

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON
May 14, 2018**

The Board of Trustees met on Monday, May 14, 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 Jill Monoson, and Trustee To-on Pang

Absent: Trustee Burton Weston

The Deputy Mayor opened the meeting at 7:51 p.m. Mayor Weinberg was not present at the beginning of the meeting.

Adoption of Minutes

RESOLUTION 18-34

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

RESOLVED, that the minutes of the Board of Trustees meeting held on April 9, 2018 are hereby approved and accepted as presented.

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

2018 Road Improvements

The Board discussed the schedule for road resurfacing which will include Lee Avenue and a portion of Gilcrest Road.

RESOLUTION 18-35

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

RESOLVED, that the Village Administrator is directed to prepare the bid package and place a legal notice soliciting sealed bids in the Village's official newspaper (Great Neck News) to be published on May 18, 2018 with a bid opening date of June 8, 2018.

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

Replacement of Asphalt Crack Sealer

The Board discussed replacement of the existing asphalt crack sealer which was purchased in 2005. The estimated cost of replacement is approximately \$42,500.

RESOLUTION 18-36

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

RESOLVED, that the Village Administrator is directed to prepare the bid package and place a legal notice soliciting sealed bids for a new Asphalt Crack Sealer in the Village's official newspaper (Great Neck News) to be published on May 18, 2018 with a bid opening date of June 8, 2018.

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

Replacement of SUV

The Board discussed replacement of the 2011 Ford Explorer which is included in this year’s budget. The estimated cost of this vehicle is approximately \$32,000. This cost will be offset by either the trade-in allowance or the sale of the 2011 Explorer.

RESOLUTION 18-37

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

RESOLVED, that the Village Administrator is directed to prepare the bid package and place a legal notice soliciting sealed bids for a new Ford Explorer XLT in the Village’s official newspaper (Great Neck News) to be published on May 18, 2018 with a bid opening date of June 8, 2018.

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

Transfer of Funds

RESOLUTION 18-38

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

RESOLVED, that the Village Administrator is directed to transfer \$150,000 from the Disbursement Account to the Truck Fund for future purchase of vehicles (the Truck Fund is included in the General Fund, but is maintained in a separate bank account), effective 2/28/18.

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

RESOLUTION 18-39

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

RESOLVED, that the Village Administrator is directed to transfer \$300,000 from the Disbursement Account to the Repair Reserve Fund, effective 2/28/18.

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

Mayor Weinberg arrived at 7:57 p.m.

Public Works Report

The Mayor read the Public Works report.

Public Hearing on Bill T1801

Mayor Weinberg opened the public hearing on Bill T1801 (Attachment A), a local law to amend the Code of the Village of Thomaston to provide incentive zoning in the OB District.

Michael Sahn, Esq., of Sahn Ward Coshignano, PLLC and David Mammina, R.A. of H2M Architects spoke in favor of Bill T1801.

There being no further comment, the Public hearing was closed.

RESOLUTION 18-40

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

Whereas, pursuant to General Municipal Law §239-m, the Village transmitted the proposed local law to the Nassau County Planning Commission (“Commission”) for its non-binding recommendation to the Village with respect to such proposed legislation; and

Whereas, by letter dated April 19, 2018, the Commission recommended that the Board take such action as the Board deems appropriate, the Commission having no modifications to the proposed legislation; and

Whereas, by resolution 18-30, duly adopted on April 9, 2018, the Board of Trustees declared itself to be Lead Agency for SEQRA review of the proposed legislation, classified the proposed legislation as an Unlisted Action, and issued a Negative Declaration; and

Whereas, the Board of Trustees has held and concluded a public hearing with respect to the proposed local law, and considered all comments and other information received with respect to such proposed law,

NOW, THEREFORE BE IT

RESOLVED, that the Board of Trustees of the Village of Thomaston hereby adopts Bill T1801 (Attachment A) as Village of Thomaston Local Law 1 of 2018; and it is further

RESOLVED, that the Village Administrator shall send a copy of this resolution to the Nassau County Planning Commission, 1194 Prospect Avenue, Westbury, NY 11590-2723 within seven days after the adoption of this resolution; and it is further

RESOLVED, that within seven days after the adoption of this resolution the Village Administrator shall file the local law with the New York Department of State pursuant to the Municipal Home Rule Law.

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

Application of 661 Northern Associates, LLC for Incentive Zoning Permit

661 Northern Associates, LLC filed an application for an Incentive Use Permit in the OB District. The Board reviewed the application of 661 Northern Associates, LLC in addition to its review of this project which has been undertaken over the past several months. The Board discussed the Full Environmental Assessment Form included in the application package which will be reviewed by the Village’s consultant, Cashin, Spinelli & Ferretti. LLC (CSF).

RESOLUTION 18-41

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

RESOLVED, that the Board of Trustees elects to be the Lead Agency for review of the application by 661 Northern Associates, LLC for an incentive zoning permit, and hereby classifies such application as an Unlisted Action as defined in the State Environmental Quality Review Act, and it is further

RESOLVED, that a public hearing be held on June 11, 2018 at 7:30 p.m. with respect to the application of 661 Northern Associates, LLC for an Incentive Use Permit for the premises at 661 Northern Boulevard to use said premises for the retail sale and service of pre-owned automobiles, 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 Deputy Mayor Sharkey: Aye
Trustee Monoson Aye Trustee Pang: Aye

Tax Certiorari Settlement - Eyssimont v. Assessor

Mayor Weinberg informed the Board that the Village Attorney has negotiated a settlement of the tax certiorari case involving the properties located at 26 Linden Street, 28 Linden Street, 37 Spruce Street and 39 Spruce Street.

RESOLUTION 18-42

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

RESOLVED, that the settlement of the tax certiorari claims affecting 26 Linden Street, 28 Linden Street, 37 Spruce Street, and 39 Spruce Street for the properties known as Section 2, Block 261, Lot 115. Section 2, Block 261, Lot 114, Section 2 Block 261, Lot 111, and Section 2 Block 261, Lot 112 for the tax years 2010/11 through 2018/19 for a lump sum refund of \$11,500 and reduction in assessed value to \$17,500 for the 2019/20 tax year, with a three year moratorium on further filing, is hereby approved.

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

New Business

Residents from Arbor Street presented the Board with a petition requesting a change in the parking regulations on Arbor Street. They requested a ban on parking from 8:00 a.m. to 10:00 a.m. and 12:00 p.m. to 3:00 p.m. Monday to Friday on both the north and south sides of the street.

After a brief discussion of the reasons for the request, the following resolution was made.

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

RESOLUTION 18-43

RESOLVED, that Village Code §196-38 Schedule X: No Parking Certain Hours is hereby amended, effective immediately, by adding thereto the following location, to be inserted into the Village Code in alphabetical order position in the existing schedule:

Name of Street	Side	Hours	Location
Arbor Street	Both	8:00 a.m. to 10:00 a.m. Monday to Friday 12:00 p.m. to 3:00 p.m. Monday to Friday	between Summer Street and the dead end of Arbor Street

and it is further

RESOLVED, that the Superintendent of Public Works is directed to install such signage and the Village Administrator shall submit the revision to General Code Publishers Corp. for inclusion in the next Code supplement.

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

Vouchers

RESOLUTION 18-44

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

RESOLVED, that vouchers, in the aggregate amount of \$73,595.00 (as itemized on the Abstract of Vouchers dated Monday, May 14, 2018), are hereby approved for payment, all allocated to the General Fund.

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

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

Adjournment

At 8:55 p.m., there being no further business, the motion to adjourn was made by Deputy Mayor Sharkey, seconded by Mayor Weinberg, and unanimously approved.

Respectfully Submitted,

Denise M. Knowland
Village Administrator

INC. VILLAGE OF THOMASTON**AUDITED VOUCHERS**

April 10 through May 14, 2018

Type	Date	Num	Name	Amount
Check	04/18/2018	7652	WATER AUTHORITY OF GREAT NECK NORTH	-35.55
Check	04/18/2018	7653	NATIONAL GRID	-366.31
Check	04/18/2018	7654	NATIONAL GRID	-261.30
Check	04/18/2018	7655	NATIONAL GRID	-768.59
Check	04/18/2018	7656	NATIONAL GRID	-598.83
Paycheck	04/20/2018	7657	ALLAN J GRDOVICH	
Paycheck	04/20/2018	7658	ANTHONY J CIAPPA	
Paycheck	04/20/2018	7659	CHRISTOPHER T SCHICKLER	
Paycheck	04/20/2018	7660	DAVID B DISTILLI	
Paycheck	04/20/2018	7661	DENISE M KNOWLAND	
Paycheck	04/20/2018	7662	GERALD P. UMLAUF	
Paycheck	04/20/2018	7663	JAMES J. WALTHER	
Paycheck	04/20/2018	7664	LINDA M EARLEY	
Paycheck	04/20/2018	7665	NEIL G. HICKS	
Paycheck	04/20/2018	7666	WILLIAM MAZURKIEWICZ	
Check	04/20/2018	7667	NYS EMPLOYEES' HEALTH INSURANCE	-6,612.51
Check	04/20/2018	7668	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-750.00
Check	04/23/2018	7669	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-1,200.00
Check	04/27/2018	7670	PSEGLI	-68.63
Check	04/27/2018	7671	PSEGLI	-497.50
Check	04/27/2018	7672	PSEGLI	-45.32
Check	04/27/2018	7673	EUGENIO STEBELSKY	-102.77
Check	04/27/2018	7674	MEYER, SUOZZI, ENGLISH & KLEIN, P.C.	-2,994.25
Check	05/02/2018	7675	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-750.00
Paycheck	05/04/2018	7676	ALLAN J GRDOVICH	
Paycheck	05/04/2018	7677	ANTHONY J CIAPPA	
Paycheck	05/04/2018	7678	CHRISTOPHER T SCHICKLER	
Paycheck	05/04/2018	7679	DAVID B DISTILLI	
Paycheck	05/04/2018	7680	DENISE M KNOWLAND	
Paycheck	05/04/2018	7681	GERALD P. UMLAUF	
Paycheck	05/04/2018	7682	JAMES J. WALTHER	
Paycheck	05/04/2018	7683	LINDA M EARLEY	
Paycheck	05/04/2018	7684	NEIL G. HICKS	
Paycheck	05/04/2018	7685	WILLIAM MAZURKIEWICZ	
Check	05/04/2018	7686	PSEGLI	-10.36
Check	05/04/2018	7687	PSEGLI	-235.38
Check	05/04/2018	7688	VERIZON WIRELESS	-69.05
Check	05/08/2018	7689	JOSEPH J. CHEARMONTE ARCHITECT P.C.	0.00
Check	05/08/2018	7690	VERIZON	0.00
Check	05/08/2018	7691	MEADOW CARTING CORP	0.00
Check	05/08/2018	7692	JOSEPH J. CHEARMONTE ARCHITECT P.C.	-1,200.00
Check	05/08/2018	7693	VERIZON	-398.79

Check	05/08/2018	7694	MEADOW CARTING CORP	28,669.20	-
Check	05/14/2018	7695	SKINNON & FABER, CPA'S, P.C.	-7,000.00	
Check	05/14/2018	7696	WATER AUTHORITY OF GREAT NECK NORTH	-35.55	
Check	05/14/2018	7697	CHIEF EQUIPMENT INC.	-87.59	
Check	05/14/2018	7698	BLANK SLATE MEDIA LLC	-68.85	
Check	05/14/2018	7699	STAPLES CREDIT PLAN	-122.92	
Check	05/14/2018	7700	READYREFRESH BY NESTLE	-52.90	
Check	05/14/2018	7701	WEX BANK	-453.95	
Check	05/14/2018	7702	MEYER, SUOZZI, ENGLISH & KLEIN, P.C.	-8,008.80	
Check	05/14/2018	7703	GENERAL WELDING SUPPLY CORP	-7.00	
Check	05/14/2018	7704	OPTIMUM	-20.00	
Check	05/14/2018	7705	TOWN OF NORTH HEMPSTEAD-SWMA	-2,781.13	
Check	05/14/2018	7706	BUSINESS CARD	-404.40	
Check	05/14/2018	7707	HOME DEPOT CREDIT SERVICES	-76.93	
Check	05/14/2018	7708	WINTERS BROS. HAULING OF LI, LLC	-475.00	
Check	05/14/2018	7709	ATLANTIC SALT	-3,687.65	
Check	05/14/2018	7710	OLD VILLAGE TREE SERVICE	-1,925.00	
Check	05/14/2018	7711	GLENCO SUPPLY	-435.72	
Check	05/14/2018	7712	BOARD OF ELECTIONS COUNTY OF NASSAU	-52.25	
Check	05/14/2018	7713	NCPD	-200.00	
Check	05/14/2018	7714	COSTELLO'S HARDWARE	-53.18	
Check	05/14/2018	7715	WINTERS BROS. HAULING OF LI, LLC	-285.00	
Check	05/14/2018	7716	H.O. PENN MACHINERY COMPANY	-348.63	
Check	05/14/2018	7717	NATIONAL GRID	-130.13	
Check	05/14/2018	7718	VOID	0.00	
Check	05/14/2018	7719	VOID	0.00	
Check	05/14/2018	7720	NATIONAL GRID	-398.34	
Check	05/14/2018	7721	NATIONAL GRID	-572.42	
Check	05/14/2018	7722	NATIONAL GRID	-277.32	
				-	73,595.00
TOTAL				73,595.00	-

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.