

Minutes of the public meeting of the Board of Trustees of the Incorporated Village of Hewlett Bay Park held on Monday October 16, 2023, at 5:30 PM at Village Hall, 30 Piermont Avenue, Hewlett New York 11557. Members of the public also were permitted to observe and participate.

1. Calling the Meeting to Order:

Mayor Salomon called the meeting to order at 5:30 PM

2. Roll Call:

Present-	Mayor	Alex Salomon
	Deputy Mayor	Antonio Oliviero
	Trustee	Renee Zylberberg
	Trustee	Sarah Joseph
	Trustee	Michael Davidov
	Building Inspector	Dennis Fromigia- Via Zoom
	Village Clerk	Michelle Blandino- Via Zoom
	Village Attorney	Brian Stolar- Via Zoom

3. Notice of Meeting – Nassau Herald:

The Clerk reported that notice of the public hearing was emailed to the Nassau Herald, posted on the bulletin board outside of Village Hall and in the lobby of Village Hall and posted on the Village website.

4. Minutes- Minutes of the Meeting on September 18, 2023

On motion by Mayor Salomon, seconded by Trustee Zylberberg, and approved, the Board dispensed with the reading of the September 18, 2023 minutes as the Clerk had previously mailed such minutes and they are hereby approved.

5. Meet and Greet Recap

The Mayor thanked everyone for coming to the meet and greet, and also expressed his thankfulness to HALB for allowing the Village to hold their meet and greet in their school gym.

6. Speed Hump Proposals (3 Locations per analysis)

Pavemaster-	\$18,316
Roadwork Ahead	\$15,900

On motion by Trustee Zylberberg, seconded by Deputy Mayor Oliviero and unanimously approved, the Board awarded the following speed hump locations to be installed by Roadwork Ahead Inc for a total price not to exceed \$15,900

- Cedar Avenue Between Piermont Ave and Meadowview Ave in front of 115 Cedar Avenue

- Cedar Avenue Between Meadowview Ave and Veeder Dr in front of 133 Cedar Avenue
- Everit Avenue between existing Speed hump and Meadowview Avenue

7. Usage of landscaping equipment on weekends

The Board discussed

8. Dead end sign on Heron Drive

On motion by Mayor Salomon, seconded by Deputy Mayor and unanimously approved, the Mayor directed the Clerk to have the Roadman install a Dead End sign at Heron Drive

9. Resignation received from Mindy Roman, Esq. as Prosecuting Attorney effective November 1, 2023

The Mayor and Board acknowledged the resignation received from Prosecuting Attorney, Mindy Roman Esq. to be effective November 1, 2023

10. Renewal of Cyber Security Insurance Policy received from Borg and Borg Insurance

\$3518.13 to be split 1/3 between Hewlett Bay Park, Woodsburgh, and Hewlett Neck

On motion by Trustee Zylberberg, seconded by Deputy Mayor Oliviero, and unanimously approved, the Board approved the renewal of the Village Cyber Insurance policy for 2023/2024 to Borg & Borg Insurance at a cost of \$3518.13 to be 1/3 shared by Village of Woodsburgh and Village of Hewlett Neck

11. Proposed Bill HBP-2301- A local law to amend the code of the Village of Hewlett Bay Park in relation to persons entitled to defense and indemnification in accordance with the Public Officers Law, in the Village of Hewlett Bay Park

On motion by Trustee Zylberberg seconded by Deputy Mayor Oliviero and unanimously approved, the Board voted to hold a Public Hearing on November 20, 2023 at 6:00 pm, with respect to Proposed Bill HBP-2301, and directed the publication of the required legal notice.

12. Public Hearing for Application received from the Hebrew Academy of Long Beach, to construct a temporary fabric and steel structure for the use of a gym, temporary parking on grass areas, new aluminum rail fencing and new Belgium block curbing for the school, which proposed construction requires (a) an amendment of a special use permit pursuant to Village Code §§146-9(B) and 146-24.3, (b) a permit pursuant to Village Code §146-24.2(G)(2), to permit a temporary fabric covered steel structure for use of a gym, (c) a permit pursuant to Village Code §146-24.2(H) to permit the fencing, landscaping and curbing within 75 feet of a property line, and (d) a variance or waiver of the following Village Code sections: (i) 146-24.2(G)(2), to permit the temporary fabric, where no covering of any nature may be erected over an outdoor recreational facility, and (ii) 146-24.2(I)(3), to permit temporary parking on lawn

areas, where no vehicle may be parked except in a parking area designated for that purpose. Premises are designated as Section 42, Block L, Lot 1 on the Nassau County Land and Tax Map.

On motion made by Mayor Harman , seconded by Deputy Mayor Oliviero, and adopted unanimously, the Board made the following findings and determination with respect to the HALB application:

BOARD OF TRUSTEES
VILLAGE OF HEWLETT BAY PARK

Application of The Hebrew Academy of Long Beach, 291 Meadowview Avenue, Hewlett Bay Park, New York, to construct a temporary fabric and steel structure for the use of a gym, temporary parking on grass areas, new aluminum rail fencing and new Belgium block curbing for the school, which proposed construction requires (a) an amendment of a special use permit pursuant to Village Code §§146-9(B) and 146-24.3, (b) a permit pursuant to Village Code §146-24.2(G)(2), to permit a temporary fabric covered steel structure for use of a gym, (c) a permit pursuant to Village Code §146-24.2(H) to permit the fencing, landscaping and curbing within 75 feet of a property line, and (d) a variance or waiver of the following Village Code sections: (i) 146-24.2(G)(2), to permit the temporary fabric, where no covering of any nature may be erected over an outdoor recreational facility, and (ii) 146-24.2(I)(3), to permit temporary parking on lawn areas, where no vehicle may be parked except in a parking area designated for that purpose. Premises are designated as Section 42, Block L, Lot 1 on the Nassau County Land and Tax Map.

DECISION

The Hebrew Academy of Long Beach (HALB) has filed this omnibus application to the Board of Trustees (Board) of the Village of Hewlett Bay Park (HBP), which has jurisdiction over this application pursuant to Village Code Chapter 131 and §146-24.3. As required by law, the Board has held a public hearing with respect to this application. At the hearing, the applicant submitted documentation and testimony in support of the application, and various interested persons appeared and commented with respect to the application. Interested members and the public expressed their comments.

As Lead Agency for review of the proposed action pursuant to the State Environmental Quality Review Act the Board has reviewed the Environmental Assessment Form submitted with the application and has classified this application as an Unlisted matter. The Board's determination of significance is made herein.

The Board also has referred this application to the Nassau County Planning Commission for its review and recommendation, pursuant to General Municipal Law §239-m, and the Planning Commission has not yet issued its recommendation.

The Board has given due and proper consideration to the application, the relevant laws and regulations, and the comments and information provided to the Board at the public hearings held with respect to this application, and finds and concludes as follows:

1. The subject property (Premises) is located in the Village's Residence A zoning district. The property presently is improved with two 2-story brick school buildings, a gymnasium, classroom facilities, and various appurtenant facilities, including a playground, driveways and parking areas. The Premises presently are used for educational and religious uses, consisting of a private religious school and ancillary activities.

2. The current uses of the property largely predate the enactment of the Village zoning regulations presently applicable to the Premises. Those current uses commenced subsequent to litigation between HALB and the Village and were initiated pursuant to the terms and conditions of a stipulation of settlement of that litigation. Most of the terms and conditions of that stipulation are no longer in effect due to the passage of time and the substance of those terms and conditions. As a consequence of this history, and various subsequent applications by HALB to the Village after the enactment of the current zoning regulations, HALB's current uses of the Premises, had consisted of legal non-conforming uses, with some changes authorized by actions of the Village subsequent to the enactment of the current zoning regulations, including uses permitted in accordance with the Board's November 16, 2015 decision (the "2015 Decision"), whereby the Board granted certain variances and a conditional use permit.

3. HALB has made this omnibus application to obtain certain variances of the zoning regulations in order to construct a temporary fabric and steel structure for the use of a gym, temporary parking on grass areas, new aluminum rail fencing and new Belgium block curbing for the school. In addition, HALB seeks an amendment to the conditional use to permit the current use of the Premises in accord with the proposed changes.

4. The plans submitted in support of the application include "Hebrew Academy of Long Beach SKA High School for Girls Proposed Gym Addition, Proposed Landscape Plan For Everit & Meadowview Avenue", prepared by Elizabeth F. Bibla Landscape Architect, dated 7.17.23, last revised 9.08.23 (the "Plans").

5. The Board has considered the details of the proposed uses of the Premises, the Plans, the Environmental Assessment Form submitted with this application, and the various comments of the Village's consultants and the public. The Board hereby makes the following Findings and Conclusions with respect to classification and significance of the proposed action and, based upon those Findings and Conclusions hereby determines that the proposed action will not have a significant adverse environmental impact (Negative Declaration), and that no further environmental impact review is required for this matter:

- a. the proposed action is an Unlisted action under the State Environmental Quality Review Act and its regulations;
- b. the Board is the lead agency with respect to environmental review of this proposed action;
- c. the Board has considered the following factors, and made the following conclusions, in respect to its review of the environmental impacts of the proposed action, taking into consideration that the Board will impose reasonable conditions on any relief granted with respect to this application and

that such conditions will address the various minor impacts which may be a consequence of that relief:

- i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
- ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
- iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
- iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
- v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;
- vii. the proposed action would not create a hazard to human health;
- viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

6. With respect to the variances pertaining to lot area, no change is proposed to the existing lot. The remaining variances for lot coverage, gymnasium height, classroom height, setback of the gymnasium, parking area located within a required buffer area and number of parking spaces as discussed below and subject to the conditions herein, the Board concludes that the benefit to the applicant outweighs any detriment to the neighborhood.

7. Subject to the conditions below, the proposed new gymnasium building and site modifications will not increase congestion nor create parking problems, such as would

adversely affect the quality of life in the neighborhood, nor otherwise impact adversely on the character of the neighborhood or community.

8. At the hearings, the applicant demonstrated, to the Board's satisfaction, that the creation of a larger gymnasium with appropriate sized locker room facilities and additional classroom space will not result in any negative change in the existing religious educational use.

9. After consideration of the testimony and proof adduced at the public hearings, and other relevant information known to the Board or appearing in the public record, the Board finds and concludes that if the application for zoning variances were to be granted in accordance with the Plans, subject to reasonable conditions as stated herein,

- a. the benefit to the applicant if the variance is granted outweighs any minimal detriment to the health, safety and welfare of the neighborhood or community;
- b. no undesirable change will be produced in the character of the neighborhood nor any detriment to nearby properties will be created by the granting of the requested variances, all of which are "area variances";
- c. the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- d. the requested area variances are not substantial;
- e. the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- f. although the alleged difficulty encountered by the applicant is self-created, and arises solely due to the desire to subdivide the Premises, this factor alone is not sufficient under the circumstances to preclude the granting of the requested variances; and
- g. the variances granted hereinafter are deemed by the Board to be the minimum variances necessary and adequate to meet the needs of the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

10. With respect to the application for permission to amend the existing special use permit authorizing a religious educational use on the Premises, the Board finds and concludes that the continuation of such use on the smaller parcel of property, subject to the conditions stated herein, will not result in any significant adverse effect on the public health, safety and general welfare, will be consistent with the overall plan for land use in the Village, and will not create any significant impacts on traffic, noise, use of local facilities, infrastructure or services. Accordingly, the requested special use permit or conditional use permit is granted, subject to the conditions stated in this resolution of approval.

11. In granting all or any part of the relief sought by the applicant, the Board has authority to impose such reasonable conditions and restrictions as are directly related to the proposed use and development of the Premises, and such conditions and restrictions accordingly are included in the terms and conditions of the approvals granted herein, as set forth hereinafter.

12. For the foregoing reasons, the Board hereby grants and approves this application subject to the following extent and on the following terms and conditions:

- a. The area variances requested by the applicant are approved, subject to the conditions set forth hereinafter;
- b. The amended special use permit requested by the applicant is granted, subject to the terms and conditions hereinafter set forth.

13. The foregoing approvals are subject to the following terms and conditions, which shall remain in effect with respect to the applicant, its heirs, successors and assigns as owners of all or any part of the Premises until cancelled, amended or modified as provided herein:

- a. no construction or other permits may be issued by the Village with respect to any portion of the Premises, including the portion on which the religious educational use is to continue and either or both of the new residential lots, until such time as a site plan for the lot(s) with respect to which such construction of permit is proposed or requested has been approved by the Board of Trustees;
- b. as part of the approval of any site plan or the issuance of any permit for construction or development with respect to the Premises being used for religious educational uses, or either or both of the residential lots, if the Board of Trustees should determine that the Premises previously subdivided is not providing sufficient drainage to prevent harmful water runoff from such property on to either or both of the residential lots or any other property, the owner of such main portion shall install such additional drainage improvements and facilities on such property as may be required by the Board of Trustees;
- c. as part of the approval of any site plan for any portion of the Premises, the Board of Trustees may include reasonable requirements for landscaping and screening, and fencing,
- d. all existing conditions and covenants of record with respect to the Premises, or any portion thereof, and previous approvals, shall remain in effect according to their terms;
- e. except as approved herein, all construction and use of the subject property shall conform to the Village zoning regulations, and no permits shall be requested or be approved for any construction or use of the subject property other than in compliance with the applicable zoning regulations of the Village in effect at the time of permit issuance;
- f. the owner(s) of the Premises, or any part thereof, shall maintain the same in good condition and in accordance with the reasonable requirements of the Village at all times, prior to and subsequent to the conveyance of one or both of the residential lots;
- g. HALB and its successors will not use, or permit the use of, the Premises during the months of July and August for regularly scheduled weekend outdoor activities;
- h. the amended special use permit granted herein shall not be deemed or interpreted to permit religious services to be conducted on the Premises, or any part thereof, except as part of the operation of the authorized educational use of the Premises. Any other use of the Premises or any part thereof for religious

services shall require a special use permit from the Village as provided in the Village Code;

- i. no part of this decision shall be deemed to relieve HALB or its successors in interest from any existing obligations or restrictions as contained in a certain stipulation of settlement in the litigation entitled "The Hebrew Academy of Long Beach v. Incorporated Village of Hewlett Bay Park, et al.", United States District Court, Eastern District of New York, case number 93 Civ. 3607, dated March 22, 1994;
- j. within six (6) months of obtaining building permits to perform the work approved herein, and prior to obtaining any certificate of completion, HALB shall submit to the Building Department and the Board of Trustees and obtain Building Department approval, subject to review and comment by the Board of Trustees, for a landscape plan that will provide adequate and appropriate evergreen screening and a fence to minimize visibility of the approved improvements, along the Piermont Avenue frontage. The fencing and landscape screening required by such plan must be installed as directed by the Building Department and shall be maintained by HALB in good condition at all times. At any time within six months after the installation of the landscape screening as directed by the Building Department, the Building Department may review the Premises, and direct the installation of additional landscape screen if the existing screening is insufficient to adequately screen the improvements from view off the site. Upon being notified of any direction to install such additional screening, the owner shall promptly comply and such additional screening shall also be maintained in good condition at all times.
- k. Applicant shall install evergreen screening wall, with plantings at a height, as planted of 5-7 feet in height on the perimeter of the fencing approved herein, and such landscaping shall be planted in the planting season occurring immediately after the construction of the fencing, as shown on a landscape plan approved by the Building Inspector. The plantings shall be subject to the same installation and maintenance obligations as provided in paragraph j.
- l. The temporary parking shall be accessible and utilize a gravel driveway area, and such gravel area shall be restored to its previous condition upon the termination of the need for temporary parking.
- m. The temporary parking approved herein is for only a 1 year period. If additional time is required, the applicant may submit a writing to the Board requesting additional time and explaining the reason for the need for such time and the anticipated additional time required.
- n. Applicant shall complete the construction approved herein within 3 years of the filing of this Decision with the Village Clerk.
- o. Any future change in the nature or scope of the use of the Premises, or in any of the buildings or structures on the Premises, or any additional buildings or structures on the site, will require an amendment to the special use permit.
- p. The impervious pavement surface, and the curbs in the areas of pervious coverage, shall be marked to show parking space locations in a manner satisfactory to the Building Department.
- q. Except for lighting necessary to illuminate exit doors, no additional exterior lighting shall be installed on the Premises.
- r. All conditions contained within the special use permit, and amendments of such permit, shall continue to apply to the Premises.
- s. The proposed improvements shall not result in any increase in enrollment at the school.
- t. The construction work shall conform with the Plans.

14. The Mayor is authorized to execute any and all documents and to sign any and all endorsements as may be necessary to effectuate this decision.

13. Welcoming Flyer for Residents Update

Tabled

14. Reports

A. Public Safety

1. Police Report –September 2023

August	Arrests:	0
	Movers:	6
	Parkers	1
	Crime	0
	Aided Cases	0

A. Treasurer's Report –September 2023

Cash Status – September 2023

Bank Balances - Reg., Pay. M.M.,
as of 09/01/2023

623,174.34

Plus – Receipts:

Departmental Income	2,550.00
Use of Money and Property	1,859.00
Licenses and Permits	6,250.00
Fines and Forfeitures	2,640.00
State Aide	2,688.00

15,987.60

639,161.94

Less - Disbursements:

General Gov't Support	-3,356.25
Public Safety	6,581.28
Transportation	15,252.62
Culture and Recreation	2,279.22
Home and Community Services	2,752.50
Employee Benefits	7,340.12

-30,849.49

608,312.45

Trust Account Road Deposit

7,500.00

7,500.00

615,812.45

Proof – Bank Balances:

Flag Star Bank – Reg	40,758.24
Flag Star Bank – Pay	10,014.51
Flag Star Bank – M.M.	437,539.70

Flag Star Bank Trust

127,500.00

615,812.45

1. Audit of Claims

The Board discussed the claims. Upon confirmation from the Board that the items in such abstract represented the purchase of goods and services actually received and/or performed and that each item contained in the abstract was for a proper Village purpose, on motion duly made by Mayor Salomon, seconded by Deputy Mayor Oliviero, and adopted unanimously, the Board authorized and directed the Village Treasurer pay the general fund claims in the total sum of \$45,936.23 set forth in abstract #729 (copy of the abstract is on file in the Village office).

15. New Business- None

16. Next Meeting: November 20, 2023 at 6:00PM

17. Adjournment:

There being no further business the meeting was adjourned at 6:52 PM.

Michelle Blandino

Village Clerk