

**MINUTES OF THE REGULAR MEETING
BOARD OF TRUSTEES
VILLAGE HALL
OCTOBER 16, 2019
7:00 PM**

PRESENT:

Mayor Daniel F. DeVita	Howard Avrutine, Village Attorney
Trustee Kevin Jusko	Elizabeth Kaye, Clerk / Treasurer
Trustee Jeffrey Miritello	Michael McNerney, Building Inspector
Trustee Jeffrey Nemshin	Nancy Popper, Deputy Clerk/ Court Clerk
Trustee Martin Novick	James Antonelli, Village Engineer
Trustee Nicholas Tsafos	

Excused: Trustee Richard Nicklas

MAYOR DE VITA called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

POLICE REPORT

The Board reviewed the Oyster Bay Cove Police Department's Monthly Report for September, 2019, which was distributed to the Board upon receipt. Statistics are as follows:

	Totals this Month	Totals year-to-date	Totals prior year- to- date
Auto Accidents Personal Injury	1	4	3
Auto Accidents Property Damage	2	16	29
Aided Cases Resulting from Auto Accidents	2	6	13
Aided Cases Other	1	37	43
Arrests	0	0	0
Summonses-Moving Violations	23	193	178
Summonses-Parking	2	38	50
Fire Calls	3	8	8
Patrol Mileage	4,500	40,950	40,950
Offenses -Case Reports	4	11	6
Suspicious Autos	4	12	21
Suspicious Persons	1	15	8
Suspicious Phone Calls	0	0	2
Recorded Alarms	19	139	123
Vacant Houses	6	43	50

Disturbances	5	38	25
Malicious Mischief	0	0	1
Non-Case Incidents	1	8	2
Animal Nuisance Complaints	2	19	9
Assist from NCPD	0	0	0

Stop Signs	0
Cell Phone	0
Speeding	8
Unlicensed Operation	1
Uninspected MV	8
DWI	0
No Insurance	4
Expired Registration	0
Disobey Traffic Control Device	0
Following Too Closely	0
Defective Lights	2
Unsafe Pass	0
No U Turn	0
No Parking	2
Driving on Shoulder	0
No Seatbelt	0
Total	25

Police Officer O'Donnell was present and spoke to the Board regarding recent events.

PUBLIC HEARING ON JASON PAUL FILL & WETLANDS APPLICATIONS

Mayor DeVita opened the public hearing at 7:10 pm on the application of Jason Paul for permission to place 150 cubic yards of fill in the front yard and for approval to encroach into the required 100-foot setback from a wetland. The property is located at 3 Picardy Lane.

Village Attorney Avrutine advised that the application was also the subject of a Planning Board hearing during which removal of fifteen trees was approved subject to approval of the application before the Board of Trustees.

The Village Attorney entered the following items into the record:

EXHIBIT LIST

- Application of Jason Paul for permission to place 150 cubic yards of fill in his front yard adjacent to Picardy Lane, and for an approval required under §145-12.A.(1)(d) of the Village Code because the proposed activity will encroach into the 100' required setback from a wetland. The property is located at 3 Picardy Lane, Section 14, Block 14, Lot 23.
- Affidavit of Posting from Elizabeth Kaye, stating that the legal notice was posted on the front bulletin board in front of Village Hall on September 20, 2019
- Affidavit of Publication, stating that the legal notice was published in the North Shore Leader on September 18, 2019
- Document confirming that the legal notice was published to the website on September 16, 2019
- Document confirming that the legal notice was sent to News subscribers on October 10, 2019
- Affidavit of Mailing from Applicant, indicating that the Notice of Public Hearing was mailed on September 26 & 30, 2019 to the persons named on said affidavit
- Notification from the Nassau County Planning Commission (NCPC), dated Oct. 22, 2018, stating that the matter is deferred to the Village to take action as deemed appropriate.

Mr. Paul was in attendance with Engineer, Mr. Michael Rant. Mr. Paul indicated that he intended to bring in fill to make this area flatter and more usable for his children.

Trustee Jusko expressed concern with potential damage to Village curbing when the fill is trucked in. Building Inspector McNerney explained that the Village will require a damage deposit to cover this possibility.

Village Engineer Antonelli indicated that he was satisfied with the drainage calculations as presented on the Site Plan dated 5/24/2019. Mr. Antonelli reviewed the applicant's Short Form Environmental Assessment Form (EAF) and prepared the required Part II SEQRA Form for the Board's consideration, recommending that the Board declare a negative declaration.

There being no further questions from the Board or public, at 7:25 pm, Mayor DeVita moved to close the public hearing, seconded by Trustee Jusko, approved by all present.

Mayor DeVita moved to declare the Board lead agency under SEQRA, seconded by Deputy Mayor Nemshin, approved by all present.

Mayor DeVita moved to declare the matter an unlisted action under SEQRA, seconded by Trustee Tsafos, approved by all present.

Mayor DeVita moved to declare a negative declaration in accordance with the Village Engineer's recommendation under SEQRA, seconded by Trustee Novick, approved by all present.

Mayor DeVita moved to approve the application as submitted, seconded by Deputy Mayor Nemshin, approved by all present.

CONSTRUCTION ON SATURDAY

Mr. Moccio, MDM Builders, and Dr. Ioannou, all who were in attendance, apologized to Mayor DeVita for their masonry and commercial landscapers working on a recent Sunday in violation of the Code.

Mayor DeVita offered the following options for reducing or eliminating Saturday construction activities:

- construction activities to be permitted only between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays, provided the activities are solely within an enclosed building

- limit construction activities between the hours of 9:00 a.m. and 1:00 p.m. on Saturdays

- no construction activities at all on Saturdays

Mayor DeVita opened the meeting to comments from the Board and residents in attendance. Discussion ensued.

Trustees Miritello and Tsafos indicated that construction on Saturdays has not been a concern thus far, but agreed that noise could be disturbing for a next-door neighbor having a party or event.

Deputy Mayor Nemshin pointed out that restricting Saturday activity could be a detriment to a homeowner trying to finish a job.

Mayor DeVita read aloud a letter from Mrs. Carol Bauer, expressing her support for banning Saturday construction.

Chris Hadjandreas, Planning Board Chairman, remarked that Saturdays are preferable days for large truck deliveries so as not to interfere with school buses.

Mrs. Theresa O'Hara, who has had ongoing construction near her home, expressed support for banning Saturday construction on grounds that residents should have the weekend for quiet enjoyment of their homes.

Trustee Jusko indicated that construction on Saturdays has not been a concern for him.

Mayor DeVita stated that the matter would be discussed at the November meeting.

BUILDING DEPARTMENT REPORT

BP # 2775 -Tone, 568 Cold Spring Road for Building Permit Renewal

A building permit for a driveway was issued by the Village on 6/29/2017. The application was first received by the Village on 12/10/2015 after work had already begun. The project was subject to 239f review and so the Village transmitted it to the County approximately 5 days after receiving it. The County approved the application 17 months later, in May 2017. Upon its first expiration in December 2018, the applicant requested an extension. As allowed by the Code, a renewal for a period of 9 months upon payment of $\frac{1}{2}$ the original fee (\$412.50) was issued. Upon conducting the final inspection, Nassau County raised some objections that must be addressed by the applicant. Accordingly, the permit could not be closed, and it expired again on 9/29/2019. Another extension is required to allow the applicant to satisfy the County's objections.

Trustee Jusko moved to grant a six-month extension at no fee, seconded by Trustee Novick, approved by all present.

BP # 2776 - Barriola & Sordella, Ridge Road for Building Permit Application Renewal

An application was submitted to the Building Department on 12/15/2015. The BZA approved slope disturbance and granted variances on 8/15/2017. An Article 78 proceeding was filed by a neighbor, and litigation ensued until 9/14/2018. The Board of Trustees reactivated the permit application on 11/14/2018 for a 1-year period after having suspended the clock during the appeal. The application will expire again on 11/14/2019. Updated construction plans are currently under review, but it is uncertain whether a permit will be issued before the expiration date.

Mayor DeVita moved to grant a six month extension at no fee, seconded by Trustee Novick, approved by all present.

BP # 2901 - Jason Paul, 3 Picardy Lane for Building Permit Renewal

A building permit was issued on 8/3/2017 to install a property fence, gates, driveway piers, and walkways. As allowed under the Code, the permit was extended for a period of 9 months upon payment of $\frac{1}{2}$ the original fee (\$337.50). The owners are now requesting a 6-month extension of the permit so they may complete the new "Fill" project, install drainage, and obtain a final survey.

Mayor DeVita moved to grant a six-month extension, seconded by Trustee Tsafos, approved by all present.

ENGINEER'S REPORT

Mr. Antonelli reported on the following:

Road Repair Work, Phase II

Phase II road paving was completed on September 19th. The contractor filed an invoice for the work for which an Engineer's Certificate for Payment was provided to the Village Clerk. A punch list of work items was sent to the paving contractor.

M. Cary, the contractor, started work on the various stop bars and layout of the centerline markings on Laurel Hollow Road.

Seawall at Village Hall

The seawall reinforcement and armoring were completed during the period August 12 to Aug. 27th. Upon inspection, the mortar joints appear wide due to the nature of the repair of the wide openings. The amount of visible mortar on the wall facing Village Hall is similar to that in areas repaired in the past. The contractor has submitted an invoice for payment for which an Engineer's Certificate for Payment was provided to the Village Clerk.

Ridge Road Shoulder Restoration

John McGowan & Sons completed shoulder restoration on Ridge Road. The contractor has filed an invoice for the work for which an Engineer's Certificate for Payment was provided to the Village Clerk.

MINUTES of the Board of Trustees meeting held on September 11, 2019 were approved by all present on a motion by Trustee Miritello, and seconded by Trustee Novick.

The **FINANCIAL REPORT** for October, 2019 and the **REPORT OF UNPAID TAXES** were distributed to the Board. Bank statements and reconciliations were reviewed by Trustee Tsafos prior to the meeting.

APPROVAL OF ABSTRACTS

Trustee Tsafos moved that the following abstracts of vouchers be approved for payment with the exception of a claim from Giudici Electric pending clarification, seconded by Trustee Novick, and approved by all present:

- Abstract # 14 Trust & Agency \$28,814.50
- Abstract # 1073 Capital \$1,673,602.85
- Abstract # 1091 Prepaids \$13,699.99
- Abstract # 1092 \$152,545.34

DOG WARDEN CONTRACT WITH TOWN OF OYSTER BAY

Mayor DeVita moved to authorize renewal of the Dog Warden contract with the Town of Oyster Bay, due to expire on 12/31/2019, seconded by Trustee Miritello, approved by all present.

PROPOSALS FOR FUCTIONALITY TESTING OF UNDERGROUND TANK AT POLICE BOOTH

Mayor DeVita moved to accept the proposal from Aarco Environmental Services, Inc. as the lowest responsible bidder based upon the following bids, seconded by Trustee Jusko, approved by all present:

- Aarco - \$1,475.00
- MES - \$1,950.00

Island Pump & Tank - no bid received

LETTER OF CREDIT AS COLLATERAL WITH FIRST NATIONAL BANK OF LI

Matter tabled to the next meeting.

ELECTRICAL VEHICLE (EV) CHARGING STATIONS

Trustee Jusko advised the Board that a NYS grant is available for the Village to purchase and install a charging station at Village Hall for the charging of electric vehicles. No action taken.

COLD SPRING HARBOR LAB TANK AGREEMENT RENEWAL

Mayor DeVita reported that he has been communicating with Mr. Randall Jones from the Lab regarding the tank renewal agreement.

EXECUTIVE SESSION

Trustee Miritello moved to adjourn to Executive Session at 9:00 pm to discuss litigation matters, seconded by Deputy Mayor Nemshin, and approved by all present.

The Board returned to public session at 9:45 pm.

There being no further business to come before the Board, Mayor DeVita moved to adjourn the meeting at 9:45 pm, seconded by Trustee Jusko, and approved by all present.

Elizabeth Kaye

Elizabeth Kaye, Clerk / Treasurer

ALSO PRESENT:

Police Officer O' Donnell
Randy Jones
Stephen Monez
Michael Rant P.E.
Michael Ioannou
Mike Moccio
Tomy Biton
Jason Paul
Chris Hadjandreas
Vicki Bantz
Theresa O'Hara
Ray O'Hara

Oyster Bay Cove Police Department
Cold Spring Harbor Lab
Cold Spring Harbor Lab
23 Spring St., Oyster Bay
35 Springwood Path
Builder for 27 Shady Lane
16 Springwood Path
3 Picardy Lane
1592 Laurel Hollow Rd
23 Hilltop Drive
44 Picardy Lane
44 Picardy Lane

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT 7:00 P.M. ON WEDNESDAY, NOVEMBER 13, 2019