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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
October 16, 2019
7:00 p.m.

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

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

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
ELIZABETH KAYE, Clerk/Treasurer
JAMES ANTONELLI, Village Engineer
MICHAEL MCNERNEY, Superintendent of Buildings

Fill Application - Jason Paul - 3 Picardy Lane

RONALD KOENIG
OFFICIAL COURT REPORTER

Proceedings

1 MR. AVRUTINE: Public hearing on the
2 application of Jason Paul for permission to place
3 150 cubic yards of fill in the front yard of the
4 property adjacent to Picardy Lane, and for an approval
5 required under Section 145-12.A(1)(d) of the Village
6 Code because the proposed activity will encroach into
7 the required 100-foot setback from a wetland. The
8 property involved is located at 3 Picardy Lane also
9 known as Section 14, Block 14, Lot 23.

10 The exhibits in connection with this
11 application are as follows:

12 First, an Affidavit of Posting from Elizabeth
13 Kaye that the Legal Notice was posted on the front
14 bulletin board of Village Hall on September 20, 2019.

15 The next exhibit is an Affidavit of
16 Publication that the Legal Notice was published in the
17 North Shore Leader on September 18, 2019.

18 The next exhibit is a document that confirms
19 that the Legal Notice was published to the Village
20 website on September 16, 2019.

21 The next exhibit is a document that confirms
22 that the Legal Notice was sent to Village website NEWS
23 subscribers on October 10, 2019.

24 The next exhibit is an Affidavit of Mailing
25 from the applicant indicating that the Notice of Public

1 Hearing was mailed on September 26 and September 30,
2 2019 to the individuals set forth in the affidavit.

3 And the final exhibit is notification from the
4 Nassau County Planning Commission dated October 22, 2018
5 that the matter is referred to the Village of Laurel
6 Hollow Board of Trustees to take action as it deems
7 appropriate.

8 We'd also like to add that this property was
9 the subject of an application to the Planning Board for
10 tree removal under Application P7-2018 and T42-2018,
11 seeking approval for the removal of 15 trees, and that
12 application was approved subject to obtaining whatever
13 additional approvals are required. So the trees that
14 were authorized to be removed by the Planning Board
15 cannot be removed unless and until this Board approves
16 the application before it this evening.

17 MAYOR DeVITA: Mr. Paul.

18 MR. PAUL: Jason Paul, 3 Picardy Lane. I also
19 have Mike Rant from Bladykas and Panetta for any
20 technical questions.

21 You guys have a lot of documents. There's a
22 couple different permits that are required based upon
23 the location of where the activity is.

24 The general scope of the project is to take an
25 area that is wooded and that was previously infested and

1 not maintained with poison ivy, put grass in a portion
2 of the area, put a garden in a portion of the area, and
3 also fortify the slope from the western portion of
4 Picardy onto my property. And the 150 cubic yards of
5 fill are because the area is sizeable, right, so that's
6 why we have so much fill coming in. The reality is, in
7 most places we're only raising 3 to 4 inches so I can
8 plant grass because there's many roots and ground that
9 was exposed because of removing the poison ivy.

10 The application of the fill will also allow me
11 to complete the fence project that I have which is
12 Permit 2901 in for that. Up to this point, all
13 perimeter fence is complete with the exception of along
14 the western portion of Picardy and partially up the west
15 side of the driveway.

16 The addition of the dirt will also ensure that
17 any of the trees that I put, the privacy trees that I
18 previously planted, will survive, that the slope there
19 is -- the trees have not taken to the slope. Part of
20 that was on the people that planted them. And
21 generally, this is going to be the area where my kids
22 will play because it's the only true flat area on the
23 property that is in large part sloped or severely
24 sloped. In fact, the whole southern portion of it is
25 effectively unusable, it's all woods and just slopes.

1 So, that's the general nature of the project.
2 In addition to this, to ward off any pooling, there will
3 be a dry well and two catch basins installed. And I can
4 just say, since I've been in the house since 2016, the
5 most amount of water I've observed is about 4 inches,
6 and that's after a pooling and that's after rain similar
7 to what we're having today with effectively torrential
8 downpours.

9 MAYOR DEVITA: Just a couple things to know.
10 This application is to the Planning Board for the tree.
11 I know the Planning Board Chair is here, Chris
12 Hadjandreas. And that was approved subject to the fill
13 permit being issued.

14 Just a couple things. It is a wetlands
15 hearing. My understanding -- well, I pass by your house
16 a million times a day. So, I'm familiar with the
17 situation. I actually went to that property with the
18 Planning Chair when he was considering it for his board.

19 In any event, the wetlands -- correct me if
20 I'm wrong, Jim, because you've analyzed this -- are not
21 on this property. They're across the street. So, I
22 assume any of this work wouldn't affect the wetlands.

23 MR. ANTONELLI: Correct.

24 The wetland itself is part of -- there's a
25 small stream channel and a culvert that runs underneath

1 Picardy Lane. And the wetland itself is on that, is it
2 south side or southeast side, of the road. And the
3 100-foot area, I think he's within, you know, possibly
4 70 feet or so of the wetland.

5 My main concern was since there's a pair of
6 catch basins in the low point of the road in front of
7 this portion of the property that he wants to fill, and
8 I think a lot of us have witnessed standing water in
9 this area, I was concerned could the fill take away the
10 volume of storage that was there, possibly overtop the
11 curbing and either impact the street drainage system on
12 Picardy or, worse yet, overflow and impact the wetland
13 area. And after a number of pieces of correspondence
14 going back and forth with the applicant and his
15 engineer, I was satisfied that they have mitigated with
16 the description that Mr. Paul has said. I have a letter
17 to the Village dated June 5 that said I was satisfied
18 with the plan dated May 24 of 2019.

19 Is that what we have posted? I'm assuming
20 that's the latest one.

21 MR. PAUL: Yes.

22 MR. ANTONELLI: I have no further issue then.
23 The storm system shown does handle the water. It's
24 quite a watershed that contributes to this low spot and
25 a lot of it is not on the applicant's property, it's

1 coming from elsewhere. So, I'm satisfied that they've
2 mitigated that.

3 MAYOR DeVITA: I assume you have no intention
4 of building an aboveground structure in that area given
5 that it's the front yard?

6 MR. PAUL: No.

7 MAYOR DeVITA: Okay.

8 Does the Board have questions?

9 TRUSTEE JUSKO: Where are the trucks going to
10 be entering? Are they going to be jumping the curb over
11 there or driving onto your property to unload?

12 MR. PAUL: From what I've submitted, they're
13 going to enter (indicating). The work is still out to
14 bid, so I can't say definitively. The idea was that
15 they would either enter from this portion of the
16 property or I identify three locations along Picardy
17 where trees have subsequently died that I need to
18 replace. But they don't necessarily have to jump the
19 curb because of how close it is and the downslope. They
20 can tilt the bucket and pull the dirt over and complete
21 the work that way. Coming over the driveway would
22 destroy everything I've done in this area, and the cost
23 of that would be far more.

24 TRUSTEE JUSKO: I just want to make sure that
25 the curbs are protected if they have to drive over it.

1 If they don't have to, good.

2 MR. PAUL: Obviously, if something gets
3 damaged, I'll fix it.

4 MAYOR DEVITA: We can also make it a condition
5 that if the plan turns out to be putting the fill in and
6 the trucks need to go over the curb, that some type of
7 construction entrance or barrier to protect the road.

8 MR. MCNERNEY: I'd like to point out that
9 there is a bond required that Mr. Paul has to place for
10 \$5,000 as a minimum for --

11 MAYOR DEVITA: You'll want to do that anyway,
12 ensure that the contractor is not just jumping a plain
13 curb.

14 MR. MCNERNEY: We'll make certain that the
15 right of way is restored to its original condition after
16 Mr. Paul is complete.

17 MR. HADJANDREAS: Chris Hadjandreas, Planning
18 Board.

19 I just wanted to add, when the Planning Board
20 reviewed this application, the main concern of the
21 Planning Board was the front setback and visibility from
22 Picardy to the applicant's house and the fact that he's
23 not clearing an area that is going to expose, you know,
24 what's now kind of wooded. And adding the fill
25 increases the area that he's going to be able to --

1 right now between Picardy and where the property, it
2 drops off significantly, 3 or 4 feet, and he has trees
3 on there, and they only have a foot or so and then the
4 slope drops off, and the most of the fill that he's
5 looking to add is to increase the area where those trees
6 sit. And part of the Planning Board's decision wasn't
7 just to approve the trees that he wants to cut down, he
8 also submitted a complete landscape plan that is tied to
9 this permit and he will not be able to close out this
10 permit until it's done and done to the, you know, the
11 satisfaction of the landscape plan.

12 In that landscape plan there is significant
13 screenage that the Planning Board required that's
14 between Picardy and his house. And a lot of the trees
15 that we approved to be removed were decapitated by the
16 utility crews because they are right underneath the
17 power lines. And adding the dirt enables him to plant
18 the trees and the screening further back from Picardy so
19 that as they grow the same situation isn't going to
20 happen where every couple years the utility is just
21 going to come and whack the trees.

22 Most -- I forgot the number of trees that we
23 approved to be removed.

24 MR. PAUL: Fifteen are being removed and I
25 think I'm planting 16.

1 MR. HADJANDREAS: In terms of 15 trees that
2 are removed, most of the trees were in severe -- and
3 this was from Betsy Bibla, our Village Arborist -- most
4 of that number were again cut completely underneath the
5 power lines or they were on his property further from
6 Picardy but completely, that was a number of them that
7 were almost out of the ground leaning. There's nothing
8 really there. There was one tree that we were trying to
9 work with the homeowner that we were trying to work
10 around but it was right in the middle, that was anything
11 of substance and size of the 15. So, it's not like he's
12 removing 15 decent trees.

13 And that's it. Again, the screening that we
14 enforced is significant that he's going to have to put
15 in place. And that's all. That's what the Planning
16 Board approved. Again, everything we approved and what
17 we did, we put contingencies in our approval that there
18 were no sheds, no swing sets, no structures of any kind
19 because it is the front setback of the house, and that
20 the landscape plan has to be followed, and then the
21 permit could be closed out.

22 TRUSTEE NOVICK: Are there certain sizes to
23 the trees, the ones taken down versus --

24 MR. HADJANDREAS: When we approve trees, I
25 don't remember for him specifically if they were 6 to 8

Proceedings

1 or 8 to 10, but the minimum we approve is 6 to 8 foot,
2 and on the deciduous trees, you know, a 4-inch caliper
3 which usually starts out about an 8, 10, 12-foot tree.

4 MR. PAUL: On the permit application, I have a
5 list of every tree I'm going to plant and the minimum
6 size that it will be.

7 MR. HADJANDREAS: And there are also a number
8 of evergreens that he had planted right on Picardy that
9 a number of them have died. And he's also going to be
10 replacing all of those on top of the additional
11 screening he is going to be putting in as per our
12 approval.

13 MR. PAUL: I mean, effectively, yes, it's the
14 front yard because my address is Picardy. But for all
15 intents and purposes, it's my backyard. I do have
16 future plans for other things on the property, but in
17 this location. Not in the northeast section. So there
18 won't be any sheds or tree houses.

19 MAYOR DEVITA: Thank you, Chris and the
20 Planning Board, for all your hard work on this and all
21 the other matters. They are all volunteers and do a
22 great job. Thank you.

23 Any questions from the audience?

24 MR. ANTONELLI: I have one more thing.

25 The applicant submitted a completed Short

Proceedings

1 Environmental Assessment Form. Under the State
2 Environmental Quality Review Act, this is considered an
3 unlisted action. So, the minimum compliance requires
4 that the Short Form be filed, which was done
5 appropriately. I reviewed it and I have completed a
6 SEQRA Part II for the Board's consideration.

7 Basically, in case you don't know, the form
8 that they submit basically describes what they're doing
9 and provides more of a description, and it goes through
10 a number of environmental categories. The Part II that
11 I fill out basically examines the potential impact of
12 each of those items to every environmental category from
13 air to noise to wetlands that are on the list and so
14 forth. And when I went through that, under the SEQRA
15 review I determined that there was no adverse
16 environmental impact, and I would recommend to the Board
17 to adopt a negative declaration under SEQRA.

18 MAYOR DeVITA: Thank you, Jim.

19 At this point, the first motion is a motion to
20 close the public hearing.

21 I'll move. Seconded by Trustee Jusko.

22 All in favor?

23 TRUSTEE JUSKO: Aye.

24 DEPUTY MAYOR NEMSHIN: Aye.

25 TRUSTEE MIRITELLO: Aye.

Proceedings

1 TRUSTEE TSAFOS: Aye.

2 TRUSTEE NOVICK: Aye.

3 MAYOR DeVITA: Aye.

4 MR. AVRUTINE: The next motion is a motion for
5 the Board to declare itself lead agency under the New
6 York State Environmental Quality Review Act.

7 MAYOR DeVITA: I'll move. Seconded, Deputy
8 Mayor Nemshin.

9 All in favor?

10 TRUSTEE JUSKO: Aye.

11 DEPUTY MAYOR NEMSHIN: Aye.

12 TRUSTEE MIRITELLO: Aye.

13 TRUSTEE TSAFOS: Aye.

14 TRUSTEE NOVICK: Aye.

15 MAYOR DeVITA: Aye.

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

19 MAYOR DeVITA: So moved. Second, Trustee
20 Tsafos.

21 All in favor?

22 TRUSTEE JUSKO: Aye.

23 DEPUTY MAYOR NEMSHIN: Aye.

24 TRUSTEE MIRITELLO: Aye.

25 TRUSTEE TSAFOS: Aye.

Proceedings

1 TRUSTEE NOVICK: Aye.

2 MAYOR DeVITA: Aye.

3 MR. AVRUTINE: The next motion would be to
4 declare a negative declaration in accordance with the
5 Village Engineer's recommendation under the New York
6 State Environmental Quality Review Act.

7 MAYOR DeVITA: So moved. Second, Trustee
8 Novick.

9 All in favor?

10 TRUSTEE JUSKO: Aye.

11 DEPUTY MAYOR NEMSHIN: Aye.

12 TRUSTEE MIRITELLO: Aye.

13 TRUSTEE TSAFOS: Aye.

14 TRUSTEE NOVICK: Aye.

15 MAYOR DeVITA: Aye.

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

18 MAYOR DeVITA: I'll move to approve the
19 application.

20 DEPUTY MAYOR NEMSHIN: Second.

21 MAYOR DeVITA: All in favor?

22 TRUSTEE JUSKO: Aye.

23 DEPUTY MAYOR NEMSHIN: Aye.

24 TRUSTEE MIRITELLO: Aye.

25 TRUSTEE TSAFOS: Aye.

Proceedings

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TRUSTEE NOVICK: Aye.

MAYOR DeVITA: Aye.

The condition about a construction if necessary, that's something you would require on your own anyway, Mike?

MR. MCNERNEY: That's correct.

MAYOR DeVITA: So, the motion is to approve the application as submitted. I'll move. Second is Trustee Jusko.

All in favor?

TRUSTEE JUSKO: Aye.

DEPUTY MAYOR NEMSHIN: Aye.

TRUSTEE MIRITELLO: Aye.

TRUSTEE TSAFOS: Aye.

TRUSTEE NOVICK: Aye.

MAYOR DeVITA: Aye.

MR. ANTONELLI: One more issue. Just a formality. I took the liberty of completing the SEQRA Part II which I have signed. And I prepared this for the Mayor's signature in anticipation of a yes vote.

MAYOR DeVITA: Thank you.

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

Ronald Koenig

RONALD H. KOENIG
Official Court Reporter