

**VILLAGE OF FLOWER HILL  
MINUTES OF  
REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
July 11, 2016**

The regular monthly meeting of the Board of Trustees was held on July 11, 2016. The meeting was called to order at 7:34 PM by Mayor Phillips with the following in attendance:

Elaine Phillips	Mayor
Robert McNamara	Deputy Mayor
Randall Rosenbaum	Trustee
Gary Lewandowski	Trustee
Brian Herrington	Trustee
Jay Beber	Trustee
Ronnie Shatzkamer	Village Administrator
Dwight Kennedy	Acting Village Attorney
Kathy Wade	Village Treasurer
James Gilhooly	Building Superintendent
Robert Rockelein	Code Enforcement Officer
Scott Hislop	Highway Superintendent
Steve Lawniczak	Village Engineer

Makayla Wade of the Village led the assembly in the Pledge of Allegiance. There were fifteen members of the public present.

**Architectural Review Committee Report**

Mr. Gilhooly reported on the June 27, 2016 meeting. No action was taken on the following applications: Park, 22 Fernwood Lane for additions and alterations; Li, 156 Hemlock Road for retaining walls, patio, walkway and driveway; Ng, 181 Mason Drive for additions and alterations. Approved with conditions were the application of Herman, 11 Sycamore Drive for a new one family dwelling; Atlas, 300 Elderfields Road for rear and second story additions; Frankel, 16 Bayberry Ridge for additions and alterations; Vorillas, 272 Crabapple for a new one family dwelling; Rock, 33 Woodland Road for additions and alterations. Approved as submitted were the applications of Giannopoulos for a new one family dwelling; Sami, 6 East High Road for an addition, Crecco, 240 Elderfields Road for a swimming pool.

Paul Kurland, 142 Hemlock Road commented on the application of Li, 156 Hemlock Road and asked that the Committee give consideration to tree removal, drainage and screening of the retaining wall.

Joseph Bonaventure, 78 Dartmouth Road commented on the application of Giannopoulos, 186 Dartmouth Road and expressed concerned regarding grade change, drainage and retaining walls. Mr. Bonaventure was advised that only the residence was approved and a separate application would have to be submitted for the outdoor work upon which time the ARC will consider the application and notify the neighbors.

On motion of Deputy Mayor McNamara, seconded by Trustee Herrington, the Board unanimously approved the recommendations of the Committee.

**Building Superintendent's Report**

Mr. Gilhooly introduced Local Laws F & G - 2016 to the Board.

**PROPOSED LOCAL LAW F – 2016**

AMEND CHAPTER 240 "Zoning" Article III "Nonconforming Uses, Buildings and Lots", Section 240-20 "Regulations and Limitations", Sub-section B to add the word "structure"

“No alteration to a nonconforming use, building, **structure** or lot shall be permitted if it results in an enlargement of the nonconforming condition or creates a new nonconforming condition.”

## PROPOSED LOCAL LAW G – 2016

AMEND CHAPTER 240 “Zoning”, Article II, “Districts”, Section 240 – 7 “Residence R-1 District”, Subsection F to add the aggregate width.

“There shall be two side yards, one on each side of the main or accessory building, **the aggregate width which shall be at least 60 feet**. Neither side yard shall be less than 20 feet. In the case of a corner lot, the side yard adjacent to the side street shall have a depth of at least 60 feet.

### Resolution No. 32 – July 11, 2016

#### 1 RESOLUTION INTRODUCING LOCAL LAWS “F” AND “G” OF THE YEAR 2016 AND PROVIDING FOR PUBLIC NOTICE AND HEARING

The following resolution was offered by Trustee Lewandowski, seconded by Trustee Beber: **BE IT RESOLVED**, that Local Laws “F” and “G” of the Year 2016 providing for an amendment to Chapter 240 “Zoning” have been introduced; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees hold a public hearing on said proposed Local Law at the Village Hall in the Incorporated Village of Flower Hill at the address of One Bonnie Heights Road, Manhasset, New York at 7:30 p.m. on Monday, August 1, 2016 and

**BE IT FURTHER RESOLVED**, that the Village Administrator publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least three days prior thereto.

The Board of Trustees was polled as follows:

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

#### Treasurer's Report

On motion of Deputy Mayor McNamara, seconded by Trustee Rosenbaum, all the claims presented were unanimously approved.

#### Approval of Minutes

On motion of Trustee Beber, seconded by Deputy Mayor McNamara, the minutes of the June 6, 2016 Regular Meeting and Public Hearing were approved as submitted by all those who attended the meeting.

#### Highway Superintendent's Report

Mr. Hislop reviewed the Ridge Drive traffic island drawings prepared by Nelson and Pope with Mr. Lawniczak who will redraw the plans using grass as the material for the island instead of pressed concrete. The Middle Neck Road repaving project has begun despite the Village asking for a meeting prior to the start. Mr. Hislop responded to a report of a sinkhole on a Village easement behind Walter Lane. The area was excavated and will be repaired.

#### Engineer's Report

Mr. Lawniczak will continue to move forward on completing the plans for a handball court in the park in coordination with Trustee Lewandowski. He will prepare construction drawings for the Ridge Drive East traffic island.

## Public Hearing

The first public hearing was to consider a special use permit for a fireworks display at the North Hempstead Country Club on September 4 at approximately 8:30 pm. General Manager Dan Rogers gave the presentation.

### Resolution No. 33 – July 11, 2016

#### **2RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A FIREWORKS DISPLAY**

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

**WHEREAS**, the Village requires a special exception permit in order to have a fireworks display within the Village, and

**WHEREAS**, the Board of Trustees having been made aware that an application for such a permit has been made by the North Hempstead Country Club for a display on September 4, 2016 in honor of the Clubs 100<sup>th</sup> Anniversary at approximately 8:30 pm, and

**WHEREAS**, the North Hempstead Country Club intends, as in years past, to include within the viewing area space for residents and families to observe the fireworks, and the Board being of the opinion that doing so serves a useful purpose within the Village,

**NOW THEREFORE**, as all appropriate insurances have been provided, and fire marshal, police and fire departments have been notified, it is resolved that the permit is approved.

The Board of Trustees was polled as follows:

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

The second public hearing was a continued Site Plan/Change of Use permit hearing for 1045 Northern Blvd. to change the use from vehicle rental to retail/spa use. Attorney Anthony Guardino gave the presentation. The hearing focused on the retaining wall and fence abutting the neighboring residential properties and the landscaping along said area. After comments by the Board and neighbors it was agreed that the application be approved with conditions.

### Resolution No. 34– July 11, 2016

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

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

**Whereas** the Board of Trustees has heard the application of 1045 Northern Blvd. Associates LLC, 1045 Northern Blvd., Roslyn, NY 11576 also known as Section 6, Block B5, Lot 429 on the Nassau County Land and Tax Map for site plan approval for a proposed alteration and change of use of said property from car and truck rental to spa/retail 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 and §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 an unlisted action 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 this hearing and all previous hearings.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Herrington	Aye
Trustee Lewandowski	Aye

Trustee Beber                      Aye  
Deputy Mayor McNamara        Aye

The final hearing was a continued property maintenance hearing regarding 80 Drake Lane, Manhasset, NY owned by Dorothy Marinelli. Notice had been properly served observing that there were violations of the New York State Property Maintenance Code, at Sections 302.1, 302.7 and 304.2 and Chapters 172 and Section 1-14 of the Municipal Code of the Village. No appearance was made by the resident. Code Enforcement Officer Rockelein presented evidence that there were still outstanding violations. It was agreed that a list of repairs be put out to bid, the cost to be assessed to the property owner.

**Resolution No. 35 – July 11, 2016**

**3RESOLUTION UPON HEARING: MARINELLI – 80 DRAKE LANE**

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

**WHEREAS**, the Board of Trustees of the Incorporated Village of Flower Hill (“Village”), in accord with its Village Code has provided sufficient notice to the owners, tenant or occupants at 80 Drake Lane within the Village advising of violations as to the property maintenance aspects of the Code at 80 Drake Lane, and

**WHEREAS**, the Village Board first gave notice of the need for the tenant, owner occupant of the premises to cure the problems at the premises as were identified in the Notice, and,

**WHEREAS**, no steps having been taken to bring the property into compliance with the property maintenance aspects of the Village Code, and

**WHEREAS**, the Board having then served a Notice of Hearing on the owner, tenant or occupant of 80 Drake Lane advising of a hearing to be held before the Board on June 6, 2016 and continued to July 11, 2016, pertaining to these violations, and having further advised that at the hearing the Board could take steps including, but not limited to, a direction that the Village would make arrangements to bring the property into compliance with the requirements under the property maintenance aspects of the Village Code, with the costs of the same being assessed to the owner, occupant or tenant of the premises at 80 Drake Lane, and to thereafter be transferred to the tax roll against said property upon failure to make payment in accord with the Code, and

**WHEREAS**, the hearings having been held on June 6 and July 11, 2016, and the Board having taken testimony from all interested parties, and having received documentary evidence indicating that the property remains out of compliance with the property maintenance aspects of the Village Code, in that the property continues to exhibit the violations noted in the prior Notices served, copies of which are here incorporated by reference,

**NOW, THEREFORE, IT IS RESOLVED**, that upon the failure of the owner, tenant or occupant to take steps which would bring the property at 80 Drake Lane into compliance with the property maintenance aspects of the Village Code, the Village Board shall make such arrangements as it deems appropriate for the property to be brought into compliance, with the costs of the same to be thereafter assessed against the owner, tenant or occupant of the property at 80 Drake Lane, and/or against the property itself, as the Village Code and the laws of the State of New York permit.

The Board of Trustees was polled as follows:

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

On motion of Deputy Mayor McNamara, seconded by Trustee Rosenbaum, the public hearing portion of the meeting was closed. *See the stenographic record for further detail.*

**Public Comment**

Anthony Acerra, 197 Mason Drive, outlined the problems he was having with his neighbor at 189 Mason. The Board advised that the Village Attorney will contact him to assist in resolving the issues.

### **Administrator's Report**

Ms. Shatzkamer advised the Board of the increase in municipal insurance rates for 2016 – 17 and outlined her research on records management issues. In the absence of Mr. Blinkoff, Ms. Shatzkamer presented the BZA update. She then asked the Board to approve the following two resolutions as part of the DASNY grant application for \$100,000 for traffic calming and park improvements.

#### **Resolution No. 36 – July 11, 2016**

##### **Resolution to provide funding for Improvements to Flower Hill Park and Traffic Calming in excess of amount awarded by State & Municipal Facilities Capital Program**

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

**BE IT RESOLVED** that the Village of Flower Hill authorizes and appropriates the balance of the funding necessary to complete Improvements to Flower Hill Park and Traffic Calming, in excess of the \$100,000 funding provided by the State and Municipal Facilities Capital Program (SAM). The maximum local share shall not exceed \$100,000.00 based upon a total estimated maximum project cost. The Village of Flower Hill may increase this local match through the use of in kind services without further approval from the Board of Trustees.

The Board of Trustees was polled as follows:

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

#### **Resolution No. 37 – July 11, 2016**

##### **SEQR Resolution – Improvements to Flower Hill Park and Traffic Calming**

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

**WHEREAS**, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Inc. Village of Flower Hill hereby determines that the proposed Improvements to Flower Hill Park and Traffic Calming is a Type II action in accordance with 6 NYCRR Section 617.5(c) and is therefore not subject to further review under 6 NYCRR Part 617.

The Board of Trustees was polled as follows:

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

### **Trustee's Report**

Trustee Beber reported that the web site is progressing well he asked for and received approval to retain the services of a professional writer for the project after receiving competitive bids.

Trustee Lewandowski advised the Board that the Code Revision Committee had several ideas about how to control oversized dwellings. The Board asked that he put the proposals in writing for their review before proceeding further.

Trustee Herrington discussed the social media policy the Board agreed to adopt the policy and proceed with a test of a Village page on Facebook.

**Resolution No. 38 – July 11, 2016**  
**Resolution to Adopt a Social Media Policy**

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

**BE IT RESOLVED** that as The Village of Flower Hill aims to stand at the forefront of emerging media technology; and

**RESOLVED** that it is the best interests of the Village to create a policy establishing guidelines for the usage of social media to effectively communicate information about the Village to its residents and subscribers using social media websites and applications; and

**FURTHER**, this policy shall include guidelines governing online conduct and interaction.

**NOW, THEREFORE, BE IT RESOLVED** that the Social Media Policy of the Village of Flower Hill is hereby adopted.

The Board of Trustees was polled as follows:

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

***Village of Flower Hill – Social Media Policy***

The Village of Flower Hill (the "Village") aims to stand at the forefront of emerging media technology. This policy establishes guidelines for the usage of social media to effectively communicate information about the Village to its residents and subscribers using social media websites and applications. The aim of this policy is to facilitate discussion of Village public service, events, activities, projects and operations by providing members of the public the opportunity to participate through the use of social media technology. This policy includes guidelines governing online conduct and interaction.

**I. Administration**

All Village of Flower Hill's social media sites shall be administered by an appointed Social Media Liaison or appointed Village employee. The establishment and use of Village social media sites by any Village Department is subject to approval by the Mayor and Board of Trustees.

**II. Accessibility**

All Village social media sites should include a hyperlink to this social media policy. Wherever possible, Village social media sites should link back to the official Village of Flower Hill website for forms, documents, online services and other information necessary to conduct business with the Village. The Village's website ([www.villageflowerhill.org](http://www.villageflowerhill.org)) will remain the Village's primary internet presence and all accompanying social media sites and profiles will always contain links to this site.

**III. Policy**

**A. Village Social Media Technology Use**

1. The Village will approach the use of social media tools and applications as consistently as possible to enhance communication, collaboration and information exchange and to meet its mission and goals.

2. All social media sites shall adhere to applicable federal, state, county and municipal laws, regulations and policies.

3. Employees representing the Village, Mayor and/or Board of Trustees on Village social media outlets must conduct themselves at all times to the highest level of professionalism inherent with being a Village employee and in accordance with all applicable village policies.
4. Only the Mayor, Board of Trustee member or an appointed Village employee shall have permission to create, publish or comment on behalf of the Village.
5. Village social media network accounts shall be created using an official Village email account.
6. Account passwords shall promptly be reset when an employee is removed as an account administrator.
7. A log file containing the name of the social media network, account ID, password, registered email address, date established, authorizing representative and name of person who created account and agreed to the sites terms of use agreement and/or policy. For existing sites a record of the current sites usage agreement shall be maintained.
8. Each Village social networking site shall include an introductory statement which clearly specifies the purpose and topical scope of the social network site.
9. Sharing or posting content owned by others shall be performed in accordance with copyright, fair use and established laws pertaining to materials owned by others. This includes but is not limited to quotes, images, documents, links etc.
10. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting may be subject to public disclosure.
11. Village use of social media shall be documented and maintained in an easily accessible format that tracks account information and preserves items that may be considered a record subject to disclosure under applicable FOIL law.
12. All appointed Board of Trustees and Village employees shall be trained regarding the terms of this Village policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
13. The Social Media Liaison or appointed Village employee will monitor all activity and content on all social media sites to ensure adherence to this policy.
14. All new social media tools proposed for Village use will be approved by the Social Media Liaison.
15. The Social Media Liaison or appointed Village employee may consult with the Village Administrator and Village Attorney to develop specific disclaimers to meet the Village's legal needs. The Village Attorney may also be consulted to determine whether to remove comments that violate this policy.
16. Village social media site administrators shall review site activity and content only during business hours, and thus information conveyed after hours may not be received until the next business day.
17. Village computers, laptops and mobile devices used to access social media sites shall have up-to-date software to protect against destructive technical incidents including but may not be limited to cyber, virus and spyware/adware attacks.
18. Perceived or known compromises to the Village's internal network or social media sites shall be promptly reported to the Mayor, Board of Trustees, Village Attorney and Village Administrator's office.

## **B. User Behavior**

19. All users of the Village Social Media site are also subject to the site hosts own policies. The Village has no control over a third party site's policies or their modifications. The Village also has no control over content, commercial advertisements or any other postings produced by the Social Media site that appear on the Village's Social Media site as part of the site's environment. The Village assumes no liability for any inaccuracies these Social Media sites may contain and does not guarantee that the Social Media sites will be uninterrupted, permanent or error-free.

20. Comments on topics or issues that do not fall within the jurisdictional purview of the Village are subject to removal by the Social Media Liaison or appointed Village employee.

21. Commenters who continually use defamatory language will, at the discretion of the Village's Social Media Liaison, be removed and blocked from any applicable social media pages.

22. Village social networking content and comments containing any of the following forms of content shall not be allowed for posting and are subject to removal:

- a. Comments not topically related to the particular site, issue or article being commented upon;
- b. Profane language or content;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard

to

- public assistance, national origin, physical or mental disability or sexual orientation;
- d. Sexual content or links to sexual content;
- e. Solicitations of commerce;
- f. Conduct or encouragement of illegal activity;
- g. Information that may tend to compromise the safety or security of the public or public systems;
- h. Content that violates a legal ownership interest of any other party;
- i. Comment in support of or, in opposition to political campaigns or ballot measures;
- j. Threats to any person or organization;
- k. Encouragement of illegal activity;
- l. Comments that may cause an invasion of privacy;

23. The Village reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines will be retained by the Village of Flower Hill's records retention officer for a reasonable period of time, including the time, date and identity of the poster, when available.

#### **IV. Definitions**

**SOCIAL MEDIA** -- Content created by individuals, using accessible, expandable and upgradable publishing technologies, through and on the Internet. Examples of social media include but are not limited to Facebook, blogs, Myspace, RSS, YouTube, Pinterest, Twitter, LinkedIn, Delicious, and Flickr.

**COMMENTS** – Information, articles, pictures, videos or any other form of communication posted on the Village of Flower Hill's social media site.

**COMMENTER** -- A Village of Flower Hill official, Social Media Liaison, appointed Village staff or member of the public who submits a comment for posting in response to the content of a particular Village of Flower Hill article or social media content.

**SOCIAL MEDIA LIAISON** -- An appointed member of the Village's Board of Trustees, to be in charge and make final decisions of the Village's social media content, who reviews, authorizes

and allows content submitted by Village authors and public commentators to be posted to a Village social media site.

SOCIAL MEDIA ADMINISTRATOR -- Appointed Social Media Liaison; Appointed Village employee given authorization to update, create, post, remove, edit, etc. the Village of Flower Hill's Social Media Sites.

### **Mayor's Report**

The Mayor appointed Trustee Rosenbaum as the Village's liaison with the Roslyn Fire Dept. LOSAP Board. The Board still needs a representative for the Port Washington Fire Dept. Board.

### **Old Business**

#### **Resolution no. 39 – July 11, 2016**

#### **4RESOLUTION INTRODUCING LOCAL LAW "E" OF THE YEAR 2016 AND PROVIDING FOR PUBLIC NOTICE AND HEARING**

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

**BE IT RESOLVED**, that Local Law "E" of the Year 2016 providing for an amendment to Chapter 227 "Vehicles and Traffic" adding a stop sign to Schedule V "Stop Intersections" to provide a stop sign on Walnut Drive northbound at the intersection with Boulder Road.

**BE IT FURTHER RESOLVED**, that the Board of Trustees hold a public hearing on said proposed Local Law at the Village Hall in the Incorporated Village of Flower Hill at the address of One Bonnie Heights Road, Manhasset, New York at 7:30 p.m. on Monday, August 11, 2016 and

**BE IT FURTHER RESOLVED**, that the Village Administrator publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least three days prior thereto.

The Board of Trustees was polled as follows:

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

### **New Business**

The Board discussed allowing Flower Hill Park to be used for regularly scheduled exercise classes. It was agreed that the Village is not interested in having commercial activity in the park.

The ribbon cutting for the new playground equipment is scheduled for Monday, August 1 at 7 pm.

### **Public Comment**

Former Trustee Aviva Pinto addressed the Board regarding noise, lighting and traffic disturbance caused by the holiday light display on Sunnyvale Road.

On motion of Trustee Rosenbaum, seconded by Deputy Mayor McNamara, the Board moved to close the public meeting and adjourn to executive session to discuss legal matters.

No action was taken. The Board adjourned at 10:15 pm on motion of Trustee Herrington, second by Trustee Rosenbaum.

Respectfully submitted,

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Ronnie Shatzkamer  
Village Administrator