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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
May 10, 2017
7:30 p.m.

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

PRESENT:

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

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
JAMES ANTONELLI, Village Engineer
KAREN A. NAVIN, Clerk/Treasurer
NANCY POPPER, Deputy Clerk
MICHAEL McNERNEY, Building Inspector

ALSO PRESENT:

Monroe Diefendorf

EXCAVATION AND FILL APPLICATION #F1-2016

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MAYOR DE VITA: The next matter is
2 our Public Hearing.

3 MR. AVRUTINE: This is case
4 F1-2016, the Public Hearing on the
5 application of Christine E. Diefendorf
6 to regrade a portion of the rear yard of
7 12 Waylor Lane, Laurel Hollow. The
8 original application proposed the
9 relocation of approximately 408 cubic
10 yards of material. An updated
11 application received by the Village on
12 February 21, 2017 and based upon the
13 plans of Nicholas DeSantis, PE dated
14 February 20, 2017 last revised on
15 3/10/2017, depicts the relocation of
16 approximately 250 cubic yards of
17 material, as well as installation of
18 drainage.

19 This property is also known as
20 Section 25 Block 48 Lot 12 on the Land
21 and Tax Map of Nassau County.

22 The exhibits in connection with
23 this hearing are as follows:

24 First, Notification from the Nassau
25 County Planning Commission dated April

1 14, 2017 that the matter is referred to
2 the Laurel Hollow Board of Trustees for
3 action as it deems appropriate.

4 The next exhibit is an undated
5 application with site grading and
6 drainage plan prepared by Nicholas
7 DeSantis, PE, dated 2/20/2017, last
8 revised 3/10/2017.

9 The next exhibit is the Legal
10 Notice dated April 10, 2017.

11 The next exhibit is an Affidavit of
12 Posting from Nicholas Porcaro that the
13 Legal Notice was posted conspicuously on
14 the Village Hall bulletin board on April
15 28, 2017.

16 The next exhibit is an Affidavit of
17 Publication from James Slater that the
18 Legal notice was published in the Oyster
19 Bay Guardian on April 28, 2017.

20 The next exhibit is a document that
21 confirms that the Legal Notice was
22 published on the Village website and
23 sent to Village website subscribers on
24 April 27, 2017.

25 The next exhibit is an Affidavit

1 from the Deputy Clerk stating that the
2 Legal Notice was mailed to the
3 individuals set forth on the attached
4 list on April 27, 2017.

5 The next exhibit is an Affidavit of
6 Mailing from the applicant indicating
7 that the Notice of Public Hearing was
8 mailed on April 17, 2017 to the
9 individuals set forth in the affidavit.
10 The next exhibit is an excerpt from the
11 draft minutes of the Laurel Hollow
12 Planning Board meeting held on January
13 31, 2017 regarding the Diefendorf tree
14 removal application.

15 The final exhibit is a revised New
16 Planting Plan and Tree Removal Plan
17 submitted to the Planning Board on
18 January 6, 2017.

19 Sir, please give us your name.

20 MR. DIEFENDORF: Monroe
21 Diefendorf, husband of Christine, 12
22 Waylor Lane.

23 So I think you have all seen the
24 plans that were done by Nick DeSantis.
25 As far as I know, they comply with all

1 of the regulations and drainage, and,
2 hopefully, Jim will verify it.

3 I did send along, just for the
4 records, and if you don't have it I will
5 submit it again, just what trees are
6 being planted. We're removing, as part
7 of the prior, we're removing 10 trees
8 and planting 12 new trees, according to
9 the arborist's recommendations. And, as
10 according to this map, I also have
11 pictures that were taken looking in all
12 directions from the yard of what the
13 slopes would be, you may have seen that.
14 So with, virtually, I don't think, any
15 implications to any of the neighbors.
16 So those are available if you need them.

17 MR. AVRUTINE: Mr. Diefendorf, were
18 those photographs already submitted?

19 MR. DIEFENDORF: I sent them to
20 Nancy, I don't know if she --

21 MR. AVRUTINE: I just want to make
22 sure they were part of the record.

23 MR. DIEFENDORF: Okay.

24 MR. AVRUTINE: Thank you.

25 MAYOR DE VITA: Just to clarify,

1 Mr. Diefendorf's application for the
2 tree removals was approved by the
3 Planning Board with certain concerns,
4 including, I think the Planning Board
5 added two more trees. One of them was
6 conditioned on the approval of the slope
7 permit by the Board of Trustees.

8 Mr. Diefendorf is here for,
9 specifically, the fill permit which
10 involves drainage.

11 So, I know, Jim, you were out
12 there, you've seen the plan to put the
13 dry wells there towards the back.
14 Trustee Miritello, Trustee Nicklas and I
15 were there yesterday, saw the property,
16 the way it kind of slopes down toward
17 the back.

18 In your opinion, is the plan
19 drainage sufficient for the changes in
20 the landscape of the topography to be
21 made?

22 MR. ANTONELLI: For the record, Jim
23 Antonelli, Village Engineer.

24 Well, let me answer that --

25 MAYOR DE VITA: I did note in your

1 e-mail -- I am sorry to interrupt -- you
2 did say there may have to be some
3 placement changes made on site at the
4 time of the work being done.

5 MR. ANTONELLI: Right. The plan
6 that we have does meet the Village
7 standards.

8 If I can back up for just a second,
9 I want to clarify the plan that I have
10 is actually dated 2/20, February 20th.
11 It's date stamped by the Village March
12 10th. There is no revision date on the
13 plan that says March 10th, that I am
14 aware of. So just to correct the record
15 there's one date stamp, sometimes that
16 happens if the revision date was not put
17 on here, but it's the one that is date
18 stamped by the Village 3/10, not
19 actually revised by the engineer 3/10.

20 MR. AVRUTINE: There are two
21 sheets.

22 MR. ANTONELLI: Correct.

23 MR. AVRUTINE: C.100.00, and
24 C.101.00.

25 MR. ANTONELLI: Correct.

1 MR. AVRUTINE: Both dated 2/20/17,
2 both stamped as received March 10, 2017.

3 MR. ANTONELLI: Correct.

4 TRUSTEE NICKLAS: Are the dry wells
5 on there, Jim?

6 MR. ANTONELLI: Yes. That was the
7 one where the plan was updated to show
8 some type of a drainage system, because
9 I believe the previous plan showed
10 nothing and said that they tried to make
11 a case that the soils were permeable
12 enough to waive that, that's their
13 words, not mine.

14 TRUSTEE MIRITELLO: Who?

15 MR. ANTONELLI: The applicants, the
16 applicants' consultant.

17 MAYOR DE VITA: It's on the plan
18 now?

19 MR. ANTONELLI: Yes. The plan
20 that we have indicates tree removal,
21 grading of the rear yard, and a drainage
22 system. And the reason why I made my
23 memo with that note is, as we know, some
24 of these plans are -- I think all plans
25 are generalized to a point. And I just

1 amount of -- a certain design storm that
2 the drainage system should be designed
3 for, actually, it's a minimum. I can
4 always require more, and I use my
5 judgment for that.

6 TRUSTEE MIRITELLO: New
7 construction?

8 MR. ANTONELLI: Yes, yes, in
9 general.

10 TRUSTEE MIRITELLO: Most people
11 don't have these right now, most people
12 don't have these drains on their
13 property, or...

14 MR. ANTONELLI: Just in the rear
15 yard, probably not. Anybody that has
16 done anything in the last 20-plus years,
17 I think has.

18 TRUSTEE NICKLAS: We were out there
19 and both Jeff and I, I think I can speak
20 for you on this, both were like why do
21 we need a dry well on a lawn. Are you
22 really going to have runoff once that's
23 graded and permeable material is there
24 and grass is there? Are you going to
25 have a drainage problem?

1 MR. ANTONELLI: Absolutely.

2 TRUSTEE MIRITELLO: What will
3 change?

4 MR. ANTONELLI: Well, they're
5 regrading, so it's disturbing the soil.

6 TRUSTEE MIRITELLO: Still going out
7 at the same spot, exiting this property
8 at the same spot?

9 MR. ANTONELLI: The actual
10 calculation for the amount of storage is
11 based on the type of coverage, so it's a
12 percentage. So you would not, for
13 example, if you were to do a parking lot
14 or something that is paved and
15 impermeable, an impervious surface would
16 have a certain runoff coefficient of
17 probably 100 percent, where this is more
18 like one-third.

19 TRUSTEE MIRITELLO: So it's
20 changed.

21 MR. ANTONELLI: Yes.

22 TRUSTEE MIRITELLO: So the lawn,
23 it's no longer the same kind of
24 drainage.

25 MR. ANTONELLI: Correct, correct.

1 There is an entire science behind the
2 hydrology part of it.

3 MAYOR DE VITA: Is there anything
4 else from the Board?

5 TRUSTEE NICKLAS: Why are they so
6 close? On the plan, they seem to be
7 fairly close together.

8 MR. ANTONELLI: What?

9 MAYOR DE VITA: The dry wells.

10 TRUSTEE NICKLAS: They don't seem
11 to be spread out. Why do you need two,
12 instead of one big one, that looks like
13 there are two fairly close.

14 MR. ANTONELLI: There -- the runoff
15 goes to one area and they need, whatever
16 the capacity is they need, is split up
17 that way.

18 TRUSTEE MIRITELLO: So based on
19 your formula these are necessary.

20 MR. ANTONELLI: Yes. But in all
21 honesty, if they are excavating and feel
22 like they can get the adequate capacity,
23 or the same capacity with one dry well,
24 maybe in greater diameter. They come in
25 standard sizes of 8, 10 and 12 feet in

1 diameter, then it's possible that it can
2 work within one. So some of these
3 things are --

4 TRUSTEE MIRITELLO: Is it possible,
5 can he change that in the field?

6 MAYOR DE VITA: Then you have to
7 order a new dry well.

8 MR. ANTONELLI: As long as the
9 Village agrees.

10 MR. McNERNEY: You've got to get
11 your design professional --

12 Michael McNerney, Building
13 Inspector.

14 TRUSTEE MIRITELLO: Should we make
15 a motion?

16 MAYOR DE VITA: We all can't talk
17 at once. Go ahead, do you have another
18 question?

19 TRUSTEE MIRITELLO: I have no
20 questions.

21 TRUSTEE NICKLAS: No questions.

22 MAYOR DE VITA: Do any of the Board
23 members?

24 (No response.)

25 Does anybody in the audience have

1 any questions or comments?

2 (No response.)

3 Okay, there being nothing further.

4 MR. AVRUTINE: We'll make a motion
5 to close the Public Hearing.

6 TRUSTEE TSAFOS: So moved.

7 TRUSTEE JUSKO: Second.

8 MS. NAVIN: Moved by Trustee
9 Tsafos, seconded by Trustee Jusko.

10 Trustee Jusko?

11 TRUSTEE JUSKO: Aye.

12 MS. NAVIN: Trustee Nicklas?

13 TRUSTEE NICKLAS: Aye.

14 MS. NAVIN: Trustee Novick?

15 TRUSTEE NOVICK: Aye.

16 MS. NAVIN: Trustee Tsafos.

17 TRUSTEE TSAFOS: Aye.

18 MS. NAVIN: Trustee Miritello.

19 TRUSTEE MIRITELLO: Aye.

20 MS. NAVIN: Mayor DeVita.

21 MAYOR DE VITA: Aye.

22 MR. AVRUTINE: Motion for the Board
23 to declare itself lead agency under New
24 York State Environmental Quality Review
25 Act.

1 MAYOR DE VITA: Motion.

2 TRUSTEE JUSKO: Second.

3 MS. NAVIN: Mayor DeVita, seconded
4 by Trustee Jusko.

5 Trustee Jusko?

6 TRUSTEE JUSKO: Aye.

7 MS. NAVIN: Trustee Nicklas?

8 TRUSTEE NICKLAS: Aye.

9 MS. NAVIN: Trustee Novick?

10 TRUSTEE NOVICK: Aye.

11 MS. NAVIN: Trustee Tsafos.

12 TRUSTEE TSAFOS: Aye.

13 MS. NAVIN: Trustee Miritello.

14 TRUSTEE MIRITELLO: Aye.

15 MS. NAVIN: Mayor DeVita.

16 MAYOR DE VITA: Aye.

17 MR. AVRUTINE: Motion to declare
18 the matter as unlisted under New York
19 State Environmental Quality Review Act.

20 TRUSTEE TSAFOS: Motion.

21 TRUSTEE JUSKO: Second.

22 MS. NAVIN: Trustee Tsafos,
23 seconded by Trustee Jusko.

24 Trustee Jusko?

25 TRUSTEE JUSKO: Aye.

1 MS. NAVIN: Trustee Nicklas?

2 TRUSTEE NICKLAS: Aye.

3 MS. NAVIN: Trustee Novick?

4 TRUSTEE NOVICK: Aye.

5 MS. NAVIN: Trustee Tsafos.

6 TRUSTEE TSAFOS: Aye.

7 MS. NAVIN: Trustee Miritello.

8 TRUSTEE MIRITELLO: Aye.

9 MS. NAVIN: Mayor DeVita.

10 MAYOR DE VITA: Aye.

11 MR. AVRUTINE: The next motion

12 would be to consider a negative

13 declaration under New York State

14 Environmental Quality Review Act.

15 Motion and second, and before it's voted

16 on, I would like Mr. Antonelli to make a

17 recommendation.

18 MAYOR DE VITA: Motion.

19 TRUSTEE NICKLAS: Second.

20 MS. NAVIN: By Mayor DeVita,

21 seconded by Trustee Nicklas.

22 MR. AVRUTINE: Mr. Antonelli, if

23 you would make your recommendation.

24 MR. ANTONELLI: Thank you.

25 As part of my review, I reviewed

1 the short environmental assessment form.
2 It's a State form. The State has a
3 short form and a long form. And as an
4 unlisted action, the requirement is that
5 the short form is sufficient.

6 I reviewed that. Everything was in
7 order. There are a number of threshold
8 levels for impacts for a number of
9 different categories. And knowing what
10 those are, I completed Part 2 of the
11 assessment form, which is the Village's
12 part where you try to assess where there
13 would be no or a small impact, or
14 whether it may be a large impact
15 environmentally. I did go through the
16 form and I did prepare it for the Board,
17 and I concluded that there would be no
18 significant environmental impact and
19 recommend a negative declaration under
20 SEQRA. I prepared this under my
21 signature and one for the Board.

22 MR. AVRUTINE: And that is based
23 upon the plan that is before the Board
24 with the required drainage.

25 MR. ANTONELLI: Correct.

1 MR. AVRUTINE: Thank you.

2 MS. NAVIN: So can I have a vote
3 on that motion?

4 Trustee Jusko?

5 TRUSTEE JUSKO: Yes.

6 MS. NAVIN: Trustee Nicklas?

7 TRUSTEE NICKLAS: Yes.

8 MS. NAVIN: Trustee Novick?

9 TRUSTEE NOVICK: Aye.

10 MS. NAVIN: Trustee Tsafos.

11 TRUSTEE TSAFOS: Aye.

12 MS. NAVIN: Trustee Miritello.

13 TRUSTEE MIRITELLO: Aye.

14 MS. NAVIN: Mayor DeVita.

15 MAYOR DE VITA: Aye.

16 MR. AVRUTINE: And a motion on the
17 application.

18 MS. NAVIN: To grant the
19 application.

20 TRUSTEE MIRITELLO: Motion to
21 grant.

22 TRUSTEE NOVICK: Second.

23 MS. NAVIN: Motion to grant by
24 Trustee Miritello, seconded by Trustee
25 Novick.

1 Trustee Jusko?

2 TRUSTEE JUSKO: Yes.

3 MS. NAVIN: Trustee Nicklas?

4 TRUSTEE NICKLAS: Yes.

5 MS. NAVIN: Trustee Novick?

6 TRUSTEE NOVICK: Aye.

7 MS. NAVIN: Trustee Tsafos.

8 TRUSTEE TSAFOS: Aye.

9 MS. NAVIN: Trustee Miritello.

10 TRUSTEE MIRITELLO: Aye.

11 MS. NAVIN: Mayor DeVita.

12 MAYOR DE VITA: Aye.

13 Thank you all.

14

15 * * * * *

16

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

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

23

24

Mary Anne Coppins

25

Court Reporter