

1 INCORPORATED VILLAGE OF LAUREL HOLLOW  
2 BOARD OF TRUSTEES  
3 PUBLIC HEARING  
4 December 11, 2019  
5 7:00 p.m.

6 VILLAGE HALL  
7 1492 Laurel Hollow Road  
8 Syosset, New York 11791-9603

9 PRESENT:

10 DANIEL F. DeVITA, Mayor

11 KEVIN JUSKO, Trustee

12 JEFFREY C. MIRITELLO, Trustee

13 JEFFREY NEMSHIN, Trustee

14 RICHARD M. NICKLAS, Trustee

15 MARTIN NOVICK, Trustee

16 NICHOLAS TSAFOS, Trustee

17 ALSO PRESENT:

18 HOWARD AVRUTINE, Village Attorney  
19 JAMES ANTONELLI, Village Engineer  
20 ELIZABETH KAYE, Clerk/Treasurer  
21 NANCY POPPER, Deputy Clerk  
22 MICHAEL MCNERNEY, Building Department

23 HRVOJE MARNIKA, P.E.  
24 HM Engineering

25 Application of Fei Zhou & Xinyan Long  
for approval of an in-ground swimming  
pool, deck, pavilion and outdoor kitchen

MARY ANNE COPPINS  
OFFICIAL COURT REPORTER

1                   MAYOR DeVITA:     We will do the  
2                   Public Hearing.

3                   MR. AVRUTINE:    This is the Public  
4                   Hearing on application W1-2019, the  
5                   application of Fei Zhou and Xinyan Long  
6                   for an approval required under Section  
7                   145-12A(1)(b) of the Village Code in  
8                   connection with the installation of a  
9                   proposed in-ground swimming pool, deck,  
10                  pavilion and outdoor kitchen in the rear  
11                  yard which will encroach within the  
12                  required 100-foot setback from a  
13                  designated wetland.   The property under  
14                  application is located at 2 Vista Drive,  
15                  also known as Section 25, Block 64, Lot  
16                  11.

17                  The exhibits in connection with  
18                  this hearing are as follows:

19                  First:   The Affidavit of Posting  
20                  from Elizabeth Kaye that the legal  
21                  notice was posted on the bulletin board  
22                  at Village Hall on November 22, 2019.

23                  The next exhibit is an Affidavit of  
24                  Publication that the legal notice was  
25                  published in the North Shore Leader on

1 November 27, 2019.

2 The next exhibit is a document that  
3 confirms that the Legal Notice was  
4 published to the Village website on  
5 November 21, 2019.

6 The next exhibit is a document that  
7 confirms that the Legal Notice was sent  
8 to the Village website NEWS subscribers  
9 on December 5, 2019.

10 The next exhibit is an Affidavit of  
11 Mailing from the applicant indicating  
12 that the Notice of Public Hearing was  
13 mailed on November 25, 2019 to the  
14 individuals named in the affidavit.

15 The final exhibit is notification  
16 from the Nassau County Planning  
17 Commission dated November 15, 2019 that  
18 the matter is referred to the Village  
19 Board of Trustees to take action as it  
20 deems appropriate.

21 Do we have a representative of the  
22 applicant present?

23 MR. MARNIKA: We do.

24 My name is Hrvoje Marnika with HM  
25 Engineering, PC. I am a professional

1 engineer, licensed and registered in the  
2 State of New York. I am here on behalf  
3 of the applicant to present and answer  
4 any questions the Board has.

5 Good evening, everyone.

6 MAYOR DeVITA: Good evening.

7 MR. MARNIKA: So, basically, I  
8 apologize, I forgot my easel. I wanted  
9 to just briefly go over the application  
10 here.

11 As you mentioned, it's a proposed  
12 in-ground swimming pool, 20 by 40, a  
13 deck, pavilion, outdoor kitchen, an  
14 associated site improvement, such as a  
15 chain link fence and some drainage  
16 leaching pools for pool backwash, as  
17 well as for the required pickup for the  
18 impervious area.

19 The project, as you can see here,  
20 is fully compliant with the Village Code  
21 in terms of zoning setbacks and lot  
22 coverage. The requirement for the  
23 wetland permit is because the  
24 improvements are within a 100-foot  
25 setback from a body of water, which is a

1 retention pond, or I guess it could be  
2 called a wetlands.

3 This looks like it's a functioning  
4 storm water pond already. The setback  
5 runs right over here. As you can see  
6 the setback, it actually catches a  
7 little part of the dwelling.

8 All the improvements are in the  
9 rear yard. They're fully compliant with  
10 zoning. There is no way to get the  
11 improvements located or situated  
12 anywhere on the lot so that we are  
13 outside that buffer area.

14 There is no encroachment within the  
15 wetlands. The closest encroachment here  
16 to an actual structure is 49 feet.  
17 We'll have some grading around that that  
18 will encroach a little further. But,  
19 basically, we were staying away from the  
20 body of water. We are not going in it  
21 to reshape it or do anything of that  
22 nature to it. So this body of water  
23 will remain as is and we will propose a  
24 silk fence around here to catch any  
25 sediment or any wash-off from the

1 construction activities so they do not  
2 enter the pond, to keep the pond clean.

3 That is basically it. If you have  
4 any questions I can answer, I will happy  
5 to do that.

6 MAYOR DeVITA: Sure.

7 Trustee Nicklas and I were there  
8 yesterday for a site visit.

9 Go ahead, Rich.

10 TRUSTEE NICKLAS: I just wanted to  
11 understand how you are going to get that  
12 pool within 50 feet or 49 feet or  
13 whatever it is, from the wetland. You  
14 are going to have to redo the whole  
15 deck; is that correct?

16 MR. MARNIKA: The existing deck is  
17 going to be removed. I have a  
18 demolition plan here, so this existing  
19 deck here is going to be removed  
20 completely. It's going to be pulled  
21 out, all the footings, all the timber,  
22 it's not in a very good condition.

23 I was there, I was walking,  
24 measuring and everything and some of the  
25 boards are really rotted, I mean you

1           could almost probably put your foot  
2           through some of them, so it's in bad  
3           condition.

4           MAYOR DeVITA:   Because you couldn't  
5           put this pool in if you're leaving the  
6           structure and leave 49 feet, if you're  
7           leaving the structure the way it is and  
8           putting the pool below it.

9           We were trying to figure out, from  
10          what we had, we figured you had to take  
11          out the deck because the pool looks like  
12          it will go in a portion where the deck  
13          presently is.

14          MR. MARNIKA:   Correct.   The pool,  
15          right here, okay, it would be probably  
16          yes, a little overlapping here with the  
17          existing wood deck.

18          TRUSTEE NICKLAS:   The deck itself  
19          is almost 50 feet.

20          MR. MARNIKA:   Well, I have here an  
21          18-foot dimension so the existing deck  
22          from this door comes out 18, 18  
23          and-a-half.   And over here, this is one  
24          inch to 20 feet.   So the pool would  
25          probably -- the pool starts right around

1 here, so it is not inside, completely  
2 inside the existing footprint of the  
3 existing deck.

4 TRUSTEE NICKLAS: Kind of walking  
5 it off, it seems like the deck itself is  
6 a little bit more than 50 feet.

7 MAYOR DeVITA: Figure about 60 feet  
8 or so.

9 TRUSTEE NICKLAS: So it had to be  
10 ripped out.

11 MR. McNERNEY: The existing deck is  
12 coming out. The proposal is to remove  
13 the existing deck entirely.

14 TRUSTEE NICKLAS: How much is the  
15 space going to be between the pool and  
16 the house now?

17 MR. MARNIKA: The pool, from the  
18 pool to the house, I'm going to have to  
19 scale it off.

20 MAYOR DeVITA: What's your best  
21 guess?

22 MR. MARNIKA: Roughly about 20  
23 feet.

24 MAYOR DeVITA: That makes sense  
25 then why you still have 50 feet, 40



1 feet.

2 MR. MARNIKA: About 17 and-a-half  
3 feet from the house is where the pool  
4 will start.

5 Now, the existing deck, okay, comes  
6 out from the house 18 and-a-half feet.  
7 So I mentioned the pool is basically  
8 right about here, right. So where the  
9 existing deck ends is where the new pool  
10 will end, but that pool, that completely  
11 existing deck will be ripped out.

12 MAYOR DeVITA: The pool is 20 feet  
13 wide, right. Are you going to have  
14 decking around the pool?

15 MR. MARNIKA: Yes.

16 MAYOR DeVITA: Towards the pond?

17 MR. McNERNEY: Yes.

18 MAYOR DeVITA: It doesn't look like  
19 much.

20 MR. MARNIKA: There's no decking on  
21 the side of where the pond is around the  
22 pool.

23 MAYOR DeVITA: It looks like just  
24 the edge of the pool, and landscaping, I  
25 assume that.

1                   MR. MARNIKA: This is basically,  
2                   this hatched area here is the limit of  
3                   the deck. So on this side of the pool,  
4                   the deck doesn't go any further than  
5                   this.

6                   MAYOR DeVITA: What about your  
7                   drainage, Jim?

8                   MR. ANTONELLI: For the record, Jim  
9                   Antonelli, Village Engineer.

10                  Yes, I reviewed the plans. The way  
11                  I saw this was they're essentially  
12                  coming out another 15 feet, that's what  
13                  it is. They're coming from about 65  
14                  feet to the nearest point to the edge of  
15                  the water, to approximately 50, so it's  
16                  about a 15-foot push down slope a bit.

17                  The plan that we have in front of  
18                  us -- and can you tell us the date of  
19                  the latest plan you have there and I'll  
20                  tell you the date of the one I have  
21                  reviewed.

22                  MR. MARNIKA: Sure. This is August  
23                  5, 2019, last revision was November  
24                  20th. That incorporated the Village's  
25                  comments for the drainage pipe, also.

1 MR. ANTONELLI: The latest one I  
2 reviewed is dated November 7th.

3 MR. MARNIKA: Because the only --

4 MR. ANTONELLI: What has changed,  
5 please?

6 MR. MARNIKA: The own revision  
7 subsequent to that was increasing the  
8 drainage pipe from the area 6 to 8  
9 inches.

10 MR. ANTONELLI: Per my comment.

11 MR. MARNIKA: That's right here.

12 MR. ANTONELLI: Then I can report  
13 to the Board that all of the site  
14 engineering matters have met the  
15 standards that we have in the Village.  
16 I have no further issue with that.

17 Regarding the wetland itself, first  
18 of all, I think it is protected with the  
19 proposal of using silk fence.

20 MAYOR DeVITA: Is it man-made?

21 MR. ANTONELLI: I don't think so.  
22 I think it's a kettle hole. I think  
23 this goes back to the glaciers. I think  
24 you can go before the development was  
25 built and I think there was some, there

1           was certainly a low spot there, a  
2           depression, a circular depression.  
3           Whether it had water in it like it does  
4           now is another issue, but I do know that  
5           there are maps that go back that do show  
6           a pond there.

7                    TRUSTEE MIRITELLO:   Where does it  
8           drain to?

9                    MR. ANTONELLI:   It very well could  
10          be fed by ground water.   The bottom of  
11          the pool is high enough where they're  
12          not in a ground-water situation.

13                   MAYOR DeVITA:   It looks like, and  
14          correct me if I'm wrong, a low point for  
15          all the surrounding properties, so it  
16          looks like the rainwater, everything is  
17          going to gather there.

18                   MR. ANTONELLI:   So what I look for  
19          is, one, is there a potential for  
20          contamination.   Is there a potential for  
21          too much water to get into the pond, the  
22          regulated area, or is there a potential  
23          for somebody to do an activity that  
24          would dry it up.   And I didn't see any  
25          of those when I looked at it.

1           One of the things I struggled with,  
2           and I'll be very frank, is what about  
3           after construction. I know I said  
4           something about the silk fence, which I  
5           think is appropriate during  
6           construction, but after construction  
7           there is still a slope from the activity  
8           from the pool to the edge of the water.  
9           And I thought, one, it's a pretty short  
10          slope; and two, the drainage pattern  
11          really flows toward the side toward some  
12          other low spots. I thought it would be  
13          more detrimental to the wetland if I had  
14          them regrade that entire thing and start  
15          putting drainage in. I think that would  
16          have been something that would really  
17          cause an issue. And I thought if the  
18          deck is there now and you are replacing  
19          the deck, coming out that 15 feet, I  
20          didn't think it, frankly, had any  
21          detrimental impact to the water body.

22                    TRUSTEE MIRITELLO: Does that water  
23                    body drain into anything?

24                    MR. ANTONELLI: No, it's an  
25                    enclosed circular depression, it's a

1 dead-low spot.

2 TRUSTEE MIRITELLO: How does it not  
3 silt up?

4 MR. ANTONELLI: I think there is  
5 not a lot of runoff that carries  
6 sediment to it.

7 MR. McNERNEY: It's all pretty much  
8 lawn that surrounds it.

9 MR. ANTONELLI: There's not a lot  
10 of erosion. I think there are other low  
11 spots near there that are collecting  
12 runoff, but I don't think there is  
13 anything that has been exposed, there's  
14 no exposed soil.

15 TRUSTEE MIRITELLO: Is it a  
16 nuisance with mosquitoes or anything  
17 else?

18 MAYOR DeVITA: Two of the neighbors  
19 have called them little docks, so I  
20 gather they don't feel it's not.

21 MR. ANTONELLI: I've seen a lot of  
22 water fowl in there over the years, it's  
23 a pretty viable water body.

24 MR. McNERNEY: It is.

25 TRUSTEE NICKLAS: Where does the

1 pool drain, Jim?

2 MR. ANTONELLI: Pardon me?

3 TRUSTEE NICKLAS: Where does the  
4 pool drain?

5 MR. ANTONELLI: The pool drains  
6 into the proposed dry wells.

7 MR. McNERNEY: Typically, Rich,  
8 in-ground pools keep their water in them  
9 all-year long. You're not really  
10 draining the pool at any point. You are  
11 just lowering it to cover it and then  
12 filling it back up a foot at the  
13 beginning of the season.

14 MAYOR DeVITA: Doesn't the State  
15 require them --

16 MR. McNERNEY: We still require  
17 that they provide adequate drainage in  
18 the form of a dry well to drain the pool  
19 into, but, realistically, nobody does  
20 that.

21 TRUSTEE TSAFOS: Which they have in  
22 their drawing right there.

23 MR. McNERNEY: Correct.

24 TRUSTEE TSAFOS: And it's pretty  
25 far away from the area that is in

1 question.

2 MR. McNERNEY: Correct.

3 MR. ANTONELLI: Well, the thing  
4 about the dry well is that it would  
5 catch backwash water from any filters.  
6 That is what we are more concerned about  
7 than de-watering un-chlorinated pool  
8 water.

9 After several days when you go to  
10 close your pool, after several days  
11 there is no more chlorine left in the  
12 pool.

13 MR. McNERNEY: Plus this might be  
14 salt water, is it?

15 MR. MARNIKA: I'm not sure if he's  
16 going for that salt water.

17 There's a generator and it converts  
18 the salt to chlorine.

19 MAYOR DeVITA: Anybody on the Board  
20 have any other questions?

21 (No response.)

22 Any questions from the audience?

23 (No response.)

24 MR. AVRUTINE: Jim, do you have a  
25 recommendation under the New York State



1 Environmental Quality Review Act  
2 regarding environmental impact?

3 MR. ANTONELLI: Yes, I do.

4 First of all, I believe this is  
5 considered an unlisted action under  
6 SEQRA, and so that requires that the  
7 applicant file a completed short  
8 Environmental Assessment Form, which  
9 they did and I reviewed.

10 Beyond that, I prepared the part  
11 two on behalf of the Village, assuming  
12 you are going to be lead agency or  
13 designate yourself lead agency tonight.  
14 And I have recommended that it would not  
15 have a significant adverse environmental  
16 impact.

17 MR. AVRUTINE: Thank you, Jim.

18 Motion to close the Public Hearing?

19 MAYOR DeVITA: I make a motion to  
20 close the Public Hearing.

21 TRUSTEE NICKLAS: Second.

22 MAYOR DeVITA: Seconded by Trustee  
23 Nicklas. All in favor?

24 TRUSTEE NOVICK: Aye.

25 TRUSTEE MIRITELLO: Aye.

1 TRUSTEE TSAFOS: Aye.

2 TRUSTEE NEMSHIN: Aye.

3 TRUSTEE NICKLAS: Aye.

4 TRUSTEE JUSKO: Aye.

5 MR. AVRUTINE: Motion for the Board  
6 to declare itself lead agency under the  
7 New York State Environmental Quality  
8 Review Act.

9 MAYOR DeVITA: I make a motion.

10 TRUSTEE NOVICK: Second.

11 MAYOR DeVITA: Seconded by Trustee  
12 Novick. All in favor?

13 TRUSTEE NOVICK: Aye.

14 TRUSTEE MIRITELLO: Aye.

15 TRUSTEE TSAFOS: Aye.

16 TRUSTEE NEMSHIN: Aye.

17 TRUSTEE NICKLAS: Aye.

18 TRUSTEE JUSKO: Aye.

19 MR. AVRUTINE: A motion to declare  
20 this matter unlisted under the New York  
21 State Environmental Quality Review Act?

22 MAYOR DeVITA: I'll move.

23 TRUSTEE JUSKO: Second.

24 MAYOR DeVITA: Seconded by Trustee  
25 Jusko. All in favor?

1 TRUSTEE NOVICK: Aye.

2 TRUSTEE MIRITELLO: Aye.

3 TRUSTEE TSAFOS: Aye.

4 TRUSTEE NEMSHIN: Aye.

5 TRUSTEE NICKLAS: Aye.

6 TRUSTEE JUSKO: Aye.

7 MR. AVRUTINE: Motion to adopt a  
8 negative declaration pursuant to the  
9 Village Engineer's recommendation under  
10 the New York State Environmental Quality  
11 Review Act.

12 MAYOR DeVITA: I move.

13 TRUSTEE NICKLAS: Second.

14 MAYOR DeVITA: Seconded by Trustee  
15 Nicklas. All in favor?

16 TRUSTEE NOVICK: Aye.

17 TRUSTEE MIRITELLO: Aye.

18 TRUSTEE TSAFOS: Aye.

19 TRUSTEE NEMSHIN: Aye.

20 TRUSTEE NICKLAS: Aye.

21 TRUSTEE JUSKO: Aye.

22 MR. AVRUTINE: And a motion on the  
23 application.

24 MAYOR DeVITA: I move to approve  
25 the application as submitted.

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TRUSTEE NOVICK: Second.

MAYOR DeVITA: Seconded by Trustee  
Novick. All favor in favor?

TRUSTEE NOVICK: Aye.

TRUSTEE MIRITELLO: Aye.

TRUSTEE TSAFOS: Aye.

TRUSTEE NEMSHIN: Aye.

TRUSTEE NICKLAS: Aye.

TRUSTEE JUSKO: Aye.

MAYOR DeVITA: Thank you very much.

\* \* \* \* \*

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

I, Mary Anne Coppins, Court  
Reporter, hereby certify that the above  
transcript is a true and accurate copy  
of the minutes taken by myself  
stenographically in the within matter.

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Mary Anne Coppins

Court Reporter