

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
HELD VIA ZOOM VIDEOCONFERENCE
(due to COVID-19 public assembly restrictions)
STENOGRAPHICALLY RECORDED
FEBRUARY 9, 2022, 6:30 PM**

PRESENT:

Mayor Daniel F. DeVita
Trustee Kevin Jusko
Trustee Jeffrey Miritello
Deputy Mayor Jeffrey Nemshin
Trustee Richard Nicklas
Trustee Martin Novick
Trustee Nicholas Tsafos

Howard Avrutine, Village Attorney
Nancy Popper, Clerk
Elizabeth Kaye, Treasurer
Renee Fenton, Deputy Clerk
Michael F. McNerney, Supt. Of Buildings
James Antonelli, Village Engineer

MAYOR DEVITA called the meeting to order at 6:31 p.m. with the Pledge of Allegiance.

**DECISION ON APPLICATIONS OF COLD SPRING HARBOR LABORATORY - RESERVED
AT HEARING HELD ON JANUARY 31, 2022**

Mayor DeVita, in his opening remarks, thanked everyone for attending the public hearing and for expressing their concerns and comments. He then described the format for tonight's meeting, in which he will provide his assessment and analysis on the many issues raised and then give each Board member the opportunity to do the same. The Mayor and Trustees expressed statements of support, which were qualified by numerous conditions, intended to mitigate and address the salient concerns raised by both the Board and the public.

It was moved by Mayor DeVita, seconded by Trustee Nicklas, and unanimously carried that the Board, as Lead Agency under SEQRA, declare that the action be deemed unlisted.

Village Engineer, James Antonelli, then addressed the Board regarding his environmental analysis as detailed in the SEQRA Short Environmental Assessment Form Parts 2 and 3. It was concluded that the anticipated environmental impacts have been mitigated sufficiently. As a result, it was moved by Mayor DeVita, seconded by Trustee Jusko, and unanimously carried that the Board enact a negative declaration under SEQRA.

It was moved by Mayor DeVita and seconded by Trustee Tsafos, that the Board approve the application as submitted in accordance with the following resolution:

**INC. VILLAGE OF LAUREL HOLLOW - BOARD OF TRUSTEES
COLD SPRING HARBOR LABORATORY- REVISION OF
APPROVED MASTER PLAN-SPECIAL USE PERMIT-
SITE PLAN APPROVAL-VARIANCE RELIEF-TREE REMOVAL-SLOPE DISTURBANCE**

WHEREAS, on January 31, 2022, the Board of Trustees of the Village of Laurel Hollow held a public hearing relative to the application of the Cold Spring Harbor Laboratory for revision of its approved Master Plan, for a special use permit, for site plan approval, for variance relief, tree removal and for slope disturbance authorizing construction of the following : a 225-car parking garage, roadway relocation, four (4) new research laboratory buildings, two (2) new scientist housing buildings, site utilities relocation, central cooling plant modification, lower level parking garage below six (6) buildings, new research vivarium, support space, construction of temporary

access driveway from NYS Rt. 25A, upgraded electrical distribution, tree removal and new landscaping. The proposed development site has an address of 1 Bungtown Road, Cold Spring Harbor, NY and is also known as Section 26, Block D, Lots 16, 17, 20, 27, and 29 on the Nassau County Land and Tax Map. All proposed construction work is as shown on the plans and drawings filed with the Board on behalf of the applicant; and

WHEREAS, a legal notice was published in the Oyster Bay Guardian on January 21, 2022 and said notice was appropriately posted at the Village Hall bulletin board as required by law; and

WHEREAS, affidavits of mailing to the persons listed in the files were presented by the applicant; and

WHEREAS, the Nassau County Planning Commission indicated no objection or modification; and

WHEREAS, the Board members did visit the site in order to familiarize themselves with existing conditions and the proposed application; and

WHEREAS, the Board, as lead agency, did deem the project to qualify as an unlisted action under SEQRA and issued a negative declaration with respect thereto, having determined that the relief requested will not have an adverse impact upon the environment; and

WHEREAS, the Village Engineer indicated that the plans as submitted are generally acceptable; and

WHEREAS, all who wished to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees voted unanimously to approve the application as submitted subject to the following requirements and conditions:

1. Strict compliance with all plans approved hereunder.
2. Prior to groundbreaking, the Village will inspect and must approve all installed erosion control measures to ensure compliance with the approved Stormwater Pollution Prevention Plan and all applicable law. There will also be periodic inspections during construction to ensure such compliance.
3. A permanent landscaping/replanting plan shall be submitted to the satisfaction of the Board of Trustees. The plan must provide landscaped screening such that the buildings to be constructed are not visible from any residence in the Village at any time of year and the plan must meet this requirement when implemented. In addition, an interim landscape screening plan to the satisfaction of the Board of Trustees must be provided. This plan must provide complete screening from all residential properties in the Village until the permanent landscaping/replanting plan is implemented. Any trees, shrubs and/or plantings which are removed and not replanted in other locations on the property of the Laboratory will be donated to the Village for municipal use as deemed appropriate by the Board of Trustees.

4. All construction work will be performed in strict accordance with all Village regulations regarding construction hours.
5. No construction vehicles or equipment shall utilize any Village roads or Cold Spring Road at any time or under any circumstances.
6. All construction vehicles and equipment shall be limited to making right-hand turns entering and exiting the temporary construction road. Left-hand turns are strictly prohibited.
7. The applicant shall submit a construction vehicle and construction routing plan depicting the route all such vehicles and equipment shall utilize to arrive at, depart from, and to enter and exit the site. This plan shall be subject to approval by Board of Trustees.
8. Safety officers and flag people shall be placed at the construction site(s) at all times during construction.
9. There shall be strict compliance with the truck route plan submitted by the applicant and approved by the Board of Trustees.
10. The applicant shall utilize best efforts to reduce backup noise signals generated by construction vehicles and equipment by eliminating "beeping" backup alarms and/or implementing use of flag persons in lieu of such alarms. All such measures shall be fully compliant with all applicable safety rules and regulations.
11. The temporary construction road will be removed upon completion of construction and all landscaped screening will be installed as soon as practicable thereafter in accordance with the permanent landscaping/replanting plan approved by the Board of Trustees.
12. Road signs stating that no construction vehicles and/or equipment are permitted on Village roads will be placed at the intersection of Moore's Hill Road and Rte. 25A, at the intersection of Laurel Hollow Road and Rte. 25A, and at the intersection of Cold Spring Road and Rte. 25A.
13. A scour-hole rock feature approved by the Village Engineer will be utilized to minimize erosion from the temporary parking lot.
14. The temporary parking lot will be paved with permeable asphalt.
15. No Certificates of Occupancy/Completion will be issued until the Building Inspector and the Village Engineer verify that all work has been performed in strict accordance with all approved plans.
16. There shall be strict compliance with all applicable Village Code requirements, Nassau County requirements, New York State requirements, and United States requirements.
17. This approval is conditioned upon the applicant obtaining all approvals required by other agencies, including but not limited to, the New York

State Department of Environmental Conservation and the New York State Department of Transportation.

18. Vibration monitors will be employed by the applicant to ensure that surrounding residences in the Village are not impacted and if damage were to incur, the applicant will pay all costs associated with restoration.
19. Construction status updates shall be provided to the Board of Trustees by the applicant every three (3) months during construction which will then be disseminated to the community.
20. A temporary construction fence covered in a solid material will be installed to the satisfaction of the Board of Trustees in order to prevent visibility of the construction site.
21. It is understood that all rules and regulations of the Village and any other applicable jurisdiction continue to apply, all fees must be paid, and all plans and development must be to the satisfaction of the Building Department and Village Engineer.
22. Failure to comply with any of the conditions of this approval may result in stop work orders, suspension or revocation of building permits, withholding of Certificate of Occupancy and any other remedy the Village may require.

The motion was approved by the following poll of the Board:

Mayor DeVita	Aye
Trustee Jusko	Aye
Trustee Miritello	Aye
Deputy Mayor Nemshin	Aye
Trustee Nicklas	Aye
Trustee Novick	Aye
Trustee Tsafos	Aye

The discussion on the applications of the Cold Spring Harbor Laboratory was stenographically recorded and the transcript of same is appended to these minutes.

PUBLIC HEARING ON LOCAL LAW B-2022 (LL2-2022) – TAX CAP OVERRIDE

At 7:45 pm the public hearing commenced on proposed Local Law B-2022, which seeks to allow the Village to override the State mandated tax cap, if needed for the 2022-2023 fiscal year budget, which has not yet been completed. The Village Attorney introduced the Exhibits for the hearing. Mayor DeVita then explained that General Municipal Law §3-c limits increases in property tax levies to no more than 2% over the previous year's tax levy. The Village is proposing legislation to allow an override of this tax cap as a prophylactic measure because the Board has not yet completed the budget for the next fiscal year and does not yet know whether the state-imposed tax cap can be met. The tentative budget will be presented in March 2022 and this law must be enacted prior to commencement of the Village budget process. Although Mayor DeVita does not anticipate taxes being raised, he noted that it is good municipal practice to have this measure in place to avoid a penalty in the event the tax cap is exceeded.

It was moved by Deputy Mayor Nemshin, seconded by Mayor DeVita, and unanimously carried that the public hearing be closed at 7:51pm.

It was moved by Mayor DeVita, seconded by Trustee Jusko, and unanimously carried that Local Law B-2022/Local Law 2-2022 be adopted, as presented.

The stenographically recorded transcript regarding adoption of this local law is appended to these minutes

ACCESSORY DWELLING UNITS

Mayor DeVita reported that Governor Hochul is proposing that accessory dwelling units (ADU's) be allowed on all residential properties in the State. This means that garages, cottages, basements and/or other portions of homes may be rented out or new units constructed without any approvals by local governments. This proposal has many ramifications for: traffic, schools, and public utilities, such as water and sewer.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department Monthly Report for January 2022, which was distributed to the Board upon receipt. Sergeant Mergel was present to answer questions. Statistics for the month are as follows:

	Totals this Month	Totals year-to-date	Totals prior year- to-date
Auto Accidents Personal Injury	0	0	0
Auto Accidents Property Damage	3	3	0
Aided Cases Resulting from Auto Accidents	0	0	0
Aided Cases Other	5	5	5
Arrests	0	0	0
Summonses-Moving Violations	8	8	25
Summonses-Parking	0	0	1
Fire Calls	0	0	2
Patrol Mileage	4,650	4,650	4,650
Offenses -Case Reports	2	2	0
Suspicious Autos	0	0	3
Suspicious Persons	3	3	2
Suspicious Phone Calls	0	0	0
Recorded Alarms	16	16	10
Vacant Houses	2	2	5

Disturbances	0	0	1
Malicious Mischief	0	0	0
Non-Case Incidents	1	1	0
Animal Nuisance Complaints	0	0	1
Assist from NCPD	0	0	0

Stop Signs	1
Cell Phone	0
Speeding	0
Unlicensed Operation	0
Uninspected MV	2
DWI	0
No Insurance	3
Expired Registration	1
Disobey Traffic Control Device	1
Village Ordinance	0
Reckless Driving	0
Fail to Move Right	0
Unsafe Pass	0
No Parking	0
Equipment Violation	0
No Seatbelt	0
Total	8

BUILDING REPORT – Expiration of Biton BP #2962

The Building Inspector reported that the building permit for the principal dwelling at 16 Springwood Path will expire on 2/23/2022. The permit was already extended for 9 months, as allowed under the Village Code, but may not yet be closed because of conditions imposed by the Planning Board in connection with another permit. These conditions require that the new driveway, tree removal, grading, and landscaping be completed satisfactorily. Progress has been stalled due to inclement weather, which caused various site meetings to be postponed. Upon motion by Mayor DeVita, seconded by Deputy Mayor Nemshin, and unanimously carried, the Board authorized a 3-month extension of this permit without a fee.

ENGINEER’S REPORT – Drainage on Laurel Hollow Road

The Village Engineer described his analysis of the drainage system for Laurel Hollow Road and his finding of deficiencies for: inlet capacity, storage of runoff, and pipe capacity. He recommends improvements including: the addition of catch basins, dry wells, and the cleaning of the pipe system. Funding is provided by Federal Government ARPA (American Rescue Plan Act).

MINUTES of the Board of Trustees Regular Meeting of January 12, 2022 were distributed to the Board prior to the meeting for review and upon a motion by Mayor DeVita, seconded by Trustee Miritello, and unanimously carried, the Minutes were approved.

MINUTES of the Board of Trustees Special Meeting of January 31, 2022 were distributed to the Board prior to the meeting for review and upon a motion by Mayor DeVita, seconded by Trustee Nicklas, and unanimously carried, the Minutes were approved.

FINANCIAL REPORT and the REPORT OF UNPAID TAXES.

The **FINANCIAL REPORT** and the **REPORT OF UNPAID TAXES** were distributed to the Board prior to the meeting for review and presented by the Treasurer at the meeting.

The Report of Unpaid Taxes is largely unchanged since last month.

BUDGET TRANSFERS

The Treasurer reported that certain transfers were needed because of unforeseen expenses such as: new generator, new transfer switch, new laptop, and tree removal. Upon motion by Mayor DeVita, seconded by Trustee Novick, and unanimously carried, the budget transfers, as shown below, were approved.

		OVERAGE		
<u>ACCOUNT</u>	<u>NAME</u>	<u>1/31/2022</u>	<u>FROM</u>	<u>COMMENT</u>
A1320.41	GASB COMPLIANCE	200.00		
A1620.2	VILLAGE HALL EQUIP	16,142.31		new VH generator, new transfer switch, heating system, new laptop plus tech fees for Treasurer
A3620.42	SAFETY INSP - CONTRACTED SVCS	300.00		payment to Ed Butt for insp services
A3620.49	SAFETY INSP MISC	500.00		request for arborist at 16 Springwood
A5110.45	TREE REMOVAL	7,500.00		cover additional tree work
A9010.8	STATE RETIREMENT	11,067.00		cover higher than budgeted
A7140.42	FLOATS	2,978.25		overage incl cost to rebuild float
A1320.4	AUDITOR		200.00	
A1990.0	CONTINGENCY		38,487.56	
		38,687.56	38,687.56	

APPROVAL OF ABSTRACTS

The Board reviewed the Abstracts and the Treasurer requested approval for two additional claims: one from Mr. & Mrs. Chabina for return of an unused professional deposit and one from Advance Auto for purchase of auto parts. Upon motion by Mayor DeVita, seconded by Trustee Jusko, and unanimously carried the following abstracts of vouchers with the added claims were approved for payment.

• Abstract # 49	Trust & Agency	\$12,981.46
• Abstract # 1097	Capital Fund	\$480.00
• Abstract # 1155	Prepays	\$17,867.61
• Abstract # 1156	General Fund	\$29,210.02

UPDATE ON GRANTS

The Clerk reported that work funded by the Local Government Records Management Improvement Fund (LGRMIF) will commence next week. This work entails the conversion of property and building files into a Laserfiche format. Laurel Hollow was one of only a few municipalities to receive this \$75,000 grant to digitalize our records. The Clerk also reported that the Village Justice Court was selected to receive funding by the Justice Court Assistance Program (JCAP). The Village Court applied for and received funds to purchase robes for the new Village Justice and Associate Justice and for a gavel and a nameplate. In addition, funds were received to update the security system for controlling access into the restroom corridor of the building. Last, the Clerk updated the Board on the “final rule”, which provides guidance and clarification on allowable uses for the State and Local Fiscal Recovery Funds (SLFRF), of which the Village will receive \$200,000.

APPOINTMENT OF REGISTRAR AND DEPUTY REGISTRAR OF VITAL STATISTICS

It was moved by Trustees Nicklas, seconded by Deputy Mayor Nemshin and unanimously carried, that Town of Oyster Bay Town Clerk/ Richard LaMarca be appointed Registrar of Vital Statistics for the Village of Laurel Hollow effective January 1, 2022; further that Deputy Town Clerk/ Donna Antetomasso be appointed Deputy Registrar of Vital Statistics for the Village of Laurel Hollow, both for two-year terms. Upon the appointment of the Registrar/Deputy Registrar by the Village, the Town of Oyster Bay maintains records of vital statistics on behalf of the Village at no charge to the Village.

PROPOSAL FOR NEW INTERCOM SYSTEM

The Clerk reported that the intercom system, by which the staff communicates with the people on the doorstep of the Village Hall, needs to be replaced. One proposal was submitted and a second estimate is in the works. Deputy Mayor Nemshin suggested that we explore using “Ring”. Trustee Nicklas volunteered to assist the Village Clerk in exploring these options.

APPORTIONMENT OF SCHOOL TAXES

Deputy Mayor Nemshin spoke to the Board about the apportionment of taxes between the Town of Huntington and the Town of Oyster Bay. He explained that a state equalization rate is applied to apportion the percentage of school budget to each town and that the resultant percentage is not favorable to Laurel Hollow residents. This is due to the fact that Nassau County reassesses property values regularly and therefore Laurel Hollow assessments are not comparable with those in Suffolk County, where the properties have not been reassessed for many years..

There being no further business to come before the Board, the meeting was adjourned at 9:09 pm.

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 6:30 P.M. ON WEDNESDAY, MARCH 9, 2022.

Nancy Popper

Nancy Popper, Clerk/Court Clerk

ALSO PRESENT:

Steve Monez, CSHL

Debbie Arenare, CSHL

Todd Andrews, Architect for CSHL

James Murphy, CSHL

And Others....