

**MINUTES OF  
REGULAR MEETING/PUBLIC HEARING  
OF THE BOARD OF TRUSTEES  
June 4, 2018**

The regular monthly meeting and public hearing of the Board of Trustees was held on June 4, 2018. The meeting was called to order at 7:34 PM by Mayor McNamara with the following in attendance:

Robert McNamara	Mayor
Gary Lewandowski	Trustee
Jay Beber	Trustee
Frank Genese	Trustee
Randall Rosenbaum	Trustee
Kate Hirsch	Trustee
Jeffrey Blinkoff	Village Attorney
Ronnie Shatzkamer	Village Administrator
Suzanne Tangredi	Village Treasurer
Peter Albinski	Village Architect
Robert Rockelein	Code Enforcement Officer
Richard Falcones	Public Works Supervisor
Steve Lawniczak	Village Engineer

Trustee Rosenbaum led the assembly in the Pledge of Allegiance. There were approximately 10 members of the public present.

**Public Hearing**

On motion of Trustee Hirsch, seconded by Trustee Beber, the public hearing portion of the meeting was called to order at 7:35 pm.

The first hearing was on a special use application by North Hempstead Country Club to allow a fireworks display at the club in honor of Independence Day. Dan Rogers, General Manager of the club made the presentation.

**Resolution No. 26 – June 4, 2018**

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

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

**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 June 29, 2018 in honor of Independence Day at approximately 9:30 pm, in the event of rain the date will be June 30, 2019, 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 and normally required fees relative to the issuance of the permit described above be, and the same hereby are, waived under the circumstances.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Lewandowski	Aye
Trustee Genese	Aye

Trustee Beber	Aye
Trustee Hirsch	Aye
Mayor McNamara	Aye

The second hearing was an adjournment from the previous month to consider Proposed Local Law G – 2018 to amend 85-5(F) “Building Construction” “Issuance of Permit” by adding the amended italicized language: Every major or minor construction permit, plumbing permit or demolition permit expires one year after issuance, *unless there is sufficient reason to extend as determined by the discretion of the Building Superintendent and approved by the Board of Trustees.* Because of the change of language, the Board unanimously agreed to adjourn the hearing until July 2, 2018 on motion of Trustee Hirsch, seconded by Trustee Lewandowski,

The third hearing was adjourned from the May meeting to consider proposed Local Law E – 2018 a law to regulate exterior lighting. There being no changes to the law as presented, the Board took the following action:

**Resolution No. 27 – June 4, 2018**  
**RESOLUTION APPROVING A LOCAL LAW**

The following resolution was offered by Trustee Genese, seconded by Mayor McNamara: **WHEREAS**, the Board of Trustees, having held two public hearings, has determined that it is in the best interests of the Village to enact proposed Local Law E – 2017 “Regulation of Outdoor Lighting” as Local Law 6 - 2018; 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 Law is a Type II Action requiring no further action under SEQRA; **NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustee hereby adopts Local Law E - 2017 as Local Law 6– 2018; and **BE IT FURTHER RESOLVED** that this law shall take effect immediately

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Lewandowski	Aye
Trustee Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Mayor McNamara	Aye

The final hearing, adjourned from May, was to consider proposed Local Law F of 2018 to amend the Exhibition Law. The Board introduced some changes to the law as originally presented. Comment was made by Bob Young, 9 Sunnyvale, that this is a bad law. Because of the change of language, the Board unanimously agreed to adjourn the hearing until July 2, 2018 for a third hearing on motion Trustee Rosenbaum, seconded by Trustee Hirsch.

**PROPOSED LOCAL LAW F – 2018**  
**“Amendment to Chapter 114 ‘Exhibitions and Shows’”**

--Add the following to Chapter 114:

**A. Exhibition lighting.**

As used in this chapter, “exhibition lighting” shall refer to the illumination of an outside area in a residential zone which, either by itself or in conjunction with either music, motion pictures or similar activity or modality, results in twenty or more people coming to the location to view the same on at least three days within a ten day period.

**B. Exhibition lighting restrictions.**

1. Exhibition lighting may be permitted by the Board of Trustees upon application made by the owner of the subject property after considering:
  - (a) The public and/or private benefits that will result from the exhibition lighting;
  - (b) Any annoyance or safety problems that may result from the use of the exhibition lighting; and

(c) *The duration of the exhibition lighting.*

**C.** *The applicant shall submit a detailed description of the proposed exhibition lighting to the Board of Trustees, on a form provided by the Board, who shall consider the request at a duly called meeting of the Board of Trustees. The Board shall render its decision whether to grant a permit for the exhibition lighting request within 31 days of the date of the meeting. A failure by the Board to act on a request within the time allowed shall constitute a denial of the request. In any event, no permit shall be granted unless the applicant can demonstrate to the satisfaction of the Board of Trustees that the issuance of such permit and the use of the premises for such purposes will not cause a fire hazard, health menace, undue traffic congestion, unreasonable interference with the use of the street by pedestrians and parked motor vehicles, and that the activity will not be harmful or hazardous to the health and welfare of the general public in or about the vicinity of such premises.*

1) Conditions and fees upon grant: *Upon granting a permit, the Board shall impose such restrictions and conditions, including hours of operation it deems necessary to insure that the proposed use will not cause a fire hazard, health menace, undue traffic congestion, unreasonable interference with the use of the street by pedestrians and parked motor vehicles, and that the activity will not be harmful or hazardous to the health and welfare of the general public in or about the vicinity of such premises. Fees shall be in accordance with Chapter A243 "Fees, Charges and Deposits", or as may be otherwise determined by the Board of Trustees by resolution. Further, upon the grant of such a permit the applicant shall be responsible for removal of all materials used in the exhibition within a reasonable period of time which shall not exceed thirty days, unless otherwise determined by the Board of Trustees.*

a) *A notice of the meeting at which the application is to be heard shall be prepared and made by the applicant by certified mail, return receipt requested, to each property within a 200 foot radius of the subject property in accordance with a radius map submitted by the applicant. The applicant shall provide proof of such mailing including the mailing receipts to the Village Administrator reflecting that such mailing was made at least 10 days prior to the date of such meeting.*

i) Deposits. *At the time of the submission of an application, the applicant shall deposit a sum of \$500.00 with the Village Administrator. Such sum shall be applied to the costs for which the applicant is liable, and in the event that said sum shall be insufficient or become fully expended, the applicant shall deposit such additional sums, from time to time, as may be demanded by the Village, which sums shall be paid within five days of demand; the failure to pay any such sums as herein provided shall be grounds, among any other remedies the Village may have, for the suspension of the application; the amount by which the total deposits exceed the sum for which the applicant is liable shall be refunded within 60 days after the rendering of a decision on the application.*

2) Costs. *Each applicant shall be liable for and shall pay the costs of the following incurred by the Village as a consequence of the application, and such other costs as are incurred by the Village as a result of its consideration of the application:*

(a.) *Advertising.*

(b.) *Stenographic minutes.*

(c.) *Legal fees and consultants.*

3) *The failure by an applicant to comply with any of the procedures or filing requirements set forth in this Chapter, or the existence of any outstanding violation against the subject property, shall be grounds for the rejection of the application.*

**D. Enforcement.**

*The provisions of this chapter may be enforced by the Code Enforcement Officer or by any law enforcement officer. Where such enforcing officer determines that a violation of this chapter exists, such officer shall give written notice of such violation to the owner and/or occupant of the property on which the violation exists. Each day after service of the notice of violation during which such violation continues shall constitute a separate offense, and no further notice as to the same shall be required.*

*If a Code Enforcement Officer or any other official within the Village observes a property upon which “exhibition lighting” appears to be in use, the Village Code Enforcement official shall issue an order halting such exhibition lighting until such time as a permit is obtained from the Board of Trustees*

*§ 114-4 Penalties for offenses.*

*Any person committing an offense against any provision of this article shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, Penalties, of the Code of the Village of Flower Hill.*

On motion of Trustee Hirsch, seconded by Trustee Beber, the public hearing portion of the meeting was closed at 8:00 pm.

***See the stenographic record for details.***

## **Regular Meeting**

### **Approval of Minutes**

The minutes of the May 7, 2018 regular meeting/public hearing and the May 23, 2018 Special Meeting to Award a Carting Contract were approved as submitted on motion of Trustee Beber, seconded by Mayor McNamara.

### **Treasurer’s Report**

The claims were unanimously approved on motion of Trustee Rosenbaum, seconded by Mayor McNamara

### **Building Superintendent’s Report**

A request was received from Mr. & Mrs. Scott Rock, 556 Woodland Road, to allow the rebuilding and reconfiguration of the driveway and retaining walls that are located in the right of way in front of their home. Damon Scott, landscape architect, explained that due to the severe slope of the driveway slope they are seeking to extend the length of the driveway to lessen the slope. Currently they have a retaining wall and stairs in the right of way. Mr. Albinski asked that the wall be moved 2’ off the right of way for safety and that they provide a waiver of liability upon issuance of the permit. He noted that the height of the wall will not exceed 30”. On motion of Mayor McNamara, seconded by Trustee Rosenbaum the Board held that they will approve a license to remove the current structure and rebuild the structure within the Village’s right of way subject to review by the Architectural Review Committee and receipt of an indemnity and hold harmless waiver.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Lewandowski	Aye
Trustee Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Mayor McNamara	Aye

### **Architectural Review Committee Report**

Mr. Albinski reported on the May 21, 2018 meeting. The following application was 274 Northwoods, roof over an existing patio. The following applications received no action: 3B Woodland Rd., new façade; 51 Ridge Drive East, new one family dwelling. On motion of Mayor McNamara, seconded by Trustee Rosenbaum, the Board unanimously approved the recommendations of the Architectural Review Committee.

**Engineer’s Report**

Mr. Lawniczac reviewed the roads that will be repaved this year. Bids will be received on June 27. There was a question as to whether Roadwork Ahead could be denied the bid, if they are the lowest bidder, because of the poor quality of their work and failure to adhere to time schedules in the past.

**Public Works Superintendent’s Report**

Mr. Falcones told the Board that he was awaiting a survey of the area for the proposed traffic island at Northern Blvd and Ridge Drive West as the Village needs to be certain we don’t infringe onto state owned property. He presented two alternatives for redoing the pedestrian path markings on Stonytown Road. The Board concluded that thermoplastic material is too costly and he should go with the paint option.

**Administrator’s Report**

Ms. Shatzkamer advised the Board on the cost differential of the new carting contract. The Board asked her to put together a recycling meeting with attendance by Meadow and perhaps a representative of the Town’s Solid Waste Management Authority to answer all resident’s concerns that recycling is not being properly done by Meadow.

**Resolution No. 28 – June 4, 2018**

**RESOLUTION CHANGING THE OFFICIAL NEWSPAPER OF RECORD**

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

**BE IT RESOLVED** that the Official Newspapers of the Village shall be changed to the following Anton News publications: The Manhasset Press, The Port Washington News and the Roslyn News.

**BE IT FURTHER RESOLVED** that this law shall take effect immediately

The Board of Trustees was polled as follows:

- Trustee Rosenbaum           Aye
- Trustee Lewandowski       Aye
- Trustee Genese               Aye
- Trustee Beber                Aye
- Trustee Hirsch               Aye
- Mayor McNamara            Aye

**Attorney’s Report**

Mr. Blinkoff reported on the May 9, 2018 Board of Zoning Appeals hearing.

**Mayor’s Report**

The Mayor updated the Board on the take-over of Middle Neck Road and the traffic calming and paving plans for Port Washington Blvd.

**Old Business**

Ms. Shatzkamer asked the Board if they wanted to proceed with the installation of a flashing pedestrian crossing sign on Stonytown Road opposite the park entrance. After discussion, the Board agreed to only install a crosswalk at this time.

**New Business**

Trustee Rosenbaum asked if the Board could consider clean up and painting of 5 Ridge Drive W. On motion of Trustee Rosenbaum, second by Trustee Beber, the Board went into executive session to discuss a legal issue. Upon return to the meeting the Board agreed that the property should be maintained for safety reasons.

**Resolution No. 29 – June 4, 2018**

**RESOLUTION TO ORDER PROPERTY MAINTENANCE REMEDIATION**

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

**WHEREAS**, the Board of Trustees of the Incorporated Village of Flower Hill (“Village”), in accord with its Village Code has directed the Village Administrator to provide immediate notice to the owners, tenant or occupants at 5 Ridge Drive West within the Village by mail and by in person delivery, advising of violations as to the property maintenance aspects and the need for the tenant, owner occupant of the premises to cure the problems at 5 Ridge Drive West as per the Village Code, and

**WHEREAS** said notice will include the intent of the Village to repair and remediate those items of immediate safety and health concerns i.e. cutting grass and removing graffiti within 7 days of receipt of said notice; and

**THEREFORE** it is the intent of the Board to assess those costs to the owners, tenant or occupants at 5 Ridge Drive West after a duly held hearing on July 2, 2018.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Lewandowski	Aye
Trustee Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Mayor McNamara	Aye

**Resolution 30 – June 4, 2018**

**RESOLUTION PROVIDING FOR PUBLIC NOTICE AND HEARING**

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

**WHEREAS**, that the Board of Trustees hereby directs the Village Administrator to serve a Notice of Hearing on the owner, tenant or occupant of 5 Ridge Drive West advising of a hearing to be held before the Board on July 2, 2018 pertaining to the violations of the Village Property Maintenance Code at 5 Ridge Drive West, and

**WHEREAS** said Notice shall further advise 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 5 Ridge Drive West, and to thereafter be transferred to the tax roll against said property upon failure to make payment in accord with the Code; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees shall hold said public hearing at the Village Hall in the Incorporated Village of Flower Hill at the address of One Bonnie Heights Road, Manhasset, New York at 8:00 p.m. on Monday, July 2, 2018, 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 Lewandowski	Aye
Trustee Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Mayor McNamara	Aye

**Resolution 31 – June 4, 2018**  
**RESOLUTION PURSUANT TO 2019-A OF THE**  
**NEW YORK UNIFORM JUSTICE COURT ACT**

The following resolution was offered by Trustee Lewandowski, seconded by Trustee Hirsch:

**WHEREAS**, Village Justices are required to annually provide the Court records and dockets to the respective auditing board in accord with Uniform Justice Court Act section 2019-a (“UJCA”) with such records to be then examined or audited with the fact of the same being entered in the minutes of the board’s proceedings, and

**WHEREAS**, the Village Justice of the Inc. Village of Flower Hill has provided such records to the Board of Trustees of the Village, and

**WHEREAS**, the records and dockets have been duly examined,

**NOW, THEREFORE, IT IS RESOLVED**, that the fines collected have been turned over to the proper officials of the Village as required by law, and it is further,

**RESOLVED**, that a copy of the examination report and a copy of the within resolution shall be transmitted by the Village Clerk/Administrator to Joan Casazza, Internal Control Liaison, NYS Office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033.

The Board of Trustees was polled as follows:

Trustee Rosenbaum	Aye
Trustee Lewandowski	Aye
Trustee Genese	Aye
Trustee Beber	Aye
Trustee Hirsch	Aye
Mayor McNamara	Aye

On motion of Mayor McNamara, second by Trustee Lewandowski , the meeting was adjourned at 8:55 pm.

Respectfully submitted,

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Ronnie Shatzkamer  
Village Administrator