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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
July 10, 2019
7:00 p.m.

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

PRESENT: DANIEL DeVITA, Mayor
KEVIN JUSKO, 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 C-2019

RONALD KOENIG
OFFICIAL COURT REPORTER

Proceedings

1 MR. AVRUTINE: This is the public hearing in
2 connection with Introductory Local Law C-2019, proposed
3 Local Law 3-2019, entitled Peace and Good Order, in
4 addition of new Article 5 to Chapter 85 of the Village
5 Code.

6 The exhibits in connection with this public
7 hearing are as follows:

8 First, an affidavit from the North Shore
9 Leader stating that the legal notice was published in
10 the North Shore Leader on June 26, 2019.

11 The next exhibit is an excerpt from the draft
12 minutes from the June 19, 2019 meeting setting the
13 public hearing for July 10, 2019.

14 The next exhibit is an affidavit from
15 Elizabeth Kaye that the legal notice was posted at the
16 Village Hall on June 21, 2019.

17 The next exhibit is an e-mail from the Village
18 Clerk to the Mayor and Board of Trustees sent on July 3,
19 2019 with local law in final form attached.

20 The next exhibit is confirmation that notice
21 of the public hearing was published to the Village of
22 Laurel Hollow website on June 20, 2019.

23 The next exhibit consists of confirmation that
24 the notice of public hearing was sent to village website
25 NEWS subscribers on July 5, 2019.

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1 The next exhibit consists of a copy of the
2 proposed law as e-mailed to the Board of Trustees.

3 And the final exhibit is a letter from the
4 Nassau County Planning Commission dated July 8, 2019,
5 indicating that the local law is referred to the village
6 of Laurel Hollow to take action as it deems appropriate.

7 This local law is intended to add a new
8 chapter, excuse me, a new Article 5 to Chapter 85 of the
9 village Code regarding regulation of certain activities
10 and to make it clear, to separate it out and to make
11 clear as to various activities that will be regulated.

12 First is construction within the village. Any
13 work that requires issuance of a building permit under
14 Chapters 22 or 23 of the village Code shall take place
15 only between the hours of 8 a.m. and 6 p.m. on Mondays
16 through Saturdays and shall not take place at all on
17 Sundays or legal holidays unless an emergency prevails.

18 Similarly, the village now seeks to ensure
19 that commercial gardening and landscaping companies do
20 not operate other than during specific days and hours.
21 Similarly, they're regulated to the hours of 8 a.m. to
22 6 p.m., Mondays through Saturdays. And the legislation
23 contains an expansive definition of gardening and
24 landscaping to include spraying and irrigation as well.
25 And plus, it does contain a fine section which also

1 steps up the fines in the event of multiple offenses.

2 I received an e-mail from the Mayor. He had
3 indicated that he wished to bring up during the hearing
4 whether Saturdays should be limited to 5 p.m. rather
5 than 6 p.m.

6 MAYOR DEVITA: Well, the way it came about,
7 there was an article in Newsday. I think it was Roslyn
8 Harbor passed a similar ordinance constricting hours for
9 commercial landscapers.

10 First of all, this is something that we've
11 talked about for a while we should have in the village
12 because there have been really violations or, not
13 violations, but people, landscapers, working on Sunday
14 and we didn't have an ordinance to enforce it. This
15 would fill that gap.

16 I just bring that up for discussion that, you
17 know, we're one of the few villages, and I talked about
18 this with Mike many times, that we're one of the few
19 villages on the north shore that allows construction and
20 whatnot on Saturdays, which is fine, it's always been
21 our policy, but my only thought was do you think it
22 would be helpful to narrow the hours on a Saturday to
23 say nine to five or something to give people a break.
24 It was just something I brought up for discussion.

25 I know Jeff Miritello had a question --

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1 TRUSTEE NOVICK: Nine to five is almost the
2 whole day.

3 MAYOR DEVITA: -- have there been any
4 complaints. There haven't been any complaints. I just
5 thought it's something, while we're on this ordinance
6 maybe it's something to discuss.

7 TRUSTEE NICKLAS: What was Roslyn Harbor's?
8 That was pretty restrictive.

9 MAYOR DEVITA: I think they were like nine to
10 two or --

11 TRUSTEE NOVICK: That would make more sense, I
12 think.

13 MAYOR DEVITA: I mean the other option is,
14 like we do with a lot of ordinances, put this out there
15 and see if, you know, we need to amend it or restrict
16 hours, that kind of thing.

17 Are there any thoughts about that, positive or
18 negative, or should we just put this out and live with
19 it and see what happens?

20 TRUSTEE NICKLAS: To Jeff's point, there's no
21 complaints. But by the same token, in the summertime
22 people are having cookouts, pool parties and stuff like
23 that. I'd be awfully annoyed if all of a sudden next
24 door blowers started going and everything on a Saturday.
25 So maybe we should restrict it.

1 TRUSTEE TSAFOS: But that's if a company is
2 doing it. If the homeowner takes out their blower,
3 that's fine.

4 MAYOR DeVITA: That's a good point.

5 This ordinance is not directed at homeowners
6 because we know there are homeowners who like to do
7 their own landscaping. The difference is, it's usually
8 either one homeowner or a family member and they're out
9 there one at a time, lawn mower and maybe a blower. But
10 landscapers come in with a small army and all the mowers
11 and the blowers are going all at once, which is fine,
12 but the idea is, it's more intrusive than, you know, a
13 single homeowner doing his own lawn.

14 TRUSTEE NICKLAS: Is there some way to put an
15 exception in there, this being the rule but if a
16 homeowner is disturbed having a party or something? I
17 don't know how you'd make that as an alternate type
18 of --

19 MAYOR DeVITA: We still have a noise ordinance
20 which was there, but it's there. Look, we can put this
21 out there. We can --

22 TRUSTEE NOVICK: What if you restrict the
23 time?

24 MAYOR DeVITA: On the Saturday?

25 TRUSTEE NOVICK: Yes.

1 MAYOR DeVITA: We'd probably do it for both,
2 if you're going to do it for both, construction and
3 gardening, because they have similar -- the Saturday
4 morning --

5 TRUSTEE NOVICK: You're meeting halfway and
6 yet people who don't want it --

7 MAYOR DeVITA: Nine to five is something of a
8 compromise.

9 TRUSTEE NOVICK: Make it nine to two or nine
10 to one. Nine to two, let's say.

11 TRUSTEE NICKLAS: I don't think nine to five
12 accomplishes much.

13 MR. AVRUTINE: There is an issue, though,
14 about -- you may want to consider this -- construction
15 pursuant to a permit during the non-summer months to not
16 allow construction take place on, you know, a full day
17 on a Saturday. I know you're thinking in terms of
18 landscaping primarily.

19 MAYOR DeVITA: I'm thinking of construction
20 too, because a person on a Saturday morning at
21 eight o'clock, they're going to hear construction next
22 door or down the street. So it would apply to that too.

23 MR. AVRUTINE: True. But I guess it's
24 probably less bothersome in the wintertime.

25 MAYOR DeVITA: By then you'd think they're

1 working indoors.

2 MR. AVRUTINE: And if they are, they're
3 precluded. But --

4 MAYOR DEVITA: It's a narrowing.
5 What does Kensington do, Mike?

6 MR. MCNERNEY: No construction on Saturday,
7 period.

8 THE CLERK: The Sabbath.

9 MR. MCNERNEY: That may have something to do
10 with it.

11 You know, my personal opinion is that if I
12 paid the taxes you guys pay, I wouldn't want to wake up
13 to construction next door to my house on a Saturday
14 morning. But that's just my personal opinion. I don't
15 want to wake up to it where I live either.

16 TRUSTEE JUSKO: Leave it as is or nine to
17 five. Even in full construction --

18 TRUSTEE NICKLAS: The new one on Laurel Hollow
19 Road, the Ramos (phonetic) are right on top of that. I
20 don't know if they complain about it.

21 MAYOR DEVITA: If it's next door or two doors
22 away, it's annoying if there's heavy equipment.

23 But what's the feeling? You think nine to
24 five wouldn't accomplish anything?

25 TRUSTEE NICKLAS: I don't think that means

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1 anything. I'm thinking about a cookout or a pool party
2 that started before then.

3 MR. MCNERNEY: Nine to five would let us write
4 more tickets because that can promise you more
5 violations.

6 TRUSTEE JUSKO: Let's leave it as is, leave it
7 uniform if there's no complaints. And typically if a
8 neighbor is going to have a party and they know a house
9 is being built, normally you would go ask them to not
10 work that weekend. Obviously there's exceptions to
11 that.

12 MAYOR DeVITA: Put it into action?

13 TRUSTEE NICKLAS: I don't have a strong
14 feeling on it.

15 MAYOR DeVITA: Let's put it into action the
16 way we have it and see how it goes.

17 MR. AVRUTINE: Open it up to the public.

18 MAYOR DeVITA: Any questions from the
19 audience?

20 MR. AVRUTINE: Motion to close the public
21 hearing?

22 TRUSTEE JUSKO: So moved.

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

25 TRUSTEE NICKLAS: Aye.

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1 TRUSTEE JUSKO: Aye.

2 TRUSTEE TSAFOS: Aye.

3 TRUSTEE NOVICK: Aye.

4 MAYOR DeVITA: Aye.

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

8 MAYOR DeVITA: Moved.

9 Seconded by Trustee Tsafos.

10 All in favor?

11 TRUSTEE NICKLAS: Aye.

12 TRUSTEE JUSKO: Aye.

13 TRUSTEE TSAFOS: Aye.

14 TRUSTEE NOVICK: Aye.

15 MAYOR DeVITA: Aye.

16 MR. AVRUTINE: A motion for the Board to
17 declare the matter unlisted under the New York State
18 Environmental Quality Review Act?

19 MAYOR DeVITA: I'll move.

20 Seconded by Trustee Novick.

21 All in favor?

22 TRUSTEE NICKLAS: Aye.

23 TRUSTEE JUSKO: Aye.

24 TRUSTEE TSAFOS: Aye.

25 TRUSTEE NOVICK: Aye.

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1 MAYOR DeVITA: Aye.

2 MR. AVRUTINE: As with the prior local law, I
3 prepared the Short Environmental Assessment Form
4 provided by the New York State Environmental Quality
5 Review Act, and based upon my analysis, I recommend that
6 the Board enact a negative declaration under the New
7 York State Environmental Quality Review Act in
8 connection with the passage of the proposed local law.

9 MAYOR DeVITA: Trustee Nicklas moving.

10 Seconded, Trustee Tsafos.

11 All in favor?

12 TRUSTEE NICKLAS: Aye.

13 TRUSTEE JUSKO: Aye.

14 TRUSTEE TSAFOS: Aye.

15 TRUSTEE NOVICK: Aye.

16 MAYOR DeVITA: Aye.

17 MR. AVRUTINE: And finally, a motion to adopt
18 the local law as presented?

19 MAYOR DeVITA: I'll move.

20 Seconded by Trustee Jusko.

21 All in favor?

22 TRUSTEE NICKLAS: Aye.

23 TRUSTEE JUSKO: Aye.

24 TRUSTEE TSAFOS: Aye.

25 TRUSTEE NOVICK: Aye.

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MAYOR DeVITA: 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