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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
August 15, 2018
7:00 p.m.

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

PRESENT:

DANIEL DeVITA, Mayor
KEVIN JUSKO, Trustee
JEFFREY NEMSHIN, Trustee
JEFFREY MIRITELLO, Trustee
RICHARD M. NICKLAS, Trustee (Not present)
NICHOLAS TSAFOS, Trustee
MARTIN NOVICK, Trustee

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
JAMES ANTONELLI, Village Engineer
ELIZABETH KAYE, Clerk/Treasurer

ALSO PRESENT:

MURPHY & LYNCH, P.C.
Attorneys for Applicant
1045 Oyster Bay Road
East Norwich, New York 11732
BY: JAMES P. MURPHY, ESQ.

ARTHUR F. BRINGS, COLD SPRING HARBOR LABORATORY

COLD SPRING HARBOR LAB FOR SPECIAL USE PERMIT
1-2018 AND SLOPE DISTURBANCE PERMITS S1-2018 and
S2-2018

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MR. AVRUTINE: This is the Public
2 Hearing on the application of Cold
3 Spring Harbor Laboratory Special Use
4 Permit 1-2018 and Slope Disturbance
5 Permits S1-2018 and 2-2018.

6 The exhibits in connection with the
7 Public Hearing are as follows:

8 First: An excerpt from the minutes
9 of the July 11, 2018 meeting setting
10 this Public Hearing for August 15, 2018.

11 The next exhibit is a Legal Notice
12 of Public Hearing prepared by the
13 Village Clerk.

14 The next exhibit is the Affidavit
15 from the North Shore Leader stating that
16 the Legal Notice was published in the
17 July 25, 2018 edition.

18 The next exhibit is an Affidavit
19 stating that the Legal Notice was posted
20 on the bulletin board at the entrance of
21 Village Hall as required by law.

22 The next exhibit consists of proof
23 of posting on the Village website dated
24 August 6, 2018; and also, e-mailing to
25 Village Website News Subscribers.

1 The next exhibit is a letter and
2 Affidavit of Mailing submitted by Murphy
3 & Lynch that the Legal Notice was mailed
4 to property owners within a 200-foot
5 radius of the property under
6 application.

7 The final exhibit is the letter
8 dated July 13, 2018 from the Nassau
9 County Planning Commission that the
10 matter is referred to the Village Board
11 of Trustees to take action as it deems
12 appropriate.

13 Now, Mr. Murphy, you have the
14 floor.

15 MR. MURPHY: Good evening, Mr.
16 Chairman, Members of the Board. My name
17 is James Murphy, for the record, with
18 the law firm of Murphy & Lynch with
19 offices in East Norwich.

20 This is an application this evening
21 that was initially presented to this
22 Board on July 11th, and at that time,
23 Art Brings, who is here this evening
24 also, gave a rather extensive discussion
25 with regard to the proposal to

1 construct, with permission of this
2 Board, both an additional parking lot
3 which was referred to colloquially as
4 the North Richards parking lot, which
5 consists of some 32,648 square feet, as
6 well as to construct an annex to the
7 Marks building, which is a neuroscience
8 computational, a computer facility for
9 neuroscience studies, which is rapidly
10 expanding, and an annex is necessary.

11 That annex would be deemed to be
12 temporary in nature because we
13 anticipate having this Board consider,
14 and hopefully approve, the revised
15 master plan which we've also discussed
16 on July 11; hopefully, we will be able
17 to do so with regard to that master plan
18 in September.

19 In support of this application, in
20 addition to Mr. Brings who is here this
21 evening, we have Randy Jones from the
22 Lab, as well as two representatives from
23 PW Grosser Consulting: Mr. Gerry Rosen
24 and Ms. Tammy Cunha, which cards I have
25 given the court reporter for the correct

1 spelling. So I think that --

2 MR. AVRUTINE: Mr. Murphy, I would
3 just like to correct, for the record,
4 you indicated at the outset that Mr.
5 Brings had addressed the Board.

6 I just want to make clear for the
7 record, this is a Public Hearing. Prior
8 statements that Mr. Brings made to the
9 Board were made on a informal basis to
10 the Board and that the hearing was not
11 open at that time.

12 MR. MURPHY: It was not a Public
13 Hearing, it was a meeting.

14 MR. AVRUTINE: Correct. I just
15 wanted to clarify that for the record.

16 MR. MURPHY: To give this Board a
17 sense of appreciation. Also, to do so
18 in such a fashion that with the
19 opportunity for the Board to give some
20 thought subsequent to that meeting, in
21 terms of any questions it may have with
22 regard to either one of these two
23 applications in which, as just indicated
24 on the record, we seek a Special Use
25 Permit in the site plan approval, as

1 well as steep slopes with regards to
2 such.

3 I think that just by way of
4 orientation it would be helpful again,
5 for the Board, to the east of the
6 existing campus is the proposed parking
7 lot some 32,000 square feet,
8 approximately 95 parking spaces being
9 proposed, and that the parking facility
10 is ostensibly designed for the parking
11 of the security vehicles for the
12 laboratory in one central place, and
13 also not visible from the neighbors with
14 regard to such.

15 With regards to neighbors, I would
16 like to introduce, if I might, a letter
17 that we received from one of the nearby
18 neighbors, and that is Mr. & Ms. Joseph
19 F. Hughes.

20 I would like to have that marked,
21 if I might. I have a copy for each one
22 and I'm going to show you where they are
23 in relation to the parking lot.

24 MR. AVRUTINE: Let the record
25 reflect that a letter dated July 29,

1 2018 from Joseph F. Hughes addressed to
2 Mr. Arthur Brings will be marked as
3 Applicant's Exhibit Number 1.

4 MR. MURPHY: And, Art, for the
5 benefit of the Board Members this
6 evening, if you can indicate the
7 approximate location of the Hughes
8 residence in relation to the parking lot
9 which is rectangular, pink in color.

10 MR. AVRUTINE: Mr. Murphy, which
11 direction? Can you clarify for the
12 record?

13 MR. BRINGS: That would be --

14 MR. MURPHY: Northeast.

15 MR. BRINGS: Northwest, that would
16 be northwest, northwest of the parking
17 lot.

18 MR. MURPHY: I'm sorry, yes, quite
19 true.

20 MR. AVRUTINE: Northeast to the
21 left on the --

22 MR. BRINGS: This is north, that it
23 west, that is east. I forgot to tell
24 you the south.

25 MR. MURPHY: At this point in time,

1 I would like to ask the Board if they
2 have any specific questions before we go
3 forward with regard to the parking lot.

4 TRUSTEE MIRITELLO: Art, can you
5 keep that picture there?

6 MR. BRINGS: Sure.

7 TRUSTEE MIRITELLO: Will there be
8 any additional landscaping put up for
9 the neighbors or it is not necessary? I
10 wasn't sure.

11 MR. BRINGS: If you would you let
12 me answer the question.

13 Good evening, Mr. Mayor, Members of
14 the Board of Trustees. My name is
15 Arthur Brings and I am the Vice
16 President of the Cold Spring Harbor
17 Laboratory and I am the Chief Facility
18 Officer.

19 As Mr. Murphy indicated, we are
20 here tonight looking for approval of a
21 special use permit, a site plan, and
22 also for a steep slope permit for two
23 projects that we are looking at. One
24 would be to build an annex to the Marks
25 Laboratory and the other one would be

1 for a parking lot that is north of the
2 Richards.

3 Since we're discussing the parking
4 lot, I'll just go right into that at
5 this time.

6 So the parking lot that we are
7 proposing here is approximately 90 to 95
8 cars and the reason why we are looking
9 to build an additional parking lot now
10 is that we have over 65 service
11 vehicles. Those service vehicles in the
12 evening are parked in many of the
13 distributed parking lots that we have
14 around the campus. I would like to have
15 the ability to bring all of those
16 particular vehicles to one particular
17 location so that we can have them in one
18 area, that we can secure them in the
19 evening; and, also, it's more sightly,
20 especially on the weekends when we don't
21 have a parking lot filled with employees
22 or visitors, for people not to ride
23 around and see a van here or there.

24 The vehicles that we are talking
25 about are essentially light pickup

1 trucks or vans. We're also going now
2 with very small Econoline vans that
3 would be parked here.

4 The area that we're looking at
5 here, there are two things that are very
6 notable. One is that there is very
7 heavy vegetation in this particular area
8 here. Evergreens are in this particular
9 area here, so that it will be protected
10 year round.

11 The other thing is that in addition
12 to this being very dense, there is also
13 a very steep slope going up in this
14 particular area over here. So that, in
15 addition, if you could see you would be
16 looking over the parking lot, as opposed
17 to you looking down at the particular
18 parking lot.

19 One of the things that Mayor DeVita
20 had asked me was whether or not there
21 would be any noise issues with respect
22 to the operation of the parking lot.

23 What I have done here is that I've
24 shown the nearest house is 400 feet
25 away. If you look at some of the

1 information that I have here, at three
2 feet, a car or light truck has about 65
3 decibels. As far as the sound level
4 that goes out, a diesel truck is about
5 80 decibels at three feet. At 400 feet
6 away, the decibels drop down to 23
7 decibels for cars and light trucks. For
8 a diesel truck, it would be about 38
9 decibels and at about 800 feet away,
10 which is where many of the other houses
11 would be. We're talking about 17
12 decibels for light trucks, vans and 32
13 decibels for the heavier trucks.

14 The local ambient sound level in
15 this area is 54 decibels, so by the time
16 the sounds were able to travel to those
17 houses it would be less than the ambient
18 sound levels that are there.

19 So that is the plan that we have
20 for the parking lot.

21 If you have any other questions.

22 MAYOR DeVITA: I went with, as you
23 know Art, visited the site with Rich
24 Nicklas who can't be here and he can't
25 vote, but told me to reiterate that he

1 did not have a problem with the project.

2 My whole concern you've voiced on
3 this is it's fine, there are evergreens
4 that will be screening it from down
5 below.

6 My concern is it's 400 feet. To
7 me, I think of trying to compare it to
8 something practical. The width of my
9 property is 200 feet, so it's really two
10 front properties, basically, which isn't
11 terribly big, but from here we visited
12 this area which is kind of tucked in
13 because there is a big ascending hill
14 towards the back and there's a lot of
15 trees.

16 My only concern -- and I'm just
17 going to put this out there -- is you're
18 taking down three evergreens. I think
19 they were like a blue spruce, three
20 coming down towards the back.

21 I'm just asking would you have an
22 issue replanting three more back there?
23 I know you're putting some evergreens on
24 the front of the parking lot.

25 MR. BRINGS: None whatsoever, Mr.

1 Mayor. And, Mr. Mayor, I'm actually
2 incorrect when you asked me if those
3 particular trees were coming down, okay.

4 The trees that you're referring to
5 right there is that extremely large
6 evergreen, right there is the other
7 extremely large evergreen. So they will
8 remain. They are behind the parking
9 lot.

10 Actually, when we first sited the
11 parking lot we had it further back. And
12 the civil engineers, to save those
13 particular trees, were very conscious of
14 the environment and actually moved this
15 down in this particular area. We are
16 very concerned about having any view
17 shed from the east, so we are planning
18 on planting evergreens in this
19 particular area here.

20 We have had no objections
21 whatsoever, though, to add additional
22 evergreens across the back.

23 MAYOR DeVITA: Because, really,
24 it's 14 is the closest, really the only
25 house in the area, although you go

1 beyond his there are a few, but his is
2 the closest kind overlooking the hill.

3 MR. BRINGS: That's correct.

4 You can all see with Mr. Tiernan's
5 house his outside space is over here,
6 which is good, and then he also has some
7 very heavy evergreens in this particular
8 area.

9 As you said, this is a slope.
10 I think that slope is probably 50 or 60
11 feet from the toe of the slope to the
12 rise of the slope, which would also make
13 it difficult for him to see anything in
14 that particular area.

15 MAYOR DeVITA: The other point I
16 want to emphasize, which I think is
17 important and correct me if I'm wrong,
18 is that one of my concerns, diesel
19 trucks make a hell of a lot of noise to
20 warm up. Sometimes it's more efficient
21 to let them run than turning them off
22 and warming them up again. But this
23 parking lot is not going to be used for
24 those types of vehicles.

25 MR. BRINGS: That's really not the

1 intent right now. The diesel trucks
2 that we have, we have about three of
3 them or four of them, they are actually
4 parked -- our garbage truck is parked
5 over here. We have a very large dump
6 truck that we use just for plowing snow
7 when it gets deep, and then the other
8 trucks, the diesels, are parked over
9 here.

10 MAYOR DeVITA: For the record, you
11 are indicating down further below where
12 you have a maintenance area, maintenance
13 building.

14 MR. BRINGS: That would be at the
15 only barn which is this particular
16 building here. And then this would be
17 the only garage, which is the building
18 over there. So that's normally where we
19 keep them.

20 But, again, to address your
21 concern, those particular trucks, and
22 according to the data that we were able
23 to find from the federal government, a
24 diesel truck is about 80 decibels.

25 I had one of my colleagues, Randy,

1 go out this morning and just verify that
2 that was correct. So that even if we
3 did have 80 decibels here, by the time
4 it gets to Mr. Tiernan's house, even on
5 the outside of the house, you're only
6 looking at 38 decibels which is lower
7 than the ambient noise level.

8 Ambient noise level in the Village
9 of Laurel Hollow, believe it or not, is
10 50 to 55 decibels and that's pretty much
11 -- that's a pretty quiet neighborhood.

12 TRUSTEE NOVICK: Art, the traffic
13 that you're going to have there with the
14 vehicles, what is the construction of
15 the lot?

16 Is it going to be asphalt or
17 concrete?

18 MR. BRINGS: We're going to do an
19 asphalt lot.

20 TRUSTEE NOVICK: What's the
21 difference between the two of them
22 lasting?

23 It's really your dollar bill, so to
24 speak. If it's a permanent lot --

25 MR. BRINGS: It's a permanent lot.

1 We do all of our lots in asphalt. It
2 just seems to be the way that we
3 construct almost everything.

4 TRUSTEE NOVICK: Concrete would
5 last a lot longer.

6 MR. BRINGS: I will defer to the
7 experts. I'll defer to my expert or Jim
8 Antonelli. People typically don't do
9 concrete lots anymore.

10 TRUSTEE NOVICK: Just the Dollar
11 General Stores, they now went to all
12 concrete for that particular reason of
13 the traffic that is going in and out and
14 the studies they made in terms of how
15 long it would last.

16 MR. BRINGS: Would any of the
17 engineers be willing, Jim, do you want
18 to, from the Village's viewpoint?

19 TRUSTEE NOVICK: If you don't agree
20 with me, you don't have to say anything.

21 MR. ANTONELLI: I am going to quote
22 my late father who finished concrete for
23 more than 50 years. He says as they
24 keep -- as long as they have to make it
25 with water in it, it will crack. And

1 there is no controlling whether it's
2 going to crack the first week or 15
3 years later, it will crack, and it's a
4 lot more susceptible to salt products.

5 MR. BRINGS: Our preference is to
6 use a blacktop --

7 TRUSTEE NOVICK: Okay with me.

8 MR. BRINGS: -- parking lot.

9 TRUSTEE NOVICK: There's not going
10 to be a fence around it or anything, for
11 security?

12 MR. BRINGS: We don't have a plan
13 at this time, but we may, in the future,
14 be able to fence it.

15 TRUSTEE NOVICK: You don't have a
16 problem now with --

17 MR. BRINGS: We usually don't.

18 TRUSTEE NOVICK: -- vandalism or
19 anything?

20 MR. BRINGS: In the past ten years,
21 we have had one incident where someone
22 came in and took a plow truck, truck and
23 plow and all during a snowstorm. We
24 have it on video, but we could not -- he
25 came in the back of the lab with a truck

1 and got out and broke into the truck,
2 wired it and we watched it drive out the
3 back gate.

4 MAYOR DeVITA: One other question,
5 Art, because this is also a slope
6 hearing.

7 If I remember from the diagram,
8 this is not -- and correct me if I'm
9 wrong -- this doesn't qualify as a very
10 steep slope or steep, it's not the
11 highest grade of steep.

12 MR. ANTONELLI: Actually, it has
13 all three, there's disturbance of all
14 three categories. Most of it is in the
15 steep and very steep category, but not
16 the severe.

17 MAYOR DeVITA: The area that I
18 surveyed it looked -- it was a rise to
19 get to it from down below, but the area
20 of the parking lot itself seemed
21 relatively -- I don't want to say flat,
22 but didn't seem dramatically sloped.

23 We walked the area in front of
24 those evergreens and it seemed pretty
25 flat. But, obviously, in some part of

1 it is steep slope; otherwise, we would
2 not have that part of the hearing.

3 MR. ANTONELLI: Well, I'd say the
4 annex building is.

5 MR. BRINGS: Yes, this is the
6 annex, okay, there's only a six or eight
7 foot difference in elevations.

8 MAYOR DeVITA: The parking lot.

9 MR. BRINGS: The parking lot.

10 MAYOR DeVITA: So the answer is,
11 it's not really any --

12 MR. ANTONELLI: I thought you meant
13 the application, but you did say parking
14 lot, the annex.

15 MAYOR DeVITA: So just to be clear,
16 we are not talking about any dramatic
17 slope for this area.

18 MR. BRINGS: Yes.

19 MR. AVRUTINE: I just want to also
20 clarify, is there an application for
21 slope relief, as required by the Code in
22 connection with the parking lot?

23 MR. ANTONELLI: Yes for both.

24 MR. AVRUTINE: What category of
25 slope is being disturbed for the parking

1 lot?

2 MR. BRINGS: Steep slope.

3 MR. AVRUTINE: Just the steep.

4 MAYOR DeVITA: Anybody else on the
5 parking lot?

6 (No response.)

7 Audience?

8 (No response.)

9 Okay.

10 MR. AVRUTINE: I just have a
11 question.

12 Is there, in any of the drawings
13 that you submitted, is the landscaping
14 that you described depicted?

15 MR. BRINGS: No.

16 MR. AVRUTINE: Are you going to be
17 submitting something depicting the
18 landscaping?

19 MR. BRINGS: We will do that on the
20 building permit.

21 MR. AVRUTINE: So, when you say on
22 the building permit, when you obtain the
23 permit, there will be a drawing which
24 depicts the --

25 MR. BRINGS: We will show

1 landscaping on the east side of the lot
2 and we will show additional landscaping
3 on the west side of the lot, as
4 requested.

5 MR. AVRUTINE: That's fine, okay.

6 This will all be depicted. I just
7 wanted to make sure for the record.

8 MR. ANTONELLI: Just to clarify,
9 that is upon application. I think
10 somebody said when we get the permit.
11 It's upon application for the building
12 permit, which is after this step.

13 MR. AVRUTINE: Yes.

14 MAYOR DeVITA: Jim, in your
15 comments, you had questions about
16 drainage.

17 Was that the annex or the parking
18 lot?

19 MR. ANTONELLI: That was actually
20 the annex, and I spoke to the
21 consultants and I'm satisfied. I just
22 needed some clarification on something
23 on that.

24 MAYOR DeVITA: Anybody else on the
25 parking lot?

1 If not, we will move to the --

2 MR. AVRUTINE: Just, for the
3 record --

4 MAYOR DeVITA: I'm sorry, go ahead.

5 MR. AVRUTINE: I want to -- there
6 was an aerial photo which states CSHL,
7 Richard's north parking lot sound
8 levels.

9 That will be marked as Applicant's
10 Exhibit Number 2.

11 MR. MURPHY: The second branch, if
12 I may, of this application this evening
13 in terms of improvements relates to, as
14 I mentioned earlier, the annex, some
15 1,500 square feet, temporary in nature,
16 but well built. Temporary in nature,
17 temporary being defined probably within
18 having an economic life of maybe three
19 to six years. In anticipation that in
20 the future we will have the opportunity,
21 pursuant to an advised master plan if
22 approved, to build two additional
23 laboratories, which would then no longer
24 require the annex to be in operation.
25 We would remove that at that time. So

1 it's temporary in that nature, it's
2 needed right now, but we are not
3 prepared to build two research
4 laboratories at this time.

5 We are overcrowded right now, with
6 all due respect, at Marks right now.

7 It's relatively small in nature,
8 some 1,500 square feet, as I mentioned.

9 MR. BRINGS: As Mr. Murphy has
10 indicated, our neuroscience program has
11 been so successful that we have been
12 able to get funding for additional
13 research, which means that we brought in
14 additional investigators.

15 We have the need for both
16 laboratory and/or office space right
17 now, but with the office space, we are
18 at a critical stage of not having enough
19 desks for the scientists, the post-docs
20 and the students that work in the
21 building. Some of them don't have
22 desks, some of them are sharing desks,
23 some of them are happy to go to the
24 library to use it.

25 So what we are proposing to do is

1 to build, as Mr. Murphy indicated, a
2 1,500 square-foot building just behind
3 the existing building that is there.
4 Initially, we were thinking of building
5 a modular building for a trailer, as I
6 had indicated. But the problem that I
7 had with doing that is I felt that the
8 scientists who were being given desk
9 space outside, although they would be
10 appreciative, they would always be -- or
11 feeling that they are going out to the
12 temporary classroom or the temporary
13 trailer or whatever in the back.

14 So, what I did was I asked our
15 architects to design an attractive
16 building. We are not going to do a
17 modular building, we're actually going
18 to build this building. I want it to be
19 attractive on the inside and outside.
20 I wanted it to be substantial enough
21 that it will last, as Mr. Murphy
22 indicated, three to five years, at which
23 time, hopefully, we'll be able to build
24 new lab space, relocate the entire
25 neuroscience program at that time.

1 So, what you are looking at here is
2 actually the site plan and this actually
3 shows the drainage for this particular
4 building that is going in.

5 One of the things that was
6 challenging about the site is that there
7 is a steep slope, a very steep slope
8 going up into this particular area. So
9 to allow us to build in here, we're
10 going to have to put up a retaining wall
11 across the back, okay. And then to be
12 able to level this particular area out,
13 we would have then the building being
14 constructed here.

15 We're also thinking about putting a
16 deck off of the actual building so we
17 have outside social space for the
18 scientists during the nicer months.
19 There is a door out of the building
20 here, so access would be just across
21 that very short walkway into this
22 particular building.

23 The building will have 24 desks.
24 We need to have adequate rest room space
25 and sink space. We're going to have a

1 small conference room for them to use,
2 just also a small kitchen, kitchen
3 meaning a coffee pot. We call it a
4 place where you can get coffee and a
5 bagel.

6 We don't want to make this too lush
7 on the inside, because we do want these
8 scientists to go into the larger
9 gathering space that we have here.
10 Because, in science, it's all about the
11 interaction and we don't just care about
12 chance interactions we try to foster or
13 force interactions between the
14 scientists. So when we design a
15 building, we always do traffic patterns
16 where someone can bump into someone and
17 say oh, by the way, this is the last
18 result I had, that type of thing.
19 That's really what we have it mind for
20 this particular area.

21 TRUSTEE NOVICK: To accommodate
22 many people, Art?

23 MR. BRINGS: 24 people.

24 We don't give the students a lot of
25 space. We used to give them three feet,

1 they were bumping elbows. We now give
2 them three-and-a-half to four feet,
3 that's all the desk space that they get.
4 Typically, we do four post-docs, four
5 students per room, so we break it up.
6 Four seems to be the optimal number.

7 I know I am giving you more
8 information than you want, but four
9 seems to be the optimal number. If you
10 have more than four and you have two
11 people on the phone, people complain
12 they can't hear, they can't think, but
13 it seems to be when you have four,
14 there's always one or two of them that
15 are not in the office and it seems to be
16 working for us.

17 TRUSTEE NOVICK: 1,500 square feet
18 is, I would think, pretty tight, doesn't
19 allow you to do much in case you need
20 anymore.

21 If you're doing that, I don't know,
22 is it feasible to do 2,000?

23 MAYOR DeVITA: It's temporary.

24 TRUSTEE NOVICK: Gives you more, if
25 you're going for three to five years.

1 And who knows what can be in two years
2 from now. Here you're going to box
3 yourself into a 1,500 square foot
4 building with 24 people that could
5 amount a 36 people in two years.

6 MR. BRINGS: So, Marty, you're
7 absolutely right, and we did look at
8 being able to make that larger.

9 The problem is that the site
10 doesn't lend itself to it. In other
11 words, we're restricted by a lot of
12 things in the area.

13 First of all, we have our force
14 main. The force main is what takes our
15 sanitary waste from elevation 10 up to
16 elevation 190 and that pipe runs right
17 across this area, right in this area
18 here, so it's running up in this area.
19 So we didn't want to move the building
20 over in that direction. We were
21 concerned about the slope, concerned
22 about the slope in that direction.

23 TRUSTEE NOVICK: Another story, is
24 that feasible?

25 MR. BRINGS: It's, you know, I

1 think if we were to look at another
2 story -- I appreciate that you are
3 trying to help us out, but for us right
4 now, we foresee this meeting our needs
5 for the next three to five years.

6 TRUSTEE MIRITELLO: What's the
7 height of the building?

8 MR. BRINGS: 30 feet at the gable.

9 TRUSTEE MIRITELLO: Existing.

10 MR. BRINGS: The height of the
11 existing building, the height of the
12 existing building is from where, okay,
13 and I --

14 TRUSTEE MIRITELLO: On the slope.

15 MR. BRINGS: Because it's built
16 into a hill, okay. So this is at grade,
17 the front of the building. The height
18 there would be probably about 45 feet,
19 okay. The height of the building here
20 would probably be, probably about 30
21 feet coming across the back. Again,
22 this has a gabled roof as well, going
23 up.

24 TRUSTEE MIRITELLO: Can you see the
25 peak?

1 MR. BRINGS: You can't see it from
2 anywhere.

3 MAYOR DeVITA: You're just going to
4 see?

5 TRUSTEE MIRITELLO: Can you see it
6 from across the harbor?

7 MR. BRINGS: You can't see it from
8 anywhere.

9 MAYOR DeVITA: Rich and I were
10 there. To me, the comparison is like
11 someone building a building on the patio
12 right adjacent to their house and it's
13 kind of dug in all, like dug into a hill
14 and they're going to plop this annex
15 right next to the existing building with
16 a short walkway and there is a hole,
17 it's dug into a whole hill. I don't
18 think --

19 TRUSTEE MIRITELLO: Nobody will
20 know it's there.

21 MAYOR DeVITA: When we walked over
22 there, it was like walking into the
23 woods.

24 TRUSTEE MIRITELLO: Neighbors on
25 the outside wouldn't see it.

1 MR. BRINGS: Trustee Miritello, no
2 one can see it from anywhere.

3 Just if I can give you a quick
4 orientation.

5 This is looking north, okay, on the
6 building. So that the existing
7 building, this line here is here. This
8 building goes up and the roof is over
9 here. So you can't see it at all from
10 that direction.

11 Here, the slope you can see goes
12 up. If this is on elevation 86, you're
13 already up 12 feet to elevation 98 and
14 then 105, 104, that hill just goes
15 straight up and it's so heavily
16 vegetated.

17 In fact, one of the things, when I
18 wanted to show it to Mr. Nicklas and the
19 Mayor, is that I tried to approach the
20 building from this side and we couldn't
21 get to it because of the heavy
22 vegetation, so we actually had to come
23 around and then go up and approach it
24 from that side. You can't see it from
25 anywhere. No lights, no roof, nothing.

1 TRUSTEE MIRITELLO: The retaining
2 wall is going to be how high?

3 Is it going to stay at the grade or
4 is it going to go higher than the grade,
5 the retaining wall.

6 MR. BRINGS: We need to flatten the
7 surface here to go in.

8 The retaining wall should be about
9 here. I think the retaining wall is six
10 feet, okay. We're trying to do this as
11 minimally invasive as possible. It's a
12 difficult site number 1; number 2, we
13 don't want to disturb what is going on
14 in the existing building.

15 So for us, constructing it using
16 sheet piling or soldier or lagman, where
17 you're pounding it in is going to
18 disturb the science that is going on in
19 the building. So we're actually going
20 to use screw pilings that get screwed in
21 for the foundation for the building, and
22 my engineers tell me we can also use,
23 the structural engineers, tell me that
24 we can also use a similar screw footing
25 for pilings here to build the wall, so

1 that's what we are going to do.

2 We don't want to -- we have very
3 sensitive equipment in that particular
4 building because we are looking at very,
5 very small things. So any vibration
6 that we create could disturb the
7 research.

8 TRUSTEE MIRITELLO: When the
9 building is not needed anymore, are you
10 going to take that down or are you just
11 going to keep it and do something else
12 with it?

13 MR. BRINGS: Well, it's difficult
14 for me to answer that question only
15 because when people move out of here,
16 okay, we're going to have to repurpose
17 that building.

18 So, can I say unequivocally that we
19 are going to take the building down, I
20 would say I don't know.

21 I don't know that, well, I know
22 that -- I'm sorry, I was just going to
23 say that I don't know if I would be here
24 in five years, I am not going to be here
25 in five years. That, I can absolutely

1 guarantee. I was going to say I don't
2 know if I would be here in five years
3 asking you if we can keep that building,
4 but our intent right now is to make this
5 as a temporary building.

6 We are not going to invest a lot of
7 money in building that. We are not --
8 every building that we build is usually
9 masonry and we like to go for what is
10 known as a 50-year building. When we
11 build a building, we put a 50-year roof
12 on this, we do 50-year siding on it, all
13 of those types of things. We used to do
14 hundred-year buildings at one time.

15 This is basically not going to be
16 that. It's probably going to be a 10 or
17 15-year building, in terms of the
18 material that we use to construct that.
19 So our intent is that this would not be
20 a permanent building, but I can't
21 guarantee it.

22 TRUSTEE MIRITELLO: The square
23 footage, would it ever affect you doing
24 other things on the campus?

25 MR. BRINGS: At that point, 1,500

1 square feet would not make a difference
2 either way.

3 MR. AVRUTINE: In connection with
4 the request for slope disturbance, could
5 you just address whether the building
6 location was done in a way that will
7 minimize slope disturbance.

8 MR. BRINGS: Yes.

9 We actually did look at -- there is
10 a natural plateau here, okay. When you
11 look at -- so these are contra-lines,
12 which basically gives you the elevation
13 going up. You're looking at 84, 86, 88
14 feet, so that's not a very steep slope.
15 So we tried maximizing on that.

16 So we did try, or wanted to make
17 sure that we did not go into the slope
18 more than we actually had to.

19 We did that for two reasons: One
20 is that we do not want to disturb the
21 slope and the other reason is it would
22 cost us more money. The further back we
23 go into the slope, the higher the
24 retaining wall and now we're starting to
25 build a substantial wall back there.

1 So, yes, we did take into
2 consideration the location to try to
3 minimize the impact on the slope.

4 This is not undisturbed soil, and
5 it's not in disturbed soil because in
6 order to build all of this, first of
7 all, we had sheet piling. I don't know
8 if I can see the extent -- this was
9 actually sheet piled at one time so that
10 we can retain the hill to build this
11 particular building.

12 In order to do that, we actually
13 had a construction access road which we
14 started to walk down over in this area
15 here. So this is not undisturbed land.
16 This was actually disturbed for the
17 construction of this particular
18 building.

19 The other thing we looked at was
20 just that we didn't want to take out the
21 existing. That was done with soldiers
22 and lagman. Soldiers, it's an i-beam
23 that goes in and then you put wood in
24 like that. So they drove the piles in
25 to do this particular building.

1 We wanted to stay away from that,
2 too, because we did not want to have to
3 try to get that out of the ground
4 because that would have been a very
5 difficult task.

6 I don't know if that answers your
7 question.

8 MR. AVRUTINE: It does, thank you.

9 MAYOR DeVITA: Jim?

10 MR. ANTONELLI: I would like to add
11 something there because I think I heard
12 Art say something about sheet piling and
13 what was done for the building.

14 That is the existing building?

15 MR. BRINGS: That's correct.

16 MR. ANTONELLI: Not the proposed
17 building?

18 MR. BRINGS: That's correct.

19 MR. ANTONELLI: It's my opinion
20 that the fact that they are doing a
21 retaining wall is a mitigating factor
22 itself, because, otherwise you would
23 have to grade that six feet further and
24 further at a two-to-one slope which goes
25 much further into the hillside. So the

1 fact that they are putting in a
2 retaining wall limits the footprint of
3 disturbance, if you will, and that, to
4 me, is a mitigating factor.

5 MAYOR DeVITA: Jim, with respect to
6 the retaining wall, in your comments,
7 and I don't know if it was for the annex
8 or the parking lot, you had a concern
9 about fascia, there was a lack of
10 description or something on fascia of
11 the wall. The materials, there was
12 something in your comments.

13 MR. ANTONELLI: I thought I only
14 asked for --

15 MR. BRINGS: Can I address that?

16 MAYOR DeVITA: Yes.

17 MR. BRINGS: Mr. Antonelli asked
18 for us to give more detail on one of the
19 retaining walls, which we did.

20 We had the civil engineering firm
21 for us, Mr. Rosen actually did draw the
22 detail for the retaining walls. So if
23 you are satisfied with that, then.

24 MR. ANTONELLI: I have no issue
25 with it.

1 MAYOR DeVITA: Is there anybody
2 else on the Board?

3 (No response.)

4 Are there any questions from the
5 audience?

6 (No response.)

7 Jim?

8 MR. ANTONELLI: I would like to go
9 through my review, if I could.

10 MAYOR DeVITA: Oh, please.

11 MR. ANTONELLI: There is a letter
12 to the Board from me dated July 8th with
13 a number of issues, and I think the
14 Mayor has already addressed each one and
15 I have no further comment on that;
16 however, it's my opinion that this is an
17 unlisted action.

18 MR. AVRUTINE: Wait until we get a
19 motion.

20 Do you have any other comments on
21 the application in general?

22 MR. ANTONELLI: I have no further
23 comments.

24 MAYOR DeVITA: No further questions
25 from the audience.

1 (No response.)

2 MR. AVRUTINE: We would entertain a
3 motion to close the Public Hearing.

4 MAYOR DeVITA: So moved.

5 MR. AVRUTINE: Moved by Mayor
6 DeVita.

7 Second?

8 TRUSTEE TSAFOS: Second.

9 MR. AVRUTINE: Second by Trustee
10 Tsafos.

11 All in favor?

12 TRUSTEE JUSKO: Aye.

13 TRUSTEE NEMSHIN: Aye.

14 TRUSTEE MIRITELLO: Aye.

15 TRUSTEE TSAFOS: Aye.

16 TRUSTEE NOVICK: Aye.

17 MAYOR DeVITA: Aye.

18 MR. AVRUTINE: The next motion is
19 for the Board to declare itself lead
20 agency under the New York State
21 Environmental Quality Review Act.

22 TRUSTEE JUSKO: Motion.

23 MR. AVRUTINE: Trustee Jusko made
24 the Motion.

25 Second?

1 TRUSTEE MIRITELLO: Second.

2 MR. AVRUTINE: Trustee Miritello
3 second.

4 All in favor?

5 TRUSTEE JUSKO: Aye.

6 TRUSTEE MIRITELLO: Aye.

7 TRUSTEE NEMSHIN: Aye.

8 TRUSTEE TSAFOS: Aye.

9 TRUSTEE NOVICK: Aye.

10 MAYOR DeVITA: Aye.

11 MR. AVRUTINE: Now, Mr. Antonelli,
12 please make your environmental analysis
13 recommendation.

14 MR. ANTONELLI: It's my opinion
15 that the proposed activities are
16 considered an unlisted action under the
17 State Environmental Quality Review Act.

18 As such, they are required to file
19 the completed short environmental
20 assessment form. They did. I reviewed
21 it, and that includes a Part 1 form.
22 Part 2 is to be completed by the lead
23 agency, and I did so on behalf of the
24 Village, and I have that prepared here.

25 MR. AVRUTINE: If you would just

1 give us a summary of your analysis and
2 recommendations.

3 MR. ANTONELLI: Based on my review
4 of the plans and the information
5 provided with it, I believe that this
6 activity would have little or no
7 significant adverse environmental
8 impact, and I filled out the form
9 accordingly and I signed it. I also
10 have the form for the Mayor to sign.

11 MR. AVRUTINE: Thank you, Mr.
12 Antonelli.

13 Would it be your recommendation
14 that the Board enact a negative
15 declaration under the New York State
16 Environmental Quality Review Act?

17 MR. ANTONELLI: Yes, it is.

18 MR. AVRUTINE: Thank you.

19 At this time, I would request a
20 motion to have this matter declared
21 unlisted under the New York State
22 Environmental Quality Review Act.

23 TRUSTEE MIRITELLO: Motion.

24 MR. AVRUTINE: Motion by Trustee
25 Miritello.

1 May we have a second?

2 TRUSTEE NEMSHIN: Second.

3 MR. AVRUTINE: Second by Trustee
4 Nemshin.

5 All in favor?

6 TRUSTEE JUSKO: Aye.

7 TRUSTEE MIRITELLO: Aye.

8 TRUSTEE NEMSHIN: Aye.

9 TRUSTEE NOVICK: Aye.

10 TRUSTEE TSAFOS: Aye.

11 MAYOR DeVITA: Aye.

12 MR. AVRUTINE: And a motion to
13 declare a negative declaration under New
14 York State Environmental Quality Review
15 Act that there will be no adverse
16 consequences environmentally from the
17 proposed action.

18 Do I have a motion?

19 TRUSTEE TSAFOS: Motion.

20 MR. AVRUTINE: Motion by Trustee
21 Tsafos.

22 Second?

23 MAYOR DeVITA: Second.

24 MR. AVRUTINE: Second by Mayor De
25 Vita.

1 All in favor?

2 TRUSTEE JUSKO: Aye.

3 TRUSTEE MIRITELLO: Aye.

4 TRUSTEE NEMSHIN: Aye.

5 TRUSTEE NOVICK: Aye.

6 TRUSTEE TSAFOS: Aye.

7 MAYOR DeVITA: Aye.

8 MR. AVRUTINE: And a motion on the
9 application. This will be for site plan
10 approval or special use permit and for
11 the requested slope disturbance.

12 We have a motion on that? This is
13 a motion to approve.

14 TRUSTEE JUSKO: To approve.

15 MR. AVRUTINE: Motion to approve by
16 Trustee Jusko.

17 Second?

18 TRUSTEE TSAFOS: Second.

19 MR. AVRUTINE: Second by Trustee
20 Tsafos.

21 All in favor?

22 TRUSTEE JUSKO: Aye.

23 TRUSTEE MIRITELLO: Aye.

24 TRUSTEE NEMSHIN: Aye.

25 TRUSTEE NOVICK: Aye.

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TRUSTEE TSAFOS: Aye.

MAYOR DeVITA: Aye.

MR. AVRUTINE: Application approved
as submitted.

There will be, also, just to note,
the condition of the landscaping that
was described by Mr. Brings and it will
be depicted on the permit set of plans
when the application is submitted for
the actual building permit.

MR. BRINGS: Thank you very much.

MR. MURPHY: Thank you very much.

* * * * *

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