

**MINUTES OF
REGULAR MEETING/PUBLIC HEARING
OF THE BOARD OF TRUSTEES
May 6, 2019**

The regular monthly meeting and public hearing of the Board of Trustees was held on May 6, 2019. The meeting was called to order at 7:35 PM by Mayor McNamara with the following in attendance:

Robert McNamara	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	Building Superintendent
Rich Falcones	Superintendent of Public Works
Steven Lawniczak	Village Engineer
Rhoda Becker	Village Historian

Trustee Genese led the assembly in the Pledge of Allegiance. There were approximately 45 members of the public present.

Public Hearing

The first hearing was to consider Local Law G – 2019, abolishing the Planning Board and transferring its powers to the Board of Trustees.

**RESOLUTION NO. 027 – May 6, 2019
RESOLUTION ENACTING LOCAL LAW 5 OF 2019**

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

WHEREAS, The Board of Trustees of the Village of Flower Hill recognizes that as the Village does not have a Planning Board that meets regularly and is not familiar with current property and zoning issues within the Village, the Board hereby transfers those Planning Board powers to itself under Section 7-718 of the Village Law of State of New York, and

WHEREAS, this Local Law will amend Village Code Chapter 30 (Planning Board) by re-naming said chapter, “Planning Board Powers of the Board of Trustees” and said chapter shall be amended to reflect this change, 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 G - 2019 as Local Law 5 – 2019; and

BE IT FURTHER RESOLVED that this law shall take effect immediately

The Board of Trustees was polled as follows:

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

LOCAL LAW 5 - 2019

A Local Law Amending Village Code Chapter 30 (Planning Board) by re-naming said chapter, "Planning Board Powers of the Board of Trustees" and said chapter shall be amended to reflect said change.

BE IT ENACTED, by the Board of Trustees of the Inc. Village of Flower Hill as follows:

Section 1. Purpose, intent, and findings.

The Board of Trustees of the Village of Flower Hill recognizes that as the Village does not have a Planning Board that meets regularly and is not familiar with current property and zoning issues within the Village, the Board hereby transfers those Planning Board powers to itself under Section 7-718 of the Village Law of State of New York,

Section 2. Authority.

The Board of Trustees of the Village of Flower Hill is authorized to adopt this local law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general power vested with the Village of Flower Hill to promote the expedient resolution of planning issues in the Village.

Section 3. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

The next hearing was to consider a minor sub-division at 150 Circle Drive, Plandome Manor which is within 500 feet of the Village of Flower Hill. As per General Municipal Law 239-m(3)(b)(i) any subdivision in a neighboring municipality within 500 feet must get approval from the neighbor. Peter Cotelidis, attorney for the applicant, made the presentation whereby it is proposed that a 43,587 square foot lot be sub-divided into two conforming lots.

RESOLUTION NO. 028 – May 6, 2019 RESOLUTION APPROVING A SUBDIVISION

The following resolution was offered by Mayor McNamara, seconded by Trustee Rosenbaum
WHEREAS An application on behalf of Westville Holdings LLC for approval of a minor sub-division of 45,587 square feet into two conforming building lots, at 150 Circle Drive, Plandome Manor, NY within 500 feet of the Village of Flower Hill, has been filed with the Village as per GML 239-m(3)(b)(i), and
WHEREAS the Board has determined that it is the lead agency under the New York State Environmental Quality Review Act ("SEQRA") and that the proposed subdivision constitutes an unlisted action under SEQRA. Further, it is the determination of the Board that the proposed subdivision will have no significant environmental impact. The Board makes this determination

based upon review of the plans and submissions presented which reflect the partitioning of the property to create two buildable lots in compliance with the zoning code of the Village of Plandome Manor. As such, the Board therefore issues a negative declaration with respect to the application for the purposes of SEQRA, and

NOW THEREFORE BE IT RESOLVED that after public hearing the Board has determined that this sub-division creates no adverse effects on Flower Hill, the Board of Trustees hereby approves this application.

The Board of Trustees was polled as follows:

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

Deputy Mayor Herrington arrived at 8:00 pm

The next hearing was to consider an application filed on behalf of Extenet Systems of Lisle, IL to install a Distributed Antenna System in the Village Right of Way consisting of 18 nodes through the Manhasset portion of the Village. Mr. Blinkoff introduced the hearing. A presentation was made by Richard Lambert, Chris Fredrick, Richard Rehak, Chris Fisher and Dr. Kenneth Foster on behalf of Extenet. The Board and the audience asked questions regarding placement, health concerns and need for such a system.

On motion of Deputy Mayor Herrington, second by Trustee Rosenbaum, the hearing was adjourned to June 3 at 7:30 pm.

On motion of Trustee Genese, second by Trustee Beber the public hearing portion of the meeting was closed.

See the stenographic record for further detail.

Regular Meeting

Mayor McNamara left the proceedings at 9 pm.

Approval of Minutes

The minutes of the April 1, 2019 regular meeting/public hearing were approved as submitted on motion of Trustee Rosenbaum, seconded by Trustee Beber.

Treasurer's Report

The claims were unanimously approved on motion of Deputy Mayor Herrington, seconded by Trustee Hirsch.

Architectural Review Committee Report

Mr. Albinski reported on the recommendations from the April 23, 2019 meeting. The applications of 5 Walnut Lane for a patio with accessory structures and, 16 Bonnie Heights Road for driveway piers were approved as submitted. The applications of 120 Mason Drive for a two story addition; 10 Knollwood Road for a front portico; 21 Brookside for a one story addition; 133 Elderfields for one and two story additions; 45 Cardinal for a two story addition; 229 Chestnut for a two story addition and

second floor addition and 30 Bonnie Heights Road for a port cochere, one story addition, detached 2 car garage and patios were approved with conditions
On motion of Deputy Mayor Herrington, seconded by Trustee Genese, the Board unanimously approved the recommendations of the Architectural Review Committee.

Public Works Superintendent Report

Mr. Falcones addressed the poor condition of the center islands and adjacent roadway on Port Washington Blvd as a result of the repairing project. He has been in touch with the foreman on the job for Posillico Paving, who has agreed to repair all the damage.

Engineers Report

RESOLUTION NO. 029 – May 6, 2019

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

BE IT RESOLVED that the Board of Trustees of the Village of Flower Hill hereby authorizes Village Engineer Stephen Lawniczac, PE of SHL Engineering, Huntington Station, NY to prepare contract documents for the 2019 Roadwork and Drainage Project.

The Board of Trustees was polled as follows:

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

Mr. Lawniczac explaining the drainage/flooding problem on Cardinal Road and what steps are being taken to remediate it.

Administrator's Report

Ms. Shatzkamer reported on the research done to consider competing insurance brokers for the Village. After Board discussion it was agreed to remain with Salerno Brokerage. PSEG will be doing upgrade work throughout the Village, residents who are having work done on their property will be informed. Assemblyman D'Urso is intervening on our behalf to encourage the DOT to install no turns for trucks on Middle Neck Road which has previously been denied. The Village received a request from a real estate agent to solicit within the Village. He was asked to register and purchase a copy of the Do Not Solicit list which must be adhered to. The Board will consider charging a fee for commercial solicitation. The Village received a donation of \$1,500.00 in exchange for a memorial plaque to be placed on a park bench.

RESOLUTION NO. 030 – May 6, 2019

RESOLUTION ACCEPTING A DONATION TO THE VILLAGE OF FLOWER HILL

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

BE IT RESOLVED that Andrew Klein, A resident of the Village of Flower Hill, residing at 128 Country Club Drive, Port Washington, NY 11050, has made a donation of \$1,500.00 to the Village, and **FURTHER** the purpose of said donation is to dedicate a park bench in honor of his parents by attaching a commemorative plaque.

THEREFORE, BE IT RESOLVED that the Village hereby accepts the donation for the specific purpose intended.

The Board of Trustees was polled as follows:

Trustee Lewandowski	Aye
Trustee Genese	Aye

Trustee Rosenbaum Aye
Trustee Beber Aye
Trustee Hirsch Aye
Deputy Mayor Herrington Aye

Attorney’s Report

Mr. Blinkoff reported on the April 10, 2019 Board of Zoning Appeals hearing. The Village received a request from the State Comptroller’s office for copies of all our PILOT agreements. After doing research it was discovered that no such agreement existed for the PILOT with St. Francis Hospital. Based on correspondence, we believe the PILOT program began in 1987. Mr. Blinkoff proposed that the Board enact a resolution affirming the agreements.

RESOLUTION NO. 031 – May 6, 2019

RESOLUTION APPROVING PRIOR PAYMENTS FROM ST. FRANCIS HOSPITAL (HOSPITAL) TO THE VILLAGE AS BEING PAYMENTS IN LIEU OF TAXES (PILOT) AND AUTHORIZING FURTHER PAYMENTS IN ACCORD WITH THE PREVIOUS ARRANGEMENT AND CONSISTENT WITH SUCH PILOT AGREEMENT AS MAY BE PREPARED AND AGREED TO BY THE VILLAGE AND THE HOSPITAL.

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

WHEREAS, St. Francis Hospital is located within the Village of Flower Hill, and
WHEREAS, the Village recognizes the largely tax-exempt status of the Hospital, and
WHEREAS, despite this status the Hospital having voluntarily made payments to the Village in lieu of taxes on a yearly basis in consideration of its status within the community and on the basis of prior communications with the Village,
WHEREAS, the Village recognizes that such payments can be made in lieu of taxes with such arrangements commonly being defined as Payments in Lieu of Taxes (PILOT), and,
WHEREAS, the Village wishes to formalize the description of these payments for the Village records:

NOW THEREFORE BE IT RESOLVED: The Village hereby approves the previously made payments as being in the form of payments made in lieu of taxes and hereby further authorizes such additional payments to be made by the Hospital in accord with such “PILOT” agreement as may be prepared and agreed to by the Village and the Hospital.

The Board of Trustees was polled as follows:

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

Trustees Report

Deputy Mayor Herrington reported that there are still some outstanding issues relating to the Objects in the Right of Way policy. The policy will be further addressed on June 4.

Old Business

The Board discussed Proposed Local Law H – 2019, “Revise 7-4(C) to add underlined portion”.

Chapter 7 Architectural Review Board

§ 7-4 Standards for actions.

C. The ARC may impose appropriate conditions and safeguards to prevent any harmful effects enumerated in this chapter so long as they do not override any allowable provisions which may be permissible under the zoning code.

After discussion it was agreed to re-consider this at the June 4 meeting

New Business

The Board considered enacting a resolution to increase the cost of sign permit renewal fees. A motion was made by Trustee Rosenbaum to increase fees to \$10 per square foot which was not seconded. A second motion was made by Trustee Rosenbaum, seconded by Deputy Mayor Herrington:

BE IT RESOLVED that the Board of Trustees hereby authorizes the increase of sign permit renewal fees to \$7.50 per square foot.

The Board of Trustees was polled as follows:

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

The vote was tied, the resolution did not pass. The matter will be revisited at the June 3 meeting.

The Board also agreed to delay the discussion of a resolution to increase the cost of food service permit fees until June 3.

The Village was informed by their insurer that a new class of lawsuits was being brought against municipalities for failure to have a website that is ADA Compliant for the visually impaired. On motion of Trustee Genese, second by Trustee Hirsch, the Board unanimously agreed to hire the Village website provider Media Web Solutions to convert the website to an ADFA complaint version at a cost of approximately \$800.00

RESOLUTION NO. 032 – May 6, 2019

RESOLUTION TO HIRE TWO SEASONAL LABORERS

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

BE IT RESOLVED that the Board of Trustees hereby approved the hire of two seasonal laborers to work in the Public Works department from May 14, 2019 until September 15, 2019 at a salary of \$14.00 per hour for a 35 hour work week.

The Board of Trustees was polled as follows:

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

The Board discussed introducing a new law that would allow the maximum width 16' driveway to have an additional flare out on either side. The Zoning Board requested this change. It was agreed to reconsider this at the June 4, 2019 meeting.

On motion of Deputy Mayor Herrington, second by Trustee Genese the meeting was adjourned at 11:00 pm.

Respectfully submitted,

Ronnie Shatzkamer
Village Administrator