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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
March 11, 2020
7:00 p.m.

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

PRESENT: DANIEL DeVITA, Mayor
JEFFREY NEMSHIN, Deputy Mayor
KEVIN JUSKO, Trustee
JEFFREY MIRITELLO, Trustee
RICHARD NICKLAS, Trustee
MARTIN NOVICK, Trustee
NICHOLAS TSAFOS, Trustee

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
ELIZABETH KAYE, Clerk/Treasurer
NANCY POPPER, Deputy Clerk and Court Clerk
MICHAEL MCNERNEY, Superintendent of Buildings

Introductory Local Law E-2020

RONALD KOENIG
OFFICIAL COURT REPORTER

Proceedings

1 MR. AVRUTINE: This public hearing is in
2 connection with Introductory Local Law E-2020. This
3 local law pertains to building permit, certificate of
4 occupancy, and plan review fees.

5 The exhibits in connection with this local law
6 are as follows:

7 First, Affidavit of Publication from the North
8 Shore Leader that the legal ad was published on March 4,
9 2020.

10 The next exhibit is an affidavit from
11 Elizabeth Kaye that the legal notice was posted at
12 Village Hall on February 28, 2020.

13 The next exhibit is an e-mail from the Village
14 Clerk to the Mayor and Board of Trustees sent on
15 February 28, 2020, with the local law in final form
16 attached.

17 The next exhibit is confirmation that the
18 Notice of Public Hearing was published to the village of
19 Laurel Hollow website on March 4, 2020.

20 The next exhibit is confirmation that the
21 Notice of Public Hearing was sent to Village website
22 NEWS subscribers on March 4, 2020.

23 And the final exhibit is a letter from the
24 Nassau County Planning Commission dated March 11, 2020,
25 that the local law is referred to the Village to take

1 action as it deems appropriate.

2 The current setup in the Village Code sets
3 forth building permit fees, certificate of occupancy
4 fees, and plan review fees as part of the code itself.
5 So, all the amounts for the various items that are
6 charged, all the fees that are charged, are set forth in
7 the Code.

8 What this law does is it allows the Board to
9 set or revise or modify fees by resolution which would
10 obviate the need to amend the Code every time the Board
11 thought it was appropriate to change fees. So that is
12 what this law does. It allows, rather than by local
13 law, fees to be modified by a simple resolution of the
14 Board of Trustees.

15 MAYOR De VITA: Just understand, when we have
16 to amend the Village Code, it's an expensive process.
17 So, we have to pay for the paper code to be changed, for
18 the e-code to be changed. We have to pay for public
19 hearing, for our stenographer who is the best in the
20 business and worth every penny. So by the change that
21 we are proposing it just basically says the fees for
22 these different categories will be determined by a
23 resolution of the Board of Trustees.

24 So just in connection with that, and we'll
25 take that up after this, the genesis of this was we

1 needed to reexamine our fees because after a survey was
2 done of a number of villages, we were found to be at the
3 lower end of our fee schedule. And then looking at our
4 own code, the actual specific fees were set forth in the
5 code which makes it very cumbersome and expensive to
6 change each time we want to do that. So that was the
7 genesis of this and why the proposed amendment is in the
8 language that it's in.

9 TRUSTEE NOVICK: Is there a shot that this
10 could be contested by somebody who thinks that the fees
11 are exorbitant or whatever?

12 MAYOR De VITA: After the public hearing,
13 we'll have a discussion and can set the fees. So this
14 is just -- this right now is just to change the law in
15 order so instead of setting forth all individual
16 categories, it's just a reference to resolution which
17 will set the fees, which is legal, which is done even in
18 our own code in many different areas for the same
19 purpose, for the same reason. You don't want to have to
20 go through the --

21 TRUSTEE NOVICK: I understand.

22 MAYOR De VITA: -- the expense and time of
23 changing and amending the Code.

24 TRUSTEE NOVICK: Nobody can come back to it
25 and think it's not legal?

Proceedings

1 MAYOR De VITA: Howard will tell you.

2 MR. AVRUTINE: The process that the Board is
3 following in enacting this is perfectly appropriate and
4 legal. I think what, Trustee Novick, what you're
5 raising is, whether a particular fee would be excessive
6 and someone would have the right to raise that because
7 the law requires that fees charged by a municipality for
8 a service such as processing a building permit fee must
9 bear a reasonable relationship to the amount of work
10 provided -- required, I should say. So, if someone were
11 to say, well, I believe that the building permit fee is
12 excessive, they could bring a lawsuit in Supreme Court
13 in Mineola contesting the appropriateness of that.

14 TRUSTEE NOVICK: But this is a new precedent
15 that we're setting; is it not?

16 MR. AVRUTINE: It's not a precedent. But what
17 it's doing is, anyone will have access to what the fees
18 are, they are just not printed in the Village Code.

19 TRUSTEE NOVICK: By changing the law.
20 Normally it would always require, before that, the
21 village had printed or had the fees open. Now it's
22 subject to --

23 MAYOR De VITA: Which we've changed in a
24 number of other areas --

25 TRUSTEE NOVICK: Okay.

1 MAYOR De VITA: -- just so we don't have to go
2 through this.

3 One other thing just to add to what Howard is
4 saying. Even the fees that we're going to propose after
5 this public hearing on a resolution, we're not at the
6 top of the food chain even with the new fees. So I
7 don't think they are at all contestable, but people love
8 to sue these days. God bless them. But I don't think
9 we're anywhere near the limit to what is contestable.
10 So the actual action of what we're doing, if you are
11 asking me and asking Howard, is perfectly proper.

12 TRUSTEE NOVICK: Okay.

13 MR. AVRUTINE: This is a procedural -- I just
14 want to make sure you understand it. This is a
15 procedural change in the Code so that, let's assume that
16 the Board wanted to change the fees that are set forth
17 under the Chapter 22 or 23 which pertains to building
18 matters, in order to do that, a local law would have to
19 be passed. This law will allow it to be done by a
20 simple resolution. It's a streamline process in order
21 to change the fees. That's all this law does.

22 TRUSTEE NOVICK: Okay.

23 MR. AVRUTINE: The issue of what the fees are
24 will be the subject of a different matter taken up by
25 the Board when it takes up the issue of passing the

1 resolution establishing fees we're choosing.

2 TRUSTEE NICKLAS: The fees are still posted,
3 right?

4 MAYOR De VITA: Of course.

5 MR. AVRUTINE: I believe what will happen, on
6 consultation with the Village Clerk and the Deputy
7 Village Clerk, is that assuming the fees are modified,
8 then there'll be a document prepared which lists all of
9 the fees. So when someone comes in, for argument sake,
10 to get a building permit application, they're going to
11 be furnished a list of fees along with it so it's not a
12 question of not disclosing it and, depending upon what
13 the Board --

14 TRUSTEE NOVICK: I meant, Howard, which you
15 did explain and the Mayor as well, the resolution itself
16 is no problem legally.

17 MR. AVRUTINE: No, it's not.

18 TRUSTEE NOVICK: I thought that that would be
19 contested.

20 MR. AVRUTINE: No. That's perfectly lawful.

21 MAYOR De VITA: Any other questions by the
22 Board?

23 Any questions from the audience?

24 TOMY BITON: I have one question. So I was
25 here last month and you guys talked about the fees

1 because in relation to other villages we're kind of low.
2 My question is, some of the fees again what you
3 suggested, I remember one fee that was like 150 and is
4 going to be 750 now --

5 MAYOR De VITA: Wait. In terms of specific
6 fees, we're going to talk about them as soon as we pass
7 this section of the ordinance. We'll end the public
8 hearing and then we're going to talk about resolution
9 with specific fees. So hold your question until then.

10 TOMY BITON: Okay.

11 MAYOR De VITA: Any other questions?

12 Okay.

13 MR. AVRUTINE: Entertain a motion to close the
14 public hearing?

15 MAYOR De VITA: Trustee Nicklas. Second,
16 Trustee Jusko.

17 All in favor?

18 DEPUTY MAYOR NEMSHIN: Aye.

19 TRUSTEE JUSKO: Aye.

20 TRUSTEE MIRITELLO: Aye.

21 TRUSTEE NICKLAS: Aye.

22 TRUSTEE NOVICK: Aye.

23 TRUSTEE TSAFOS: Aye.

24 MAYOR De VITA: Aye.

25 MR. AVRUTINE: Let the record reflect that

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this matter is deemed Type II under the New York State Environmental Quality Review Act.

Let me just ask Liz a question. Was that change made in that sub B?

THE CLERK: To be served, correct.

MR. AVRUTINE: So, a motion to adopt the local law as presented?

MAYOR De VITA: I'll move. Second, Trustee Miritello.

All in favor?

DEPUTY MAYOR NEMSHIN: Aye.

TRUSTEE JUSKO: Aye.

TRUSTEE MIRITELLO: Aye.

TRUSTEE NICKLAS: Aye.

TRUSTEE NOVICK: Aye.

TRUSTEE TSAFOS: Aye.

MAYOR De VITA: Aye.

CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN THIS CASE.

Ronald Koenig

RONALD H. KOENIG
Senior Court Reporter