

**MINUTES OF
SPECIAL MEETING & PUBLIC HEARING
OF THE BOARD OF TRUSTEES
Thursday, June 18, 2020**

A special meeting of the Board of Trustees was held on February 6, 2020 via telephone and on-line meeting software in accordance with Governor Cuomo's Executive Order 202.1 The public hearing was called to order at 6:01 pm by Trustee Beber, second by Mayor Herrington.

Resident David Jarach led the Pledge of Allegiance. There were three members of the public present.

Brian Herrington	Mayor
Randall Rosenbaum	Deputy Mayor
Frank Genese	Trustee
Jay Beber	Trustee
Gary Lewandowski	Trustee
Mary Jo Collins	Trustee
Jeff Blinkoff	Village Attorney
Ronnie Shatzkamer	Village Administrator

The public hearing was called to order at 6:00 pm by Trustee Beber, second by Mayor Herrington. Resident David Jarach led the Pledge of Allegiance.

The purpose of the hearing was to consider proposed Local Law H – 2020 “adding a new Chapter 241 to the Village Code of the Incorporated Village of Flower Hill entitled “Temporary Waiver of Certain Requirements Under Chapter 240 Prior to the Issuance of Special Exception Permits for Outdoor On-Site Seating at Restaurants and Bars”.

Mayor Herrington explained the rationale for this law:

In response to Governor Cuomo's Executive Order 202.38 allowing for outdoor service of food and beverages at licensed premises of restaurants and bars, and as it is expected that this grant will be a temporary measure as the State moves toward allowing further expansion of the commercial sector.

The Village recognizes the importance of the protocols as outlined in the Forward NY plan and the phases contained within it as the State works to re-open, however Village Code section 240-25 currently requires site plan review and a public hearing before the Board of Trustees prior to outdoor dining being approved at commercial establishments.

As imposing such a requirement under the current circumstances would impair the intent of Executive Order 202.38, therefore the adoption of this temporary law will both recognize the continuing need to address the everchanging circumstances created by the COVID- 19 crisis, and will specifically allow the Village to temporarily waive the requirements under Village Code section 240-25.

A temporary waiver will initially be issued for 2 weeks and be renewable for the amount of time deemed appropriate by the Superintendent of Buildings. Restaurants will still be required to submit applications and site plan drawings to the Building Dept. for approval, showing an appropriately spaced table layout and a parking plan and name the Village as an additional insured. Additionally, if the restaurant holds a liquor license they must file the appropriate paperwork with the State Liquor Authority.

There was discussion among the Board members and two members of the public offered thanks to the Board for publicizing the hearing and keeping residents informed about what was going on.

Resolution No. 32 – June 18, 2020
RESOLUTION ENACTING LOCAL LAW 6 OF 2020

The following resolution was offered by Trustee Lewandowski, Seconded by Mayor Herrington:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to regulate commercial landscapers, this resolution hereby enacts proposed Local Law H – 2020 as Local Law 6 - 2020; 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 6 - 2020; and

BE IT FURTHER RESOLVED that this law shall take effect immediately

1VILLAGE OF Flower Hill
Local Law 6 of the Year 2020

A Local Law adding a new Chapter 241 to the Village Code of the Incorporated Village of Flower Hill entitled “Temporary Waiver of Certain Requirements Under Chapter 240 Prior to the Issuance of Special Exception Permits for Outdoor On-Site Seating at Restaurants and Bars” as follows:

Be it enacted by the Board of Trustees of the Incorporated Village of Flower Hill, New York as follows:

Section 1. Intent:

The Board of Trustees (Board) recognizes the ongoing health concerns created by the pending health crisis within the State of New York as a result of the COVID-19 pandemic. The Board is also aware of efforts being made at the State level as expressed through a series of Executive Orders issued by the Governor to grapple with the health crisis and bring the citizens of the State through it in safety. The Village supports these efforts and wants to ensure that the Village moves ahead in accord with the intent found in the Executive Orders.

Toward that end the Board has become aware of the Governor’s recent Executive Order 202.38 under which on-site outdoor dining is to be permitted at restaurants and bars in accord with the pertinent portion of the Executive Order which follows below:

Upon the resumption of on-premises outdoor service of food and beverages at the licensed premises of restaurants and bars, to facilitate compliance with social distancing requirements in connection with such service, notwithstanding any provision of the Alcoholic Beverage Control law, restaurants or bars in the state of New York shall be permitted to expand the premises licensed by the State Liquor Authority to use (a) contiguous public space (for example, sidewalks or closed streets) and/or (b) otherwise unlicensed contiguous private space under the control of such restaurant or bar, subject to reasonable limitations and procedures set by the Chairman of the State Liquor Authority and, with respect to (a) the use of public space, subject to the reasonable approval of the local municipality, and all subject to the guidance promulgated by the Department of Health.

However, the Board is also aware that in the Village Code, commercial applications-- including an application for outdoor seating-- are subject to site plan review by the Board of Trustees, and

would require approval after a public hearing. As the code likely never considered a situation of temporary outdoor seating during a pandemic applying this process would take weeks preventing residents and businesses from being able to benefit from this type of operation. The relevant portions of the Code follow:

§ 240-15 Business District.

[Amended 4-3-1972; 12-2-1975 by L.L. No. 2-1975; 12-5-1983 by L.L. No. 3-1983; 11-7-1991 by L.L. No. 12-1991; 7-6-1992 by L.L. No. 6-1992]

A. Permitted uses. No building or structure shall be erected, altered, used or maintained and no lot or premises shall be used except for the following purposes. All commercial applications shall be subject to site plan review by the Board of Trustees. Once an approval of a site plan review or a special exception use has been granted by the Board of Trustees after a public hearing, construction must begin within six months of the date of approval or the approval may be revoked at the discretion of the Board of Trustees following a notice of hearing....

C. Supplementary use provisions.

(1) Operations indoors. All uses shall be conducted entirely within an enclosed building, except where specifically permitted by special exception pursuant to Use 8.

It is the intention of this Board to allow local restaurants to begin to function more fully and arrange for outdoor seating. In order to facilitate doing so on a more immediate basis in accord with the determinations of the above-mentioned Executive Order it is the Board's belief that the best interest of the Village will be met by temporarily waiving the site plan review and public hearing requirements under section 240 – 15 as identified above.

Nonetheless, the Board believes that it remains essential that any establishment providing for outdoor seating does so in a fashion that also maintains the safety of the Village of residents. Therefore, while the within Local Law will temporarily waive the requirements of site plan review and a public hearing prior to the issuance of a permit for outdoor seating, alternative requirements will be in place prior to the issuance of any temporary permit so that safety and the best interest of the Village residents will be maintained.

Section 2. Temporary waiver of section 240-15 to the extent it requires site plan review and a public hearing before the Board of Trustees prior to the issuance of a permit for outdoor on-site seating at restaurants and bars.

The requirements under section 240-15 as identified above which require a site plan review and public hearing before the Board of Trustees before the issuance of a permit for outdoor on-site seating at a restaurant or bar are hereby temporarily waived.

Section 3. Temporary regulations to be observed by any restaurant or bar before the issuance of a temporary permit for outdoor on-site seating at a restaurant or bar.

Any commercial establishment that will have outdoor seating will submit a proposed plan to the Building Inspector for his review and approval;

Any such establishment must comply with all other applicable codes and rules, including those of the New York State and Nassau County Department of Health;

Any permit issued will be temporary and renewable every two weeks;

The Village may revoke the permit at any time;

Any grant must be accompanied by the establishment providing documentation that the Village is added as an additional insured on its policy;

The Village will notify adjacent residential homeowners of the temporary permit request.

Section 4. Power of the Board to vacate or modify by resolution.

The Board may vacate any, or all of the above requirements at such time as it deems appropriate by resolution.

The Board may amend any, or all of the above requirements at such time as it deems appropriate by resolution.

The Board was polled as follows:

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

On motion of Mayor Herrington, second by Trustee Collins the meeting was closed at 6:45 pm.

Respectfully submitted,

Ronnie Shatzkamer
Village Administrator