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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF ZONING
PUBLIC HEARING
August 15, 2017
7:30 p.m.

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

PRESENT:

- RUSSELL MOHR, Chairman
- NEWTON J. BURKETT, Member (Not participating)
- JEFFREY BLUMIN, Member
- CINDY KAUFMAN, Member
- LOUIS LEBEDIN, Member

ALSO PRESENT:

- HOWARD AVRUTINE, Village Attorney
- JAMES ANTONELLI, Village Engineer

ALSO PRESENT:

- RACHEL A. SCELFO, ESQ.
- EDWARD BUTT, Architect on behalf of George Poll

ZV5-2017 - Hearing on application to construct a
new boat house and dock at 1458 Ridge Road

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: The next matter is
2 case ZV5-2017 and ZS6-2017, combined
3 hearings of these two matters.

4 In connection with case ZV5-2017,
5 this is a Public Hearing on the
6 application of Edward Butt on behalf of
7 George Poll to construct a new boat
8 house and dock at 1458 Ridge Road where
9 the parcel is not an improved
10 residential property as required by
11 Section 145-20.1(B) of the Laurel Hollow
12 Village Code.

13 Secondly, no accessory building
14 shall be erected on a lot that is less
15 than 2 acres which is 87,120 square feet
16 in area as per section 145-5(A)(1) of
17 the Laurel Hollow Village Code. The lot
18 under application is .21 acres or 9,284
19 square feet.

20 Next, no accessory building shall
21 be erected on a lot with less than 150
22 feet of street frontage as per Section
23 145-5(A)(2) of the Laurel Hollow Village
24 Code. A street frontage of zero is
25 proposed.

1 Next, no accessory building shall
2 be erected on a lot that does not have a
3 minimum contiguous building area of
4 15,000 square feet as per Section 145-
5 5(3) of the Laurel Hollow Village Code.
6 A buildable area of 4,493 square feet is
7 proposed.

8 Next, no accessory building shall
9 be erected unless it has a setback of 40
10 feet from every lot line not abutting
11 the street as per Section 145-5(B)(2) of
12 the Laurel Hollow Village Code. A
13 setback of 20 feet 10 inches is proposed
14 on the westerly side. A setback of 14
15 feet 4 inches is proposed on the
16 easterly side.

17 Lastly, accessory buildings or
18 structures must be on the same lot with
19 the principal building per Section
20 145-2(B) of the Laurel Hollow Village
21 Code. The proposed accessory building
22 will be located on a lot line with no
23 principal building.

24 The application is designated
25 Section 26 Block C Lot 258 on the Land

1 and Tax Map of Nassau County.

2 With respect to case number
3 ZS6-2017, this is also a Public Hearing
4 on the application of Edward Butt on
5 behalf of George Poll to construct a new
6 boat house and dock at 1458 Ridge Road
7 where the construction will disturb a
8 steep slope, and very steep slope as
9 shown on the slope analysis prepared by
10 Bladykas & Panetta LS & PE, PC and dated
11 4/12/2017, last revised 6/7/2017, the
12 topographic map prepared by Bladykas &
13 Panetta LS & PE, PC dated 12/23/2015
14 last revised 5/23/2016; site plan
15 prepared by Bladykas & Panetta, LS & PE,
16 PC dated 6/27/2017, and construction
17 plans prepared by Edward Paul Butt,
18 Architect, AIA, dated 6/27/2016 and last
19 revised 5/31/2017.

20 The exhibits in connection with
21 tonight's Public Hearing and these
22 applications is as follows:

23 First, notification from the Nassau
24 County Planning Commission dated May 26,
25 2017 stating that the above matter is

1 deferred to the Laurel Hollow Board of
2 Zoning Appeals for decision and action
3 as it deems appropriate.

4 The next exhibit is Legal Notice of
5 the Public Hearing dated July 26, 2017.

6 The next exhibit is an Affidavit of
7 Posting from Nick Porcaro that the Legal
8 Notice was posted conspicuously on the
9 bulletin board at the main entrance to
10 the office of the Village Clerk on
11 August 4, 2019.

12 The next exhibit is an Affidavit of
13 Publication from the James Slater
14 stating that the Legal Notice was
15 published in the Oyster Bay Guardian on
16 August 4, 2017.

17 The next exhibit is an Affidavit
18 from the Deputy Clerk stating the Notice
19 of Public Hearing was mailed to other
20 interested parties on August 2, 2017.

21 The next exhibit consists of
22 documents confirming that the Notice of
23 Public Hearing was published to the
24 Village of Laurel Hollow website and
25 sent to Village website NEWS subscribers

1 on August 2, 2017.

2 The next exhibit is an Affidavit of
3 Mailing from the applicant indicating
4 that the Notice of Public Hearing was
5 mailed on August 1, 2017 to the persons
6 named in the Affidavit.

7 And, lastly, is correspondence from
8 James Antonelli, Village Engineer, dated
9 6/13/2017 and 5/25/2017.

10 MS. SCELFO: Good evening. My name
11 is Rachel Scelfo. I am an attorney with
12 the law firm of Certilman Balin Adler &
13 Hyman; 100 Motor Parkway, Hauppauge, New
14 York for the applicant, George Poll.

15 A couple of matters of
16 housekeeping.

17 First, I have with me tonight the
18 Architect for Mr. Poll for this project,
19 Mr. Edward Butt. I have some green
20 cards to submit for the record. We
21 received three out of four back, there
22 is still one outstanding.

23 MR. AVRUTINE: We'll make those
24 part of the file.

25 MS. SCELFO: Also, for the record,

1 I have a letter from my client, Mr.
2 Poll, sending his regrets for not being
3 able to attend tonight. I would like to
4 submit that to the Board for the record,
5 I won't read it verbatim.

6 Second -- Howard, do you want to
7 mark that?

8 MR. AVRUTINE: I would like to mark
9 that.

10 This is a letter from George Poll
11 dated August 2, 2017. We'll mark that
12 as Applicant's Exhibit Number 1.

13 MS. SCELFO: Applicant's Exhibit
14 Number 2 would be a consent form sent to
15 the Village of Laurel Hollow from Ron
16 Israeli. He is the owner of Nassau
17 County Tax Map Number Section 26 Block C
18 Lot 257. He is the adjoining property
19 owner, perhaps, the most affected
20 property owner, I would argue, in this
21 application, stating that he has seen
22 and understands the proposed plans in
23 which an application for variance relief
24 has been made and hereby gives his
25 consent to the application. It's signed

1 before a Notary Public by Mr. Israeli.

2 I submit this as Applicant's
3 Exhibit 2.

4 MR. AVRUTINE: Thank you.

5 We'll mark that if I may.

6 Let the record reflect a letter of
7 consent, a document stating consent form
8 signed by Ronald Israeli, Ron Israeli, I
9 should say, before a Notary Public on
10 August 11, 2017 acknowledging consent,
11 his consent to the relief sought this
12 evening on this application.

13 MS. SCELFO: In addition, Mr.
14 Avrutine, I have a package of documents
15 that I would like to mark as Applicant's
16 Exhibit Number 3. It includes Exhibits
17 A through E, which I will discuss
18 throughout my presentation, and I've
19 made enough copies for everyone, as well
20 as Mr. Antonelli and Mr. Avrutine.

21 MR. AVRUTINE: I'm sorry, Ms.
22 Scelfo, how would you describe this
23 exhibit?

24 MS. SCELFO: They are applicant's
25 exhibits that I will discuss throughout

1 my presentation which includes the
2 Nassau County Tax Map showing the
3 property at issue.

4 MR. AVRUTINE: A series of
5 documents.

6 MS. SCELFO: It is, yes, thank you.

7 MR. AVRUTINE: No problem.

8 That series of documents is being
9 marked as Applicant's Exhibit Number 3.

10 MS. SCELFO: Thank you.

11 As stated by Mr. Avrutine, the
12 subject property is Section 26 Block C
13 Lot 258. It is the parcel I have marked
14 in red which is immediately located on
15 the Harbor. But Mr. Poll also owns Lot
16 2151 which is his residence, a 1.91 acre
17 parcel which is located on two lots to
18 the south of the subject property. The
19 two lots that are owned by Mr. Poll are
20 connected by a 12-foot right-of-way for
21 passage by foot, automobile or
22 otherwise. That right-of-way is set
23 forth in Mr. Poll's deed.

24 I have attached a copy of his deed
25 as Exhibit B for the Board's review.

1 He purchased both of these lots at
2 the same time, November 1, 2013, from
3 the same individual John Bellanich,
4 B-E-L-L-A-N-I-C-H.

5 MR. AVRUTINE: So the record is
6 clear, in terms of your presentation,
7 Ms. Scelfo, when you are referring to
8 Exhibit A and Exhibit B, those are
9 sheets within your Exhibit Number 3. I
10 just want to make sure if someone is
11 reading the transcript --

12 MS. SCELFO: I didn't get the memo
13 about numbers over letters.

14 MR. AVRUTINE: Not a problem. I
15 just want to make sure we have a clear
16 record.

17 MS. SCELFO: As we stated, the
18 subject parcel is the lot fronting on
19 Cold Spring Harbor, Lot 2151 is Mr.
20 Poll's residence, and the two are
21 connected by this 12-foot right-of-way.
22 So just in furtherance of that, we have
23 submitted a copy of the deed dated
24 November 1, 2013 for the Board's record
25 and review. We also submitted a copy,

1 sort of a blow-up of a portion of the
2 Bladykas & Panetta Slope Analysis Survey
3 which shows the two lots, along with the
4 12-foot right-of-way if you wanted to
5 get a closer look, that's Exhibit C of
6 your package.

7 As part of this application, Mr.
8 Poll is seeking to construct a new boat
9 house and dock on Lot 258. The boat
10 house would be for seasonal use only.
11 It is a modest-sized structure, 22 feet
12 by 18 feet, 396 square feet total, which
13 would include a living room, a bath and
14 a deck on two sides.

15 In furtherance of that, we
16 submitted a plot plan with a Zoning
17 Chart as Exhibit D, and a copy of the
18 elevation of floor plan as Exhibit E,
19 which is also up here on Mr. Butt's
20 board that he prepared.

21 As Mr. Avrutine stated, a number of
22 variances are sought in connection with
23 this application, the first being that
24 the parcel is not an improved
25 residential property in connection with

1 the construction of the proposed dock.
2 And in furtherance of that, I think you
3 are going to kind of hear me repeat
4 myself a little bit and I apologize for
5 that. Lot 258 itself is not currently
6 approved but it is connected to the
7 applicant's main residence on Lots 2151
8 by the 12-foot right-of-way. Lot 2151
9 is 1.91 acres.

10 I would submit to the Board that we
11 have before us a rather unique situation
12 where it is not that, in this case, Mr.
13 Poll owns 257 right behind 258, but he
14 actually owns this lot right here
15 connected by the right-of-way. This is
16 not a situation that he created to come
17 before you as a new thing to say, okay,
18 I'm going to subdivide a lot and then
19 even though I am further back, I am
20 going to create a new right-of-way to
21 connect the lot on the water.

22 We had some research done with the
23 Village Hall staff who were very helpful
24 in assisting us. We got some assessment
25 records which shows the history. It

1 shows that lot 258 was created in 1954,
2 so this lot on the water, the subject
3 parcel we're speaking about this
4 evening, was created in 1954. The lot
5 that Mr. Poll currently owns was a later
6 subdivision, basically in '58. The lot,
7 this lot, was created, 293, and it
8 included a lot piece of Ridge Road which
9 is now separated out which is what made
10 293, 2151 and then 2150 in this slope of
11 Ridge Road. That was done recently;
12 however, before that dating all the way
13 back to 1958, this lot was created, and
14 as I stated earlier, this lot was
15 created in 1954.

16 I have a chart that was prepared by
17 the Village Clerk. It is not very
18 formal, but I would like also to submit
19 that for Board review.

20 MR. AVRUTINE: This would be
21 Exhibit Number 4.

22 MS. SCELFO: So we're seeking
23 relief for an accessory building on a
24 lot less than 2 acres.

25 The subject parcel is .21 acres;

1 however, again, considering this parcel
2 along with the applicant's main
3 residence which is 1.91 acres, we are
4 looking at over 2.12 acres when
5 combined.

6 The next variance is for zero
7 street frontage. While there is not
8 street frontage I would argue that there
9 is frontage along the Harbor of 100
10 feet. Some municipalities, which this
11 municipality, I looked at your Code
12 today, does not seem to take this
13 interpretation, but some other Villages
14 I represent or have represented,
15 including the Village of Old Fields is
16 one that jumps out at me, as well as the
17 Village of Plandome Manner, there could
18 be an election of where your frontage
19 is, whether on the street or on the
20 waterside of your property.

21 That isn't the case here. But even
22 though we are directly on the street,
23 again, connected to the main house which
24 is connected to Ridge Road, we also have
25 100 feet of frontage on Cold Spring

1 Harbor.

2 The lot does not have a minimum
3 contiguous building area of 15,000
4 square feet. Again, I would argue that
5 taking the lots together satisfies the
6 requirement.

7 With respect to setbacks, the
8 side-yard setback of 20 feet 10 inches
9 on the west side, then there is a
10 proposed side-yard setback of 14 feet 4
11 inches on the east side.

12 I had the chance to drive down to
13 the property today, it's absolutely
14 beautiful. What I saw was that on Lot
15 257 in approximately this location,
16 there is a similarly sized boat house on
17 that property sort of adjacent to where
18 this lot we are proposing the boat house
19 herein. So to the east, there is an
20 existing boat house. This portion of
21 the property, the western property line
22 is very, very, very heavily screened
23 that I couldn't even see what was beyond
24 it.

25 I spoke with Mr. Butt when I got

1 here tonight noting that it was so
2 heavily screened and he advised that the
3 applicant intends to leave as much as
4 that screening as possible.

5 So in looking at who is affected by
6 this, we have Lot 257, the neighbor who
7 has consented to this application, Mr.
8 Israeli, who we submitted his letter to
9 you tonight, his affidavit. On the
10 other side we have Lot 2117, but that
11 screening, that very, very dense
12 screening that exists is going to remain
13 there.

14 So with respect to the setbacks, I
15 would argue that this proposed dwelling,
16 excuse me, proposed accessory building,
17 is appropriately sized for the lot, but
18 then, also, it is not impacting anyone
19 on either of the two adjoining sides
20 where the side-yard setback variances
21 are required.

22 The last variance is the accessory
23 building or structure must be on the
24 same lot with the principal building.

25 Again, I'm making the same argument

1 that only two lots away and connected by
2 this 12-foot right-of-way that I had the
3 opportunity to drive today, it is
4 basically like a driveway, a paved
5 driveway all the way down to where the
6 property starts, so I think there is a
7 substantial connection existing.

8 But in addition to that argument,
9 the applicant would be amenable to a
10 restrictive covenant being imposed by
11 this Board that the lot be held in
12 common ownership in order for him to
13 maintain that accessory building or
14 structure on the lot so that the lot is
15 not, the proposed accessory building is
16 not standing on its own. To sort of
17 further bolster my argument about this
18 connection which I think is existing
19 now, we can take that a step further and
20 record a restrictive covenant against
21 the subject parcel, Lot 258, saying that
22 for as long as the accessory building
23 boat house shall remain on the property,
24 it must be connected to the primary
25 residence located at Lot 2151.

1 I would like Mr. Butt to discuss
2 the slope variance with you, if that
3 would be acceptable to the Chairman and
4 Board.

5 CHAIRMAN MOHR: Yes, of course.

6 MR. BUTT: Good evening, Mr.
7 Chairman, Members of the Board. My name
8 is Edward Butt from the firm Edward Paul
9 Butt Architect, 82 Haddon Road, New Hyde
10 Park, New York.

11 Before I get into the slope
12 analysis which was prepared by Mr.
13 Chuck Panetta with regard to the slope
14 itself, Mr. Poll came and approached me
15 about this particular project because he
16 wanted to originally put a dock on this
17 property. We retained the services of
18 the land use engineers which they sought
19 out the Army Corps of Engineers
20 approvals, and also the DEC and have at
21 least secured permits for those
22 particular properties, subject to this
23 Board and whatever further approvals
24 that may be necessary. So that approval
25 is actually in place from that

1 particular standpoint.

2 He also asked me, at that point in
3 time, he said we have that access
4 easement to gain access to that
5 property. But if I'm going to go down
6 there with my kids or whatever else to
7 play, if somebody wants to use a
8 bathroom or something like that or even
9 change, take their clothes and change
10 into something else, they would have to
11 actually travel back up to this other
12 piece of property either by golf cart or
13 walking. So this creates somewhat of a
14 hardship for them not to be able to stay
15 on the property and, I don't know, have
16 a barbecue or whatever else they might
17 want to do. They would be
18 inconvenienced to try and go back up and
19 back and forth to gain access to their
20 main house. We would have something
21 very simple. Basically, it's sort of a
22 living room, non-heated space with a
23 fireplace in it, basically just a
24 regular bathroom, no other facilities.

25 It will be used seasonally for the

1 time of the year like this time of year
2 to enjoy that particular space. Then
3 most of it is actually really a deck,
4 sort of a two-car garage. As far as the
5 size is concerned, it's not very large.

6 We also, as far as the main house
7 is concerned, we created the architect
8 that would mimic the main house's
9 architecture too, so as to really
10 combine the two, so they do sort of form
11 up a combined architect tonic sort of
12 look to it.

13 As far as the slope is concerned,
14 Mr. Panetta actually defined all of
15 that. You have the layout for this. We
16 are really maintaining everything on
17 this property to be undisturbed as far
18 as the slopes are concerned, both the
19 severe slope and also the very severe
20 slope. So we're really trying to fit
21 this into the hill.

22 We have dry wells down at the
23 bottom so as not to disturb any of the
24 foliage. Then we have a septic system
25 to handle one bathroom. It's somewhat

1 small in nature. The idea here is to
2 keep as much of the trees as possible,
3 and add anywhere where they may be
4 necessary to sort of tuck in, keep this
5 as subtle as possible. That's what we
6 are trying to do here.

7 I don't think we are trying to
8 overstate this at all. We are more or
9 less trying to tuck it in, make it
10 convenient for the homeowner.

11 Certainly, he apologizes for not
12 being here, he is not in the country.
13 He would do whatever it takes as far as
14 combining the lots to permanently keep
15 those two as one lot.

16 MS. SCHELFO: By way of a
17 restrictive covenant.

18 MR. BUTT: Yes.

19 If there are any other questions, I
20 would be more than happy to answer them.

21 CHAIRMAN MOHR: Anything else?

22 MS. SCHELFO: No, that's all we have
23 on direct. We wanted to see what the
24 Board's questions were.

25 CHAIRMAN MOHR: If I can open it up

1 to the public, then if the Board has any
2 questions.

3 Does anyone from the public have
4 any questions on this application?

5 (No response.)

6 Do any members of the Board have
7 any questions?

8 MEMBER BURKETT: Russ, if you
9 haven't mentioned this already --

10 MR. AVRUTINE: I was going to put
11 on the record that Member Burkett is not
12 participating in this application.

13 MEMBER LEBEDIN: Are there any
14 plans to enhance the pathway or will it
15 remain as it is now?

16 MS. SCHELFO: The pathway is,
17 actually, when I was looking at the map,
18 I was expecting it was going to be some
19 kind of a dirt path, it's really --

20 CHAIRMAN MOHR: It's the Isrealis'
21 driveway.

22 MS. SCHELFO: No, no, it is actually
23 a very developed paved path. And while
24 the Israelis do take part of it to go to
25 their driveway, which I think kind of

1 veers off, yes, I think you are correct.
2 It's the front part they would be using.

3 CHAIRMAN MOHR: They share that
4 right-of-way to get down to the
5 property.

6 MS. SCELFO: Yes. But I did almost
7 come face-to-face with him at the end of
8 his driveway this evening.

9 CHAIRMAN MOHR: We came
10 face-to-face with their dogs.

11 MS. SCELFO: I guess it comes in
12 like somewhere around mid-point to their
13 house.

14 CHAIRMAN MOHR: I just want to make
15 sure we understood that. I think from
16 the standpoint of my opinion on this
17 application, I want to hear from Mr.
18 Antonelli with regard to the steep slope
19 because there definitely are some
20 concerns there. But I think you really
21 need to -- I know you've shown some nice
22 landscaping on the elevation. I think
23 while you say you're going to leave as
24 much vegetation as possible to the west,
25 Mr. Israeli did a wonderful job in

1 planting that into the hillside. I
2 think I would like to see something in
3 the landscape plan that would mimic that
4 detail.

5 MS. SCHELFO: We can do that.

6 CHAIRMAN MOHR: Jim, would you like
7 to speak on the slope issue?

8 MR. ANTONELLI: Yes.

9 As you can tell from the
10 correspondence that I provided in your
11 package and in the file, I did review
12 the site engineering matters that relate
13 to this plan. That includes drainage,
14 sanitary sewage disposal, erosion
15 control access. I really didn't have
16 any issues with that.

17 As tight as this is, it's a small
18 lot. It's not like they are putting a
19 lot on it, but to put any structure on
20 there we do have to take care of the
21 water from roof drains. If there is any
22 type of plumbing facilities then we do
23 need a sanitary system.

24 Having said that, it necessitates
25 the disturbance of regulated slope

1 areas. I really don't see how that is
2 avoidable on this property. They're
3 keeping the building out of the flood
4 plane and if you want to do that, then
5 you are in the sloped area. This
6 property is basically made up of a flood
7 plane, water front and steep slope. If
8 they're going to do anything, they're
9 going to have to put it on the steep
10 slope and somehow tuck it into the
11 property.

12 Like I said, site engineering wise,
13 structurally, I really don't see issues
14 with that. It's merely --

15 CHAIRMAN MOHR: There's a paved
16 access road --

17 MR. ANTONELLI: -- a matter of
18 permission.

19 CHAIRMAN MOHR: For the
20 construction vehicles, so that would not
21 be an issue, except until you get to the
22 waterfront.

23 MR. ANTONELLI: Correct.

24 CHAIRMAN MOHR: Also, I would like
25 to see if there is precedence for any

1 other homes in the area that have this
2 type of situation where there is a
3 bisected lot, a non-contiguous lot. I
4 think there may be one or two, based on
5 my discussions with some people, I
6 haven't discussed it with Nancy in the
7 Village, but she may be able to help you
8 out with that.

9 MS. SCELFO: Okay. So I was very
10 recently retained on this matter, and we
11 are happy to take a look at that and get
12 back to you.

13 So in terms of precedence, are you
14 looking for prior approvals where
15 something similar may have happened, or
16 the fact that there may be common
17 ownership of two lots that are split by
18 another lot. Are you looking for that?

19 MR. AVRUTINE: Both.

20 CHAIRMAN MOHR: I think both would
21 be helpful, but site specific to a
22 waterfront and something up on Ridge
23 Road. I think there may be one or two
24 that may exist like that. I'm not
25 exactly sure, but I think if you do a

1 little research you may be able to find
2 out.

3 MS. SCELFO: I think we can
4 definitely do that. I feel -- in what I
5 have been able to look at so far -- I
6 feel pretty confident in the sense that
7 this is a unique situation, we are going
8 back to '54, but we can definitely build
9 on that.

10 CHAIRMAN MOHR: Also, the landscape
11 plan should take into consideration the
12 lot directly behind this vacant lot
13 which Israeli kind of cuts into it, but
14 then there is a home and an accessory
15 structure right behind it with a fence
16 line. I don't know if you saw that when
17 you went down there today. As you go
18 down the hill, you can see it kind of
19 mid-hill and that would be encroaching
20 on that person's view. Just make sure
21 you take care of that in a respectable
22 manner.

23 MS. SCELFO: Yes, I saw that house
24 today.

25 MR. BUTT: So some sort of a final

1 landscape plan.

2 CHAIRMAN MOHR: Okay.

3 MS. SC ELF O: We are happy to do so.

4 Procedurally, do you want to handle
5 that with us continuing and coming back
6 to present that evidence to you? Do you
7 want to keep the record open, so that we
8 submit it by letter?

9 MR. AVRUTINE: I would think in
10 this particular case, especially
11 reflecting the fact that you just got
12 retained, it probably makes sense to
13 keep the hearing open, come back, then
14 you can submit, in advance of the next
15 hearing, what you have and there can be
16 further consideration in that way.

17 MS. SC ELF O: Okay. Do you meet on
18 a monthly basis?

19 MR. AVRUTINE: The Board meets as
20 needed. So I don't know, I would have
21 to check, there may very well be a
22 September meeting. I don't know that
23 yet. But it's going to take you a
24 little time to get that done anyway and
25 we're midway through August.

1 MS. SCELFO: Okay.

2 MR. AVRUTINE: We'll try and get
3 back to you as quickly as possible.

4 MS. SCELFO: I just want to steal
5 Mr. Butt for a second.

6 MR. BUTT: Actually, the only thing
7 that Mr. Poll was hoping to do, based on
8 timing, was to start the construction on
9 the dock itself. That was the only
10 thing. There was some timing with that
11 as far as weather was concerned and so
12 on. There is some sort of a window of
13 opportunity for the ability to build
14 this thing before the winter. He was
15 hoping to get that done because we do
16 have all the DEC permits in place. All
17 of that is ready to go.

18 MS. SCELFO: Army Corps as well.

19 MR. BUTT: Army Corps as well. I
20 don't know if that's possible, but if
21 that is something -- isn't there
22 something that has to be moved along to
23 Oyster Bay as far as their review and
24 approval on something like this, too?

25 MR. AVRUTINE: I don't think so.

1 MR. BUTT: I thought the Harbor
2 Master in Oyster Bay has to do some
3 other review that needs to be done and
4 there is a time element with that as
5 well. So maybe if that could be at
6 least passed along. I don't know if Mr.
7 Antonelli or anyone else thinks that's
8 possible, but just to get --

9 MR. AVRUTINE: We will look at
10 that. I wasn't aware that was
11 necessary.

12 MR. BUTT: We were told early on
13 that the dock would have to come before
14 this Board anyway. I think, ultimately,
15 it has to wind up in the Board of
16 Trustees approval process, too. So I
17 think there is sort of a loop that has
18 to occur where it has to go through
19 Oyster Bay, then back --

20 MR. AVRUTINE: I'll check with Mr.
21 McNerney, the Building Inspector.

22 MR. BUTT: If that's the case, that
23 would be helpful from his standpoint.

24 MR. AVRUTINE: Understood.

25 Anything more anyone wants to add

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at this point?

So we will continue the hearing.
Ms. Scelfo, you and I will speak,
coordinate your submission and try to
get you back here as quickly as possible
to accommodate everybody's needs.

MS. SCELFO: That would be great,
yes, thank you very much.

MR. AVRUTINE: Let the record
reflect the hearing is being kept open.
It will be continued on a date to be
determined. And the applicant will, of
course, send notices to that effect when
the new date is assigned.

* * * * *

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.

Mary Anne Coppins
Court Reporter