

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON
January 23, 2020**

The Board of Trustees met on Thursday, January 23, 2020 at the Village Hall, 100 East Shore Road, Great Neck, New York at 7:30 p.m.

Present: Mayor Steven Weinberg, Deputy Mayor James Sharkey, Trustee To-on Pang, Trustee Burton Weston, and Village Attorney A. Thomas Levin

Absent: Trustee Jill Monoson

The Mayor opened the meeting at 7:36 p.m.

Adoption of Minutes

RESOLUTION 20-10

Upon motion of Trustee Weston, seconded by Deputy Mayor Sharkey, and unanimously approved, the following resolution was adopted:

RESOLVED, that the minutes of the Board of Trustees and Board of Review meetings held on January 13, 2020 are hereby approved and accepted as presented.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Sharkey:	Aye
	Trustee Pang:	Aye	Trustee Weston:	Aye

Continued Public Hearing – 661 Northern Associates LLC

The Mayor opened the continued public hearing on the application of 661 Northern Associates, LLC for an amendment to a previously issued incentive use permit at 7:37 p.m. Michael Sahn, Esq. of Sahn, Ward & Coschignano, PLLC appeared on behalf of the applicant. Andrew Weinstock, Principal Member of 661 Northern Associates, LLC was also present. The minutes of the public hearing were transcribed stenographically, and are on file as part of the minutes of this meeting. The Village Attorney reported that the Nassau County Planning Commission had reviewed the application and, having no objections or modifications with respect to proposed amendment, recommended that the Board take such action as the Board deems appropriate. There was a short period of questions and comments from the Board. After all interested parties were heard, the public hearing was closed.

RESOLUTION 20-11

Upon motion of Trustee Pang, seconded by Trustee Weston, and unanimously approved, the following resolution was adopted:

RESOLVED, that the public hearing on the application of 661 Northern Associates, LLC for an amendment of the incentive use permit for the property located at 661 Northern Boulevard, Great Neck, NY 11021 and also known as Section 2, Block 140, Lot 793 in the OB District, is hereby closed.

RESOLUTION 20-12

Upon motion of Mayor Weinberg, seconded by Deputy Mayor Sharkey, and unanimously approved, the following resolution was adopted after Board discussion:

WHEREAS, 661 Northern Associates, LLC, as long term lessee of premises 661 Northern Boulevard, Thomaston, also known as Section 2, Block 140, Lot 793 on the Nassau County Land and Tax Map, previously applied to the Board of Trustees of the Village of Thomaston for a certain incentive zoning permit with respect to permitted uses of the foregoing subject property, and

WHEREAS, by Resolution 18-55, duly adopted on June 18, 2018 the Board of Trustees granted incentive zoning relief pursuant to that application, subject to various conditions as stated in the said Resolution 18-55, and

WHEREAS, among the conditions of such approval and permit was a requirement that the use of the subject property be limited to retail sales and service of pre-owned automobiles, and

WHEREAS, also among the conditions of such approval and permit was a requirement that the applicant record in the Office of the Nassau County Clerk a certain Declaration of Covenants and Restrictions, to memorialize various conditions of the said approval and permit, including a limitation of the use of the subject property to retail sales and service of pre-owned automobiles, and

WHEREAS, 661 Northern Associates, LLC as long-term lessee, and BSI Northern Blvd., LLC as owner, of the subject property, now have applied to the Board of Trustees to amend the said incentive zoning approval and use permit previously granted pursuant to Village Code §203-70.3 and Board of Trustees Resolution 18-55, and to amend the Declaration of Covenants and Restrictions executed and recorded in relation to such incentive use permit, to allow the additional use of the premises 661 Northern Blvd., Thomaston, New York for retail sale and service of new automobiles, and

WHEREAS, the Board of Trustees, as Lead Agency pursuant to the State Environmental Quality Review Act, heretofore has adopted a Negative Declaration with respect to environmental impacts of the proposed amendment, and

WHEREAS, pursuant to General Municipal Law §239-m the Village of Thomaston has referred this application to the Nassau County Planning Commission for its review and recommendation, and

WHEREAS, by letter dated January 6, 2020 the Nassau County Planning Commission has recommended that the Board of Trustees take action as it may deem appropriate with respect to the proposed amendment, and

WHEREAS, the Board of Trustees has held and concluded public hearings with respect to the said application as required by law,

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees hereby finds and determines that the proposed amendment is within the scope of permitted incentives as provided in the Village Code, and it is further

RESOLVED, that the Board of Trustees hereby finds and determines that the proposed amendments would be consistent with the intent of the Village Code incentive zoning legislation, and the approvals heretofore granted on June 18, 2018, and it is further

RESOLVED, that the Board of Trustees finds and concludes that the additional use proposed by the amendment would be consistent with the character of the neighborhood and community, and would not generate adverse impacts or effects to any degree or type different from those which would result from the previously approved incentive use for the subject property, and it is further

RESOLVED, that the Board of Trustees hereby amends the June 18, 2018 incentive zoning permit approval to allow use of the property only for the retail sale and service of new and pre-owned automobiles, and it is further

RESOLVED, that except where the Building Official has approved minor and insubstantial changes in such plans based upon unanticipated conditions, the construction and alteration of structures at the subject property in furtherance of this resolution be conducted in accordance with the plans submitted to and reviewed by the Board of Trustees, identified as “Biener Ford, Authorized Sales and Service”, dated “10-12-18”, prepared and sealed by John F. Capobianco, Architect - Interior Design – Planning A.I.A., and consisting of sheets T-000 through 003; A-000, -001, -002, -010, -011; A-100 through -103; A-200 through -201; A-300 through -302; A-400 through -401; A-500,-501, -510, -511, -530, -540, -550, -551, -552; A-600 through -605; A-700 through -702; A-800; A-900 through -908; and it is further

RESOLVED, that the applicant is authorized and directed to file an amendment to the Declaration of Covenants required and recorded pursuant to Resolution 18-55, in a form bearing the endorsement of the Village Attorney as to form, prior to the issuance of any building permit for construction or alterations at the subject property in furtherance of the authorized incentive use(s), and it is further

RESOLVED, except as modified by this resolution, all terms and conditions of Resolution 18-55 shall remain in effect.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston: Aye

2020 Vigilant Fire Protection and Ambulance Service Contract

The Board reviewed the proposed 2020 Fire Protection and Ambulance Service Contract between Vigilant Engine & Hook & Ladder Company and the Village of Thomaston.

RESOLUTION 20-13

Upon motion of Trustee Weston, seconded by Trustee Pang, and unanimously approved the following resolution was adopted:

RESOLVED, that the Board of Trustees shall hold a public hearing on Monday, February 10, 2020 at 7:30 p.m. with respect to the proposed 2020 Fire Protection and Ambulance Service Contract between Vigilant Engine & Hook & Ladder Company and the Village of Thomaston. and it is further

RESOLVED, that the Village Administrator is hereby directed to publish, post and otherwise give notice of such hearing as may be required by law.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston: Aye

At 8:10 p.m., the Board entered executive session.

RESOLUTION 20-14

Upon motion of Trustee Weston, seconded by Deputy Mayor Sharkey, and unanimously approved, the following resolution was adopted:

RESOLVED, that the Board of Trustees shall enter into executive session to seek legal advice pertaining to prospective litigation and matters leading to the hiring of a particular person or entity.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston: Aye

The Board took no action during the executive session.

RESOLUTION 20-15

Upon motion of Trustee Weston, seconded by Deputy Mayor Sharkey, and unanimously approved, the following resolution was adopted:

RESOLVED, that the Board of Trustees shall return to public session.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston: Aye

At 8:27 p.m., the Board returned to public session.

Consulting Agreement for Village Building Department

The Board reviewed a proposed agreement for consulting services to be performed by Michael F. McNerney Architect PLLC.

RESOLUTION 20-16

Upon motion of Trustee Weston, seconded by Deputy Mayor Sharkey, and unanimously approved the following resolution was adopted:

RESOLVED, that the Mayor is authorized to execute, on behalf of the Village, the proposed consulting agreement with Michael F. McNerney Architect PLLC for consulting services to be performed with respect to Village building department applications, construction and other related matters.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston Aye

A copy of the agreement in on file in the Village office.

Appointment of Building Inspector

The Mayor appointed Michael F. McNerney RA as Building Inspector.

RESOLUTION 20-17

Upon motion of Mayor Weinberg, seconded by Deputy Mayor Sharkey, and unanimously approved the following resolution was adopted:

RESOLVED, that the Board of Trustees of the Village of Thomaston hereby approves the Mayor's appointment of Michael F. McNerney RA as Building Inspector, to serve without compensation and for a term at the pleasure of the Mayor.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston Aye

Authorize commencement of civil litigation

The Board discussed information received from the Building Department and Village Clerk relating to an unsafe conditions and Code violations existing at 2 Windsor Road and a continued refusal or failure of the owner and/or one or more occupants to vacate the premises until the unsafe condition is remedied.

After such discussion, the Board adopted the following Resolution:

RESOLUTION 20-18

Upon motion of Trustee Weston, seconded by Trustee Pang, and unanimously approved, the following resolution was adopted:

WHEREAS, the Building Inspector has determined that the electrical system and electrical panel at 2 Windsor Road (the "Premises") is in violation of the New York State Property Maintenance Code and that such system and equipment represent an Unsafe Condition, and that other Code violations exist at the Premises, and

WHEREAS, on December 11, 2019, the Building Inspector posted a placard on the access to the Premises providing notice thereon that any occupants of the Premises are required to vacate the Premises as occupancy represents a potential danger to the building occupants or those in close proximity because of the operation of the dangerous equipment, and

WHEREAS, an occupant of the Premises challenged the Building Inspector's determination and requested a hearing before the Board of Appeals, and

WHEREAS, on January 2, 2020, the Board of Appeals held the requested hearing, and

WHEREAS, after conclusion of such hearing the Board of Appeals duly determined that the occupant did not present any testimony or documentation demonstrating that the Building Inspector was incorrect in determining that (a) the Premises is unsafe due to the electrical condition or (b) all occupants should vacate the Premises, and

WHEREAS, the Board of Appeals thereupon concluded that the Building Inspector's determination and posting of the Premises mandating that the Premises be vacated were proper and sustained such actions, and

WHEREAS, the Premises continues to be occupied despite the Building Inspector's determination and the Board of Appeals findings;

NOW, THEREFORE, the Board hereby

1. authorizes the commencement and prosecution of litigation on behalf of the Village against the owner and any occupants of the Premises to effectuate the vacatur of the Premises until such time as the Premises are rendered safe and Code compliant as determined by the Building Inspector, as also to seek any and all other appropriate relief that may be necessary to accomplish such vacatur and Code compliance; and

2. retains the law firm of Meyer, Suozzi, English & Klein, P.C. (“MSEK”), as special counsel in accordance with the rates and terms of the then current retainer agreement with MSEK, to represent the Village in the commencement and prosecution of such litigation.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston: Aye

Radar speed signs

The Mayor informed the Board that the two (2) Evolis radar speed signs purchased from Elan City, Inc., as authorized by the Board on November 19, 2019, have been delivered. The Superintendent of Public Works inquired whether the community wanted the message feature of the signs. The Board discussed the features of the new signs, including size and customizable message display. The Mayor inquired whether the Board had any objections or, wished to return the signs (assuming they are returnable) and consider similar such signs without a message display. The consensus of the Board was to keep the Evolis signs.

The Mayor discussed with the Board the need to purchase either a laptop computer or tablet for the Superintendent of Public Works for the purpose of downloading data from the radar speed signs.

RESOLUTION 20-19

Upon motion of Trustee Weston, seconded by Trustee Pang, and unanimously approved, the following resolution was adopted:

RESOLVED, the Superintendent of Public Works is hereby authorized to solicit at least two (2) quotations for a laptop computer and/or tablet, with specifications that are compatible with all radar speed signs owned by the Village, up to a maximum cost of \$1,000.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Sharkey: Aye
Trustee Pang: Aye Trustee Weston: Aye

Adjournment

At 8:30 p.m., there being no further business, the motion to adjourn was made by Deputy Mayor Sharkey, seconded by Trustee Pang, and unanimously approved.

Respectfully Submitted,

Denise M. Knowland
Village Administrator