

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Hewlett Bay Park held on Thursday, March 3 2022 at 6:00 PM. at Village Hall, 30 Piermont Avenue, Hewlett NY 11557.

The public had a right to speak at this meeting.

1. Calling the Meeting to Order:

Mayor Kaufman called the meeting to order at 6:01 PM

2. Roll Call:

Present-	Mayor	Steve Kaufman
	Deputy Mayor	Alex Salomon
	Trustee	Gail Rubel- Arrived at 6:05PM
	Trustee	Dr. Antonio Oliviero
	Village Clerk	Michelle Blandino
	Village Attorney	Brian Stolar
	<u>Excused-</u>	
	Trustee	Jay Levy
	Building Inspector	Steve Cherson

3. Notice of Meeting – Nassau Herald:

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

4. Minutes –January 13, 2022

On motion by Mayor Kaufman, seconded by Deputy Mayor Salomon, and approved unanimously the Board dispensed with the reading of the minutes of January 13, 2022 as the Clerk had previously mailed such minutes and they are hereby approved.

5. Appointments

Member Board of Appeals	Vacant
Alt Member – Board of Appeals	Vacant
Chair/Member Design Review Board	Vacant
Member Design Review Board	Vacant

Tabled

6. Chabad of Hewlett requesting renewal on Special Use Permit for Religious Services

The Board discussed a request by Chabad of Hewlett Jewish Center, Inc., for an extension of a special use permit pursuant to Village Code §§146-9(B) and 146-24.3 to permit use of an auditorium and parking areas for religious services on Rosh Hashanah, Yom Kippur, Kol Nidre and Purim, and, pursuant to Village Code §146-24.3 for waiver of Village Code §146-24.1(A) in that the auditorium building exceeds 25 feet in height, where no building in excess of 25 feet in height may be used for religious purposes, at premises located at the Hebrew Academy of Long Beach premises located at 291 Meadowview Avenue. Chabad informed the Board that it is seeking an extension for a 3 year period, and in accordance with the previous approval, requested that the Board consider the request without a public hearing.

On motion by Mayor Kaufman, seconded by Deputy Mayor Salomon, and unanimously carried, the Board adopted the following decision:

VILLAGE OF HEWLETT BAY PARK

Application of Chabad of Hewlett Jewish Center, Inc., 44 Everit Avenue, Hewlett, New York, for a special use permit pursuant to Village Code §§146-9(B) and 146-24.3 to permit use of an auditorium and parking areas for religious services on Rosh Hashanah, Yom Kippur, Kol Nidre and Purim, and, pursuant to Village Code §146-24.3 for waiver of Village Code §146-24.1(A) in that the auditorium building exceeds 25 feet in height, where no building in excess of 25 feet in height may be used for religious purposes. Premises are known as 291 Meadowview Avenue, Hewlett Bay Park, and 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) owns the premises located at 291 Meadowview Avenue, Hewlett Bay Park and designated as Section 42, Block L, Lot 1 on the Nassau County Land and Tax Map (the "Premises"). The Premises are used for religious educational purposes in accordance with a special use permit issued by the Board of Trustees and including various conditions.

Chabad of Hewlett Jewish Center, Inc. ("Chabad") now seeks to renew a special use permit to utilize the auditorium and parking areas in connection with religious services only on Rosh Hashanah, Yom Kippur, Simchat Torah and Purim. Chabad also seeks a waiver of Village Code §146-24.1(A) in that the existing auditorium building exceeds 25 feet in height, where no building in excess of 25 feet in height may be used for religious purposes. The Board of Trustees is authorized to grant that waiver pursuant to Village Code §146-24.3 to the same extent to which the Board of Appeals would have power and authority. However, it should be noted that the existing auditorium may be lawfully used by HALB for religious purposes under the existing zoning approvals, that such use is for the land and not for the user, and the requested waiver to permit Chabad also to use that same building for those same purposes therefore is unnecessary.

In August 2018, the board held a public hearing with respect to the previous renewal, and provided as a condition of that approval that if the applicant, within the time period stated in the August 2018 approval, submitted a written request for an extension, the Board may

consider the request without a public hearing unless the Board determines that such a hearing would be in the public interest. Chabad timely submitted a letter request in March 2021 and informed the Board that it was holding off on requesting the use of the premises for the holidays in 2021 on account of the inability to use the premises during the COVID pandemic. Chabad then informed the Board that HALB has agreed Chabad to use the premises for the upcoming holidays, as well as for the 3 year extension period requested.

Chabad advised that there will be no traffic or parking related to the use, as the gate to the premises will be closed and there will be no on-site or nearby off-site parking for congregants, who will be required to walk to the services. Chabad acknowledges that it will be bound by the conditions of the 2018 decision and also confirmed that the use will be subject to the same limitations as its previous approval, including that (a) it would use the school security for their services, (b) it would agree to be bound by the occupancy load authorized by the Fire Marshal's office, (c) no congregants arriving to services by car would be permitted to park their vehicles on any of the adjoining or surrounding public streets; and (d) except for the parking, there shall be no use of the exterior portions of the Premises.

The Board the previous applications on August 17, 2016 and August 27, 2018 for the same relief, which approval expired on June 30, 2021

As Lead Agency for review of the proposed action pursuant to the State Environmental Quality Review Act ("SEQRA") the Board has reviewed the Environmental Assessment Form submitted with the application, with revisions, and has classified this application as an Unlisted matter. The Board previously adopted a SEQRA negative declaration, and confirms that declaration herein.

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, and finds and concludes as follows:

1. The Board hereby makes and ratifies 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 makes 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;

2. With respect to the requested waiver, as noted above, the applicant does not propose any structural changes to the building or the Premises, and seeks only to use for religious purposes an existing auditorium that currently exceeds the height limitation for religious uses, but which is permitted to be used for those purposes at this time. Under the circumstances, the Board finds and concludes that the requested waiver is not necessary, but in the event that it is required it is approved, subject to reasonable conditions as stated herein because

- a. the benefit to the applicant 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 waiver;
- c. the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than a waiver;
- d. the requested waiver is 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 utilize the Premises this factor alone is not

sufficient under the circumstances to preclude the granting of the requested waiver; and

- g. the waiver is deemed by the Board to be the minimum waiver 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.

3. With respect to the special use permit sought by the applicant, for permission to conduct religious services in the auditorium on the specified days and to utilize the Premises and the parking lot at the Premises for such purposes, the Board finds and concludes that such use, 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 is granted, subject to the conditions stated in this resolution of approval.

4. 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.

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

6.

- a. The waiver requested by the applicant is approved, to the extent that it may be required by law, subject to the conditions set forth hereinafter;
- b. The special use permit requested by the applicant is granted, subject to the terms and conditions hereinafter set forth.

7. 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 licensees or lessees of all or any part of the Premises until cancelled, amended or modified as provided herein:

- a. except as modified herein, all existing conditions and covenants of record with respect to the Premises, or any portion thereof, shall remain in effect according to their terms. To the extent that this approval authorizes a use which is contrary to, or not within the scope of, the existing covenants and restrictions, HALB, as owner of the property and at its sole expense, is required within ninety (90) days after the filing of this decision to record in the office of the Nassau County Clerk appropriate amendments to the existing covenants and restrictions, in a form approved by the Village Attorney;;
- b. 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, and this approval shall not be construed to authorize the issuance of any permits for construction in connection with the proposed limited use of the Premises;

- c. the 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 authorized herein. Any other use of the Premises or any part thereof for religious services not authorized by the existing special use permit or this decision shall require a special use permit from the Village as provided in the Village Code;
- d. the applicant shall retain security personnel to assure that vehicles arriving at the Premises for services shall park in parking spaces in the parking lot at the Premises and not on adjoining streets;
- e. the applicant shall not permit the occupancy to exceed the occupancy capacity, as determined by the Fire Marshal;
- f. except to the extent that the parking lot is used for any parking purposes in connection with the use authorized herein, the applicant shall not use the exterior area of the Premises for any purpose;
- g. the applicant shall take all reasonable measures to assure that no vehicles used by congregants or other guests to attend services shall be parked in any location outside of the Premises;
- h. this approval shall expire on March 31, 2025, and may be extended on written application by the applicant filed with the Village no earlier than November 1, 2024 and no later than December 31, 2024. Any such application may be considered by the Board without a public hearing, unless the Board determines that a public hearing would be in the best interest of the Village and its residents; and
- i. the Board has authority to revoke, suspend or otherwise modify the special permit granted herein. In so doing, upon receiving information that the applicant is not operating or using the Premises in accord with the special permit approval or that the use is detrimental to the neighborhood, the Board may revoke, suspend or modify the special permit. Prior to making such determination, the Board may direct that the applicant appear before the Board of Trustees at a designated time and place to show cause why it should not be determined that the applicant has operated the premises in a manner that is not consistent with the special permit or is otherwise detrimental to the neighborhood and why the Board should not revoke, suspend or modify the special permit. After the applicant is given such opportunity to show cause, if the Board of Trustees determines that the special permit has been violated or the use of the premises permitted by the special permit is detrimental to the neighborhood, the Board may forthwith revoke, suspend or modify the special permit without further notice. If the Board determines that the violation, noncompliance or detriment can be resolved by specific action of the applicant, the Board also may direct the applicant to take such action within a prescribed period of time, provided that if the corrective action is not performed, the special permit may be then deemed to be revoked. Service of any notification provided in this condition may be made by mail or in person upon the applicant by delivery to the applicant's address set forth in the request for an extension.

7. HALB proposed fire road off Piermont Ave

The Board Discussed

8. Storm Water Annual Report Proposal

West Side Engineering \$2000

On motion by Deputy Mayor Salomon, seconded by Mayor Kaufman, and unanimously approved the Board voted to authorize West Side Engineering, PC. to prepare the Annual Report for the Phase 2 Storm Water Program in accordance with a written proposal, and authorized the Mayor to execute any documents necessary to accept the West Side Engineering proposal for a fee not to exceed \$2000.00

9. Verizon Franchise Renewal Resolution

On motion duly made by Mayor Kaufman seconded by Trustee Oliviero and approved unanimously, the Board adopted the following resolution:

WHEREAS, the Village of Hewlett Bay Park, (the "Village") is a "franchising authority in accordance with Title VI of the Communications Act, (see 47 U.S.C. §522(10)) and is authorized to grant one or more nonexclusive cable franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws"); and

WHEREAS, the Village granted to Verizon New York Inc., a corporation duly organized under the applicable laws of the State of New York (the "Franchisee"), effective as of November 13, 2008, a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Village for a term of 10 years (the "Initial Franchise"); and

WHEREAS, the Initial Franchise agreement has expired; and

WHEREAS, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the effective date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network ("FTTP Network") in the Franchise Area which also transmits Non-Cable Services pursuant to authority granted by Section 27 of the New York Transportation Corporations Law, as amended, and Title II of the Communications Act, which Non-Cable Services are not subject to the Cable Law or Title VI of the Communications Act; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Village undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal; and

WHEREAS, the Village has examined the past performance of Franchisee and has determined that Franchisee is and has been in material compliance with the Initial Franchise and applicable law; and

WHEREAS, the Village has examined the past quality of the Franchisee's service, including signal quality, response to consumer complaints, and billing practices, and has determined that Franchisee's practice has been reasonable in light of community needs; and

WHEREAS, the Village has examined the financial, legal, and technical ability of the Franchisee to provide the services, facilities, and equipment as set forth in the proposed Renewal Agreement; and

WHEREAS, the Village has determined that the Franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and

WHEREAS, the Village determined that Franchisee's Cable System is adequate and feasible in a full public proceeding affording due process to all parties; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Franchisee submitted to the Village a proposal to renew the Initial Franchise to operate a Cable System in the Franchise Area; and

WHEREAS, following good faith negotiations between the parties, the Local Franchise Authority and Franchisee have agreed on the terms for a renewal Franchise under which Franchisee will continue to operate its Cable System in the Franchise Area; and

WHEREAS, the Village has determined that in accordance with the provisions of the Cable Law, the Franchise complies with the NY PSC's franchise standards and the grant of a nonexclusive franchise to Franchisee is consistent with the public interest; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties to be heard on the proposed Franchise Renewal Agreement was held before the Village; and

WHEREAS, the project, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED that the Village Board hereby authorizes the Village Mayor to enter into the Franchise Renewal Agreement with Verizon New York Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village of Hewlett Bay Park.

10. Building Inspector

The Board discussed the agreement with Steven Cherson, who serves as the Building Inspector in accordance with a consulting agreement dated July 1, 2020, for a period set to expire on June 30, 2022. The agreement provides that either party may terminate the agreement without cause at any time during the term of the agreement, by giving written notice to the other party effective upon a termination date specified therein, which date may be no earlier than 30 days from the date on which said notice is received. Also, in accordance with the agreement, the Village is required to pay the consultant any applicable payment for the period preceding the effective termination date.

On motion by Mayor Kaufman, seconded by Trustee Rubel, and unanimously approved, the Board terminates the [need date of execution] agreement (the "Agreement") with, and the services of, consultant Steven Cherson, effective on April 7, 2022, or on such other date falling on the 30th day after notice of such termination is received by Mr. Cherson if the notice of such termination is received after March 7, 2022, directs the Village Clerk to send such notice of termination to Steven Cherson terminating his agreement with, and services to, the Village of Hewlett Bay Park, and

authorizes payment to Mr. Cherson, in accordance with the Agreement, for the period prior to the effective date of termination.

Mayor Kaufman terminated the appointment of Steven Cherson as Building Inspector, effective as of the date provided in the preceding motion. On motion duly made by Trustee Rubel, seconded by Deputy Mayor Salomon, and adopted unanimously, the Board approved the termination.

Mayor Kaufman appoints Dennis Fromigia, to serve as Deputy Building Inspector for the Village for a term commencing on March 4, 2022 and continuing through the end of the Village official year, subject to the terms of a proposed agreement, providing for payments for such services in the pro-rated monthly sum of \$1,800, to be paid in arrears. .

WHEREAS, the Mayor has appointed Dennis Fromigia to serve as Deputy Building Inspector for the Village pursuant to the terms of a proposed consulting agreement, dated effective today, for a term commencing on March 4, 2022 and concluding at the end of the current official year;

NOW, THEREFORE, on motion duly made by Trustee Rubel, seconded by Deputy Mayor Salomon, and adopted unanimously, the Board confirms and approves the appointment of Dennis Fromigia as Deputy Building Inspector for the term March 4, 2022 through the end of the official year, at the rates and subject to the conditions set forth in the proposed agreement dated today, approves the proposed agreement as to form, and upon execution of the agreement by Dennis Fromigia, authorizes the Mayor to execute the agreement on behalf of the Village.

11. Building Department Correspondence

A. Letter received 2/14/2022 from Kevin & Elana Lifshitz who reside at 142 Cedar Avenue , requesting a 1st extension on Permit # HBP-2021003 to construct an in-ground swimming pool, patio, fencing and landscaping. Permit will run from 02/22/2022- 08/22/2022 No Fee

On motion by Mayor Kaufman, seconded by Deputy Mayor Salomon and unanimously approved Board granted a 1st extension for permit # HBP2021003 to construct an in-ground swimming pool, patio, fencing and landscaping. Permit will run from 02/22/2022- 08/22/2022 No fee is required.

B. Letter received 2/14/2022 from Kevin & Elana Lifshitz who reside at 142 Cedar Avenue , requesting a 1st extension on Permit # HBP-2021004 to install a gas pool heater. Permit will run from 02/22/2022- 08/22/2022 No Fee

On motion by Mayor Kaufman, seconded by Deputy Mayor Salomon and unanimously approved Board granted a 1st extension for permit # HBP2021004 to install a gas pool heater. Permit will run from 02/22/2022- 08/22/2022 No fee is required

C. Letter received 2/24/2022 from Rachel Surizon who reside at 222 Cedar Ave, requesting a 1st extension on Permit # HBP-2020024 to construct a one story

and two story additions and front steel frame canopy and pergola wall extension . Permit will run from 11/30/21 – 05/30/2022. No Fee

On motion by Mayor Kaufman, seconded by Deputy Mayor Salomon and unanimously approved Board granted a 1st extension for permit # HBP2020024 to construct a one story and two story additions and front steel frame canopy and pergola wall extension . Permit will run from 11/30/21 – 05/30/2022. No fee is required

12. Willow Pond Proposals

Dru Associates to pesticide and pellet treatments \$16,080

ADM Landscaping – Duckweed Application \$6815

Tabled

13. Everit Avenue Road Program Update

The Clerk updated the board

14. Speed Hump Placement and Dates

The Board instructed the Clerk to have the speed humps installed after April 1, 2022

15. June 2022 Election Update

The Clerk updated the Board

16. Security Patrol

The Board discussed

17. Reports

A. Public Safety

1. Police Report –January 2022

January	Arrests:	0
	Movers:	5
	Parkers	0
	Crime	0

A. Treasurer's Report –January 2022

Cash Status – January 2022

Bank Balances - Reg., Pay. M.M.,
as of 01/01/2022

660,239.26

Plus – Receipts:

Non Property Taxes	23,666.44
Departmental Income	200.00
Use of Money and Property	1,167.26
Licenses and Permits	3,600.00
Fines and Forfeitures	5,151.00
Sale of Property/other Comp	100.00
Misc	49.82

33,934.52
694,173.78

Less - Disbursements:

General Gov't Support	22,849.79
Public Safety	2050.00
Transportation	11,863.76
Culture & Recreation	211.77
Home and Community Services	90.34
Employee Benefits	<u>5,476.44</u>

-42,542.10
651,631.68

Proof – Bank Balances:

Signature Bank – Reg	31,112.59
Signature Bank – Pay	-4,968.55
Signature Bank – M.M.	527,987.64
Signature Bank Trust	<u>97,500.00</u>
	651,631.68

1. Audit of Claims

The Board discussed the claims. , Upon confirmation from the Turstee Rubel and audit of claims representative Shari Salomon 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 Kaufman, seconded by Trustee Rubel, and adopted unanimously, the Board authorized and directed the Village Treasurer to review and pay the general fund claims in the total sum of \$98,777.00 set forth in abstract #711 (copy of the abstract is on file in the Village office).

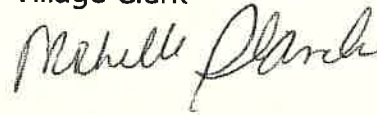
18. New Business: The Mayor submitted his letter of resignation to the Village Clerk. Upon the Clerk confirming that the letter was in order and proper form, the position of Mayor became vacant. On motion duly made by Trustee Rubel, seconded by Trustee Oliviero, and adopted unanimously, the Board appointed Deputy Mayor Salomon to serve as Mayor for the balance of the official Village year. Upon such appointment and acceptance, Deputy Mayor Salomon's positions as Trustee and Deputy Mayor became vacant. No appointment was thereafter made to fill these vacated positions.

19. Next Meeting: April 12, 2022 at 6 PM

20. Adjournment:

There being no further business the meeting was adjourned at 7:30 pm.

Michelle Blandino
Village Clerk

A handwritten signature in cursive script, appearing to read "Michelle Blandino", written in dark ink.