

4                   MEMBER BLUMIN:  Are there plans for  
5                   outdoor lights?

6                   MR. SHEEHAN:  They will have just  
7                   some area lighting with path lights.  
8                   Path lights and some up-lights for the  
9                   trees themselves that would work just to  
10                  enhance the architecture of the tree.  
11                  There's no flood lighting or anything  
12                  like that.  No lighting for the tennis  
13                  court.

14                  CHAIRMAN MOHR:  Before we hear from  
15                  the Board, I would like to see if there  
16                  is anything from the public, unless you  
17                  have anything further.

18                  MR. SHEEHAN:  I don't have anything  
19                  further.

20                  CHAIRMAN MOHR:  Is there anyone  
21                  from the public who would like to speak?

22                  MS. TRAVIS:  Yes.

23                  CHAIRMAN MOHR:  Yes.

24                  MR. AVRUTINE:  Please state your  
25                  name and address, please.

1 MS. TRAVIS: My name is Helen  
2 Travis and I am the owner of 533 Cold  
3 Spring Road.

4 I did have some questions and just  
5 statements, I guess.

6 I kind of wondered why the Newmans  
7 were unable to build more within the  
8 40-foot parameter. You see that it kind  
9 of switched sideways, it could go that  
10 way. It wouldn't maybe be as nice for  
11 their residence, but it would be nicer  
12 for me. I am just saying I was just  
13 wondering why they couldn't kind of tilt  
14 it a little more, it would jet out less  
15 that way and this way. That was a  
16 question.

17 Then I just wanted to point out  
18 that this is visible from my front yard,  
19 as opposed to the other people. I think  
20 it would be in their backyards.

21 I guess the most important thing,  
22 really, is that from this, it's hard for  
23 me to tell exactly how it is going to  
24 impact. My lanes that I -- I work in  
25 the garden right here all the time and

1 my lane goes right by here. This is  
2 going to be, apparently, a sports area,  
3 not just a tennis court, so there will  
4 be roller blading and that sort of  
5 thing, I think.

6 I have a right-of-way, it's a  
7 really old one that used to go down to  
8 the farm. This is the farm. And I have  
9 had trouble with the -- not recently,  
10 and certainly not the Newmans that I  
11 know of, but of people using it to walk  
12 through. And I am fearful if there  
13 isn't a fence or something of that  
14 nature to protect it, kids or adults or  
15 anyone might be more tempted to just  
16 walk through the lane to get to it. But  
17 that's just what I experienced.

18 I also wanted to know about the  
19 lighting because I know the Newmans like  
20 to keep their house lit up at night, so  
21 I assume it is not going to be lit up  
22 all night. So I didn't know if there  
23 was going to be fencing around the court or  
24 just going to be the trees, which looks  
25 fine as far as can I tell, but if it

1           could be staked out for me so I can see  
2           more clearly that would be helpful for  
3           me to fully understand.  It's kind of  
4           hard to understand from the map.

5                    I did ask Mr. Sheehan that for me  
6           and he couldn't because he's not exactly  
7           sure.  I guess they have to have a  
8           special person come through.

9                    I did want to know, and I don't  
10          know if you know or can answer this,  
11          whether or not if I were to subdivide,  
12          because I do have 4 acres, and if I were  
13          to subdivide to sell this 2 acres, would  
14          it affect the value by -- maybe it's  
15          just a little, jutting into the  
16          property, so maybe it doesn't impact,  
17          doesn't matter, but if I were to, would  
18          it impact on the value of my sale.

19                   And, finally, I want to know what  
20          the construction timetable would be and  
21          when that would happen.

22                   CHAIRMAN MOHR:  Thank you.

23                   Mr. Sheehan?

24                   MR. SHEEHAN:  Sure.  I'm not sure  
25          if I remember all the questions, I'll do

1 my best. If I miss something let me  
2 know.

3 So, in terms of the positioning of  
4 the court, I have positioned it in a  
5 place that was, I think, fair on all  
6 sides as best as could. Keeping it  
7 square parallel with the home that is  
8 out here, of course, aesthetically it's  
9 best for the design. But it also  
10 positions it where it's, I think, 26  
11 feet to the property line here and it's  
12 26'7 inches, I believe, in this location  
13 on the western side, 26'7 and 26.

14 MR. AVRUTINE: What is that?

15 MR. SHEEHAN: That is the east,  
16 northeast side, 26. And then the  
17 southwest side would be 26'7.

18 CHAIRMAN MOHR: To be clear, it's  
19 26'7 and 26 to the fence line, not to  
20 the court.

21 MR. SHEEHAN: Right, to the fence.

22 CHAIRMAN MOHR: Which is very  
23 different than to the court.

24 And what's the difference between  
25 the fence line and the court?



1                   Do you have an approximate between  
2                   the fence line and the court?

3                   MR. SHEEHAN:   Approximately 6 to 8  
4                   inches.

5                   CHAIRMAN MOHR:   It has to be more  
6                   than that.

7                   MR. SHEEHAN:   The fence line is  
8                   right on the court because the court is  
9                   60 by 120.   So your actual court area  
10                  playing --

11                  CHAIRMAN MOHR:   Meaning the  
12                  surface.

13                  MR. SHEEHAN:   The surface of the  
14                  court.

15                  MEMBER PARZIALE:   Probably need a  
16                  buffer around, as well.

17                  MR. SHEEHAN:   Well, the court, see  
18                  how the tennis court is this and there  
19                  are areas outside that are play.   The  
20                  fence goes right up against that, not to  
21                  protrude out any further distance away  
22                  from the court.   It's very close to the  
23                  court.

24                  Then there is the lawn space and  
25                  then some plantings all around the

1 perimeter.

2 So by having 26 feet and change,  
3 because we talked about it being to the  
4 fence, that gives us, onto this area  
5 here, if I start to twist it, it gets  
6 closer to that home. So I'm trying to  
7 keep things balanced as best as possible  
8 because of the way of the shape of this  
9 is. If this sweeps away, this doesn't  
10 fall within that setback.

11 So, I guess, on Mrs. Travis's side,  
12 that side has the least impact because  
13 it's furthest away in this northwest  
14 side.

15 The other side is a bit closer.  
16 That's the reason for the positioning,  
17 to balance everything out as best as  
18 possible.

19 MR. AVRUTINE: I believe one of the  
20 other questions was lighting for the  
21 court.

22 MR. SHEEHAN: There's no lighting  
23 for the court.

24 MR. AVRUTINE: None whatsoever.

25 That can be a condition of the

1 approval if the Board wanted to impose  
2 that condition?

3 MR. SHEEHAN: Yes, yes.

4 MEMBER PARZIALE: How about a  
5 condition if there was an additional  
6 maybe a few trees just to satisfy --  
7 plantings just to satisfy the neighbor  
8 so that if she felt that wasn't -- it  
9 looks like it's adequate, there's a  
10 tremendous amount of trees, but maybe if  
11 she wanted to get involved with a few  
12 extra trees.

13 MR. SHEEHAN: I do note that we  
14 discussed at length kind of a real feel  
15 of what is there. I understand that.  
16 We also talked about what type of trees  
17 are there.

18 I also showed photos of what types  
19 of evergreen trees are there. She was  
20 concerned that whatever was planted by  
21 some pasts owners of your property or  
22 was --

23 MR. AVRUTINE: Please address the  
24 Board.

25 MR. SHEEHAN: I'm sorry.

1 I understood that whoever planted  
2 trees on her property in the past,  
3 they've grown up, gotten bare at the  
4 bottom, I don't know what trees they  
5 were.

6 MR. AVRUTINE: When you say her  
7 property, do you mean Mrs. Travis?

8 MR. SHEEHAN: Mrs. Travis.

9 MR. AVRUTINE: You're talking about  
10 plantings on the neighbors property or  
11 on the applicant's property.

12 MR. SHEEHAN: Mrs. Travis described  
13 there were plantings on her own property  
14 that had grown over time and had gotten  
15 bare at the bottom.

16 I assured her the type of plants we  
17 were planting would not do that because  
18 I described and showed her photos of  
19 what type of evergreen trees we would be  
20 planting. I don't know if that  
21 satisfied her, but at the time of the  
22 meeting it seemed to have.

23 If there was additional trees that  
24 would have to come from the homeowner,  
25 himself, if that would be something they

1 would consider putting in a few  
2 deciduous trees to kind of add to that,  
3 which we have already done on the border  
4 of the south side.

5 MR. AVRUTINE: Describe the  
6 fencing. I believe Mrs. Travis asked  
7 about that.

8 MR. SHEEHAN: There is fencing  
9 around the tennis court, so...

10 MR. AVRUTINE: Just around the  
11 tennis court portion?

12 MR. SHEEHAN: Around the entire  
13 tennis court, as well as leading to the  
14 home, which is estate fencing so it  
15 would be black vinyl chain link fencing  
16 which when installed in a wooded area  
17 kind of disappears within the shadows of  
18 all the other vegetation, as well as  
19 screening with additional plant material  
20 of evergreen.

21 What is here, running from the  
22 tennis court to the home, which is  
23 locking in for pool code enclosure, is  
24 an estate fence which is, to describe it  
25 verbally, would be like an aluminum

1 version of a wrought iron fence. Then  
2 there is a chain link fence existing now  
3 that remains on the south side that  
4 should be added to continue down the  
5 rest of their property and enclosed  
6 where there is additional estate fencing  
7 on the driveway side.

8 The estate fencing is the portion  
9 that exposes itself to viewable areas  
10 from your driveway or street so it's  
11 more aesthetic, and the chain link  
12 fencing is put around the perimeter to  
13 hide within the plantings and not be  
14 visible.

15 MR. AVRUTINE: Also, just to  
16 clarify for the record, when you  
17 indicated this fencing surrounding the  
18 tennis court you're talking about -- on  
19 your plan -- the rectangle within the  
20 larger rectangle, not the actual sports  
21 court but the interior portion.

22 MR. SHEEHAN: The fencing is the  
23 perimeter.

24 MR. AVRUTINE: Referring to the  
25 tennis court.

1 MR. SHEEHAN: This whole thing is  
2 the tennis court.

3 MR. AVRUTINE: I thought the tennis  
4 court was the smaller portion.

5 MR. SHEEHAN: No. This smaller  
6 portion is just the painted lines for  
7 the games.

8 MR. AVRUTINE: I just wanted to  
9 clarify, it was unclear to me.

10 MR. SHEEHAN: Yes.

11 MR. AVRUTINE: So the entire sports  
12 court is surrounded by the black chain  
13 link fence what you described.

14 MR. SHEEHAN: Yes.

15 MR. AVRUTINE: What is the height  
16 of that fence?

17 MR. SHEEHAN: 8 feet.

18 CHAIRMAN MOHR: It says 10 feet on  
19 your plan.

20 MR. SHEEHAN: It does? I misspoke  
21 then, you're correct, it is 10 feet.

22 That's typical for a tennis court  
23 for tennis balls to not be flying out of  
24 the play area, so it contains it within.  
25 That's why we're putting 8 to 10 feet

1 trees there that grow over 15.

2 MR. AVRUTINE: Have you checked  
3 with the Building Inspector whether a  
4 10-foot fence is permissible under the  
5 Code? I'm not sure as I sit here.

6 MR. SHEEHAN: I believe we have and  
7 I believe it is, because I also --

8 MR. AVRUTINE: Clarify that  
9 before --

10 MR. SHEEHAN: Sure.

11 MR. AVRUTINE: -- before you have a  
12 problem later, assuming this application  
13 is approved.

14 MR. SHEEHAN: Yes.

15 There were a few other questions,  
16 I've forgotten where we left off.

17 MR. AVRUTINE: I think there was a  
18 question about your view on the impact  
19 of property values in the case of a  
20 subdivision of Mrs. Travis's property.

21 MR. SHEEHAN: And the right-of-way,  
22 also.

23 So, the way -- I'm not sure how --  
24 it's a hard question to answer, who  
25 knows how it would be subdivided.



1 I don't know if it would be people's  
2 backyards, side yards or what, but if  
3 it's going to be subdivided, likely -- I  
4 don't know how many acres Mrs. Travis  
5 has.

6 MR. AVRUTINE: She indicated four.

7 MR. SHEEHAN: So it will be  
8 one-acre lots or two-acre lots?

9 MR. AVRUTINE: Two.

10 The zoning district requires a  
11 minimum of two-acres.

12 MR. SHEEHAN: So it would be two  
13 separate lots which would likely be the  
14 same type of residence that we are  
15 dealing with here in this neighborhood.

16 I would imagine they may want a  
17 tennis court of some nature in the  
18 future and a pool. Typically, this is  
19 what we see in homes of this stature.

20 The right-of-way is on Mrs.  
21 Travis's property. I know that their  
22 children are not using it because they  
23 come in through their own property  
24 through the front.

25 I can't really speak to how the

1 community uses the right-of-way which  
2 goes out to Cold Spring Harbor Road,  
3 which is on Mrs. Travis's property and  
4 is kind of an open invitation. So, I  
5 think that is the Newmans's  
6 responsibility to block off who comes  
7 off of Cold Spring Harbor Road off an  
8 open right-of-way.

9 I think the right-of-way is there,  
10 actually for what purpose, I'm not  
11 really sure. I think there is a water  
12 easement right next door. I don't know  
13 if that's because of the water easement  
14 to get access to do repairs to that  
15 water easement when needed by utility  
16 trucks. But it's actually adding  
17 another layer of distance from usable  
18 space anyway, so that's how I think we  
19 are creating a good distance away.

20 If you include the right-of-way as  
21 well as the water easement, you're over  
22 40 feet away, even though the property  
23 line on paper is 26.

24 MR. AVRUTINE: Excuse me, sir, if  
25 you wish to address the Board, please

1 stand up and come forward and give your  
2 name and address.

3 MR. NEWMAN: Gregg Newman, 80  
4 Wildwood Drive.

5 I know what you were referring to  
6 because before the new owners at 70  
7 Wildwood, there were old owners and  
8 those kids used to do whatever they  
9 wanted to do up and down that, and it  
10 was more disturbing. It was equally as  
11 disturbing for me as it was for you  
12 because they'd have their friends  
13 hanging out in the cul-de-sac right by  
14 this right-of-way and they'd all meet  
15 there.

16 Fortunately, three or four years  
17 ago we got a new neighbor and I have not  
18 seen it since. But I felt the same way  
19 as you.

20 CHAIRMAN MOHR: Mr. Antonelli?

21 MR. ANTONELLI: I just want to make  
22 a comment since I have been the engineer  
23 here for a while.

24 We have dealt with Jericho Water  
25 and they are quite protective of their

1 water main easements and don't like to  
2 see woody vegetation planted within  
3 them, even though some of them are  
4 overgrown, and that may happen.

5 I noticed -- I just want to make a  
6 comment -- that that northeast corner of  
7 the sports court is very close to the  
8 edge of that 20-foot water main easement  
9 and it doesn't leave a lot of room for  
10 planting.

11 MR. AVRUTINE: It doesn't appear  
12 there are any plantings, maybe just one  
13 tree just nipping it.

14 MR. ANTONELLI: I just wanted to  
15 make the comment as long as we're  
16 talking about effective screening.

17 CHAIRMAN MOHR: I assume if they  
18 want to rip the tree out and do work,  
19 they are going to do that.

20 MR. ANTONELLI: Correct, and they  
21 don't replace them.

22 CHAIRMAN MOHR: Right.

23 MR. SHEEHAN: The planting is on --

24 MR. AVRUTINE: But the owner is  
25 responsible, too.

1                   CHAIRMAN MOHR:  Yes.

2                   MR. SHEEHAN:  And the planting is  
3 not within the easement itself, how it's  
4 designed.

5                   There was a comment about it being  
6 staked out.

7                   I mentioned to Mrs. Travis that at  
8 the time it was raining and when we had  
9 our meeting that I can walk you out to  
10 that space to see the area and I can  
11 show you generally where the court is,  
12 but we would, of course, get everything  
13 staked out by a licensed surveyor before  
14 starting the project, so there is no  
15 question in terms of following the plan  
16 and it's on the actual space that it is.

17                   There is not going to be any room  
18 for error because, actually, Bladykas &  
19 Panetta is the surveyor of record, and  
20 also has a contract with the Newmans to  
21 do that stake out for the pool and the  
22 tennis court already.  If we get  
23 approved, then we request to do that.

24                   CHAIRMAN MOHR:  Any questions from  
25 the Board?

1 (No response.)

2 I do think that Member Parziale's  
3 comment with regard to the additional  
4 plantings would be helpful.

5 I can take into consideration what  
6 Mr. Antonelli is saying with regard to  
7 not planting in the easement.  
8 Obviously, you were mindful of that, but  
9 it should be looked at.

10 If you can make that buffer area  
11 thicker, that would help from protecting  
12 the sight line from Mrs. Travis's  
13 property to the fence line.

14 MR. SHEEHAN: I can do that, but  
15 then I would be getting into the water  
16 easement.

17 CHAIRMAN MOHR: Okay.

18 MR. AVRUTINE: There is some room  
19 further --

20 MR. SHEEHAN: Further this way for  
21 sure, I was talking about this.

22 MR. AVRUTINE: I understand.

23 CHAIRMAN MOHR: There is some room  
24 here to make it a little thicker.

25 MR. SHEEHAN: Sure, sure.

1                   MEMBER BLUMIN: I think what you  
2                   are hearing from the Board is we're  
3                   wrestling with this because it is such a  
4                   significant variance that is being  
5                   requested and we take that very  
6                   seriously.

7                   As you said, it's the shape of the  
8                   plot of land that led you to this and I  
9                   commend you for what you have put  
10                  together here with respect to the  
11                  landscaping and kind of protecting your  
12                  property from the neighbors and their  
13                  ability -- your ability to see out and  
14                  their ability to see in.

15                  It looks like a significant  
16                  investment that is being made and  
17                  upgrades to parts of the property.

18                  CHAIRMAN MOHR: Can I ask another  
19                  question?

20                  In addition, you said earlier with  
21                  regards to the way the property owner  
22                  sits in the rear of the property,  
23                  there's a chain link fence beyond the  
24                  property line.

25                  MR. SHEEHAN: Which is the

1 neighbors.

2 CHAIRMAN MOHR: But you're also  
3 proposing to put up a new chain link  
4 fence for pool code.

5 MR. SHEEHAN: For pool code,  
6 enclosure.

7 CHAIRMAN MOHR: To do the entire  
8 property line. So there will be a chain  
9 link fence, a layer of different trees  
10 to buffer the entire property.

11 MR. SHEEHAN: Which doesn't exist  
12 now. I have a photo of the property.

13 MEMBER BLUMIN: Now you can see  
14 right through to the neighbor's house.

15 MR. SHEEHAN: There really is no  
16 buffer there at all.

17 MEMBER BLUMIN: I think we've all  
18 visited the property.

19 MR. SHEEHAN: So, I don't know if  
20 this is helpful or not.

21 This is the south property line.  
22 That red line is the property line, the  
23 edge of the grass. That is why this  
24 property is very short in that backyard.

25 There is no way to kind of deal



1 with that. So we are again making a  
2 pool more conforming by shifting it  
3 further away and adding a 15-foot buffer  
4 around the whole perimeter there.

5 CHAIRMAN MOHR: Right, almost the  
6 entire pool currently sits in the  
7 40-foot setback.

8 MR. SHEEHAN: Exists now.

9 CHAIRMAN MOHR: It will be reduced  
10 by quite a significant amount with  
11 regard to the pool structure itself.

12 MR. AVRUTINE: We will mark this as  
13 an exhibit.

14 This is a photograph of a portion  
15 of the premises under application  
16 entitled the top of Newman residence, 80  
17 Wildwood Drive.

18 We will mark it as Applicant's  
19 Exhibit Number 3.

20 MR. SHEEHAN: I also took a photo  
21 in the woods without leaf cover standing  
22 at this location 50 feet away. And you  
23 -- even without leaves growing over the  
24 winter -- I can show you this -- that is  
25 me close up. That is 50 feet away.

1           It's like a blur. You can't even see  
2           that. That's without even leaves on all  
3           the vegetation. That's where all this  
4           perimeter vegetation is to remain.

5           We want to keep as much of that as  
6           possible because it would be a small  
7           fortune to clean all of that up. We  
8           want to leave that as natural as is and  
9           just deal with what we have here.

10          Between here and Mrs. Travis, to  
11          her front door, is over 300 feet. So I  
12          know it is not 300 feet of woods, but  
13          there is a significant amount of natural  
14          vegetation buffer of that water  
15          easement, as well as what is off of the  
16          right-of-way on her own property.

17          So I think the filter view is going  
18          to be big. It is not going to be  
19          something that is going to be standing  
20          out in your face.

21          CHAIRMAN MOHR: So let me ask a  
22          question.

23          With regards to the -- beyond the  
24          planting schedule, are you saying during  
25          the construction that area will be left

1 natural.

2 MR. SHEEHAN: Right. The whole  
3 water main easement is meant to remain  
4 natural.

5 CHAIRMAN MOHR: Will remain  
6 natural.

7 MR. SHEEHAN: We are grading in it,  
8 we are not planting in it. It's not for  
9 them to be touched.

10 MR. AVRUTINE: Will there be a  
11 construction fence erected to protect  
12 those areas?

13 MR. SHEEHAN: Yes. Because  
14 everything is going to be staked out  
15 like I mentioned. For best management  
16 practices, we make sure there are  
17 construction fences around the pool  
18 areas so there's no accidents.  
19 Construction zones are important to  
20 define, as well as construction roads  
21 that come in. We don't want trucks  
22 driving around. It's important to make  
23 sure they stay -- we don't want them to  
24 bust up something that we have to fix,  
25 and I am sure the Newmans don't want to

1 be responsible for that.

2 MEMBER BLUMIN: Did you say that  
3 the trees that you're planting around  
4 the, I guess, the north and east end of  
5 the sports court will be 8 to 10 feet at  
6 planting?

7 MR. SHEEHAN: Yes, at planting.

8 We are going to be covering that  
9 height of the fence. 8 to 10 feet,  
10 correct. The top of my hand is eight  
11 feet, probably to the ceiling is  
12 probably close to 11.

13 MR. AVRUTINE: Does it include root  
14 ball?

15 MR. SHEEHAN: It does not, it's  
16 from the base of the plant up, not the  
17 root ball.

18 MR. AVRUTINE: Thank you.

19 MEMBER BLUMIN: It seems like there  
20 will be a lot more privacy for everyone  
21 in the neighborhood as a result of this  
22 plan.

23 MR. SHEEHAN: That's because what I  
24 feel is there now, a good portion of it  
25 is dead or fallen over. What is being

1 cleaned up and adding now is new viable  
2 plants that will survive. They'll have  
3 irrigation on it, they'll be fertilized,  
4 it's going to survive, not just wither  
5 away.

6 MEMBER PARZIALE: I see plantings  
7 are not staggered in the beginning, but  
8 staggered in the back.

9 Are you going to stagger them so  
10 they look natural?

11 MR. SHEEHAN: We can do that,  
12 absolutely.

13 CHAIRMAN MOHR: I think we need to  
14 talk about a couple of conditions.

15 One condition would be no lighting.

16 The second condition would be an  
17 increased planting plan along the --  
18 northerly perimeter.

19 MR. AVRUTINE: Northwest.

20 CHAIRMAN MOHR: Yes, where there is  
21 room between --

22 MEMBER BLUMIN: Northeast.

23 CHAIRMAN MOHR: Between the  
24 easement and the fence line.

25 MR. SHEEHAN: What I would suggest

1           for that is bring this evergreen  
2           vegetation in closer to the fence line  
3           so then that remaining buffer outside  
4           can be planted with deciduous trees,  
5           which would probably be more or less  
6           what you've been looking at is deciduous  
7           trees, so it gives you that double  
8           layer, filtered layer of plant material  
9           to match more of what you have been  
10          looking at.

11                   CHAIRMAN MOHR:  Anything else,  
12           Jeff?

13                   Any other questions from the Board?

14                   (No response.)

15                   Are there any more comments from  
16          the public?

17                   MRS. TRAVIS:  Yes.

18                   CHAIRMAN MOHR:  Just come forward.

19                   MRS. TRAVIS:  I was just wondering  
20          more specifically about the lighting.

21                   I understand there will be lighting  
22          path or something to the court or  
23          something like that.  You said lighting  
24          of the shrubs.

25                   MR. SHEEHAN:  So there are some

1 various areas of just lighting of plant  
2 material that are specimens.

3 When I say path lighting, there is  
4 a path light in areas where you are  
5 traversing. It's mostly around the pool  
6 area, not the tennis court, so we're not  
7 lining the tennis court with path lights  
8 or anything like that. The tennis court  
9 will not be lit at all.

10 CHAIRMAN MOHR: I don't really see  
11 any paths on the plan.

12 MR. SHEEHAN: There is not paths on  
13 the plan, but there are patios for the  
14 tennis court. So when you come off a  
15 step or there's a corner or there's a  
16 gate, usually that's where you would  
17 have a path light.

18 That path light sits only 20 inches  
19 high, so it's knee-high. It illuminates  
20 the ground for no tripping over a step,  
21 or there is the location of a gate so  
22 you can see where you are entering  
23 something. It's for safety so there's  
24 no issues of not seeing where you're  
25 walking to.

1 MRS. TRAVIS: It's a 24/7 thing,  
2 the lights stay on?

3 MR. SHEEHAN: No. Those are put on  
4 timers to go on during -- or a switch  
5 where it's used and usually it can be  
6 done by photocell so when it gets dark  
7 it comes on, it's just on a set of  
8 timers. The photocell turns it on when  
9 it gets dark and it sets for five hours  
10 and it turns off again. It's not 24/7.

11 MRS. TRAVIS: Okay, thank you.

12 MEMBER BLUMIN: You wouldn't see  
13 that from outside.

14 MR. SHEEHAN: You wouldn't see  
15 that.

16 MRS. TRAVIS: Thank you.

17 MR. SHEEHAN: It's their personal  
18 space so there is no flood lights or  
19 anything like that.

20 MRS. TRAVIS: I guess one other  
21 thing.

22 The people are doing the  
23 construction, they will be doing it from  
24 the Newman side or?

25 MR. SHEEHAN: Yes. Accessing it



1 from Wildwood, that dead end, coming up  
2 their driveway and kind of splitting  
3 both sides.

4 MR. AVRUTINE: And the applicant  
5 would be acceptable to having that be a  
6 condition that all construction  
7 machinery and vehicles access through  
8 Wildwood and use the existing driveway,  
9 as opposed to any other possible route?

10 MR. SHEEHAN: I believe so. I can  
11 ask Mr. Newman.

12 MR. NEWMAN: I don't think there is  
13 any other way.

14 MR. AVRUTINE: Just clarifying what  
15 you said, okay.

16 CHAIRMAN MOHR: Any other questions  
17 from the Board?

18 (No response.)

19 No questions from the Board.

20 MR. AVRUTINE: Anything more from  
21 the public?

22 (No response.)

23 May I have motion to close the  
24 public hearing.

25 MEMBER BLUMIN: So moved.

1 MR. AVRUTINE: Member Blumin.

2 Is there a second?

3 MEMBER PARZIALE: Second.

4 MR. AVRUTINE: Member Parziale.

5 All in favor?

6 MEMBER BLUMIN: Aye.

7 MEMBER PARZIALE: Aye.

8 MEMBER LEBEDIN: Aye.

9 CHAIRMAN MOHR: Aye.

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

14 May we have a motion on the  
15 application?

16 MEMBER PARZIALE: I make a motion  
17 to pass the application.

18 MR. AVRUTINE: With the following  
19 conditions, which I will read in the  
20 part of the motion if that is  
21 acceptable.

22 MEMBER PARZIALE: Yes.

23 MR. AVRUTINE: First is that there  
24 will be no tennis court lighting.

25 Secondly, there will be increased

1 planting, and I believe that is on the  
2 northwest portion of the tennis court,  
3 and those will also be -- when they're  
4 planted -- 8 to 10 feet in height.

5 Lastly, that all construction  
6 equipment and vehicles will enter the  
7 premises via Wildwood Drive and the  
8 existing driveway.

9 Is that correct?

10 MEMBER PARZIALE: Yes.

11 MR. AVRUTINE: Okay, that's the  
12 motion.

13 Is there a second?

14 MEMBER BLUMIN: Second.

15 MR. AVRUTINE: Member Blumin. And  
16 we will poll the Board on this.

17 Chairman Mohr?

18 CHAIRMAN MOHR: Aye.

19 MR. AVRUTINE: Member Parziale?

20 MEMBER PARZIALE: Yes.

21 MR. AVRUTINE: Member Kaufman?

22 MEMBER KAUFMAN: I am recusing.

23 MR. AVRUTINE: You are abstaining?

24 MEMBER KAUFMAN: Abstaining.

25 MR. AVRUTINE: Member Kaufman is

1 abstaining.

2 Member Blumin?

3 MEMBER BLUMIN: Yes.

4 MR. AVRUTINE: And Member Lebedin?

5 MEMBER LEBEDIN: Abstaining.

6 MR. AVRUTINE: The application

7 passes three votes aye, with two

8 abstentions with the conditions as set

9 forth on the record.

10 MR. SHEEHAN: Thank you, thank you,  
11 very much.

12

13 \* \* \* \* \*

14

15 C E R T I F I C A T I O N:

16 I, Mary Anne Coppins, Court

17 Reporter, hereby certify that the above

18 transcript is a true and accurate copy

19 of the minutes taken by myself

20 stenographically in the within matter.

21

22

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24

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Mary Anne Coppins

25

Court Reporter