

**MINUTES OF  
SPECIAL MEETING/REGULAR MEETING/PUBLIC HEARING  
OF THE BOARD OF TRUSTEES  
October 1, 2018**

The regular monthly meeting and public hearing of the Board of Trustees was held on October 1, 2018. The meeting was called to order at 7:35 PM by Mayor McNamara with the following in attendance:

Robert McNamara	Mayor
Brian Herrington	Deputy Mayor
Randall Rosenbaum	Trustee
Gary Lewandowski	Trustee
Jay Beber	Trustee
Frank Genese	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

David Frankel led the assembly in the Pledge of Allegiance.

**Special Meeting**

The Board and residents met with Community Policing Officer Joseph Oginski to discuss traffic safety, particularly speeding on Bonnie Heights Road in the vicinity of a school bus stop near Knolls Lane. Several solutions were proposed including increase patrols and the installation of stop signs. Other solutions were considered but it was felt that we should see how the policing a stop signs work out first.

**Resolution No. 44 – October 1, 2018**

**RESOLUTION INTRODUCING LOCAL LAW “M” OF THE YEAR 2018 AND PROVIDING FOR  
PUBLIC NOTICE AND HEARING**

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

**BE IT RESOLVED**, that Local Law “M” of the Year 2018 providing for amendment of section 227-29 “Schedule 5, Stop Intersections” to add the installation of stop signs on both sides of Bonnie Heights Road at the intersection with Knolls Road, and to also install a stop sign on the north side of Bonnie Heights Road at the intersection with Elderfields Road, has 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, November 5, 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
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

**Resolution No. 45 – October 1, 2018**

**RESOLUTION TO INSTALL STOP SIGNS**

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

**BE IT RESOLVED**, that in the interests of safety, the Board of Trustees hereby orders the installation of stop signs on both sides of Bonnie Heights Road at the intersection with Knolls Road, and to also install a stop sign on the north side of Bonnie Heights Road at the intersection with Elderfields Road, prior to public hearing of the Local Law approving said change to the Village Code, and

**THEREFORE BE IT RESOLVED**, that such signs shall have the full effect and force of law as if they were enacted as part of the Village Code.

The Board of Trustees was polled as follows:

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

### **Public Hearing**

On motion of Trustee Hirsch, seconded by the Trustee Lewandowski, the public hearing portion of the meeting was called to order at 8:05 pm.

The first hearing was to address property maintenance issues at 135 Woodhill Lane. Lewis Kesten, father of the owner of record appeared on behalf of his son, and explained why the property is in disrepair.

### **Resolution No. 46 – October 1, 2018**

#### **RESOLUTION DIRECTING VILLAGE ATTORNEY TO PREPARE AN ORDER TO REPAIR**

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

**BE IT RESOLVED**, that upon completion of a property maintenance hearing on October 1, 2018, the Board of Trustees hereby orders an inspection and inventory of work to be done at 135 Woodhill Road, also known as Section 3, Block 193, Lot 57 on the Nassau County Land & Tax Map; and **FURTHER** the Board directs the Village Attorney to send notice to the Owners of said property to at least begin to perform all repairs listed in the inventory with 15 days of receipt; and

**FURTHER** that after 15 days have elapsed, on inspection it is found that the work has not been started, the Village will perform such work within the next 15 days and bill payment to the owners of record of said property; and

**THEREFORE BE IT RESOLVED** that if such payment is not made within 30 days of receipt of the bill, the cost of this repair is to be transferred to the tax roll in accord with section 172-9 of the Code.

The Board of Trustees was polled as follows:

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

The next hearing was to consider proposed Local Law H – 2018 regarding wireless telecommunication facilities. On advice from NYCOM the law was withdrawn due to the publication of new FCC regulations on September 28.

### **Resolution No. 47 – October 1, 2018**

#### **RESOLUTION WITHDRAWING A LOCAL LAW**

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

**WHEREAS** the Board of Trustees introduced Local Law H – 2018 entitled “Amend Chapter 235,

Wireless Telecommunications Facilities And Licensing Procedure” on July 2, 2018 and held two subsequent public hearings on said proposed law; and

**WHEREAS** Telecommunications are regulated by the Federal Communications Commission (FCC); and

**WHEREAS** the FCC has issued new regulations regarding installation of small cell equipment, published on September 28, 2018 which creates discrepancies in proposed Local Law H – 2018;

**THEREFORE BE IT RESOLVED** that the Village of Flower Hill withdraws proposed Local Law H – 2018 until such time the new regulations can be read and analyzed and applied to the Village’s proposed law.

The Board of Trustees was polled as follows:

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

The third hearing was to consider proposed Local Law I – 2018: Amend Ch. 227 “Vehicles & Traffic, Art VI Schedules, 227-33 Schedule IX: No Parking at Any Time” to indicate no parking on Mason Dr. from a point 125’ east of Dartmouth Road & west to the Village border line. The law was proposed to correct the visibility issues at the intersection.

**Resolution No. 48 – October 1, 2018**

**RESOLUTION ENACTING LOCAL LAW 9 OF 2018**

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

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of traffic safety in the Village to enact proposed Local Law I – 2018 as Local Law 9 - 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 I - 2018 as Local Law 9– 2018; and

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

The Board of Trustees was polled as follows:

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

**Local Law 9 – 2018**

**No Parking Portion of Mason Drive**

**Section 1. Amending Section 227-33 “No Parking at Any Time” Schedule IX, as follows:**

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Mason Drive	Both	From a point 125’ east of Dartmouth Road and west to the Village border I

**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 next hearing was to consider proposed Local Law J – 2018: Amend Ch. 119 “Fences, 1(A)” to allow decorative front yard fences only upon approval of the ARC.

**Resolution No. 49 – October 1, 2018**

**RESOLUTION ENACTING LOCAL LAW 10 OF 2018**

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

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to refer the determination of whether a front yard decorative fence is appropriate to the Architectural Review Committee, and hereby enacts proposed Local Law J – 2018 as Local Law 10 - 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 J - 2018 as Local Law 10– 2018; and

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

The Board of Trustees was polled as follows:

Trustee Hirsch	Aye
Trustee Rosenbaum	No
Trustee Beber	Aye
Trustee Genese	Aye
Trustee Lewandowski	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

**Local Law 10 of the Year 2018**

**Amend Front Yard Fence Requirements**

**Section 1. Amending Section 119-1(A) “Fence Requirements” to include the following italicized, underlined portion:**

...Notwithstanding anything herein contained to the contrary, decorative, non-property-line fences that do not exceed four feet in height nor forty-percent opacity may be permitted in whole or in part upon a finding by the Architectural Review Committee with final approval by the Board of Trustees, after submission of a building permit application thereto, that the existence of such decorative fence will not adversely impact upon the community or upon a neighbor.

**Section 3. 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 4. Effective Date.** This law shall take effect immediately.

The next hearing was to consider proposed Local Law K – 2018: Amend Ch. 240, Art I, 240-1 “Zoning, Definitions” to amend the definition of Structures so that flat patios comply with all setback requirements of the zone in which they are located.

**Resolution No. 50 – October 1, 2018**

**RESOLUTION ENACTING LOCAL LAW 11 OF 2018**

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

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to enact proposed Local Law K – 2018 as Local Law 11- 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 K - 2018 as Local Law 11– 2018; and

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

The Board of Trustees was polled as follows:

Trustee Hirsch	Aye
Trustee Rosenbaum	Aye

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

**Local Law 11 – 2018**

**Amend Ch. 240, Art. I, 240-1 “Zoning”, “Definitions”, ”Structure”**

**Section 1. Amending Chapter 240, “Zoning”, Article I, §240-1 “Definitions” to add the following underlined, italicized portion:**

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures shall include, but not be limited to, accessory buildings, buildings, decks, patios and terraces greater than 18 inches above grade, swimming pools, air-conditioning equipment, tennis courts, outdoor playsets and similar objects. Structures shall not include basketball poles, decorative lampposts, mailboxes, flagpoles less than six inches in diameter and flat patios, however, flat patios must conform to the setback requirements of the zone in which they are located.

**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 final hearing was to consider proposed Local Law L – 2018: Amend Ch. 240, Art II, 240-6(N) General Provisions add walkways to section, requiring a four foot setback from the property line.

**Resolution No. 51 – October 1, 2018**

**RESOLUTION ENACTING LOCAL LAW 12 OF 2018**

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

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to enact proposed Local Law L – 2018 as Local Law 12- 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 L - 2018 as Local Law 12– 2018; and

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

The Board of Trustees was polled as follows:

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

**Local Law 12 – 2018**

**Amend Ch. 240, Art. II, 240-6(N) “Zoning”, “General Regulations”**

**Section 1. Amending Chapter 240, “Zoning”, Article I, §240-6(N) “General regulations” to add the following underlined, italicized portion:**

No retaining wall or driveway or walkway that adjoins a residential property shall be located within four feet of a property line.

**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.

On motion of Trustee Genese, second by Trustee Rosenbaum, the public hearing portion of the meeting was closed at 8:40 pm.

**See the stenographic record for details**

## **Regular Meeting**

### **Approval of Minutes**

The minutes of the September 4, 2018 regular meeting/public hearing were approved as submitted on motion of Mayor McNamara, seconded by Trustee Genese.

### **Treasurer's Report**

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

### **Building Inspector's Report**

At last month's meeting the Board issued a resolution requiring Mr. Batelic of 74 Crabapple to pay a \$5,000.00 fee to reopen the building permit on his house in exchange for a commitment to complete the front of the house within 30 days. The fee was never paid.

#### **Resolution No. 52 – October 1, 2018**

#### **RESOLUTION TO IMPOSE CONDITIONS FOR COMPLETION OF WORK AT 74 CRABAPPLE ROAD IN THE VILLAGE OF FLOWER HILL**

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

**WHEREAS** Mr. Johnny Batelic is the owner of property located at 74 Crabapple Road in the Village of Flower Hill, also known as Section 3, Block 196, Lot 10 on the Nassau County Land & Tax Map; and

**WHEREAS** Mr. Batelic is constructing a new house at the above named property, said project dating from 2014; and

**WHEREAS** Mr. Batelic's building permits received several renewals over the course of the past four years with the final permit expiring on May 31, 2018; and

**WHEREAS** Mr. Batelic was ordered by resolution of the Board of Trustees at the September 4, 2018 Board meeting, to bring the work at the front of the house to completion by no later than September 30, 2018 and the work in the rear by October 31, 2018 for a fee of \$5,000.00.

**NOW THEREFORE BE IT RESOLVED** that as Mr. Batelic is in breach of said order having not paid the fee nor completed the designated work, the Board of Trustees now orders that an additional fee of \$15,000.00 is hereby imposed with the requirement that all work, front and rear, must be completed by October 31, 2018, and if said fees (\$20,000.00) are not paid within 24 hours of receipt of an order to do so, all work must cease by virtue of a stop work order, a summons will be issued and work may not begin again until a new permit application is filed; and

**FURTHER** such permit application will reflect a *de novo* project requiring new plans, full fees and ARC review before issuance.

The Board of Trustees was polled as follows:

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

### **Engineers Report**

AJ Calabrese represent SHL Engineering. He reported on the roadwork project progress, explained the necessity of the change order for the catch basin on Knollwood Road and stated that all work should be completed within two weeks. As the moving of the catch basin was a result of poor mark

out by NatGrid (unmarked gas main under the proposed location), the Board proposed that future projects have a double check built into the procedure.

**Architectural Review Committee Report**

Mr. Albinski reported on the September 24, 2018 meeting. The following application was approved with condition: Melvin, 115 Northwood Road for side and rear additions and interior alterations.

Mr. Albinski presented his report on a new house at 7 Bayberry Ridge. Several residents objected to the project. The Mayor told residents that they would have an opportunity to meet with the builder at the next Board meeting and discuss their concerns.

**Administrator’s Report**

Ms. Shatzkamer reported that the State DOT is considering Port Washington Blvd. signage for “No Trucks” on Middle Neck Road. The Flower Hill Women’s Club requested that the Board approve “Light the Night” for December 2 with a rain date of December 9. The Board denied the use of the Village Code Red system for notification of the event but approved the event itself.

**Village Attorney’s Report**

Mr. Blinkoff reported on the September 12, 2018 Zoning Board of Appeals Hearing.

**Mayor’s Report**

Mayor McNamara appointed former Trustee Norman Glavas as an alternate member of the Board of Zoning Appeals.

**Old Business**

**Resolution No. 53 – October 1, 2018**

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT**

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

**BE IT RESOLVED** that the Board of Trustees hereby authorizes Mayor Robert McNamara to endorse an engagement letter retaining Cullen & Danowski, LLP for auditor services for the Village for the fiscal year ending May 31, 2019.

The Board of Trustees was polled as follows:

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

**New Business**

The Port Washington Fire Dept. 2019 budget was presented.

On motion of Deputy Mayor Herrington, seconded by Trustee Genese and unanimously approved, the request of the Manhasset Mother’s Group to hold a Fall Festival in Flower Hill Park on October 20, 2019 from 10 am to 12 noon providing that in addition to the group’s insurance, they submit insurance from the bounce house operator that complies with the requirements of the Village insurer.

**Resolution No. 54– October 1, 2018**

**RESOLUTION AUTHORIZING COURT JCAP APPLICATION**

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

**BE IT RESOLVED** that the Board of Trustees of the Village of Flower Hill hereby authorizes Court Clerk Ann Lauria-Smith to apply for a Justice Court Assistance Program Grant to install a security door to the Court office.

The Board of Trustees was polled as follows:

Trustee Hirsch	Aye
Trustee Rosenbaum	Aye
Trustee Beber	Aye

Trustee Genese	Aye
Trustee Lewandowski	Aye
Deputy Mayor Herrington	Aye
Mayor McNamara	Aye

On motion of Mayor McNamara, second by Trustee Genese, the meeting was adjourned at 9:45 pm.

Respectfully submitted,

Ronnie Shatzkamer  
Village Administrator