

**VILLAGE OF FLOWER HILL
MINUTES OF
REGULAR MEETING/PUBLIC HEARING
OF THE BOARD OF TRUSTEES
August 3, 2015**

The regular monthly meeting and public hearing of the Board of Trustees was held on August 3, 2015. The meeting was called to order at 7:35 PM by Mayor Elaine Phillips with the following in attendance:

Elaine Phillips	Mayor
Robert McNamara	Deputy Mayor
Randall Rosenbaum	Trustee
Jay Beber	Trustee
Gary Lewandowski	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

Kathy Wade led the assembly in the Pledge of Allegiance. There were six members of the public present. On motion of Mayor Phillips, seconded by Trustee Beber the minutes of the July 6, 2015 Regular meeting and public hearing were approved as submitted by all those who attended the meeting.

Treasurer's Report

Ms. Wade answered questions about email services provided by Neighbor Tech. The Board asked that the payment be held pending resolution of Trustee email access. On motion of Deputy Mayor McNamara seconded by Trustee Rosenbaum, all other claims were unanimously approved.

Highway Superintendent's Report

Mr. Hislop reported that the park, highway and tree maintenance was ongoing. Mayor Phillips commended the part time summer employee, Eric Kothe, for a job well done.

Public Hearing

On motion of Deputy Mayor McNamara, seconded by Trustee Rosenbaum, the public hearing portion of the meeting was opened at 7:42 pm.

The first hearing was a site plan review for Red Maple Market, 1085 Northern Blvd., Roslyn, NY 11576. Harry Nicolaidis, architect, made the presentation. The Board asked for several items to be included in the approval including hours of operation, parking, seating and trash pickup.

**RESOLUTION NO. 43 – August 3, 2015
RESOLUTION APPROVING A COMMERCIAL SITE PLAN**

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

Whereas the Board of Trustees has heard the application of Harry Nicolaidis, for Red Maple Market, 1085 Northern Blvd., Roslyn, NY 11576 also known as Section 6, Block 74, Lot 1 on the Nassau County Land and Tax Map for site plan approval for a proposed interior alteration of said property for continued retail food sales use; and

Whereas applicant seeks approval of a site plan 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

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 Beber	Aye
Trustee Lewandowski	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

The second hearing was a continued hearing on Local Law B – 2015. "Impose penalty for violations of the Building Code". The hearing was adjourned to await approval by Nassau County Planning Commission who deferred the matter to local determination and to notify all adjoining municipalities as required by law.

RESOLUTION NO. 44 – August 3, 2015 RESOLUTION APPROVING LOCAL LAW 3 – 2015

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

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to protect the integrity of its Zoning Code and therefore imposes penalties for specific violations of said Code; and

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 BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law "3" of the Year 2015 providing for an amendment to the Village Code to add a new section to Chapter 240 "Zoning", Article IV "General Provisions" of the Village Code of the Incorporated Village of Flower Hill, entitled "Building code violations, penalties for exceeding the scope of a permit", as follows:

Section 240-27

All building permit applications which have received approval or authorization by Building Department personnel, but are now deemed by the Building Department to be outside the scope of the Zoning Code, shall be hereby authorized for approval provided a variance is granted to legalize either excess square footage (Gross Floor Area), insufficient setback, sky exposure plane encroachment or excess height and the following penalties are paid:

- A. *Square footage (Gross Floor Area), setback, sky plane and height: A structure in excess of the maximum permitted under the Zoning Code shall be deemed authorized on the condition that the applicant pay additional permit fees as set forth in the following schedule:*
1. *For square footage beyond the maximum allowed under the Zoning Code, \$200 per square foot.*
 2. *For square footage more than 100 square feet above the maximum allowed under the Zoning Code an additional \$255 per square foot.*
- B. *Setback: A structure that has less than the minimum allowed setback under the Zoning Code shall be deemed authorized on the condition that the applicant pay an additional*

permit fee of \$1,500 per 3 inches beyond the setback authorized under the Zoning Code.

- C. *Sky plane: A structure that penetrates the allowed sky plane under the Zoning Code and contains no height violation shall be deemed authorized on the condition that the applicant pay additional permit fees as set forth in the following schedule:
 - 1. *\$10,000 per foot of encroachment beyond the sky plane authorized under the Zoning Code.**
- D. *Height: A structure that exceeds the allowed height under the Zoning Code shall be deemed authorized on the condition that the applicant pay additional permit fees as set forth in the following schedule:
 - 1. *\$5,000 per inch beyond the height authorized under the Zoning Code.**
- E. *All measurement calculations are to be set by the Building Department and shall be rounded upward for purposes of permit fee costs.*
- F. *All penalties are subject to change by resolution of the Board of Trustees.*

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Lewandowski	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

The third hearing was a continued hearing on Local Law C – 2015, a local law adding a section to chapter 85 “Building Construction; Article II “Building Code Administration; section 85-3 “General Provisions”, entitled “Portable Toilets”

RESOLUTION NO. 45 – August 3, 2015
RESOLUTION APPROVING LOCAL LAW 4 – 2015

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

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to monitor all construction sites to ensure they meet all health and safety needs of the community; and

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 BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law “4” of the Year 2015 providing for an amendment to the Village Code to add a new section to Chapter 85 Building Construction; Article II “Building Code Administration; section 85-3 “General Provisions”, entitled “Portable Toilets” to control the use and placement of such facilities at construction sites as follows:

Section 85-3

1. *Portable toilets. If permanent toilet facilities are not available on the premises, then a sufficient number of portable toilets shall be provided for the use of construction workers.*
2. *Location of portable toilets. Whenever one or more portable toilets are to be placed upon a construction site, they shall be located on the construction site and not on a street or public right-of-way and they shall be located a minimum of 15 feet from all curb lines and at such locations so as to minimize adverse aesthetic conditions, and the*

doors thereof shall not face any street or any adjacent properties. The location of the portable toilet is to be shown on the construction site plan.

3. *Servicing. Portable toilets located upon construction sites shall be serviced at regular intervals so as to prevent overloading, the escape of materials contained therein and so as to prevent obnoxious odors or nuisances of any type escaping therefrom. Servicing shall only be done during those hours where construction within the Village is permitted.*
4. *Portable toilets to be locked after hours. All portable toilets located upon construction sites must be locked and secured during hours where construction within the Village is not permitted and during such periods of time when no representative of the construction permittee or demolition permittee, as the case may be, is present at the construction site. If the portable toilet is located within a locked construction fence during the hours where construction is not permitted, then an additional lock on the toilet is not required.*

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Lewandowski	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

On motion of the Mayor, seconded by Trustee Beber, the Public hearing portion of the meeting was closed at 8:07 pm.

See the stenographic record for further detail.

Architectural Review Committee

Mr. Gilhooly reported on the July 27, 2015 meeting. The following applications were recommended to be approved as submitted: Rabinowitz, 3 Hunters Lane for an addition; Kula 170 Chestnut Road for a one story rear extension; Red Maple Market, 1085 Northern Blvd. for a wall sign.

The following applications were approved with modifications: Lo, 25 Dogwood Lane for an addition and alteration; Romano, 465 Manhasset Woods Road for a second story addition and detached garage; Brown, 30 Elderfields Road for side and rear additions, portico, interior and exterior alterations.

No action was taken on the following application: Khaloyan, 24 Greenway for a new one family dwelling.

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

Code Enforcement Report

Mayor Phillips noted that some construction sites were not being properly maintained particularly in regard to erosion control. She charged Mr. Rockelein and Mr. Gilhooly to come up with a plan of action to deal with these violations. Mr. Rockelein had some suggestions for site management including adding site contacts on all building permits, conducting a pre-construction inspection and increasing court fines for violations.

Administrator's Report

Ms. Shatzkamer asked for and received the Board's approval of her attendance at the NYCOM Fall Training School and Mr. Gilhooly's attendance at the Building Inspector's conference in the fall. She also asked the Board to save the date for the NCVOA dinner on September 17, 2015.

Mayor's Report

The Mayor advised the Board that the Village of Brookville approached her to ask if we were interested in obtaining the cost of joining their police district. She agreed to receive the data for informational purposes only.

PSEG has met with the Village to inform them of an upcoming storm hardening project that may involve replacing poles and equipment within the Village, most likely in residents rear yards. A notification of residents will be sent out.

The IMA with the MLWD is ready to be signed pending the addition of a corrected truck schedule.

RESOLUTION NO. 46 – August 3, 2015

A RESOLUTION APPROVING AN IMA AND AUTHORIZING THE MAYOR TO EXECUTE

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

WHEREAS the Village has been in negotiations with the Manhasset-Lakeville Water District regarding 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 and its effects upon the Village; and

WHEREAS the parties have negotiated an inter-municipal agreement (IMA) that deals with rights of the Village and the duties of the Water District relating to the construction;

THEREFORE this Board resolves to authorize Mayor Elaine Phillips to execute the amended IMA with the Manhasset-Lakeville Water District subject to the addition of a corrected Exhibit B outlining the type and number of trucks to be involved in the project.

The Board was polled as follows:

Trustee Rosenbaum	Aye
Trustee Beber	Aye
Trustee Lewandowski	Aye
Deputy Mayor McNamara	Aye
Mayor Phillips	Aye

Old Business

The traffic study done by Joe Pecora of Nelson & Pope Engineering was received. The Mayor will invite Mr. Pecora to meet with a small group of Trustees to review and will then schedule a public information meeting, probably at the October BOT meeting, to present to residents.

On motion of Mayor Phillips, seconded by Trustee Beber the Board adjourned the meeting at 9:35 pm.

Respectfully submitted,

Ronnie Shatzkamer
Village Administrator