

INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
February 9, 2022
6:30 p.m.

PUBLIC HEARING VIA ZOOM VIDEOCONFERENCE

PRESENT:

DANIEL F. DeVITA, Mayor
JEFFREY NEMSHIN, Deputy Mayor
KEVIN JUSKO, Trustee
JEFFREY C. MIRITELLO, Trustee
RICHARD M. NICKLAS, Trustee
MARTIN NOVICK, Trustee
NICHOLAS TSAFOS, Trustee

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
NANCY POPPER, Village Clerk/Court Clerk
RENEE FENTON, Deputy Clerk
JAMES ANTONELLI, Village Engineer Consultant
MICHAEL MCNERNEY, Building Department

Cold Spring Harbor Laboratory
2021 Revised Master Plan

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MAYOR DeVITA: We will start the
2 public meeting.

3 Howard, can you put up a flag, as
4 we begin all our meetings with the
5 Pledge of Allegiance.

6 (Whereupon, the Pledge of
7 Allegiance was said in body.)

8 Good evening, we will do the Lab
9 application first.

10 First of all, I would like to take
11 the opportunity to thank everyone for
12 taking the time to attend the public
13 meeting on the Lab application on Zoom
14 last Monday, January 31st, and for the
15 many e-mails that were sent both before
16 and after the meeting about the
17 application that were all made a part of
18 the record. All were well-intentioned,
19 heartfelt and appropriate. Because of
20 the nature of the proposed project, it
21 is understandable that there is a high
22 level of concern about the scope and
23 impact of such a project.

24 Tonight is when the Board will
25 discuss the project and finally vote on

1 it.

2 I would like to start by giving you
3 my thoughts on the many issues that have
4 been raised and how I intend on voting
5 on this project, then we will hear from
6 other members of the Board and then we
7 will vote.

8 I have spent many, many hours
9 reading the transcripts, reviewing the
10 documents, including the reports of the
11 Village experts, and I have considered
12 all the necessary standards that apply.
13 I will vote to approve the Lab's
14 application for the revised Master Plan
15 and special use permit with conditions.
16 Here are my comments and reasons and
17 they are extensive.

18 Personally, I consider myself, and
19 I think those who know me would consider
20 me a straight shooter. There is no
21 pandering and no Washington-speak here.
22 In fact, some of the things I have to
23 say may not be well-received by those in
24 favor or those opposing this
25 application. Our job is to neither make

1 friends nor make enemies, it is to
2 decide this matter in a fair and just
3 manner with respect to the applicant and
4 to our residents.

5 Unfortunately, one of the things
6 that became evident during the hearing
7 and then continued into post-hearing
8 e-mails is that there is a certain
9 amount of misinformation that has
10 permeated the process. Maybe it comes
11 from social media or a lack of knowledge
12 about an issue or something else, I
13 don't know. But I will address the
14 important issues from which there
15 clearly is misinformation out there.

16 First, with respect to the Boards.

17 First, the sentiment was voiced
18 that somehow other Boards should have
19 been involved, with the flip side of
20 that being that this Board of Trustees
21 is not equipped to handle this
22 application.

23 Let me address that.

24 Prior to 1996, any construction
25 applications by the Lab went to the

1 Zoning Board. Then, as a new Zoning
2 Code was established, the Village was
3 starting with a clean slate, vis-à-vis,
4 the Lab and the procedure for future
5 development. Our forerunners decided
6 that the jurisdiction for the Lab
7 applications would be moved from the
8 Zoning Board to the Board of Trustees,
9 and I understand why. At virtually
10 every meeting, the Board of Trustees
11 discusses a wide variety of issues that
12 include building matters, engineering
13 matters, environmental matters,
14 including slopes, wetlands, even
15 telecommunications, road issues,
16 including road construction, road
17 restoration, traffic signals, financial
18 matters, including budgeting, public
19 bidding, procurement and others, police,
20 and fire coverage and other contract
21 issues. These are things we handle and
22 have done so for many years. Moreover,
23 each year the Board of Trustees is
24 scheduled to meet 11 times. Last year
25 the Board of Trustees met 18 times. The

1 Planning Board met four times, and the
2 Zoning board three times.

3 It is understandable given the
4 broad range of responsibility and
5 experience and wide variety of municipal
6 issues that the jurisdiction for Lab
7 construction was changing from the
8 Zoning Board to the Board of Trustees.

9 Now, I have appointed, or
10 reappointed, and this Board has
11 confirmed, each and every member of the
12 Zoning Board and Planning Board. I have
13 confidence they are able to handle the
14 responsibilities assigned to them by
15 law. More importantly, I have full
16 confidence in this Board's ability to
17 handle its obligations under the law
18 which includes the examination and
19 decision-making responsibilities for Lab
20 construction projects. This it further
21 bolstered, as I described in the
22 hearing, by the fact that four of our
23 current Trustees first served on the
24 Zoning Board, including myself, serving
25 many years as a Board member, then as

1 Chairperson, during which time I
2 personally wrote dozens of Zoning Board
3 decisions in narrative form, a tradition
4 no longer followed. So the Board of
5 Trustees is certainly well-equipped to
6 handle this application.

7 The nature of this project.

8 Let's be clear about the nature of
9 this project. This is an expansion of
10 the campus for a non-profit entity. It
11 is not a construction project proposed
12 by a for-profit business developer who
13 is going to build a Walmart, a strip
14 mall, a housing complex or a multi-unit
15 condo complex who, once finished, will
16 pick up their equipment, pack their
17 tools and leave.

18 Now, there is nothing wrong with
19 that type of development, but that is
20 not what we have here. The Lab is part
21 of our community. After this project is
22 completed it's not going to pick up and
23 leave. I think it's safe to say it will
24 always be here. It has been for the
25 past 130 years and there is nothing to

1 indicate that will change. In fact,
2 this project proves otherwise. While I
3 do not disparage at all the
4 profit-making nature of private
5 development, the Lab offers, as its
6 goal, in furtherance of this building
7 project to help cure disease and to
8 improve humanity's lot.

9 Many people in the hearing or
10 post-hearing submissions gave lip
11 service to that truth, but I believe it
12 weighs more heavily here.

13 One other thought on this topic.

14 It seems to me the proposed project
15 is akin to an application to build an
16 extension on a house. I don't mean to
17 say that they're comparable in size or
18 scope or impact, but the resident who
19 lives in their house during construction
20 knows how challenging it can be. Here,
21 the Lab will be operating a world-class
22 facility for this project going on at
23 the same time. I believe that they
24 would want this to be as minimally
25 intrusive to their staff and operations

1 as to those outside the campus.

2 Consequently, we have to look at the
3 mitigation proposals put forth by the
4 Lab and analyze whether they're
5 sufficient.

6 Environmental review.

7 One of the pieces of misinformation
8 put forth during the hearing was that
9 the Village is relying on an outdated
10 2004 Environmental Impact Statement and
11 somehow it has not fulfilled its
12 responsibility for environmental review.

13 Nothing could be further from the
14 truth.

15 Both Howard, our Village Attorney,
16 and James Antonelli, our Consultant
17 Engineer, did an excellent job at the
18 end of the hearing explaining both the
19 Lab's and the Village's responsibilities
20 for analyzing environmental impacts on
21 the documents to be reviewed. Instead
22 of me reinventing the wheel, let me
23 quote at length.

24 Quote, Mr. Avrutine:

25 "I think what is important for the

1 community to know here is that this is
2 -- the development plan and the Master
3 Plan for the Laboratory has been ongoing
4 three decades or more. And in 2004 what
5 was significant about it was, yes, the
6 original Environmental Impact Statement
7 was done in 2004. The Master Plan that
8 was created at that time contemplated
9 most of what is before the Board
10 tonight. And, yes, there's been some
11 changes, but overall, as far as the
12 Master Plan is concerned, it's
13 consistent.

14 Similarly in 2018, when the Lab
15 amended the plan, there were some
16 changes. But, again, the overall scope
17 was substantially similar. Also, in
18 2004, as I indicated, there was the full
19 Environmental Impact Statement. In
20 2018, it was a supplement, essentially,
21 through a long Environmental Assessment
22 Form and study submitted at the time.
23 But, again, that was the change to the
24 plan; not the actual applications to
25 begin the work, which is what this is.

1 What is required now is not being
2 characterized as a supplemental
3 Environmental Impact Statement
4 terminology.

5 Let's look at what was submitted
6 because I don't want any resident or any
7 Board member or anyone, quite frankly
8 involved in this hearing, to think that
9 the full required environmental review
10 was not, is not being performed here,
11 because it is. And as part of that,
12 there was a traffic study submitted
13 which was reviewed in detail by Mr.
14 Antonelli. You heard about it on many,
15 many occasions during this evening, the
16 scope and the extent of it. And all of
17 this material, highly technical, as much
18 of it is, is always put on the website
19 for anyone who has the patience to read
20 it, if they could.

21 For instance, lighting plans, noise
22 studies, traffic studies that we've
23 already talked about, all the impacts
24 that can reasonably be anticipated from
25 this application and from the work that

1 is being contemplated by this project
2 were reviewed, and not based upon old
3 data, but based upon new information
4 submitted contemporaneously with this
5 application. So the Board's obligation
6 under State Law to do its environmental
7 review, and Mr. Antonelli referred to it
8 several hours ago, is a concept of
9 taking a hard look. So what the Board
10 is obligated to do is to, A, identify
11 the areas of potential impact, what they
12 are; B, take a hard look at what those
13 impacts are; and C, formulate mitigation
14 for the maximum extent practicable under
15 the circumstances. And, so, that is the
16 role under SEQRA to make sure that the
17 actual anticipated impacts are
18 identified and studied to a degree that
19 the Village can intelligently determine
20 how best to mitigate the impact.

21 It doesn't mean that the Board is
22 obligated to prove anything just because
23 they conclude that the applicant
24 submitted sufficient material; but, the
25 Board must determine that the materials

1 submitted are sufficient and that is the
2 role, the Board has to make that
3 determination. But they make that
4 determination in large part on the
5 advice and analysis and recommendations
6 of people who are professionals, such as
7 Mr. Antonelli who has done that.

8 So that is very, very essential to
9 this situation because it's Mr.
10 Antonelli's analysis in reporting back
11 to the Board that the sufficiency of a
12 lot of this technical material is what
13 is important. Because the Board
14 members, as I am, are lay people with
15 respect to much of it."

16 Mr. Antonelli then says, "I would
17 like to just mention something about the
18 supplement EIS. That was the subject of
19 a number of comments tonight, per se.

20 A supplement or an amendment to a
21 previous EIS is typically done if there
22 are impacts that were not even
23 considered before. And just because you
24 change your project and believe me, I
25 have been through this. This started

1 back in the '70s, I have a lot of
2 experience on this and I don't want to
3 sound like an attorney, I'm not trying
4 to, but just because a project changes
5 or there's a change of scope or any part
6 of the project, that doesn't mean you
7 file a supplemental EIS, that is not the
8 purpose.

9 So just to amplify what Howard
10 said, what we are looking at is an
11 evaluation of the various subjects that
12 can be scoped or part of a scope of the
13 former EIS, and that's what we are
14 evaluating," closed quote.

15 That's the hearing transcript pages
16 138 to 141.

17 Because a number of people had
18 already left the hearing at that late
19 time, we had Jim prepare a supplemental
20 report to repeat and amplify what had
21 been said late at night. Between that
22 February 2nd report and Jim's original
23 January 21, 2022 report, the many, many
24 documents are listed and described as to
25 what makes up a complete environmental

1 assessment.

2 The 2004 EIS is only one such
3 document; moreover, it does, in fact,
4 contain the project that is subject of
5 the application today. I am sure the
6 people who said the Board was relying on
7 an outdated report did not know that. I
8 say that because they did not even look
9 at it. And how do I know that.

10 Prior to the hearing not one
11 person, including those at the hearing
12 claiming to be in the know, claiming it
13 was outdated, ever asked to see it, not
14 one. The couple of people after the
15 hearing who said they were going to come
16 to the Village Hall to see it never
17 showed up.

18 Let me say one final word on this
19 point.

20 In addition to my position to
21 Mayor, I have the privilege of serving
22 as the Chairperson of the Oyster Bay
23 Cold Spring Harbor Protection Committee.
24 This committee consists of
25 representatives of the many different

1 municipalities in the watershed area,
2 including seven villages, the Town of
3 Oyster Bay, Nassau County, and the
4 nonprofit organization Friends of the
5 Bay, which, by the way, Friends of the
6 Bay has reviewed the project, met with
7 the Lab and has asserted no objections.

8 The protection committee exists for
9 education, training and promulgation of
10 programs to improve the water quality in
11 the bay and harbor. Our Oyster
12 Gardening program which started in
13 Laurel Hollow and is sponsored by the
14 committee, and the committee's
15 sponsoring of testing for microbial
16 source tracking of bacteria in the
17 harbor, and MS-4 training are some
18 examples of what we do on the committee
19 to improve the water quality of our
20 environment. I assure you, no one will
21 ever get a break, be able to skirt, or
22 somehow get a pass on environmental
23 regulations, not on this project, not on
24 any other project and not on my watch.

25 Now, let's take a look at the

1 environmental subject for mitigation
2 proposed.

3 Water and Drainage.

4 We know the project is being
5 constructed on land that is
6 characterized by our Code as steep, very
7 steep and severely steep slope property.

8 Our engineer is satisfied with the
9 erosion control and drainage measures in
10 place, as well as the SWPPP, the Storm
11 Water Pollution Prevention Plan. In
12 addition, if approved, we should adopt
13 our Engineer's recommendations for the
14 Village to conduct inspection of erosion
15 control measures prior to
16 groundbreaking. Moreover, the Village
17 should conduct SWPPP inspections
18 periodically during the construction
19 process as determined by the Village
20 Engineer. In addition, one of the
21 conditions relevant to runoff from the
22 temporary parking lot was the scour hole
23 rock feature to help prevent erosion.
24 In addition, the Lab will use permeable
25 asphalt in the temporary parking area as

1 described in their plan.

2 Noise and sound.

3 There was discussion during the
4 hearing about noise during construction.
5 The Lab exhibited a noise study showing
6 acceptable levels of noise given the
7 distances from the homes.

8 You may recall Jim Antonelli's
9 confirming this and recounting that
10 every time you double the distance from
11 where the sound emanates, the sound
12 level drops six decibels so you're
13 basically down to background noise on
14 Moores Hill Road.

15 However, as a condition, I would
16 have the Lab use best efforts to reduce
17 construction vehicle backup noise by
18 eliminating backup beeps and using other
19 technology and/or flagmen in their place
20 that are compliant with all safety rules
21 and regulations.

22 Traffic.

23 Temporary construction road, start
24 with the concept of why one is needed.

25 Consider when construction is done

1 on a single-family home. Whether if
2 it's for a swimming pool, an extension
3 to a house, temporary construction
4 driveways are almost always part of the
5 project, especially if a family is
6 living through the construction project.
7 Separation from construction equipment
8 for safety reasons and for the reason
9 that you need to keep your house running
10 as close to normal as possible during
11 construction, including ingress and
12 egress to your home.

13 Similarly, here, granted on a much
14 larger scale, the Lab has explained they
15 want to keep construction as separate as
16 possible from the scientists and science
17 being conducted.

18 Here is another factor that has
19 been much overlooked. We have a track
20 record we can look to. This same
21 proposed construction entrance was
22 already used in the past and I believe
23 demonstrated it could be used
24 successfully. If it weren't, I doubt we
25 would see an application to use it again

1 in the same place for a similarly large
2 project.

3 People complained at the hearing it
4 will be tougher to turn out of Moores
5 Hill Road because of increased traffic.
6 But there were complaints that, in
7 general, traffic is slow going on 25A
8 and that this would make it worse,
9 especially since things are slow-going
10 in the morning and afternoon hours.
11 However, the testimony at the hearing
12 was that the conference housing will be
13 used to house conference attendees
14 during a conference. Presently, the
15 people are bussed in from local hotels
16 and motels. Because of the conference
17 schedules the vans and buses are
18 sometimes making three trips a day
19 between the Lab and the hotels and the
20 motels. Housing the conference
21 attendees on campus will eliminate much
22 of that traffic.

23 With respect to the traffic for
24 construction, the traffic study
25 concludes that during the busiest time

1 of construction, the project would
2 generate 12 truck trips, six entering
3 and six exiting during the weekday a.m.
4 and p.m. peak hours. Moreover, the
5 study recommends, and the New York State
6 Department of Transportation permit
7 requires, and I would require as a
8 condition, right turns only out of that
9 entrance. Furthermore, there is no
10 conceivable need for any construction
11 vehicles, construction workers' vehicles
12 to travel on any Village roads.

13 Consequently, I would make this a
14 condition, the prohibition of any
15 construction-related vehicle from
16 traveling on any Village roads;
17 additionally, no construction-related
18 vehicle will be allowed to use Cold
19 Spring Road.

20 Also, the Lab has submitted an
21 updated truck route as part of the
22 record, essentially requiring an eastern
23 approach from Park Avenue, which is
24 further east than 110 to 25A to the Lab,
25 and then exiting onto 25A west and then

1 proceeding south on 106. I would make
2 this route a condition. Also, to
3 further guard against unnecessary
4 intrusion onto our roads, including
5 turnarounds, I would erect, at the Lab
6 expense, signs at intersections of
7 Moores Hill and 25A, Laurel Hollow Road
8 and 25A, Cold Spring Road and 25A
9 stating that Lab construction vehicles
10 are prohibited from entering these
11 roads, from Village roads.

12 With respect to the difficulty of
13 making a left turn out of Moores Hill
14 Road, it sounds like there are already
15 delays because of traffic and not
16 because of line-of-sight issues.

17 As discussed at the hearing, the
18 distance between the temporary
19 construction entrance and Moores Hill is
20 450 feet. That is one and-a-half
21 football fields. The New York State DOT
22 would never issue the permit if they
23 didn't think it was sufficient.

24 Let me say this, especially if you
25 chose to purchase a home and live right

1 on 25A. 25A is classified as a State
2 highway. Because of that, the Village
3 does not have controls over it that it
4 does on a Village road. We cannot
5 control car or truck traffic. We cannot
6 maintain it, plow it or decide whether
7 traffic control devices are needed, and
8 if they are, which ones and how many
9 there will be.

10 We can ask the DOT to study it with
11 the end game that a traffic control
12 device is needed at one or more
13 intersections. I can probably guarantee
14 that just as many people may not want
15 additional traffic control devices as
16 would want them for a number of reasons,
17 including they do, in fact, slow down
18 the flow of traffic even further and
19 vehicle noise and air pollution is
20 increased when a vehicle accelerates
21 from a stop position than a vehicle in
22 motion.

23 In any event, I go back to my first
24 point that the temporary construction
25 entrance has a proven traffic record,

1 and I would approve it with the
2 aforementioned conditions.

3 Screening.

4 Two different parts of the project
5 to be screened.

6 First, the temporary parking lot to
7 be constructed in the northerly portion
8 of the campus and then the project area.

9 First, the Lab has stated that it
10 will screen the temporary parking lot
11 from residents living on the ridge above
12 the temporary parking lot area by
13 utilizing transplanted Evergreens
14 removed from the area of tree removal
15 above at southwesterly portion of the
16 campus. I would make that a condition.

17 With respect to the rest of the
18 project, the Lab said it would submit a
19 permanent landscape plan by the end of
20 the year.

21 A couple of things -- of course,
22 that would be conditioned on any plan
23 being subject to the approval of the
24 Board of Trustees. But further, any
25 permanent plan must have screening

1 sufficient so that no part of the
2 buildings are visible from Laurel Hollow
3 residents' properties.

4 The view we have been given by the
5 Lab are from roadway views. This is
6 fine for the dog walkers, but not for
7 people living there. I know that is a
8 concern that has been voiced by
9 residents going back to the 2018
10 hearing. However, there is another
11 concern.

12 The first part of this project,
13 which is scheduled to last four years,
14 is the removal of over 200 trees in
15 order to construct the new portion of
16 the ring road. Part of this will affect
17 the 150-foot buffer. The Lab says it
18 will restore the buffer, which it is
19 required to do. The fact is we don't
20 want residents, because of the removal
21 of trees and screening, to have to look
22 into a large construction site for four
23 years.

24 So as a condition, I would require
25 an interim screening plan be submitted

1 to the Village, which plan will be
2 subject to the approval of the Board of
3 Trustees and which plan will provide the
4 complete screening of the construction
5 site from the view of residents'
6 properties until the final landscape
7 plan is implemented. If there must be a
8 wall of Evergreen, so be it. It will be
9 much better to look at that than a
10 construction site. Also, whatever
11 Evergreens from the interim screening
12 cannot be integrated into the final
13 landscape plan will be donated to the
14 Village to be used as screening and
15 further mitigation of the visual impact
16 of the Crown Castle cell nodes being
17 installed in the Village.

18 Money.

19 There are two aspects to this
20 topic. The first is the building fees
21 for this project. The final amount of
22 the building fees will be determined by
23 our Building Inspector in accordance
24 with the Code. His determination will
25 be final.

1 We know that the figure will be
2 several million dollars, easily the
3 largest building fee ever collected by
4 this Village; furthermore, the largest
5 influx of revenue at one time. Yet,
6 many people have been dismissive of this
7 as a one-shot thing. I am not. This is
8 considerable revenue that practically
9 matches an entire year's budget, year of
10 our budget.

11 The second aspect of the money
12 issue is the additional monies that some
13 claim should be paid in addition to the
14 pilot.

15 We discussed at the hearing that
16 the police and fire expenditures
17 utilized by the Lab are presently
18 covered by the pilot. I explained that
19 if you calculate one-third of fire calls
20 to the Oyster Bay companies are from the
21 Lab, that's one-third of the \$265,000
22 fee we pay for fire protection north of
23 25A, that is \$85,000. Roughly, the
24 140,000 remaining is adequate to cover
25 police response. Don't forget the Lab

1 has its own security force which
2 mitigates somewhat the need for more
3 extensive police presence.

4 Another way to look at it is to
5 take the amount of the Lab pilot for the
6 2021-22 year, the 226,000, divide it by
7 the average tax bill, which is \$4,736
8 and you get 48. That would be 48 2-acre
9 plots paying the average tax bill. That
10 is 96 acres, which is roughly the size
11 of the Lab campus. So that if the Lab
12 was somehow subdivided into two-acre
13 taxpaying residential plots, the tax
14 revenue would equal what the Lab pays in
15 the pilot. The simple fact is that the
16 pilot does cover police and fire
17 services that are utilized.

18 This is significant for the
19 following reasons:

20 As we have heard, the Lab is a
21 nonprofit and does not have to pay
22 anything. However, it recognizes its
23 moral obligation and contributes for
24 services rendered. However, what we
25 heard from some people was that

1 regardless of all that the Lab should
2 pay more. Why? Well, as one resident
3 put it, quote, "You have a lot of money,
4 we should get some of it."

5 That reminds me of the statement of
6 Willie Sutton who when famously asked
7 why do you rob banks, he responded
8 that's where the money is.

9 Well, the Lab is not a bank or some
10 fatted pig roasting on a spit waiting
11 for us to engorge ourselves. It is a
12 nonprofit, tax-exempt world-class
13 scientific community seeking to better
14 humanity's lot in this world.

15 Here is the real issue.

16 The call for a special district fee
17 is illegal. Everyone agrees you cannot
18 tax the Lab. You cannot tax a
19 nonprofit. Calling it a special
20 district fee would never survive.

21 First, let's look at the difference
22 between a fee and a tax.

23 Both Forbes and the Tax Foundation
24 define them as follows:

25 A tax has a primary purpose of

1 raising revenue. By contrast, a fee
2 recoups the cost of providing a service
3 from the beneficiary. So if the pilot
4 recoups the cost of providing services,
5 labeling something a special district
6 fee would have a purpose nothing more
7 than raising revenue and therefore is a
8 tax and therefore is illegal.

9 While Section 148 -- 145-8 of our
10 Code does permit the Board to impose a
11 condition that payment for services can
12 be a condition of a variance in a zoning
13 application, that section of law is also
14 crystal clear that the tax-exempt entity
15 must consent. Moreover, that section
16 was enacted in 1996 before a pilot
17 agreement was, in fact, mutually agreed
18 to between the Village and the Lab. In
19 addition, the Lab has made it clear it
20 will not consent to paying more than the
21 millions in building fees on this
22 project in the pilot fees currently in
23 existence.

24 Area variances.

25 The Lab, as part of this

1 application, has applied for area
2 variances. An area variance is an
3 authorization for the use of land that
4 is not allowed by dimensional or
5 physical requirements of the applicable
6 zoning regulations. A determination
7 will consider weighing the benefits to
8 the applicant if a variance is granted
9 versus the detriment to the health,
10 safety and welfare of the community by
11 such grant.

12 The Board also considers whether
13 the variance, if granted, will change
14 the character of the neighborhood,
15 whether the benefit sought can be
16 achieved by some other way, whether the
17 variance is substantial, whether the
18 variance itself will have an adverse
19 effect in the neighborhood or district
20 and whether the hardship is self-created
21 which alone cannot preclude the granting
22 of the variance.

23 Let's examine the requested
24 variances.

25 First, the maximum allowable

1 building area, which is the building
2 footprint which is under our Code
3 6 percent of the lot area.

4 The Lab proposes to increase this
5 to 6.21 percent of the lot area. While
6 that translates into an overage of more
7 than 9,000 square feet, I consider this
8 to be a very minor increase, given the
9 lot size, 88 acres, 103 if you include
10 the beach.

11 Second, the Lab's application seeks
12 a variance from the floor-area ratio.
13 That is basically a bulk coverage
14 measurement where each story of the
15 structure is counted. The Code allows
16 floor-area ratio of 12 percent of the
17 lot area. In this case, the Lab
18 proposes 12.08 percent, or 3400 square
19 feet over what is allowed by Code.
20 Again, this requested increase is
21 minimal, one-tenth of one percent. And
22 neither change, in my opinion, will be a
23 detriment to the health, safety and
24 welfare of the community.

25 While the hardship is self-created,

1 as are most applications for new
2 construction, that should not be
3 determinative. As to whether the
4 benefit can be achieved some other way,
5 there is no evidence that it could. But
6 to lessen the overall environmental
7 impact of this construction, the Lab, in
8 fact, altered the plans in 2018 to
9 remove distributive parking and center
10 it in the subsurface parking lot
11 proposed.

12 Consequently, I would vote to
13 approve the variances with the
14 aforementioned conditions.

15 With respect to the construction
16 being done in virtually every category
17 of slope, steep, very steep and severely
18 steep, I believe the Lab has proven
19 sufficient mitigating factors that would
20 prevent drainage, runoff and other storm
21 water problems.

22 We can point to their SWPPP and Jim
23 Antonelli's analysis of it for
24 activities both during construction and
25 thereafter. To note, the severely steep

1 portion is manmade, left over from
2 previous construction and presently
3 contains a portion of the ring road
4 which widening in one small area will be
5 the only severely steep slope area
6 affected.

7 With respect to the removal of
8 200-plus trees, I'll note that that's a
9 lot of trees. However, it is not
10 uncommon for the Village to get a
11 request to take down 40, 50 or 60 trees
12 for a new swimming pool, maybe patio,
13 and over 100 trees for new house
14 construction, and that is for a 2-acre
15 lot.

16 Given the size of the project, the
17 Lab's history of impeccable landscaping
18 of the campus, I would commit the
19 removal of the trees, the transplanting
20 of those the Lab intends to use to
21 screen the temporary parking lot, the
22 final landscape plan subject to the
23 approval of the Board of Trustees and
24 the interim landscape plan already
25 discussed.

1 requires Laurel Hollow to maintain that
2 triangle.

3 Did you know that we piggyback on
4 the Lab Swift-reach system. That means
5 that every time we send out a
6 Swift-reach e-mail it costs the Lab
7 money, not us.

8 Did you know that the Lab and the
9 Village have a very beneficial
10 inter-municipal agreement to both
11 parties involving the gas pump tank at
12 the Laurel Hollow police booth. The Lab
13 pays for all maintenance, insurance,
14 testing. In addition, they pay us a
15 \$350 monthly administrative fee for use
16 of the pump for their vehicles.

17 The point is there is no reason to
18 destroy the goodwill and mutually
19 beneficial relationship that presently
20 exists between the Lab and the Village
21 by doing things like trying to impose an
22 illegal tax.

23 As I've said, I've spent many, many
24 hours reading the transcripts, reviewing
25 the documents, including the reports of

1 the Village experts and have considered
2 all the necessary standards that apply.

3 I will vote to approve the Lab's
4 application for the revised Master Plan
5 and the Special Use Permit.

6 The use authorized by a Special Use
7 Permit is recognized under law as a
8 permitted use and shall be approved
9 provided all Zoning Ordinance criteria
10 is met. Here, approval of the Special
11 Use Permit is appropriate, especially
12 because, first, all of the environmental
13 mitigation measures being taken.

14 Second, the imposition of
15 conditions intended to minimize impacts
16 from the project to the maximum extent
17 practicable under the circumstances.

18 In conclusion, I will vote to
19 approve the Lab's application with the
20 conditions I mentioned, plus whatever
21 other conditions the Board feels are
22 warranted.

23 I would like to hear now from the
24 rest of the Board.

25 First, Deputy Mayor Nemshim.

1 DEPUTY MAYOR NEMSHIN: You want me
2 to follow that up, Dan?

3 MAYOR DeVITA: However you want.

4 DEPUTY MAYOR NEMSHIN: You did a
5 great job. You touched on all the
6 points.

7 I looked through all the plans. I
8 looked through much of the application
9 and the paperwork. I did visit the Lab,
10 I did walk the site. I know what kind
11 of neighbor the Lab is to us. I know
12 the importance of the Lab and the work
13 that they do. I also understand the
14 trepidations of the Village and the
15 neighbors, the Village residents and the
16 size of the project. When you look at
17 the project and when you see the
18 magnitude of the parking structure and
19 the other structures, I understand their
20 concern, which is one of the reasons why
21 I spent some time going through the
22 plans and walking the site.

23 I don't remember when they built
24 the previous structures that were
25 erected there, but I know the way those

1 were built and incorporated into the
2 landscape, and, frankly, I think they
3 are attractive, really well done and
4 there is no doubt in my mind that this
5 new construction will be consistent with
6 what they have there.

7 One of the things that stood out to
8 me during the hearing was the number, or
9 the net increase in individuals that
10 will be on the campus or in the campus.

11 Being in the real estate business,
12 I actually have done a few laboratory
13 deals, transactions when people are
14 leasing laboratory and/or constructing
15 laboratory space.

16 One of the things I think is
17 important to mention is that laboratory
18 space is very low in density with
19 people. Laboratory space is built for
20 just that purpose, for laboratory
21 purposes, obviously. But it's not a
22 high-dense space, not like an insurance
23 company that will have one person every
24 80 square feet or 100 square feet. It's
25 much less dense than that. So even

1 though the structures are bigger, I know
2 a big portion of this laboratory, it's a
3 low density of people, which is less
4 traffic, less people coming in and out,
5 less people on the campus.

6 One of the things that stood out to
7 me after doing this project, I believe
8 the figure was 60 or 70 net gain of
9 individuals that will be utilizing these
10 facilities, whether they are staying or
11 commuting to the site, and that is just
12 not a big impact. And if you told me
13 there would be 300 more people coming to
14 the Lab in cars every day, every
15 morning, at the end of the day,
16 commuting out of there, that would be
17 very different, but this it quite the
18 opposite of that.

19 So those are the important features
20 that I looked at and what is going to
21 direct the way I will vote on this.

22 Thank you very much.

23 MAYOR DeVITA: Thank you, Jeff.

24 Trustee Nicklas?

25 TRUSTEE NICKLAS: Between the open

1 meeting and I read all the e-mails, I
2 get the impression that almost all of
3 them, all comments, were very favorable
4 and most all had very reasonable
5 questions and concerns. You've touched
6 on so many of them that I am not going
7 to bore you trying to repeat them, but I
8 have two comments on the traffic.

9 Let's assume -- one thing I would
10 hope the Lab, and I think they said they
11 would -- will really harp on the drive,
12 the construction workers not to go on
13 the Village road, not to use Moores Hill
14 or Laurel Hollow Road as turnarounds. I
15 think there is a very simple solution to
16 that.

17 When they come out of the Lab's
18 entrance, construction entrance, drive
19 up to the light, make a left, make
20 another left and now you're headed back
21 east, you don't have to do any
22 turnarounds within the Village.

23 The other thing is -- I won't go
24 into the detail now, but Steve, I'll
25 call you and give you an idea. I think

1 the routing of the trucks is flawed. I
2 think I had a better solution that will
3 avoid going through Huntington Village.
4 I couldn't see any way we can avoid Cold
5 Spring Harbor, unfortunately, the
6 Village there, but I think we should
7 avoid the Village of Huntington.

8 Landscaping was brought up many
9 times, Dan touched on it.

10 My feeling on that is I just look
11 at the record of the Lab and in regard
12 to how beautiful the campus is and what
13 they do to maintain it and all the
14 effort they have to provide a buffer for
15 the Village. And I think that I would
16 use the effort, also, in most everything
17 they do as neighbors. As Dan said and
18 Jeff said they're great neighbors.
19 Actually, I am proud to have them as a
20 neighbor.

21 I guess that is my summary. I
22 think they are great neighbors and are
23 very considerate of us. Everything they
24 do they do in great detail to try and
25 mitigate any problems. I think that is

1 evident when you read all the comments
2 and the plans they submitted to us for
3 this project.

4 So my vote is going to be yes.

5 MAYOR DeVITA: Thank you, Rich.

6 Trustee Miritello?

7 TRUSTEE MIRITELLO: I see no reason
8 to say no, actually. I've looked at the
9 papers. I have gone through them. I've
10 talked to the experts and we really
11 can't deny it. They have parking with
12 New York State that I'm satisfied with.
13 The only thing I'm not satisfied or
14 actually, for a condition I would put in
15 is I am worried about the houses next to
16 the Lab.

17 The Lab, and I think they already
18 said they would take pictures of the
19 houses beforehand and they would fix any
20 damage done.

21 Other than that, I can't see any
22 reason to say no.

23 MAYOR DeVITA: I think that was
24 said, they said they would do foundation
25 surveys.

1 TRUSTEE MIRITELLO: Then that is
2 perfect.

3 MAYOR DeVITA: Thanks, Jeff.
4 Trustee Tsafos?

5 TRUSTEE TSAFOS: I also read the
6 e-mails and heard the concerns of the
7 residents. I looked at the blueprints
8 and the plans and listened to the
9 presentation.

10 I would have to say my biggest
11 concern was the traffic issues that were
12 raised. However, being a resident for
13 the past 12 years what I did notice is
14 since COVID-19 started the increase in
15 traffic in the Village, and that mostly
16 has to do with less bussing of school
17 children to school and just the volume
18 of everybody just using their cars. I
19 think with COVID-19 going away, I think
20 you will see a reduction, I hope we see
21 a reduction in traffic, which, I think,
22 will mitigate the concerns that
23 residents have.

24 I am proud to have the Lab in our
25 Village and all the great work they do

1 and everything that I've noticed or I
2 have seen, I should say, since I have
3 been on the Board of Trustees about 10
4 years, if you have to rate everything
5 from one to 10, the Lab does everything
6 at 13 to 14.

7 So based on this history and the
8 plan they laid out, I am for -- I
9 approve the plan to go forward.

10 MAYOR DeVITA: Thank you, Nick.

11 Trustee Novick?

12 TRUSTEE NOVICK: I've also studied
13 the plans to a degree as a layman and
14 don't really feel adequate in making a
15 great decision based on the plans, but
16 overall, and talking about a facility
17 that is world renowned, that the purpose
18 is to contribute so much to mankind,
19 that I don't see how we can stand in its
20 way because of traffic or because the
21 rabbits are going to have a problem
22 finding new homes. I think everything
23 should be in proportion to what the
24 benefits are.

25 The only thing that I can suggest

1 further is speaking to some of the
2 neighbors who do not want this to go on
3 endlessly. So I am thinking of,
4 perhaps, we can make a schedule, barring
5 anything of natural disasters that may
6 happen to shorten or increase it, but
7 the residents should get periodic
8 updates as to where we are in the
9 construction. If it's a four-year deal
10 or a three-year deal or whatever it is,
11 then every quarter or six months,
12 whatever the residents -- whatever we
13 feel, we should give an update as to
14 where they are and be abreast and
15 everybody be aware of the scheduling of
16 how it's going to run.

17 Other than that, I find no other
18 concern. I am also very proud to have
19 them as a neighbor and it's just a great
20 institution. And we should do all we
21 can to encourage them to grow, and to do
22 better for mankind than to look for ways
23 to stymie their growth and make it
24 difficult for them.

25 I will vote for the Lab.

1 MAYOR DeVITA: Thank you, Marty.

2 I would also endorse that condition
3 as quarterly periodic construction
4 updates to the Village and we can let
5 our residents know. Thank you.

6 Trustee Jusko?

7 TRUSTEE JUSKO: Yes, Dan.

8 I have been to the Lab on two site
9 visits, spent several hours working with
10 the Lab officials, taking a tour of the
11 property, reviewing all of the
12 documents, speaking to our engineer and
13 then I have been on -- visited the site
14 personally just walking it to get a
15 sense of the project. I read all of the
16 documents, the concerns of the
17 residents. Dan, you basically touched
18 on most of them, but if I can add a
19 little color to the tree issue.

20 The Lab proposed to moving 213
21 trees. We know that many of them will
22 be relocated. I did look at the Village
23 records. There were five, over the last
24 many years, I picked out five projects,
25 three new homes, two homes that were

1 adding a pool and patio. So the total
2 was about 10 acres of property and there
3 were 324 trees removed from those five
4 projects. So I don't believe that the
5 tree removal that the Lab is proposing
6 is out of the -- is too far away.

7 My one condition that I would
8 suggest, and I believe the Lab will do
9 that, is for the temporary construction
10 fence, that it be covered in a solid
11 material to prevent, at least as
12 possible, the view into the construction
13 site while it is being -- while the
14 construction is going on.

15 And if I can add another item to
16 did you know. The Lab has allowed the
17 Village to use their conference rooms on
18 many occasions over the decade that I
19 have been living in the Village. There
20 were many Crown Castle hearings, the
21 police contract, the one we switched
22 from Nassau County to Oyster Bay Cove,
23 to leave the Village Hall after
24 hurricane Sandy was temporary. We
25 relocated, at least the meetings, to the

1 Lab and there was even a Narcan training
2 meeting that took place at the Lab, all
3 at no cost to the Village.

4 For all of the reasons that Dan
5 mentioned, obviously, the great work
6 that the Lab does for humanity, I also
7 would be voting in favor of this
8 project.

9 MAYOR DeVITA: Thank you, Kevin.

10 I would endorse that cover of the
11 construction fence also as a condition.
12 The irony is because of the size of --
13 when we had large public hearings, if it
14 were not for the pandemic tonight's
15 hearing, rather, the January 31st
16 hearing probably would have been at the
17 Lab.

18 But in any event, that's just in
19 addition. I appreciate the other things
20 you said.

21 So, Howard, what's the next step on
22 this?

23 MR. AVRUTINE: So, at this point,
24 procedurally, the Board of Trustees, as
25 lead agency on this application as it

1 has been since 2004, makes certain
2 determinations regarding the
3 environmental impact in full accordance
4 with the requirements under New York
5 State Environmental Quality Review Act.

6 The first such legal requirement is
7 for the Board of Trustees, as lead
8 agency, to determine what type of action
9 this constitutes under SEQRA. And in
10 this particular case under the SEQRA
11 rules this type of action would be
12 deemed unlisted.

13 It was originally Type I which is
14 the most severe impact and that was all
15 covered by the original Environmental
16 Impact Statement. So, as an action
17 taken pursuant to the original Master
18 Plan and the modifications, this would
19 constitute an unlisted action.

20 So the first motion I would request
21 that the Board pass is one declaring
22 this action as unlisted under the New
23 York State Environmental Quality Review
24 Act.

25 MAYOR DeVITA: I will make that

1 motion.

2 I need a second.

3 TRUSTEE NICKLAS: Second.

4 That's Trustee Nicklas.

5 Now I will poll the Board.

6 Deputy Mayor Nemshin?

7 DEPUTY MAYOR NEMSHIN: Aye.

8 MAYOR DeVITA: Trustee Miritello?

9 TRUSTEE MIRITELLO: Aye.

10 MAYOR DeVITA: Trustee Tsafos?

11 TRUSTEE TSAFOS: Aye.

12 MAYOR DeVITA: Trustee Novick?

13 TRUSTEE NOVICK: Aye.

14 MAYOR DeVITA: Trustee Jusko?

15 TRUSTEE JUSKO: Aye.

16 MAYOR DeVITA: Okay, Howard.

17 MR. AVRUTINE: Okay. At this time,

18 in the aspect of having declared the

19 matter unlisted, the question now is to

20 determine what the impacts will be and

21 whether the Board can conclude that the

22 anticipated environmental impacts have

23 been mitigated sufficiently to issue

24 what's called a negative declaration,

25 meaning that there will be, with all of

1 the mitigation, an un-consequential
2 impact on the environment with the
3 mitigation factors.

4 I would like ask Mr. Antonelli to
5 speak about this aspect of the
6 proceedings. I know he had indicated
7 previously, the applicant submitted a
8 shorten Environmental Assessment Form in
9 connection with this application. That
10 is deemed Part 1 of the environmental
11 review process. Part 2 is the
12 assessment of the impact and Part 3 are
13 the findings. So I would like Mr.
14 Antonelli to summarize his preparation
15 of Part 2, the anticipated impacts in
16 Part 3, which are the proposed
17 environmental findings which have been
18 distributed to the Board for review.

19 MR. ANTONELLI: Thank you.

20 For the record, Jim Antonelli,
21 Village Engineering Consultant.

22 Before I begin, at the risk of
23 either showing that I don't hear as well
24 as I think I do, when the Mayor made a
25 remark about the right turn from the

1 construction site, I only heard right
2 turn out, and Dan, I don't know whether
3 you misread or --

4 MAYOR DeVITA: No, no, right turn
5 in and right turn out. Yes, thank you.

6 MR. ANTONELLI: I just wanted to
7 clarify that because I heard out only,
8 okay, sorry for that.

9 As a consequence to the Public
10 Hearing and the information submitted I
11 did prepare the SEQRA Parts 2 and 3.
12 Part 2 includes an evaluation of the --
13 for enumeration of the potential
14 environmental impacts and whether or not
15 they are significant.

16 The New York State DEC in their
17 guidelines gives us threshold limits to
18 weigh against and if there are any
19 potentially significant aspects then in
20 the SEQRA Part 3, that would include a
21 detailed evaluation and explanation of
22 the level of significance and also a
23 forerunner to the mitigation measures.

24 The specific issues that I have
25 examined, and I believe the Mayor has

1 covered all of them but I will just go
2 through what part of the Part 3 it
3 potentially impacts to the following:
4 Land, grading, land disturbance, soil,
5 erosion, ecology, including plants,
6 animals, water bodies, any surface
7 waters, flooding, storm water, impacts
8 to ground water, potential impacts to
9 aesthetics, lighting, visual aspects,
10 traffic, zoning and community services.
11 They are all included in the detail. It
12 is based on factual technical
13 information, not opinion, and it is
14 complete and sent to the Board.

15 MR. AVRUTINE: And the Part 3
16 document, Jim, consists of approximately
17 eight pages of environmental findings
18 based upon your review.

19 MR. ANTONELLI: Nine.

20 MR. AVRUTINE: Nine, sorry. I
21 don't mean to shortchange you.

22 And if you can, at this time, offer
23 a recommendation to the Board regarding
24 its determination of significance.

25 MR. ANTONELLI: The recommendation

1 is for a negative declaration under
2 SEQRA.

3 MR. AVRUTINE: Thank you, Mr.
4 Antonelli.

5 At this time, then, I would request
6 that a motion be made to declare a
7 negative declaration.

8 MAYOR DeVITA: I'll move to declare
9 a negative declaration and I'll ask the
10 Board for a second.

11 TRUSTEE JUSKO: I'll second.

12 MAYOR DeVITA: That's Trustee
13 Jusko.

14 Deputy Mayor Nemshin?

15 DEPUTY MAYOR NEMSHIN: Aye.

16 MAYOR DeVITA: Trustee Nicklas?

17 TRUSTEE NICKLAS: Aye.

18 MAYOR DeVITA: Trustee Miritello?

19 TRUSTEE MIRITELLO: Aye.

20 MAYOR DeVITA: Trustee Tsafos?

21 TRUSTEE TSAFOS: Aye.

22 MAYOR DeVITA: Trustee Novick?

23 TRUSTEE NOVICK: Aye.

24 MAYOR DeVITA: Howard?

25 MR. AVRUTINE: The next would be a

1 motion on the application.

2 MAYOR DeVITA: I move to approve
3 the application with the conditions
4 mentioned.

5 I'll look for a second.

6 TRUSTEE NOVICK: Second.

7 MR. AVRUTINE: Do you want me to
8 read them in at this time?

9 MAYOR DeVITA: Okay, thank you.

10 MR. AVRUTINE: If you would like I
11 can.

12 MAYOR DeVITA: Yes.

13 MR. AVRUTINE: Okay. This would be
14 for the conditions that go along with
15 the motion to approve.

16 First, strict compliance with all
17 of the approved plans.

18 Second, prior to ground breaking,
19 the Village will inspect and approve
20 installed erosion control measures to
21 ensure compliance with the approved
22 storm water pollution prevention plan,
23 the SWPPP, and all applicable law.

24 There will also be periodic
25 inspections during construction to

1 ensure such compliance.

2 Third, permanent landscaping -- a
3 permanent landscaping/replanting plan
4 will be submitted for approval by the
5 Board of Trustees. The plan must
6 provide landscape screening such that
7 the buildings to be constructed are not
8 visible from any residents in the
9 Village at anytime of the year, and the
10 plan must meet these requirements when
11 implemented.

12 In addition, an interim landscape
13 screening plan to the satisfaction of
14 the Board of Trustees must be provided.
15 This plan must provide complete
16 screening from all residential
17 properties in the Village until the
18 permanent landscaping/replanting plan is
19 implemented.

20 Fourth: All construction work will
21 be performed in strict accordance with
22 all Village regulations regarding
23 construction hours.

24 Firth: No construction vehicles or
25 equipment shall utilize any Village

1 roads or Cold Spring Road at any time or
2 under any circumstance.

3 Sixth: All construction vehicles
4 shall be limited to making right-hand
5 turns entering and exiting the temporary
6 construction road. Left-hand turns are
7 strictly prohibited.

8 Seventh: The applicant shall
9 submit a construction vehicle and
10 equipment routing plan depicting the
11 route all such vehicles shall utilize to
12 arrive at, depart from, and to enter and
13 exit the site. This plan shall be
14 subject to review and approval by the
15 Board of Trustees.

16 Eighth: There shall be safety
17 officers and flag people in the field at
18 all times during construction.

19 Ninth: There shall be strict
20 compliance with the truck route plan
21 submitted by the applicant and approved
22 by the Board of Trustees.

23 Tenth: The applicant shall utilize
24 best efforts to reduce backup noise from
25 construction vehicles and equipment by

1 eliminating the beeping backup alarms
2 and/or using flag people, in lieu of
3 such alarms. Any such actions must be
4 fully compliant with all safety rules
5 and regulations.

6 Eleventh: The temporary
7 construction road will be removed upon
8 completion of construction and all
9 landscape screening installed as soon as
10 practicable thereafter, in accordance
11 with the permanent
12 landscaping/replanting plan approved by
13 the Board of Trustees.

14 Twelfth: Road signs stating that
15 no construction vehicle and/or equipment
16 are permitted on Village roads will be
17 placed at the intersections of Moores
18 Hill Road and Route 25A, Laurel Hollow
19 Road and Route 25A, and the intersection
20 of Cold Spring Road and Route 25A.

21 Thirteenth: A scour hole, that's
22 S-C-O-U-R, hole, H-O-L-E, rock feature,
23 will be utilized to minimize erosion
24 from the temporary parking lot.

25 Fourteenth: The temporary parking

1 lot will be paved with permeable
2 asphalt.

3 Fifteenth: No certificates of
4 occupancy and/or completion will be
5 issued until the Building Inspector and
6 Village Engineer verify that all work
7 has been done and performed in strict
8 accordance with the approved plans and
9 all conditions set forth by the Board in
10 its approval and decision.

11 Sixteenth: There will be strict
12 compliance with all applicable Village
13 Code requirements, Nassau County
14 requirements, New York State
15 requirements, and United States
16 requirements, if any, governing
17 activities taken by the laboratory in
18 furtherance of this project.

19 Seventeenth: The approval is
20 conditioned upon the applicant obtaining
21 all approvals required by other
22 agencies, including but not limited to,
23 the New York State Department of
24 Environmental Conservation and the New
25 York State Department of Transportation.

1 Eighteenth: Vibration monitors
2 will be utilized to ensure that
3 surrounding homes are not impacted by
4 construction activities, and if they are
5 impacted and if damage were to occur,
6 the Laboratory will pay all costs
7 associated with restoration.

8 Nineteenth: Construction status
9 updates will be provided by the
10 Laboratory to the Village every three
11 months during construction which will
12 then be disseminated to the community.

13 Twentieth: A temporary
14 construction fence will be -- the
15 temporary construction fence will be
16 covered in a solid material to prevent
17 visibility of the construction site, and
18 this, of course, would be to the
19 satisfaction of the Board of Trustees.

20 I believe that covers it.

21 MAYOR DeVITA: I am just going to
22 add, Howard, I think you left out on the
23 interim screening.

24 To the extent that Evergreens
25 cannot be used by the Lab in a

1 replanting plan, they will be donated to
2 the Village which will use it to
3 mitigate the impact of the Crown Castle
4 cell nodes.

5 MR. AVRUTINE: Consider that
6 condition so amended as per the Mayor's
7 direction.

8 That is the list of conditions in
9 connection with Mayor DeVita's motion to
10 approve the application.

11 Do we have a second?

12 TRUSTEE TSAFOS: Aye.

13 MR. AVRUTINE: Trustee Tsafos.

14 MAYOR DeVITA: Trustee Tsafos.

15 Deputy Mayor Nemshin?

16 DEPUTY MAYOR NEMSHIN: Aye.

17 MAYOR DeVITA: Trustee Nicklas?

18 TRUSTEE NICKLAS: Aye.

19 MAYOR DeVITA: Trustee Miritello?

20 TRUSTEE MIRITELLO: Aye.

21 MAYOR DeVITA: Trustee Novick?

22 TRUSTEE NOVICK: Aye.

23 MAYOR DeVITA: Trustee Jusko?

24 TRUSTEE JUSKO: Aye.

25 MR. AVRUTINE: Application approved

1 as conditioned.

2 MAYOR DeVITA: Thank you everyone,
3 very much, and we will move to regular
4 meeting agenda.

5
6 *****

7
8 The Foregoing is a True and
9 Accurate Transcript of the Electronic
10 Proceedings Held Before Me Via Zoom, and
11 Transcribed to the Best of My Ability.

12 *MaryAnne Coppins*

13 _____
14 MARY ANNE COPPINS

15 Official Court Reporter
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