

**VILLAGE OF FLOWER HILL  
MINUTES OF  
REGULAR MEETING/PUBLIC HEARING  
OF THE BOARD OF TRUSTEES  
July 6, 2015**

The regular monthly meeting and public hearing of the Board of Trustees was held on July 6, 2015. The meeting was called to order at 7:31 PM by Mayor Elaine Phillips with the following in attendance:

Elaine Phillips	Mayor
Robert McNamara	Deputy Mayor
Randall Rosenbaum	Trustee
Jay Beber	Trustee
Karen Reichenbach	Trustee
Brian Herrington	Trustee
Jeff Blinkoff	Village Attorney
Ronnie Shatzkamer	Village Administrator
Kathy Wade	Village Treasurer
James Gilhooly	Building Superintendent
Scott Hislop	Highway Superintendent
Robert Rockelein	Code Enforcement Officer
Steve Lawniczak	Village Engineer

Manhasset Lakeville Water District Superintendent Paul Schrader led the assembly in the Pledge of Allegiance. There were nineteen members of the public present. On motion of Deputy Mayor McNamara, seconded by Trustee Herrington the minutes of the June 1, 2015 Regular meeting and public hearing were approved as submitted by all those who attended the meeting.

**Treasurer's Report**

On motion of Trustee Reichenbach seconded by Trustee Beber, the claims were unanimously approved.

**Highway Superintendent's Report**

Mr. Hislop informed the Board that PSEG will be removing the last four double poles from the Port Washington Blvd. project. The NYIT architecture students donated and installed two benches at the park basketball court. To date the Port Washington Blvd. traffic islands have consumed 365 man hours of work with 38 tons of debris removed.

**Engineer's Report**

Mr. Lawniczak reported on the bid results for the 2015 paving project and pedestrian path construction programs and reviewed which roads were included in the paving project. Ten bids were received for the paving project with the low bidder being Roadwork Ahead Inc. at \$197,980.00. Three bids were received for the pedestrian path with the low bidder being Condos Brothers at \$38,000.00.

**RESOLUTION NO. 37 – July 6, 2013**

**RESOLUTION AUTHORIZING THE VILLAGE TO ENTER INTO A CONTRACT FOR 2015  
PAVMENT & DRAINAGE IMPROVEMENTS**

The following resolution was offered by Deputy Mayor McNamara, seconded by Trustee Beber: **WHEREAS**, the Board of Trustees has previously authorized and directed the Village Administrator to publicly advertise for bids in connection with the pavement and drainage improvements within the Village of Flower Hill to be known as the 2015 Pavement and Drainage Improvement contract #150402; and **WHEREAS**, three bids were received in response to said invitation; and

WHEREAS, said bids were publicly opened and read aloud at the Village Hall on July 2, 2015 at 10:00 am; and

**WHEREAS**, the Village Engineer, Steven Lawniczak of Bronzino Engineering PC., has undertaken a review of said bids; and

**BE IT RESOLVED** that pursuant to State Environmental Quality Review (“SEQR”), the Board of Trustees declares that it shall act as “Lead Agency” ; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees finds and determines that said action constitutes an “Unlisted” action pursuant to SEQR, the enactment of which will not have a significant impact upon the environment; and

**NOW, THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Village Engineer, an award of contract #150402 “2015 Paving and Drainage Contract” be and hereby is made to Roadwork Ahead Inc., 1211 Stewart Ave., Suite 103, Bethpage, NY 11714 in the amount of \$197,980.00; and an award of contract #150402 “Stonytown Road Pedestrian Path” be and hereby is made to Condos Brothers Inc. , 255 N Fehr Way, Bay Shore, NY 11706 in the amount of \$38,000.00; and

**BE IT RESOLVED**, that the Mayor or his designee be and hereby is authorized to execute, on behalf of the Village, a contract setting forth the terms and conditions of said award, as may be recommended by the Village Attorney and Village Engineer; and

**BE IT FURTHER RESOLVED**, that the provisions of this resolution shall take effect immediately.

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Herrington	Aye
Trustee Reichenbach	Aye
Trustee Beber	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

### **Public Hearing**

On motion of Mayor Phillips, seconded by Trustee Beber, the public hearing portion of the meeting was opened at 7:48 pm.

The first hearing was a site plan review and change of use for property located at 1033 Northern Blvd. Charles Panetta, engineer, presented for owner Louis Tiglias who proposed to change the use from retail to a walk-in medical clinic to be operated as Go Health.

### **RESOLUTION NO. 38 – July 6, 2015**

#### **RESOLUTION APPROVING A COMMERCIAL SITE PLAN AND CHANGE OF USE**

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

**Whereas** the Board of Trustees has heard the application of Louis Tiglias, for Go Health, 1033 Northern Blvd., Roslyn, NY 11576 also known as Section 6, Block B5, Lot 126 on the Nassau County Land and Tax Map for site plan approval for a proposed alteration and change of use of said property from retail to medical office use; and

**Whereas** applicant seeks a change of use special exception permit from the Board of Trustees under §240-15(A) of the Code of the Village of Flower Hill which requires that all commercial applications be subject to site plan review by the Board of Trustees; §85-7 which requires that a change in occupancy be approved by the Board of Trustees; and

**Whereas** the Nassau County Planning Commission, the Board has advised the Board that this matter will be left to local determination, and further notice pursuant to General Municipal Law 239-m is therefore not required;

**Therefore be it resolved** that the Board has determined that it is the lead agency under the New York State Environmental Quality Review Act (“SEQRA”), and that this application, if granted, has been determined to have no significant impact under SEQRA. Specifically, the

Board has determined that the request herein is a negative declaration pursuant to 6 N.Y.C.R.R. Section 617.5 and within SEQRA and requires no further review under SEQRA; and **Be it further resolved** that the application be and the same hereby is otherwise granted upon the conditions that were imposed at the hearing.

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Herrington	Aye
Trustee Reichenbach	Aye
Trustee Beber	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

The second hearing was for a site plan approval for 1053 Northern Blvd., Holiday Inn Express. Anthony DiProperzio, architect, presented the case for owners McSam Hotel Group. The owners are seeking four variances relating to the property and were referred to the Board of Trustees by the Zoning Board of Appeals. After discussion with the Board the variance for automotive parking lifts was withdrawn and the Board gave its approval for the remaining uses.

**RESOLUTION NO. 39 – July 6, 2015**  
**RESOLUTION APPROVING A COMMERCIAL SITE PLAN**

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

**Whereas** the Board of Trustees has heard the application of McSam Hotel Group, LLC, 1053 Northern Blvd., Roslyn, NY 11576 also known as Section 6, Block B5, Lots 116, 117 on the Nassau County Land and Tax Map for site plan approval for four variances sought before the Board of Zoning Appeals who deferred their decision until the Board of Trustees gave their approval; and

**Whereas** applicant seeks approval from the Board of Trustees under §240-15(A) of the Code of the Village of Flower Hill which requires that all commercial applications be subject to site plan review by the Board of Trustees; and

**Whereas** the applicant has withdrawn the variance sought for Installation of auto lifts in a rear yard with proposed parking spaces of 8' x 19'-5" where the minimum permitted is 10' x 20'; and

**Whereas** the Nassau County Planning Commission, the Board has advised the Board that this matter will be left to local determination, and further notice pursuant to General Municipal Law 239-m is therefore not required;

**Therefore be it resolved** that the Board has determined that it is the lead agency under the New York State Environmental Quality Review Act ("SEQRA"), and that this application, if granted, has been determined to have no significant impact under SEQRA. Specifically, the Board has determined that the request herein is a negative declaration pursuant to 6 N.Y.C.R.R. Section 617.5 and within SEQRA and requires no further review under SEQRA; and

**Be it further resolved** that the application be and the same hereby is otherwise granted upon the conditions that were imposed at the hearing.

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Herrington	Aye
Trustee Reichenbach	Aye
Trustee Beber	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

The third hearing was a Special Exception/Use Permit Hearing for Manhasset Lakeville Water District to allow trucks over 5 tons on Village roads, allow use of Village rights of way including but not limited to Dogwood Lane & Manhasset Woods Rd. for duration of construction of a new

water tower and tree removal at Section 3, Block 105, lots 106, 109, 110. James Bradley, attorney for the District, made the presentation. It was agreed that an Inter-Municipal Agreement would be entered into by the parties that would address the issues discussed at the hearing.

**RESOLUTION NO. 40 – July 6, 2015**

**RESOLUTION GRANTING THE MAYOR AUTHORITY TO NEGOTIATE AND ENTER INTO AN INTER-MUNICIPAL AGREEMENT**

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

**WHEREAS** the Village is engaged in negotiations with the Manhasset-Lakeville Water District regarding the use of Village roads that are not designated as trucking routes in the Village Code for trucks weighing over 5 tons to be used for the transportation of materials during the construction of a new water tower at District property, located at Section 3, Block 105, lots 106, 109, 110 partially within the Village of Flower Hill; use of Village rights-of-way including but not limited to Dogwood Lane & Manhasset Woods Road for parking, standing, stopping or turning of vehicles during the duration of construction of a new water tower; and removal of any vegetation, trees, shrubs and related plantings from any portion of the area; and

**WHEREAS** the parties have agreed that an inter-municipal agreement (IMA) is the best vehicle for dealing with the rights of the Village relating to these issues.

**THEREFORE** this Board resolves to authorize Mayor Elaine Phillips to negotiate and execute an IMA with the Manhasset-Lakeville Water District regarding the above outlined issues on behalf of the Village.

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Herrington	Aye
Trustee Reichenbach	Aye
Trustee Beber	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

The fourth hearing was a continued hearing on LL B – 2015 “Impose penalty for violations of the Building Code”. On motion of Trustee Herrington, seconded by Trustee Beber the Board unanimously approved the law however, it was later noted that the vote was void and the hearing would be adjourned to August 3, 2015 to allow for referral to the Nassau County Planning Board and notification of adjoining municipalities as required by state law when amending a zoning code as well as a SEQRA resolution.

The final hearing was to consider LL C – 2015 “Require portable toilet facilities at construction sites with no facilities”. On motion of Mayor Phillips, seconded by Trustee Herrington and unanimously approved, the Board voted to continue the hearing to August 3, 2015 and to close the public hearing portion of the meeting at 9:55 pm.

*See the stenographic record for further detail.*

**Architectural Review Committee**

Mr. Gilhooly reported on the June 22, 2015 meeting. The following applications were recommended to be approved as submitted: Schwartz, 15 Ridge Drive West for solar panels;

Hong, 30 Old Pine Drive for a new one family dwelling and Caruso, 313 Port Washington Blvd. for a cabana. The following permit was approved with modifications: Novak, 30 Sunnyvale Road for 1 story additions and a deck. No action was taken on the following permits: Lo, 25 Dogwood Lane for an addition & alteration and Romano, 465 Manhasset Woods Road for a 2<sup>nd</sup> story addition and a detached garage.

On motion of Trustee Herrington, seconded by Trustee Beber, the Board unanimously approved the recommendations of the Committee.

The Board asked Mr. Gilhooly to look into violations at Flower Hill Apartments on Middle Neck Road.

### **Administrator's Report**

Ms. Shatzkamer informed the Board that insurance certificates have been received from the Huntington Bicycle Club for the Gold Coast Bicycle Tour to be held in part in the Village on July 12, 2015.

### **Old Business**

The Mayor asked the Board to allow her to enter into an agreement with Code Red for emergency communication services. The Board raised a few questions about cost and it was agreed that further inquiry would be made.

#### **RESOLUTION NO. 41 – July 6, 2015**

#### **RESOLUTION GRANTING THE MAYOR AUTHORITY TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR EMERGENCY COMMUNICATIONS SERVICES**

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

**WHEREAS** the Village has recognized the need for an emergency communication outreach system and has found its current system to be insufficient for its needs; and

**WHEREAS** after much research and investigation into other available system, the Board has found that Code Red is the provider that best meets the needs of the Village;

**THEREFORE** the Board hereby authorizes the Mayor to enter into an agreement with Code Red for such services pending further negotiations and/or investigation regarding the pricing of calls outside the allotted number of minutes to be covered by contract..

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Herrington	Aye
Trustee Reichenbach	Aye
Trustee Beber	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

### **Executive Session**

The Board discussed potential litigation with Manhasset-Lakeville Water District.

#### **RESOLUTION NO. 42– July 6, 2015**

#### **RESOLUTION AUTHORIZING LEGAL FEES IN EXCESS OF RETAINER**

The following resolution was offered by Trustee Herrington, seconded by Trustee Reichenbach:  
**WHEREAS** the potential may exist for legal action against Manhasset-Lakeville Water District in regard to the construction of a new water tower within and adjacent to the Village of Flower Hill.

**THEREFORE** should this occur, the Board hereby authorizes Village Attorney Jeffrey Blinkoff to commence action and authorizes him to bill the Village at \$150.00 per hour for work outside of his retainer, not to exceed \$10,000.00.

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Herrington	Aye
Trustee Reichenbach	Aye
Trustee Beber	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

On motion of Trustee Herrington, seconded by Trustee Rosenbaum the Board adjourned the meeting at 10:20 pm.

Respectfully submitted,

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Ronnie Shatzkamer  
Village Administrator