

**MINUTES OF THE ORGANIZATIONAL MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON
APRIL 9, 2018**

The Board of Trustees met on Monday, April 9, 2018 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 Jill Monoson, and Trustee Burton Weston

Absent:

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

ELECTION:

The Village Clerk read the canvass of election of March 20, 2018, as follows:

To-on Pang, Trustee	30 Votes
James E. Sharkey, Trustee	19 Votes

Each duly elected candidate had already been sworn in and signed the oath of office.

APPROVAL OF MINUTES:

RESOLUTION 18-22

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

RESOLVED, that the minutes of the Board of Trustees meetings held on March 12, 2018 are hereby approved and accepted as presented.

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

OTHER APPOINTMENTS:

DEPUTY MAYOR/DIRECTOR OF PATV:

The Mayor appointed James Sharkey as Deputy Mayor and Robert Schaufeld as Director of Public Access Television Corporation.

APPOINTMENTS REQUIRING BOARD APPROVAL:

The Mayor made the following appointments, for indeterminate terms except as otherwise noted:

Commissioner of Public Works	Steven Weinberg
Commissioner of Administration	James Sharkey
Commissioner of Cable Television and Representative to the Cable Commission	Robert Schaufeld
Emergency Coordinator	Burton Weston
Commissioner of Planning and Development	Steven Weinberg
Commissioner-At-Large	Lawrence Greengrass
Building Commission	Steven Weinberg To-on Pang James Sharkey (alternate)
Superintendent of Public Works (1 yr.)	William Mazurkiewicz
Village Administrator (at the pleasure of the Mayor)	Denise M. Knowland
Village Historian	Leila Mattson
Chair and Member of the Design Review Board (1 yr.)	Lawrence Levy
Member of the Design Review Board (1 yr.)	Robert Schaufeld
Member of the Design Review Board (1 yr.)	Ruchira Madan
Member of the Design Review Board (1 yr.)	Toby Noren
Member of the Design Review Board (1 yr.)	Glen Wilson
Chair and Member of the Landmarks Preservation Commission (1 yr.)	Arthur Lesser
Vice Chair and Member of the Landmarks Preservation Commission (1 yr.)	Leila Mattson
Member of the Landmarks Preservation Commission (1 yr.)	Joel Friedman
Chair and Member of the Tree Board (1 yr.)	Ruth Rosenstein
Member of the Tree Board (1 yr.)	Jill S. Monoson
Member of the Tree Board (1 yr.)	Toby Noren
Registrar of Vital Statistics	North Hempstead Town Clerk
Member of the Zoning Board of Appeals (5yrs.)	Michael Nikrooz
Member of the Ethics Board (3 yrs.)	Lawrence Levy
Member of the Ethics Board (1 yr.) <i>to fill the remaining unexpired term of Burton Weston</i>	Sally Marzouk
Member of the Ethics Board (1yr.) <i>to fill vacant seat</i>	Christopher Bazinet

RESOLUTION 18-23

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

RESOLVED, that all the appointments indicated above are hereby approved.

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

RETAINING OF VILLAGE ATTORNEY AND SPECIAL COUNSEL:

The Mayor appointed A. Thomas Levin and Brian S. Stolar as Village Attorneys.

RESOLUTION 18-24

On motion of Trustee Monoson, seconded by Trustee Weston, the following resolutions were unanimously adopted:

RESOLVED, that the Board of Trustees of the Village of Thomaston hereby approves the Mayor's appointment of A. THOMAS LEVIN and BRIAN S. STOLAR as Village Attorneys, to serve at the pleasure of the Mayor, and it is further

RESOLVED, that the compensation for the services of the Village Attorneys for those legal services for which the Village is required to retain or appoint a Village Attorney shall be \$295 per hour, plus reimbursement of all reasonable and necessary disbursements incurred in connection with the performance of such retainer legal services, which sums will be billed to the Village monthly, and it is further

RESOLVED, that the Board of Trustees hereby retains MEYER, SUOZZI, ENGLISH & KLEIN, P.C. as special counsel to the Village for legal services other than those provided by the Village Attorneys, on a non-exclusive basis, the services of such special counsel to be compensated at the rate of \$295 per hour, plus reimbursement of all reasonable and necessary disbursements incurred in connection with the performance of such non-retainer legal services, which sums shall be billed to the Village monthly.

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

FIRE INSPECTOR:

The Mayor appointed Rene Guerrero as Village Fire Inspector for an indeterminate term.

RESOLUTION 18-25

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

RESOLVED, that the Board of Trustees approves the appointment of Rene Guerrero as Village Fire Inspector for the official year 2018-2019 to serve at the pleasure of the Mayor, at a rate of \$20 per hour.

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

RESOLUTION CONCERNING THE SCHEDULE OF MEETINGS:

RESOLUTION 18-26

On motion of Trustee Monoson, seconded by Deputy Mayor Sharkey, the following resolutions were unanimously adopted:

RESOLVED that the Board of Trustees designates the second Monday in each month at 7:30 p.m. in the Village Hall, 100 East Shore Road, Great Neck, as the time and place for the regular meetings of the Board of Trustees. The annual organizational meeting shall be held on the second Monday in April or on such other date in April as the Board of Trustees may determine in accordance with applicable law. The Clerk is directed to advise the news media of this schedule, and to post notice of each meeting, as required under the Open Meetings Law. For special meetings, notice will be provided to the extent required by law.

And it is further

RESOLVED, that the Board notes that the first regular meeting in October falls on a legal holiday and so hereby changes the October 8th meeting to October 15th.

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

RESOLUTION REGARDING AUDITOR:

Mayor Weinberg made the following appointment subject to approval of the Board of Trustees.

Skinnon and Faber C.P.A., P.C. Auditor for the Village

RESOLUTION 18-27

On motion of Deputy Mayor Sharkey, seconded by Trustee Pang, the following resolutions were unanimously adopted:

RESOLVED, that the Board of Trustees approves the Mayor's appointment of Skinnon and Faber C.P.A., P.C as Auditor for the Village for the official year 2018-2019, to serve at the pleasure of the Mayor, and it was further

RESOLVED, that he is to be compensated at the rate of no more than \$8,700.00 per year to include the annual Village audit and filing with the NYS Comptroller of the audit as required by law.

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

OFFICIAL BANKS:

RESOLUTION 18-28

On motion of Trustee Monoson, seconded by Trustee Weston, the following resolutions were unanimously adopted:

RESOLVED to designate the following depositories for Village funds (which depositories may be changed from time to time by resolution of the Board):

First National Bank of Long Island	Maximum Deposit \$5,000,000
Capital One Bank	Maximum Deposit \$5,000,000
Bank of America	Maximum Deposit \$5,000,000
Flushing Bank	Maximum Deposit \$5,000,000

Provided that each of such depositories holding funds in excess of \$250,000 pledges securities to the Village as collateral pursuant to a collateral agreement or letters of credit issued in favor of the Village by the Federal Home Loan Bank in accordance with the provisions of the General Municipal Law, and it was further

RESOLVED, that all instruments shall be signed by any two of the following: the Mayor, the Village Administrator or the Deputy Mayor.

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

MILEAGE ALLOWANCE - OFFICIAL NEWSPAPER POLICIES, ETC.:

RESOLUTION 18-29

On motion of Mayor Weinberg, seconded by Trustee Weston, the following resolutions were unanimously adopted:

RESOLVED, that the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village, and it is further

RESOLVED that for the 2018-2019 official year, the Board of Trustees sets the mileage reimbursement rate at the prevailing Internal Revenue Service mileage reimbursement rate, and it is further

RESOLVED that the Board of Trustees designates The Great Neck News as the official newspaper of the Village, and it is further

RESOLVED that the Procurement Policy, adopted October 17, 2016, is readopted, and it is further

RESOLVED that the Investment Policy, adopted March 12, 2018, is readopted, and it is further

RESOLVED, that notwithstanding the foregoing, and pursuant to Village Law §5-524(5), the following claims may be paid without prior audit and approval by the Board of Trustees:

- (a) fixed salaries;
- (b) debt service;
- (c) amounts becoming due upon lawful contracts for periods exceeding one year;
- (d) compensation for services of employees or officers regularly engaged by the Village at agreed wages by the hour, day, week, month or year;

provided, however, that with respect to items (a) and (d) in this paragraph, no such payment shall be made unless the payroll or other claim for compensation for personal services rendered to the Village by any person other than an elective Village officer shall be certified by the Village officer or employee having direct supervision of the claimant to the effect that such services were actually performed by the person or persons mentioned therein; and it is further

RESOLVED, that notwithstanding the foregoing and pursuant to Village Law §5-524(6), the following claims may be paid in advance of audit and approval of the Board of Trustees, provided such claims are presented for audit and approval at the next regular meeting of the Board of Trustees:

- (a) public utility services;
- (b) postage;
- (c) freight and express charges;
- (d) charges for expenses incurred with the approval of the Board of Trustees where there is a discount for timely payment and audit of such claims is not feasible prior to the date for such discounted payment; and it is further

RESOLVED, that the policy established by this resolution shall be reviewed at each ensuing organizational meeting of the Board of Trustees, and shall remain in effect until amended by resolution of the Board of Trustees at any duly convened meeting of the Board of Trustees.

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

BILL T 1801:

The Board discussed Bill T 1801 (Attachment A), a proposed local law to amend the Code of the Village of Thomaston to provide incentive zoning in the OB District and a Short Environmental Assessment Form (Attachment B) prepared by the Village Attorney with respect to such proposed law. After discussion, Trustee Monoson moved the adoption of the following resolution, which was seconded by Deputy Mayor Sharkey and adopted by a vote of 5 in favor and 0 opposed:

RESOLUTION 18-30

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, The Board of Trustees is considering the adoption of legislation designated Bill T 1801, a local law amending the Code of the Village of Thomaston to provide incentive zoning in the OB District; and

WHEREAS, the Board of Trustees has reviewed the proposed local law T1801 and a Short Environmental Assessment Form prepared by the Village Attorney with respect thereto,

NOW, THEREFORE, IT IS

RESOLVED, that the Board of Trustees hereby finds and concludes that is it an Involved Agency, and the Lead Agency for environmental impact review of Bill T 1801 an the requested incentive zoning permit pursuant to the State Environmental Quality Review Act and regulations adopted pursuant thereto (collectively referred to hereinafter as “SEQRA”); and it is further

RESOLVED, that the Board of Trustees hereby determines that the proposed adoption of Bill T 1801 to authorize the Board to grant an incentive zoning permit in the Village OB District is an Unlisted Action as defined in SEQRA; and it is further

RESOLVED, that having given full consideration to the proposed local law, and the Short Environmental Assessment Form prepared in relation thereto, the Board of Trustees hereby finds and concludes as follows:

(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, or 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 officially 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 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;

(viii) 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;

(ix) 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;

(x) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xi) 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;

(a) the proposed action would not have a significant adverse environmental impact; and

(b) no further environmental review is required with respect to the proposed action; and

(c) the Village Administrator, with the assistance of the Village Attorney, shall transmit this determination, a copy of the proposed Local Law T1801 to the Nassau County Planning Commission for its review and recommendation pursuant to General Municipal Law 239-f.

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

PUBLIC HEARING DATE FOR BILL T1801:

RESOLUTION 18-31

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 hold a public hearing on May 14 at 7:30 p.m. with respect to the proposed adoption of Bill T1801, entitled “A local law to amend the Code of the Village of Thomaston to provide incentive zoning in the OB District,” and it is further

RESOLVED, that the Village Clerk is 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 Trustee Monoson : Aye
Deputy Mayor Sharkey: Aye Trustee Pang: Aye
Trustee Weston: Aye

AMENDMENT TO PLAN FOR 655 NORTHERN BLVD:

The Mayor discussed with the Board that proposed modifications to the plan for 655 Northern Boulevard are expected to be filed shortly. This property was previously granted an Incentive Use Permit by the Board on December 19, 2016. Modification to the approved plan requires permission from the Board. Such permission may be determined with or without a public hearing, at the Board’s discretion.

The general consensus of the Board was that they would review the modified plan at their next meeting, to be held on May 14th without a public hearing.

NEW BUSINESS

The Mayor gave a report of the recent activities of the Public Works Department.

VOUCHERS

RESOLUTION 18-32

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

RESOLVED, that vouchers, in the aggregate amount of \$54,043.09 (as itemized on the Abstract of Vouchers dated Monday, April 9, 2018), are hereby approved for payment, all allocated to the General Fund.

A copy of the approved voucher list is attached to these minutes.

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

PENDING TAX CERTIORARI CLAIMS

Morton’s of Chicago Great Neck LLC v. Assessor
Eyssimont, Sonia/Eyssimont Realty v. Assessor

RESOLUTION 18-33

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 discuss pending litigation.

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

The consensus of the Board was that counsel should proceed to negotiate the settlement in accordance with the recommendations outlined in the email communication from the Village Attorney dated March 31, 2018. Upon completion of the discussion, the Board returned to public session.

ADJOURNMENT

At 8:17 p.m., there being no further business, the motion to adjourn was made by Trustee Weston, seconded by Deputy Mayor Sharkey, and unanimously approved.

Respectfully Submitted

Denise M. Knowland
Village Administrator

INC. VILLAGE OF THOMASTON				
AUDITED VOUCHERS				
March 13 through April 9, 2018				
Type	Date	Num	Name	Amount
Check	03/20/2018	7590	LAURA BLACKNALL	-125.00
Check	03/20/2018	7591	BARBARA WILLIAMS	-125.00
Paycheck	03/23/2018	7592	ALLAN J GRDOVICH	
Paycheck	03/23/2018	7593	ANTHONY J CIAPPA	
Paycheck	03/23/2018	7594	CHRISTOPHER T SCHICKLER	
Paycheck	03/23/2018	7595	DAVID B DISTILLI	
Paycheck	03/23/2018	7596	DENISE M KNOWLAND	
Paycheck	03/23/2018	7597	GERALD P. UMLAUF	
Paycheck	03/23/2018	7598	JAMES J. WALTHER	
Paycheck	03/23/2018	7599	LINDA M EARLEY	
Paycheck	03/23/2018	7600	NEIL G. HICKS	
Paycheck	03/23/2018	7601	WILLIAM MAZURKIEWICZ	
Check	03/23/2018	7602	PSEGLI	-633.31
Check	03/23/2018	7603	PSEGLI	-84.92
Check	03/23/2018	7604	WATER AUTHORITY OF GREAT NECK NORTH	-35.55
Check	03/23/2018	7605	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-750.00
Check	03/23/2018	7606	PSEGLI	-53.68
Check	03/27/2018	7607	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-1,200.00
Check	03/27/2018	7608	BIANCO	-125.00
Check	04/02/2018	7609	DENTCARE DELIVERY SYSTEMS	-86.70
Check	04/02/2018	7610	VERIZON WIRELESS	-73.15
Check	04/02/2018	7611	PSEGLI	-10.36
Check	04/02/2018	7612	PSEGLI	-296.84
Check	04/03/2018	7613	AMTRUST NORTH AMERICA	-268.20
Check	04/04/2018	7614	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-750.00
Paycheck	04/06/2018	7615	ALLAN J GRDOVICH	
Paycheck	04/06/2018	7616	ANTHONY J CIAPPA	
Paycheck	04/06/2018	7617	CHRISTOPHER T SCHICKLER	
Paycheck	04/06/2018	7618	DAVID B DISTILLI	
Paycheck	04/06/2018	7619	DENISE M KNOWLAND	
Paycheck	04/06/2018	7620	GERALD P. UMLAUF	
Paycheck	04/06/2018	7621	JAMES J. WALTHER	
Paycheck	04/06/2018	7622	LINDA M EARLEY	
Paycheck	04/06/2018	7623	NEIL G. HICKS	
Paycheck	04/06/2018	7624	WILLIAM MAZURKIEWICZ	
Check	04/06/2018	7625	WATER AUTHORITY OF GREAT NECK NORTH	-1,320.00
Check	04/06/2018	7626	VERIZON	-401.28

Check	04/06/2018	7627	BAYLES GARDEN CENTER & NURSERY, INC	-119.60
Check	04/06/2018	7628	EDMER SANITARY SUPPLY CO.,INC.	-120.50
Check	04/06/2018	7629	FELDMAN LUMBER	-27.06
Check	04/06/2018	7630	AUTO BARN	-64.14
Check	04/06/2018	7631	GABRIELLI TRUCK SALES	-254.41
Check	04/06/2018	7632	GARY MUHLSTOCK	-500.00
Check	04/06/2018	7633	LATONIA LEWIS	-243.00
Check	04/06/2018	7634	ATLANTIC SALT	-3,024.27
Check	04/06/2018	7635	SEE NEVILLE AUTO SUPPLY INC.	-3,875.60
Check	04/06/2018	7636	OLD VILLAGE TREE SERVICE	-2,675.00
Check	04/06/2018	7637	COSTELLO'S HARDWARE	-4.83
Check	04/06/2018	7638	STAPLES CREDIT PLAN	-378.65
Check	04/06/2018	7639	OPTIMUM	-20.00
Check	04/06/2018	7640	TOWN OF NORTH HEMPSTEAD-SWMA	-3,789.41
Check	04/06/2018	7641	GREAT NECK FORD, LLC	-6.38
Check	04/06/2018	7642	BUSINESS CARD	-649.98
Check	04/06/2018	7643	READYREFRESH BY NESTLE	-43.91
Check	04/06/2018	7644	HOME DEPOT CREDIT SERVICES	-120.44
Check	04/06/2018	7645	GENERAL WELDING SUPPLY CORP	-7.00
Check	04/09/2018	7646	MEADOW CARTING CORP	28,669.20
Check	04/09/2018	7647	FINE DETAILING	-200.00
Check	04/09/2018	7648	WEX BANK	-818.82
Check	04/09/2018	7649	FRANCOTYP-POSTALIA, INC.	-179.40
Check	04/09/2018	7650	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-1,200.00
Check	04/09/2018	7651	FRIENDLY BYTES SOFTWARE, INC	-712.50
				-
				54,043.09
				-
TOTAL				54,043.09

Bill T1801

A local law to amend the Code of the Village of Thomaston to provide incentive zoning in the OB District.

Section one. Statement of authority. This local law is enacted pursuant to the authority granted to the Village Board of Trustees in New York Village Law §7-703, and in order to provide procedures for the development of property in the OB District which will provide community benefits, and incentives to the property owner to encourage such development.

Section two. Article X of Chapter 203 of the Code of the Village of Thomaston is hereby amended by adding thereto a new section, to be § 203-70.3, to read as follows:

“§ 203-70.3 Additional incentive uses for property located in the OB District.

With an incentive use permit from the Board of Trustees, a property in the OB District, having an area of at least one-half (½) acre and having street frontage of at least 200 feet on Northern Boulevard, may be used and developed pursuant to an incentive use permit granted by the Board of Trustees, pursuant to Village Law § 7-703 and in accordance with the terms and conditions of this section.

- A. An applicant for an incentive use permit pursuant to this section shall provide to the Board, in addition to any other information customarily required in applications to the Board of Trustees or Board of Appeals for special use permits, a master plan for the entire site where such use or facility is proposed, including a landscaping plan.
- B. A building or lot used or developed as authorized by an incentive zoning permit granted pursuant to this section shall not be used for any use other than that use authorized in the incentive use permit.
- C. Notwithstanding any other provision of this chapter to the contrary, and notwithstanding any authority vested in any other board of the Village, an incentive use authorized pursuant to this section shall conform in all respects to the regulations applicable to uses in the Office Building OB District, except as otherwise authorized in an incentive use permit granted pursuant to this section. In approving an incentive use permit pursuant to this section, the Board of Trustees may grant incentives for the use and development of the subject property and authorize the use or development of the subject property in a manner other than as provided in such regulations, and subject to such conditions as may be determined by the Board of Trustees in approving an incentive use permit, in the

following respects:

- (1) Permission to use the property for the sale and service of new and used (pre-owned) automobiles;
 - (2) Approval of design plans (including proposed structures, paving, parking areas, landscaping, screening, signage as set forth in Code Article XIIA, and other features which may be required by the Board of Trustees) by the Board of Trustees, in the place and stead of any such approval otherwise required from any other Village board;
 - (3) Waiver, in whole or in part, of the setback, screening and masonry wall requirements pursuant to Code § 203-66(A) when the rear yard abuts property that is not being used for residential purposes;
 - (4) Waiver, in whole or in part, of requirements for side yard requirements pursuant to Code § 203-67;
 - (5) Waiver, in whole or in part, of the setback requirements from secondary sides streets, and the landscaping and location of the solid masonry wall screening requirements, as provided in Code § 203-69;
 - (6) Permission to locate parking, or paving, and associated improvements, in a rear yard;
 - (7) The grant of any other necessary approval by the Board of Trustees, in the place and stead of any approval otherwise required from any other Village board, unless the Board of Trustees shall determine that such other board approval is required. In the sole discretion of the Board of Trustees, where a recommendation is required from any other Village board as a condition precedent to any Board of Trustees approval, the Board of Trustees may waive the requirement for such recommendation.
- D. Provisions for public amenities. An applicant for an incentive use permit pursuant to this section shall include in any such application a plan or proposal for the provision of community amenities, including facilities for public use, and whether by transfer, gift, lease, easement or otherwise, to the extent that the same may be acceptable to the Board of Trustees and feasible and adequate, or, in the alternative, by payment of a sum to be determined by the Board of Trustees in lieu of such community amenities, pursuant to New York Village Law § 7-703. The determination whether any such plan is acceptable, feasible, adequate, or in a form acceptable to the Village shall rest in the sole and unfettered discretion of the

Board of Trustees. The Board of Trustees shall have authority to require other or different community amenities or payment in lieu thereof, as it may deem appropriate and as permitted by law.

- E. In connection with the grant of an application under this section, the Board of Trustees may impose any additional terms and conditions which it finds necessary and appropriate to protect the public health, safety and general welfare.
- F. Hearing. No incentive use permit shall be granted pursuant to this section except after a public hearing before the Board of Trustees. The said public hearing shall be held and conducted in the same procedural manner as if it were a public hearing on an application to the Board of Appeals for a use variance, but the determination whether to grant an incentive zoning permit shall be in the sole discretion of the Board of Trustees.
- G. Costs. As required by New York Village Law § 7-703(c) any applicant who applies for an incentive use permit pursuant to this section within five years after the approval of any other incentive use permit pursuant to this section shall pay to the Village a proportionate share of the cost of any generic environmental impact statement and other studies prepared in connection with the enactment of this section or in the authorization of any incentive use permit issued pursuant to this section within the five-year period immediately prior to such application. Said costs shall be added to any other site-specific charges authorized to be imposed on said applicant for environmental studies and review. These costs shall be apportioned among applicants according to the number of applicants required to share in such costs. Monies paid by a prior applicant shall be proportionately reimbursed in the event of a subsequent applicant who may be responsible for, and pays, a portion of these costs.
- H. The determination by the Board of Trustees whether to grant an application for an incentive use permit pursuant to this section shall be in the sole discretion of the Board of Trustees. No person or entity shall have any right to such a permit under any circumstances unless and until such a permit is approved by the Board of Trustees. Any such approval by the Board of Trustees may be granted upon reasonable conditions as may be determined by the Board of Trustees.
- I. Fees and Reimbursements. An applicant for an incentive use permit pursuant to this section shall be required to pay an application fee in an amount as may be determined by the Board of Trustees by resolution. In addition to such application fee, the applicant shall be required to deposit funds sufficient to reimburse the Village's expenses for engineering, environmental, planning, and other professional services reasonably required for review of the application (including reasonable attorneys' fees), the costs of mailing and publishing legal notices, and

stenographic expenses for public hearings. Any such deposit shall be replenished by the applicant from time to time upon written request from the Village Clerk in such manner as to maintain a specified balance in such fund. In the event the applicant fails to maintain any required balance, the Village shall not be obligated to process the application further until such time as the required balance is restored. Upon the conclusion of the application or review process by final determination, or by withdrawal of the application, any remaining balance in such fund after payment of all such expenses shall be refunded to the applicant upon written request.”

Section 2. Effective date. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, and shall expire five months after its effective date. Notwithstanding the expiration of this law, the provisions of this law shall remain in effect with respect to any application for an incentive zoning permit duly filed on or before such expiration date, and the Board of Trustees shall retain jurisdiction pursuant to this law to approve any such application, or thereafter to amend any approval of such application, pursuant to the procedures and other provisions stated in this local law.

**Short Environmental Assessment Form
Part 1 - Project Information**

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: Bill T1801. A local law to amend the Code of the Village of Thomaston to provide incentive zoning in the OB District.							
Project Location (describe, and attach a location map): OB District in the Village of Thomaston							
Brief Description of Proposed Action: The proposed local law would open a window for a period of five months, in which owners of qualified property in the Village of Thomaston OB District could apply to the Board of Trustees for incentive zoning development. The local law would not grant approval for such development, and only allows application for such development to be made to the Board of Trustees, which would have the sole discretion whether to grant such development approval. The zoning incentives which would be authorized by the proposed local law would include permitting use of property for sale of new and used motor vehicles, and waiving or varying other conditions or requirements applicable in the OB District.							
Name of Applicant or Sponsor: Board of Trustees		Telephone: 516-482-3110 E-Mail: clerk@villageofthomaston.org					
Address: 100 E. Shore Road							
City/PO: Great Neck		State: NY	Zip Code: 11023				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1"> <tr> <th>NO</th> <th>YES</th> </tr> <tr> <td align="center"><input type="checkbox"/></td> <td align="center"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1"> <tr> <th>NO</th> <th>YES</th> </tr> <tr> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

ATTACHMENT B

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Board of Trustees</u> Date: <u>April 9, 2018</u></p> <p>Signature: _____</p>		

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local law would not expand or change the uses presently permitted in the OB District as of right. If the law is enacted, it would permit an owner of property in the OB District to apply for incentive zoning development of that property. Any such development application would be evaluated on its own merits if and when any such application is received and the Board of Trustees would have authority to impose any reasonable conditions which the Board deemed appropriate or necessary to protect the public health, safety and general welfare.

Because the proposed action only amends the Village zoning laws to permit such an application to be made, and the approval of such application is within the discretion of the Board of Trustees, the Board of Trustees has concluded that the adoption of such an enabling law does not have any environmental impact.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Board of Trustees	April 9, 2018
Name of Lead Agency	Date
Steven Weinberg	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	A. Thomas Levin, Village Attorney
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM