

**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF THOMASTON  
July 12, 2021**

The Board of Trustees met on Monday, July 12, 2021 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:** None

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

**Adoption of Minutes**

RESOLUTION 21-63

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

RESOLVED, that the minutes of the Board of Trustees meeting held on June 14, 2021 are hereby approved and accepted as presented.

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

**Change of date for August Board of Trustees meeting**

RESOLUTION 21-64

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

RESOLVED, that the August meeting of the Board of Trustees, originally scheduled for Monday, August 9, 2021 at 7:30 p.m., will, instead, be held on Monday, August 16, 2021 at 7:30 p.m. at Village Hall.

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

**Public Hearing on Bill T2021C.1 (Incentive Zoning)**

At 7:39 p.m. the Mayor opened the public hearing on Bill T2021C.1, a local law to amend the code of the Village of Thomaston, in relation to incentive zoning for property located in certain adjoining zoning districts. The Mayor announced that the Nassau County Planning Commission had recommended local determination with respect to this proposed local law.

The Board discussed the proposed local law. One member of the public was present during the hearing.

Upon conclusion of the discussion, the Mayor closed the public hearing.

RESOLUTION 21-65

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

RESOLVED, that the public hearing on Bill T2021C.1 is hereby closed.

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

RESOLUTION 21-66

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

RESOLVED, that Bill T2021C.1 is adopted as Local Law 3-2021, effective immediately upon filing with the Secretary of State as required 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
	Trustee Weston:	Aye		

**Fee for Incentive Use Permit**

RESOLUTION 21-67

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

RESOLVED, that the fee for an application for an incentive use permit application pursuant to Local Law 3-2021 is hereby set at \$2,500, and it is further

RESOLVED, that a deposit, in the amount of \$15,000, to be applied to the Village’s expenses for legal and professional consulting services, fees for mailing and publication of notices, and stenographic fees,for public hearings, shall accompany the application, and it is further

RESOLVED, that such deposit be replenished by the applicant from time to time upon written request from the Village Clerk in such manner as to maintain a balance of \$5,000 in such fund, and it is further

RESOLVED, that the Village Administrator is directed update the Village’s Fee Schedule with this information.

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

A copy of Bill T2021C.1 is attached to these minutes.

An application for incentive use permit was filed by 124 Middle Neck Realty, LLC at 7:52 p.m.

**Public Hearing Date for Application for Incentive Use permit**

RESOLUTION 21-68

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

RESOLVED, that a public hearing be held on August 16, 2021 at 7:30 p.m. with respect to the application of 124 Middle Neck Realty, LLC for an incentive use permit, 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
	Trustee Weston:	Aye		

**Public Hearing on Bill T2021D (HVAC)**

At 8:06 p.m. the Mayor opened the public hearing on Bill T2021D, a local law to amend the Code of the Village of Thomaston in relation to exterior HVAC installations and equipment . The Mayor announced that the Nassau County Planning Commission had recommended local determination with respect to this proposed local law.

There being no further comments from the public, the Mayor closed the public hearing.

RESOLUTION 21-69

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

RESOLVED, that the public hearing on Bill T2021D is hereby closed.

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

RESOLUTION 21-70

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

RESOLVED, that Bill T2021D is adopted as Local Law 4-2021, effective immediately upon filing with the Secretary of State as required 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
	Trustee Weston:	Aye		

**Amend Chapter A 209 of the Village Code (Electronic Copies of Documents)**

RESOLUTION 21-71

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

RESOLVED, that Chapter A 209 General Policies of the Village Code, “Electronic Copies of Documents” is hereby amended to read as follows:

“§A 209.1(D)

D. Exceptions. Except as may otherwise be provided in this section, with respect to applications concerning one single family residence submission of electronic copies of such documents shall be required only for (i) applications

to the Board of Appeals or Planning Board, (ii) applications to the Board of Trustees for special use permits, change of zone or incentive use permits, or (iii) applications for amendment of approvals previously granted for any of the foregoing.”

and it is further

RESOLVED, that this resolution, and the requirements herein contained, shall be effective immediately, and shall apply to all application or amendment submissions filed on or after the effective date.

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

### **SCAR (Small Claims Assessment Review) Decisions**

The Board of Trustees reviewed the decisions of the Hearing Officer as of June 11, 2021(Attachment A)

#### RESOLUTION 21-71

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

RESOLVED, that the Board of Trustees directs the Village Administrator to correct the tax roll with the new assessment indicated by the hearing officer in the various SCAR decisions dated June 11, 2021 and to carry these new assessments forward into the 2022/23 tax roll, and it is further

RESOLVED, that Board of Trustees approves the payment of refunds of the 2021/22 tax year, in the aggregate amount of \$293.21 reflecting the difference between the original and amended bills, and it is further

RESOLVED, that the Village Administrator shall issue refunds to the applicant’s representative(s).

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

### **Phone System Proposals**

The Board reviewed three (3) proposals for a new phone system for Village Hall. The Board reserved decision, pending additional information with regard to the warranty for the equipment.

### **New Business**

The Mayor read the public works report.

### **Deposit Refunds**

#### RESOLUTION 21-72

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

RESOLVED, that the refunds of deposits, in the aggregate amount of \$806.86 (as itemized on the Abstract of Refunds dated Monday, July 12, 2021), are hereby approved for disbursement from the Trust and Agency Fund.

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

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

**Vouchers**

RESOLUTION 21-73

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

RESOLVED, that the vouchers, in the aggregate amount of \$59,964.22 (as itemized on the Abstract of Vouchers dated Monday, July 12, 2021), 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 Deputy Mayor Sharkey: Aye  
Trustee Monoson: Aye Trustee Pang: Aye  
Trustee Weston: Aye

**Adjournment**

At 8:48 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

**VILLAGE OF THOMASTON - Trust and Agency Fund**

**AUDITED REFUNDS**

**June 15 through July 12, 2021**

Type	Num	Date	Name	Memo	Original Amount
Check	1009	07/12/2021	805 N BLVD LLC	Refund ZBA Dep: 805 N Blvd LLC	-806.86
				Refund of unused portion of ZBA deposit	
					806.86
<b>TOTAL</b>					<b>\$806.86</b>

**INC. VILLAGE OF THOMASTON****AUDITED VOUCHERS**

June 15 through July 12, 2021

Type	Date	Num	Name	Amount
Check	06/16/2021	3164	PSEGLI	-83.42
Check	06/16/2021	3165	PSEGLI	-653.18
Check	06/16/2021	3166	NATIONAL GRID	-82.82
Check	06/16/2021	3167	NATIONAL GRID	-87.35
Check	06/16/2021	3168	NATIONAL GRID	-40.53
Check	06/16/2021	3169	NATIONAL GRID	-208.23
Check	06/25/2021	3172	PSEGLI	-54.72
Check	07/07/2021	3173	MANHASSET-LAKEVILLE WATER DISTRICT	-16.20
Check	07/07/2021	3174	MANHASSET-LAKEVILLE WATER DISTRICT	-97.15
Check	07/07/2021	3175	PSEGLI	-10.36
Check	07/07/2021	3176	PSEGLI	-236.70
Check	07/07/2021	3177	WATER AUTHORITY OF GREAT NECK NORTH	-1,524.60
Check	07/07/2021	3178	VERIZON	-449.28
Check	07/07/2021	3179	VERIZON WIRELESS	-79.78
Check	07/09/2021	ACH	MICHAEL F. MCNERNEY ARCHITECT PLLC	-2,357.50
Check	07/12/2021	3182	OLD VILLAGE TREE SERVICE	-1,875.00
Check	07/12/2021	3183	DENTCARE DELIVERY SYSTEMS	-86.70
Check	07/12/2021	3184	MICHAEL HABERMAN ASSOCIATES, INC.	-2,825.00
Check	07/12/2021	3185	JORDAN ASSOCIATES	-334.50
Check	07/12/2021	3186	AGAS MFG INC	-75.00
Check	07/12/2021	3187	LI VILLAGE CLERKS & TREASURERS ASSOC	-75.00
Check	07/12/2021	3188	NOVEMBER AND SONS LLC	-290.00
Check	07/12/2021	3189	COSTELLO'S HARDWARE	-55.85
Check	07/12/2021	3190	LIRO ENGINEERS, INC.	-1,350.00
Check	07/12/2021	3191	BIENER FORD LLC	-8.76
Check	07/12/2021	3192	SANTELLI & SONS, INC.	-135.00
Check	07/12/2021	3193	OPTIMUM	-22.00
Check	07/12/2021	3194	WEX BANK	-613.05
Check	07/12/2021	3195	SEE NEVILLE AUTO SUPPLY INC.	-230.23
Check	07/12/2021	3196	STAPLES CREDIT PLAN	-12.99
Check	07/12/2021	3197	BUSINESS CARD	-874.14
Check	07/12/2021	3198	BUSINESS CARD	-29.53
Check	07/12/2021	3199	HOME DEPOT CREDIT SERVICES	-198.30
Check	07/12/2021	3207	MEADOW CARTING CORP	29,519.20
Check	07/12/2021	3200	NYS EMPLOYEES' HEALTH INSURANCE	-7,460.09
Check	07/12/2021	3201	MEYER, SUOZZI, ENGLISH & KLEIN, P.C.	-4,545.00

	Check	07/12/2021	3202	JENNIFER DEVLIN	-949.00	
	Check	07/12/2021	3203	TOWN OF NORTH HEMPSTEAD-SWMA	-1,031.42	
	Check	07/12/2021	3204	READYREFRESH BY NESTLE	-107.84	
	Check	07/12/2021	3205	P.T.R.C., INC.	-293.21	
	Check	07/12/2021	3206	AUTO BARN	-145.69	
	Check	07/12/2021	3208	FINE DETAILING	-200.00	
	Check	07/12/2021	3209	GENERAL WELDING SUPPLY CORP	-359.50	
	Check	07/12/2021	3210	BLANK SLATE MEDIA , LLC	-280.40	
					-	
					59,964.22	
					-	
	<b>TOTAL</b>				<b>59,964.22</b>	

Bill T2021C.1. A local law to amend the Code of the Village of Thomaston, in relation to incentive zoning for property located in certain adjoining zoning districts.

Section 1. Article VIII of Chapter 203 of the Code of the Village of Thomaston is hereby amended by adding thereto a new section, to be § 203-54.1, to read as follows:

"§203-54.1 Incentive uses for property located in certain adjoining zoning districts.

- A. This section is enacted by authority of Village Law §7-703, to authorize the Board of Trustees of the Village of Thomaston, acting pursuant to the provisions of this section, to grant incentive use permits pursuant to which property located on the west side of Middle Neck Road, consisting of parcels in certain adjoining zoning Districts, conforming to other requirements in this section, may be used and developed as provided by this section, notwithstanding the provisions of this Code with respect to the respective zoning districts within which such property is located.
- B. The Board of Trustees may grant an incentive use permit pursuant to this section only for property conforming to the following minimum requirements:
  - a. The property is located partially in the Apartment B District and partially within an adjoining Residence 10 District. and
  - b. The property is comprised of total area of at least 0.75 acres, and not more than one acre, having a depth at its greatest point of at least 200 feet, and street frontage on Middle Neck Road of at least 230 feet.
  - c. The maximum permitted residential density for a property to be developed by incentive use permit pursuant to this section shall be subject to determination by the Board of Trustees, but in no event to exceed 84 units per acre.
- C. If an incentive zoning permit is approved pursuant to this section, the property may be developed and used as though it were

located wholly within the Apartment B District, subject to any conditions imposed in this section and/or in the approval of such incentive zoning permit.

- D. An application for an incentive use permit pursuant to this section shall include, in addition to any other information customarily required in applications to the Board of Trustees or Board of Appeals for special use permits, a dimensioned site plan and a conceptual landscape plan for the entire site for which such permit is requested, including a landscaping plan.
- E. 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 multifamily residence and accessory uses in the Apartment B District and such other uses as may be authorized in the incentive zoning permit.
- F. 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 Apartment B District, except that in approving an incentive use permit pursuant to this section the Board of Trustees may authorize parameters of development and use, and impose conditions on such development and use, as authorized in this section.
- G. An incentive use permit authorized pursuant to this section may permit development and use of the subject property including one or more of the following incentives:
  - a. Waiver, in whole or in part, of requirements for lot coverage, yard setbacks, parking, below grade parking within a front, side, or rear yard, height, number of stories, screening, and unit size, provided that the maximum number of residential units shall not exceed eighty (80) units.
  - b. The grant of any other necessary approval(s) 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.

- c. Approval of design plans (including proposed structures, paving, parking areas, landscaping, screening, and other features, in the place and stead of any such approval otherwise required from any other Village board. Such approval shall be subject to engineered site plans submitted to the Building Department for its review and approval when the applicant seeks a building permit.
- d. Approval for underground parking on such property, whether the portion of the property where such parking is located is in the Apartment B District or in an adjoining District

H. 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, whether by transfer, gift, lease, easement or otherwise. In approving an incentive use permit pursuant to this section, the Board of Trustees shall, to the extent that the same may be feasible, adequate, and acceptable to the Board of Trustees in its sole discretion, require the provision of such amenities, or in the alternative, require payment of a sum to be determined by the Board of Trustees in lieu thereof, pursuant to Village Law § 7-703. The Board of Trustees shall have authority to require other or different community amenities or payment in lieu thereof, or a combination of such, as it may deem appropriate and as permitted by law.

I. The determination whether any incentive zoning permit application is acceptable, feasible, adequate, or in a form acceptable to the Village, or whether and on what conditions an incentive use permit may be granted, shall rest in the sole and unfettered discretion of the Board of Trustees, which may decline

- such application in such sole discretion. No person shall have a right to approval of any incentive zoning permit application, with or without conditions.
- J. The maximum permitted residential unit density for an incentive development pursuant to this section shall be 84 units per acre. In granting an incentive zoning permit pursuant to this section the Board of Trustees shall have authority, in its sole discretion to approve fewer units than the permitted maximum density. Each approval of an application for an incentive use permit pursuant to this section shall include a requirement that not more than ten (10%) percent of the total number of approved units be reserved and occupied only by individuals and families that have incomes between 80% and 120% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development. All of such affordable housing units shall be located on site.
- K. In connection with the approval of any application pursuant to 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.
- L. Hearing. No incentive use permit shall be granted or amended pursuant to this section except after a public hearing before the Board of Trustees. The said public hearing shall be noticed, held and conducted in the same manner as is required for a public hearing before the Board of Appeals for a use variance. Notwithstanding the foregoing, where an amendment to a previously approved incentive zoning permit consists only of an extension of time in which any act must be performed or completed pursuant to such permit, the Board of Trustees, acting in its sole discretion, may waive or modify the requirement for a public hearing with respect to such amendment.
- M. Determination. The determination whether to grant an incentive zoning permit application in whole or in part 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.

- N. Waiver of right to seek other change of zone or variance. The acceptance and use of an incentive zoning permit granted pursuant to this section shall constitute an irrevocable waiver on the part of the owner of the subject property of any right to, and an irrevocable agreement by such owner and such owner's heirs, successors and assigns as owner of such property, not to seek or accept, any future variance or change of zone with respect to any portion of the property without the prior consent of the Board of Trustees.
- O. Costs. As required by Village Law § 7-703, Subdivision 3(c), any applicant who applies for an incentive use permit pursuant to this section shall pay to the Village a proportionate share of the reasonable expenses or costs of preparation or review of any environmental impact statement, or other studies prepared in connection with the enactment of this section or in the review and determination of any incentive use application pursuant to this section. 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.
- P. 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.

- a. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, and shall remain in effect for one hundred fifty (150) days after such effective date, after which period of time this local law shall expire.
- b. Notwithstanding the expiration of this law, the provisions of this law shall continue and remain in effect with respect to any application for an incentive zoning permit duly and timely filed on or before such expiration date, and the Board of Trustees may act upon and determine any such application pursuant to the provisions of this law notwithstanding the expiration of this law.
- c. Notwithstanding the expiration of this law, in any case where the Board of Trustees has approved an incentive zoning application pursuant to this law, in whole or in part, the Board of Trustees, in its sole discretion, shall continue to have and exercise jurisdiction pursuant to this law, to approve any amendment of such approval pursuant to the procedures and other provisions stated in this local law for an incentive zoning permit application. A public hearing shall be required for any such amendment application, except that the Board of Trustees may waive any requirement for public hearing with respect to an application which seeks relief only for an extension of time to perform any act required by the incentive zoning permit.

Bill T2021D. A local law to amend the Code of the Village of Thomaston, in relation to location of exterior HVAC installations and equipment

Section one. Section 203-122 of the Code of the Village of Thomaston is hereby amended, to read as follows:

“§ 203-122 Air-conditioning and/or heating system equipment.

A. Permit required. No person, firm or corporation may install or replace outdoor air-conditioning equipment (compressors, cooling towers, and other air-conditioning system equipment, including ductless split systems) within the Village of Thomaston except in compliance with the provisions of this section, and with a permit from the Building Official. No permit shall be issued until all required fees are paid. No person shall maintain or operate any such equipment installed after the effective date of this section without a permit as required by this section.

(1) Such permit application shall include (i) a brief description of the equipment proposed to be installed. (ii) a copy of the manufacturer's specifications for the unit to be installed, (iii) the sound rating of the unit, (iv) a survey of property marked with the location and size of the proposed equipment, the distances to the side and rear property lines, and the distance from the front-most portion of the dwelling (for side installations), (v) the proposed screening as required by this section and (vi) such other information as may reasonably be required by the Building Official.

(2) Such application shall also be accompanied by payment of a permit fee, in an amount established from time to time by resolution of the Board of Trustees.

B. Residential Zones R-6, R-7, R-7C, R-8, R-9, R-9B, R-9C, R-10: In addition to the requirements set forth in paragraph (A) of this section, all outdoor compressors, cooling towers and other air-

conditioning system equipment, including ductless split systems shall be located in the rear yard or side yard as follows:

- (1)Rear yard installations shall be located immediately adjacent to the rear wall of the dwelling, at least 20 feet distant from the rear property line, and a distance from the side property lines not less than the minimum side yard setback for the zone in which the property is located.
- (2)Side yard installations shall be located immediately adjacent to the side wall of the dwelling, at least 10 feet from the front-most portion of the wall of the dwelling along which the equipment is placed, and a distance from the side property line not less than the minimum side yard setback for the zone in which the property is located.
- (3)In the case of a corner lot, all outdoor compressors, cooling towers and other air-conditioning system equipment, including ductless split systems shall be located in the side yard having the greatest width and as set forth in paragraph B(2) of this section. Notwithstanding the foregoing, the Board of Trustees may permit outdoor compressors, cooling towers and other air-conditioning system equipment, including ductless split systems to be located adjacent to the façade that is the front yard without an entrance to the dwelling. Such installations shall also comply with paragraphs (B)(2) and (E) of this section.

C. Non-Residential and Residence A-B Zones: In addition to the requirements set forth in paragraph (A) of this section, all outdoor compressors, cooling towers and other air-conditioning system equipment, including ductless split systems, shall be located in the rear yard as set forth in paragraph B(1) of this section, or on the roof of the structure. All such equipment in rooftop locations shall be set back from the roof edge not less than 10 feet and shall be surrounded by a form of screening approved by the Village Building Official.

- D. No residential outdoor air-conditioning system equipment may emit sound which exceeds a sound rating of 75 dBA at the nearest property line. A copy the manufacturer's specification for such equipment, including the sound rating of the equipment to be installed, shall be submitted with the permit application .
- E. All residential outdoor air-conditioning equipment located in a side yard shall be fully screened from the adjoining property and the street by evergreen plantings having a minimum height of 6 inches above the highest point of the equipment or solid fencing, having a minimum height of 6 inches above the highest point of the equipment subject to the requirement of §203-107 (Fences). All such screening shall be in accordance with a plan submitted with the permit application and approved by the Building Official.
- F. All outdoor air-conditioning equipment (as defined in paragraph A of this section) installed at a residential property which is the subject of this section, and was lawfully installed prior to the effective date of this section may remain in its existing location. No such equipment shall be replaced except with a permit requirement as required by this section. It shall be presumed that any outdoor air-conditioning equipment at a residential property was not lawfully installed before the effective date of this section; the burden of proof shall be upon the property owner to demonstrate to the satisfaction of the Building Official that such equipment was lawfully installed prior to such effective date. Submission of a permit, certificate of completion, or similar documentation shall be sufficient to rebut such presumption.”

Section two. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

**SCAR DECISIONS**  
**2021/22 TAX YEAR**  
**HEARING DATE: 6/11/21**

<b>NAME</b>	<b>ADDRESS</b>	<b>SEC/BLK/LOT</b>	<b>FINAL ASSESSMENT ROLL</b>	<b>DECISION</b>	<b>REDUCTION</b>	<b>REFUND</b>
GAIL GORDON	10 ST GEORGE RD	2/206/24	\$7,000	\$6,600	\$400	\$137.98
XIAO LIN HE	16 SHADOW LN	2/208/29	\$8,400	\$7,950	\$450	\$155.23
<b>TOTAL REDUCTION IN ASSESSED VALUE:</b>					<b>\$850</b>	
<b>TOTAL REFUND OF TAXES:</b>						<b>\$293.21</b>

**SCAR DECISIONS**  
**2021/22 TAX YEAR**  
**HEARING DATE: 6/11/21**  
**NO CHANGE IN ASSESSMENT**

<b>NAME</b>	<b>ADDRESS</b>	<b>SEC/BLK/LOT</b>	<b>DECISION</b>
EPSTEIN, STEPHEN	227 SHOREWARD DR	2/209/4	NO CHANGE
XU, JIANZHANG	5 HIGHLAND AV	2/7/1240	NO CHANGE
MOURTIL, SHIMON	19 ARBOR ST	2/140/794	NO CHANGE
SIGURDSSON, MAGNUS	25 WINDSOR RD	2/164/1010	NO CHANGE
LINGYAN, HAO	180 OVERLOOK AV	2/257/250	NO CHANGE
CHEBROLU, UDAY	239 SCHENCK AV	2/172/240	NO CHANGE
LESSING, MARK	114 COLONIAL RD	2/207/330	NO CHANGE
BAK, ALEKSANDRA	14 VALLEY VIEW RD	2/185/12	NO CHANGE