

**VILLAGE OF FLOWER HILL
MINUTES OF
REGULAR MEETING- PUBLIC HEARING
OF THE BOARD OF TRUSTEES
December 1, 2014**

A regular monthly meeting of the Board of Trustees was held on December 1, 2014. The meeting was called to order at 8:07 PM by Mayor Elaine Phillips with the following in attendance:

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| Elaine Phillips | Mayor |
| Robert McNamara | Deputy Mayor |
| Karen Reichenbach | Trustee |
| Gary Lewandowski | Trustee |
| Brian Herrington | Trustee |
| Jeffrey Blinkoff | Village Attorney |
| Ronnie Shatzkamer | Village Administrator |
| James Gilhooly | Building Superintendent |

The Mayor led the assembly in the Pledge of Allegiance. There were fourteen members of the public present. Mayor Phillips appointed Jay Beber as Trustee to fulfill the term of former Trustee Eileen Phillips. Mr. Beber joined the Board on the podium.

Approval of Minutes

On motion of Deputy Mayor McNamara, seconded by Trustee Herrington, the minutes of the November 3, 2014 Meeting were unanimously approved by the Board.

Treasurer's Report

On motion of Deputy Mayor McNamara, seconded by Mayor Phillips, the claims were unanimously approved.

Architectural Review Committee Report

Mr. Gilhooly reported on the November 24 meeting. The first case was resubmitted from the October meeting, Alin, 34 Greenbriar Lane for additions. Alice Langley the neighbor at #36 objected to the proposal on the grounds that it would reduce her light and privacy. The Committee has recommended that the application be approved with modifications however they will do a site visit and examine the property from Mrs. Langley's side and determine what type and size of screening would be appropriate. Mongelli at 10 Woodland Road for a one story addition was recommended to be approved with modifications. Ma, 68 Dogwood Lane for solar panels was originally approved but the neighbor to the rear of his property in Munsey Park objected as the panels would be directly in his line of sight. He also objected that the mailings were from Solar City instead of the resident so he failed to pick up the notice believing it to be a solicitation. The Board directed that the Committee go back for a site visit and re-examine the case again in December while advising the applicant that he must do a new mailing with his name and address and the sender. The ARC was directed to review the Village's solar panel policy for accuracy and appropriateness. The final case was Friedler, 38 Hewlett Lane for retaining walls. Mr. & Mrs. Capozzi, the rear neighbors objected that the wall was unsightly and that they wanted to see engineering that would prove that drainage was adequate. Landscape architect Frank Suppa appeared and spoke with the

Capozzis. He will redo the design, add landscaping and meet again with the neighbors and the ARC.

On motion of Trustee Herrington, seconded by Trustee Reichenbach and unanimously approved the applications of Mongelli and Alin were approved with modifications.

Public Hearing

On motion of Mayor Phillips, seconded by Trustee Reichenbach with unanimous approval of the Board, the public hearing portion of the meeting was opened at 9:00 pm.

The first hearing was on Local Law C - 2014 entitled "Amendment to Code Chapter 219 "Trees, Brush, Shrubs, Grass and Weeds", Section 219-7 "Construction Sites"" as follows: Amend Section 219-7 to read: *"where a building permit has been issued for the erection, alteration or modification of a structure, or a subdivision or an approved site plan has been granted, a permit shall be required for the removal of such trees."*

Resolution No. 38 - December 1, 2014 RESOLUTION APPROVING LOCAL LAW 3 - 2014

The following resolution was offered by Deputy Mayor McNamara, seconded by Trustee Lewandowski:

WHEREAS, Village Code Chapter 219 "Trees, Brush, Shrubs, Grass and Weeds" contains Section 219-7 "Construction Sites" stating "where a building permit has been issued for the erection, alteration or modification of a structure, or a subdivision or an approved site plan has been granted, no permit shall be required for the removal of such trees located on the site of the building permit, grant of subdivision or site plan shall specify which such trees are to be removed." and;

WHEREAS, it is in the interest of the Village to promote the saving of trees wherever possible and that it is the policy of the Village to have all tree removals reviewed by the Village Arborist;

NOW, THEREFORE BE IT RESOLVED, that Local Law "3" of the Year 2014 providing for an amendment to Chapter 219 "Trees, Brush, Shrubs, Grass and Weeds", Section 219-7 "Construction Sites" stating "where a building permit has been issued for the erection, alteration or modification of a structure, or a subdivision or an approved site plan has been granted, a permit shall be required for the removal of such trees." Is hereby approved.

The Board was polled as follows:

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| Trustee Reichenbach | Aye |
| Trustee Lewandowski | Aye |
| Trustee Herrington | Aye |
| Trustee Beber | Aye |
| Deputy Mayor McNamara | Aye |
| Mayor Phillips | Aye |

The second hearing was to consider revised Local Law D - 2014 entitled "Skateboards" as follows:

A Chapter of the Village Code is hereby enacted by the Board of Trustees of the Incorporated Village of Flower Hill, New York as follows:

Section 1. Adding the Chapter to read as follows:

Findings and legislative intent:

The Village Board finds that skateboards and other similar devices are used in the Village.

The Village Board finds that a particular type of skateboard known as a “longboard” used in certain areas within the Village including areas with steep inclines poses a public danger to pedestrians, drivers, and users of these devices.

The purpose of this section is thus to protect the public health, safety welfare, peace and tranquility by regulating the operation of longboards in areas with steep inclines, or in such other areas of the Village as the Board of Trustees from time to time may determine to be potentially dangerous.

Definitions:

Skateboard—a board of wood, plastic, metal or fiberglass or similar material with roller skates or other type of wheels attached and used for gliding or moving on any hard surface.

Longboard- a specific type of skateboard being thirty-one (31) inches or greater in length.

Prohibited acts, applicability:

No person shall operate a longboard in such areas of the Village as the Board of Trustees may determine by Resolution, premised upon a finding by the Board of Trustees that the use of longboards in such designated areas would pose a potential danger to pedestrians, drivers and users of the longboard or create a strong negative impact on the peace and tranquility of the surrounding neighborhood. The Board of Trustees may amend the Resolution from time to time as it deems necessary to add or remove designated areas or to impose such additional restrictions on the use of longboards in conjunction with further findings of the same nature.

Penalties:

Any person who violates the provisions of this Section shall be guilty of a violation, punishable by a fine not to exceed \$250.00 for the first offense. For each offense thereafter, the fine shall be no more than \$500.00.

Enforcement:

Code Enforcement Officers of the Village as well as police officers shall have the authority to enforce this Section and Chapter.

Section 2. Exercise of supersession authority. The Village hereby exercises the power of supersession granted to it pursuant to Municipal Home Rule Law 10(1)(ii)(e)(3) with respect to the within local law and hereby supersedes Village Law section 7-706(2) to the extent it requires notice for publication other than has been, or will be, provided as to the within local law.

Section 3. Effective Date. This law shall take effect immediately.

The Mayor explained the modifications to the previous version of the law. Several neighbors objected that limiting the prohibition to longboards only was not sufficient. On motion of the Mayor, seconded by Trustee Reichenbach and unanimously approved, the hearing was adjourned to January 5, 2015.

The third hearing was to consider Local Law E - 2014 entitled “Amendment to A243 Attachment 1 re: §85-15” whereby the following would be added: Bond for new construction in excess of 500 sf lot coverage - \$25,000.

Resolution No. 39 - December 1, 2014
RESOLUTION APPROVING LOCAL LAW 4 - 2014

The following resolution was offered by Deputy Mayor McNamara, seconded by Trustee Reichenbach:

WHEREAS, Village Code Chapter 85 “Building Construction” contains Section 85-15 “Bond or deposit” stating “A surety bond or deposit in the sum set forth in Chapter **A243**, Fees, Charges, and Deposits, shall be posted to each applicant to guarantee the reimbursement to the Village for any damages sustained to its highways or other property arising out of any construction project under this chapter. The bond or deposit amount shall be established by resolution of the Board of Trustees and

may be changed from time to time as the Board deems necessary. "and;
WHEREAS, it is in the best interests of the Village that all construction be completed within a reasonable period of time and in order to ensure this a bond shall be posted to each applicant to guarantee the reimbursement to the Village for any damages sustained to its highways or other property arising out of any construction project under this chapter or to ensure timely completion of any construction project as the Board shall determine necessary.

NOW, THEREFORE BE IT RESOLVED, that Local Law "4" of the Year 2014 providing for an amendment to Chapter 85 "Building Construction, A243 Bond for new construction in excess of 500 sf lot coverage - \$25,000 hereby is approved.

The Board was polled as follows

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| Trustee Reichenbach | Aye |
| Trustee Lewandowski | Aye |
| Trustee Herrington | Aye |
| Trustee Beber | Aye |
| Deputy Mayor McNamara | Aye |
| Mayor Phillips | Aye |

The Public Hearing portion of the meeting was closed at 9:35 pm.
See the Stenographic Record for further details.

Public Comment

Mrs. Frankola, owner of the Flower Hill Apartments at 26 Middle Neck Road, asked the Board when she could proceed with the conversion of a residential apartment to commercial space. She was reminded that Mr. Gilhooly still requires plans to be filed as well as other requirements that he discussed with her architect.

Administrator's Report

Village elections will be held on March 18, 2015. There are three openings for Trustee positions.

She asked Mr. Blinkoff to review the Public Health Law as to what we need to do to be compliant in having an AED on premises.

Ms. Shatzkamer informed the Board that a DEC notice of an Incomplete Application for the Hempstead Harbor Retrofit Program Plan was received. She contacted D&B Engineering who prepare the Village's annual storm water report. They estimate that the amount needed to complete the tasks outlined by the DEC should not exceed \$8,000.00. Trustee Herrington will review the material and report back to the Board.

Attorney's Report

Mr. Blinkoff submitted the November 19, 2014 Zoning Board meeting summary.

Mayor's Report

The Mayor appointed Gabriella Morizio to the Ethics Board to complete the term of the late Charlie Vachris. She reported on the number and type of calls responded to by both the Port Washington and Manhasset-Lakeville Fire Depts. Mayor Phillips announced that the Traffic Safety Task Force would be meeting with traffic engineer Bob Eschbacher and also discussed replacement of the "Drive as if your children lived here" lawn signs with a more attractive option.

New Business

Ms. Shatzkamer informed the Board that a DEC notice of an Incomplete Application for the Hempstead Harbor Retrofit Program Plan was received. She contacted D&B

Engineering who prepare the Village's annual storm water report. They estimate that the amount needed to complete the tasks outlined by the DEC should not exceed \$8,000.00. Trustee Herrington will review the material and report back to the Board.

Resolution No. 40 - December 1, 2014

RESOLUTION ADOPTING AND RENEWING A FIRE PROTECTION CONTRACT WITH THE PORT WASHINGTON FIRE DEPARTMENT FOR THE YEAR 2015-2016

The following resolution was offered Mayor Phillips, seconded by Deputy Mayor McNamara:

WHEREAS, New York State Village Law § 4-412(3)(9) authorizes the Board of Trustees to enter into a contract for fire protection services with any city, village, fire district, or incorporated fire company having its headquarters outside such village and maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection in such village;

THEREFORE, be it **RESOLVED**, the Board of Trustees of the Incorporated Village of Flower Hill hereby adopts the fire services contract with the Port Washington Fire Department Inc. FOR THE PERIOD June 1, 2015 through May 31, 2016, subject to clarification and resolution of the LOSAP issue, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the fire services contract with the Port Washington Fire Department.

The Board was polled as follows:

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| Trustee Reichenbach | Aye |
| Trustee Lewandowski | Aye |
| Trustee Herrington | Aye |
| Trustee Beber | Aye |
| Deputy Mayor McNamara | Aye |
| Mayor Phillips | Aye |

On motion of Mayor Phillips, seconded by Trustee Beber the Board adjourned the regular meeting at 10:20 pm.

The meeting was briefly reopened to enact the following resolution:

Resolution No. 41 - December 1, 2014

SEQRA RESOLUTION FOR LOCAL LAWS 3 & 4 OF 2014

The following resolution was offered by Trustee Reichenbach, seconded by Trustee Herrington:

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, ("SEQRA"), and has further determined that the consideration of the within Local Laws are a Type Two action having no significant effect upon the environment and requiring no further action under SEQRA,

NOW THEREFORE, it is resolved that the Local Laws Local Laws 3 and 4 of the Year 2014 are hereby approved.

The Board was polled as follows:

| | |
|-----------------------|-----|
| Trustee Reichenbach | Aye |
| Trustee Lewandowski | Aye |
| Trustee Herrington | Aye |
| Trustee Beber | Aye |
| Deputy Mayor McNamara | Aye |
| Mayor Phillips | Aye |

On motion of Mayor Phillips, seconded by Trustee Beber the Board adjourned the regular meeting at 10:25 pm.

Respectfully submitted

Ronnie Shatzkamer
Village Administrator