

**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF THOMASTON  
December 9, 2024**

The Board of Trustees met on Monday, December 9, 2024 at the Village Hall, 100 East Shore Road, Great Neck, New York at 7:30 p.m.

**Present:** Mayor Steven Weinberg, Deputy Mayor Burton S. Weston , Trustee Aaron Halpern, Trustee Jay Chagrin, and Trustee Nancy Sherman

**Absent or Excused:** Trustee Aaron Halpern

The Mayor opened the meeting at 7:35 p.m. Trustee Sherman was not present at the beginning of the meeting.

**Rescind Resolutions 24-109, 24-110, 24-111, 24-112**

RESOLUTION 24-120

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

WHEREAS, by Resolutions 24-109, 24-110, 24-111, and 24-112 the Board of Trustees scheduled public hearings on Bill T2024 E, Bill T2024 F, Bill T2024 G, and Bill T2024 H for December 9, 2024 at 7:30 p.m. and directed the Village Administrator to publish and post a notice of said hearing, and

WHEREAS, due to a change in deadline for Great Neck News Record News due to the Thanksgiving holiday, the next available publication date would result in a date of publication which would not provide sufficient notice ,

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees hereby rescinds Resolutions 24-109, 24-100, 24-101, and 24-102.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Excused
	Trustee Sherman:	Not Present		

**Bill T2024 E**

The Board discussed Bill T2024 E (Attachment A), a local law to amend the Code of the Village of Thomaston in relation to penalties for offenses generally

RESOLUTION 24-121

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

RESOLVED, that the Board of Trustees hereby determines that proposed Bill T2024 E is a Type II Action, which does not require review pursuant to the State Environmental Quality Review Act, and it is further

RESOLVED, that a public hearing be held on Monday, January 13, 2025 at 7:30 p.m. with respect to the proposed adoption of Bill T2024 E, entitled “A local law to amend the Code of the Village of Thomaston in relation to penalties for offenses generally,” 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 Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Excused
	Trustee Sherman:	Not Present		

**Bill T2024 F**

The Board discussed Bill T2024 F (Attachment B), a local law to amend the Code of the Village of Thomaston in relation to persons authorized to issue appearance tickets.

RESOLUTION 24-122

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

RESOLVED, that the Board of Trustees hereby determines that proposed Bill T2024 F is a Type II Action, which does not require review pursuant to the State Environmental Quality Review Act, and it is further

RESOLVED, that a public hearing be held on Monday, January 13, 2025 at 7:30 p.m. with respect to the proposed adoption of Bill T2024 F, entitled “A local law to amend the Code of the Village of Thomaston to persons authorized to issue appearance tickets,” 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 Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Excused
	Trustee Sherman:	Not Present		

**Bill T2024 G**

The Board discussed Bill T2024 G (Attachment C), a local law to amend the Code of the Village of Thomaston in relation to construction work; loading and unloading; permit required .

RESOLUTION 24-123

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

RESOLVED, that proposed bill T2024 G is a Type II Action, which does not require review pursuant to the State Environmental Quality Review Act, and it is further

RESOLVED, that a public hearing be held on Monday, January 13, 2025 at 7:30 p.m. with respect to the proposed adoption of Bill T2024 G, entitled “A local law to amend the Code of the Village of Thomaston in relation to construction work; loading and unloading; permit required ,” 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 Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Excused
	Trustee Sherman:	Not Present		

**Bill T2024 H**

The Board discussed Bill T2024 H (Attachment D), a local law to amend the Code of the Village of Thomaston in relation to applications and appeals.

RESOLUTION 24-124

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

RESOLVED, that proposed Bill T2024 H is a Type II Action, which does not require review pursuant to the State Environmental Quality Review Act, and it is further

RESOLVED, that a public hearing be held on Monday, January 13, 2025 at 7:30 p.m. with respect to the proposed adoption of Bill T2024 H, entitled “A local law to amend the Code of the Village of Thomaston in relation to applications and appeals,” 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 Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Excused
	Trustee Sherman:	Not Present		

Trustee Sherman arrived at 7:40 p.m.

### **Approval of Minutes**

RESOLUTION 24-125

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

RESOLVED, that the minutes of the Board of Trustees meeting held on November 19, 2024 are hereby approved and accepted as presented.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Aye
	Trustee Sherman:	Excused		

### **2025/26 Tentative Budget**

RESOLUTION 24-126

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

RESOLVED, that the tentative budget for the 2025/26 fiscal year is hereby approved in the form presented to the Board at this meeting, and it is further

RESOLVED, that a public hearing on the proposed budget for the 2025/26 fiscal year is hereby scheduled for Monday, January 13, 2025 at 7:30 pm at the Village Hall, and that the Village Administrator shall provide the notice of such public hearing as required by law.

A copy of the tentative budget is on file at the Village office.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Excused
	Trustee Sherman:	Aye		

### **Review Landmarks Preservation Commission Determination**

The Board reviewed the determination of the Landmarks Preservation Commission. The Landmarks Preservation Commission determined that the neither the Korean Methodist church building nor the parish house, located at 715 Northern Boulevard, should be designated as a landmark.

Mayor Weinberg moved adoption of the following resolution, which was seconded by Deputy Mayor Weston:

RESOLVED, that the Board of Trustees hereby accepts the Landmarks Preservation Commission’s report of determination (Attachment E).

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Weston: Aye  
Trustee Chagrin: Nay Trustee Halpern: Excused  
Trustee Sherman: Nay

The motion did not receive affirmative votes of a majority of the whole Board, and was not adopted.

### **New Business**

#### **Renewal of Cable Television Franchise with Verizon New York, Inc.**

The Board reviewed information concerning the upcoming renewal of the cable television franchise with Verizon New York, Inc.

#### RESOLUTION 24-127

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

RESOLVED, that the Board of Trustees of the Village of Thomaston (the "Village") hereby authorizes at least a quorum of the Board of Trustees to attend a public hearing with respect to the renewal of the Village's cable television franchise with Verizon New York, Inc. ("Verizon"); and it is further

RESOLVED, that the Village shall work cooperatively with the Great Neck/North Shore Cable Commission (the "Commission") and the other Villages comprising the Commission to schedule a convenient date, time and place to hold said public hearing in accordance with applicable provisions of law; and it is further

RESOLVED, that after the date, time and place for the public hearing is mutually established, the Village will cause proper notice of such hearing to be given in the Village's official newspaper and otherwise as required by law, and provide documentation of the same to the Great Neck/North Shore Cable Commission; and it is further

RESOLVED, that the agenda for the aforesaid public hearing shall include the review and consideration by the Village of a franchise renewal agreement with Verizon, as the "local franchising authority" under Title VI of the federal Communications Act and as a franchising municipality under Title 16, §§890-899 of the New York Public Service Commission regulations.

The vote on this resolution was: Mayor Weinberg: Aye Deputy Mayor Weston: Aye  
Trustee Chagrin: Aye Trustee Halpern: Excused  
Trustee Sherman: Aye

Trustee Chagrin inquired about the location of the new LED stop signs. That sign is located at Shoreward Drive and Highland Avenue, Eastbound.

### **Vouchers**

#### RESOLUTION 24-128

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

RESOLVED, that the Board of Trustees has audited the claims, in the aggregate amount of \$357,090.27 (as itemized on the Abstract of Vouchers dated Monday, December 9, 2024), and hereby approves payment from 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 Weston: Aye  
Trustee Chagrin: Aye Trustee Halpern: Aye  
Trustee Sherman: Excused

**ADJOURNMENT**

At 8:34 p.m., there being no further business, a motion to adjourn was made by Deputy Mayor Weston, seconded by, Trustee Sherman and approved unanimously.

Respectfully Submitted,

Denise M. Knowland  
Village Administrator

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**VILLAGE OF THOMASTON  
AUDITED VOUCHERS**

**November 20 through December 9, 2024**

Type	Date	Num	Name	Amount
Check	11/20/2024	5141	PSEGLI	-67.03
Check	11/22/2024	5143	NATIONAL GRID	-268.65
Check	11/22/2024	5144	NATIONAL GRID	-108.72
Check	11/22/2024	5145	NATIONAL GRID	-392.24
Check	11/22/2024	5146	NATIONAL GRID	-316.21
Check	11/22/2024	5147	NYS & LOCAL EMPLOYEES' RETIREMENT SYSTEM	-75,378.00
Check	12/02/2024	5148	PSEGLI	-11.77
Check	12/02/2024	5149	PSEGLI	-398.55
Check	12/02/2024	5150	OPTIMUM	-13.00
Check	12/02/2024	5151	VERIZON WIRELESS	-62.52
Check	12/04/2024	5152	VERIZON	-125.98
Check	12/04/2024	5153	MVK ARCHITECTURE & PLANNING, P.C.	-1,675.00
Check	12/04/2024	5154	MVK ARCHITECTURE & PLANNING, P.C.	-2,975.00
Check	12/09/2024	5155	FRIENDS IRRIGATION, INC.	-115.00
Check	12/09/2024	5157	W.B. MASON CO., INC.	-7.90
Check	12/09/2024	5158	CHRISTOPHER GOMOKA	-500.00
Check	12/09/2024	5159	WINTERS BROS. HAULING OF LI, LLC	-1,800.00
Check	12/09/2024	5160	SCHNEPS MEDIA GROUP	-101.40
Check	12/09/2024	5161	CHRISTA FLASH	-900.40
Check	12/09/2024	5162	HINK ELECTRICAL CONTRACTOR, INC.	-589.32
Check	12/09/2024	5163	VERIZON RPC	-111.61
Check	12/09/2024	5164	R.W. TRUCK EQUIPEMNT CORP.	-37.02
Check	12/09/2024	5165	ADVANCE AUTO PARTS	-454.45
Check	12/09/2024	5166	GREAT NECK PLUMBING SUPPLY	-9.36
Check	12/09/2024	5167	JORDAN ASSOCIATES	-258.00
Check	12/09/2024	5168	GENERAL WELDING SUPPLY CORP	-8.00
Check	12/09/2024	5169	H.O. PENN MACHINERY COMPANY	-1,410.47
Check	12/09/2024	5170	WEX BANK	-1,836.06
Check	12/09/2024	5171	TOWN OF NORTH HEMPSTEAD-SWMA	-1,624.86
Check	12/09/2024	5172	FINE DETAILING	-200.00
Check	12/09/2024	5173	LOWES BUSINESS ACCT/SYNCB	-203.77
Check	12/09/2024	5174	BUSINESS CARD	-70.65
Check	12/09/2024	5175	BUSINESS CARD	-93.98
Check	12/09/2024	5176	LOOKS GREAT SERVICES INC	-3,600.00
Check	12/09/2024	5177	UNITED PAVING CORP	208,731.29
Check	12/09/2024	5178	STEVEN WEINBERG	-69.50
Check	12/09/2024	5179	MEADOW CARTING CORP	-37,184.00
Check	12/09/2024	5180	MEYER, SUOZZI, ENGLISH & KLEIN, P.C.	-3,622.50
Check	12/09/2024	5181	NYS EMPLOYEES' HEALTH INSURANCE	-11,758.06
				-
				357,090.27
				-
<b>TOTAL</b>				<b>357,090.27</b>

**BILL T2024 E**

A local law to amend the Code of the Village of Thomaston in relation to penalties for offenses generally.

Section one. Section 1-15 of the Code of the Village of Thomaston is hereby amended to read as follows:

- “A. Except where expressly provided otherwise in this Code, for any and every violation of the provisions of this Code, every person who commits, takes part or assists in such violation and, with respect to any violation involving the ownership, use or occupancy of any building or premises, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which such violation has been committed or shall exist shall be punishable as follows:
- (1) For a conviction of a first offense, by a fine not less than \$500 and not exceeding \$1,500 or imprisonment for a period not to exceed five days, or both such fine and imprisonment.
  - (2) For a conviction of a second offense, both of which were committed within a period of five years, by a fine not less than \$1,500 and not exceeding \$2,500 or by imprisonment for a period not to exceed 10 days, or both such fine and imprisonment.
  - (3) For a conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine not less than \$2,500 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.
- B. Notwithstanding anything to the contrary contained in this Code, minimum fines as stated hereafter are hereby established for the stated violations of this Code or of the New York State Vehicle and Traffic Law:
- (1) A fine of not less than forty-five dollars (\$45.) for illegal overtime parking, restrictive parking, improper parking, double parking, parking on left side of the vehicle to the curb (two way road), parking wrong side to curb (one way road), parking on curb or off paved area, parked blocking driveway or crosswalk, overnight parking, parking on a public sidewalk and parking in a front yard, standing prohibited, stopping prohibited, stopped blocking crosswalk, parking/abandoning vehicle during snow or other emergency and for a failure to obtain or display an unexpired, valid registration or inspection certificate or sticker or tag as required by said state law.
  - (2) A fine of not less than sixty dollars (\$60.) for illegal stopping, standing or parking within 15 feet of a fire hydrant or illegally parking in a fire lane.
  - (3) A fine of not less than one hundred sixty dollars (\$160) for illegal parking in a handicap space.

- (4) A fine of not less than forty-five dollars (\$45.) for all other parking violations and other violations under the Code of the Village of Thomaston.”

Section two. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section three. This local law shall not apply to any pending prosecution for any violation of the Code of the Village of Thomaston, nor to any prosecution for any such violation which may have occurred prior to the effective date of this local law. Each such prosecution shall proceed and continue, and in the event of a conviction for such violation the applicable penalty for such violation shall be as provided in the Village Code as of the date of such violation.

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



**BILL T2024 F**

A local law to amend the Code of the Village of Thomaston in relation to persons authorized to issue appearance tickets.

Section one. Section 5-1(A) of the Code of the Village of Thomaston is hereby amended to read as follows:

“A. The following officers or officials of the Village of Thomaston are authorized to issue appearance tickets directing a specific person, corporation, partnership or other entity to appear in the Nassau County District Court, or any other court having jurisdiction over such appearance ticket, at a designated time and place in connection with the alleged commission of a designated offense relating to parking, licensing of occupations and businesses, fire prevention and safety, health and sanitation and building, zoning and planning, or other offenses, except moving traffic violations, against the Code of the Village of Thomaston, when such specified officer or official of the Village of Thomaston has reasonable cause to believe such offense has been committed in the presence of such officer or official:

- (1) Superintendent of Public Works.
- (2) Building Inspector.
- (3) Fire Inspector.
- (4) Housing Inspector.
- (5) Code Official.
- (6) Code Enforcement Officer.
- (7) Code Enforcement Inspector
- (8) Mayor.
- (9) Trustee.
- (10) Safety Inspector (part time).
- (11) Village Clerk.
- (12) Parking Enforcement Officer.”

Section two. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part

thereof is held inapplicable, had been specifically exempt therefrom.

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

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**BILL T2024 G**

A local law to amend the Code of the Village of Thomaston in relation to construction work; loading and unloading; permit required.

Section one. Section 131-2(B) of the Code of the Village of Thomaston is hereby amended to read as follows:

“B. No person shall perform any construction work or activity in the village which generates any noise audible outside the boundaries of the property where such work or activity is being conducted on weekdays earlier than 8:00 a.m. or later than 8:00 p.m., or on Saturdays earlier than 10:00 a.m. or later than 6:00 p.m. No construction work or activity in the village which generates any noise audible outside the boundaries of the property shall be conducted on Sundays or legal holidays. The foregoing limitations shall not apply with respect to such work or activity required for an emergency, which work or activity has been authorized by written permit from the Mayor specifying the permissible days and hours for such work or activity.”

Section two. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

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

**BILL T2024 H**

A local law to amend the Code of the Village of Thomaston in relation to applications and appeals.

Section one. Section A207-4(H) of the Code of the Village of Thomaston is hereby amended to read as follows:

“E. Each application or appeal shall be submitted in six (6) duplicate sets, including the original thereof, and including six (6) copies of each document or exhibit submitted as part of or in support of the application or appeal and copies of each permit by which the property is presently being used. In addition, one electronic copy of each application or appeal, and each such document or exhibit, shall be submitted.

Section two. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

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

**Determination of the Landmarks Preservation Commission**  
**of**  
**The Village of Thomaston**

**December 5, 2024**

This document contains the determination (“Determination”) of the Landmarks Preservation Commission of the Village of Thomaston (“the Commission”), as to whether or not the existing church building (the “Church Building”) and/or parish hall (the “Parish Hall”) located at 715 Northern Boulevard, Great Neck, New York (the “Property”), in the Village of Thomaston (“Village”), New York, should be designated as a “landmark” pursuant to Chapter 120 of the Village of Thomaston Code (“the Code”).

For the reasons identified below, the Commission determines that neither the Church Building nor the Parish Hall should be so designated as a landmark, subject to any action taken by the Village Board of Trustees pursuant to Chapter 120-3(B)(1) of the Code.

A. Procedure followed by the Commission.

The Commission met in public session on October 28, 2024 and December 5, 2024 to consider a request received from a Village resident that the Commission designate each of the Church Building and the Parish Hall as a Landmark. Notice of such consideration was given in compliance with applicable requirements. Minutes of the October 28, 2024 meeting have been previously posted on the Village website. On December 3, 2024, a draft of this Determination was posted on the Village website. This Determination was unanimously approved at the December 5, 2024 Commission meeting (the minutes of which meeting will be posted to the Village website as required by the Open Meetings Law).

Prior to the October 28, 2024 meeting, the landmarking request was posted to the Village website (along with attachments submitted with the request, including copies of old photographs), and considered by the Commission. Also prior to the October 28, 2024 meeting, (i) one or more members of the Commission separately conducted a review of the Village building files concerning the Property, as well as an internet search and other research concerning the history of the Church Building and the Parish Hall, and (ii) two members of the Commission toured the Property accompanied by a representative of the property owner.

As summarized in the minutes of the October 28, 2024 public meeting, the Commission heard public comment at that meeting as to whether or not it should designate the Church Building

and/or the Parish Hall as Landmarks. (While the meeting was a public meeting, it was not a public hearing. Nevertheless, the Commission invited public comment, and the notice of such meeting had indicated that public comment would be welcome at the meeting. The meeting was also available to the public live, through an online Zoom link)

At its public meeting on December 5, 2024, the Commission completed its discussion of the landmarking request, and voted to approve and adopt this Determination and to submit this Determination to the Village Board of Trustees.

#### B. Legal Context of the Commission's Determination

Having consulted with legal counsel, the Commission understands its functions as twofold: (1) first, to determine whether or not the Church Building and/or the Parish Hall satisfy the definition of "landmark" in the Code, and (2) second, if the Commission finds that either the Church Building or the Parish Hall (or both) does satisfy that definition, then to determine whether or not the Commission should "designate" the Church Building and/or the Parish Hall as a landmark pursuant to the Code. The two questions are distinct: there is no requirement in the Code that a building satisfying the definition of "landmark" automatically be "designated" as such by the Commission. Instead, the Commission has discretion, and may or may not so "designate" as a landmark a building satisfying the definition, after taking into consideration such factors as the Commission reasonably deems appropriate.

The two functions are addressed separately below.

#### C. Does the Church Building or the Parish Hall Satisfy the Definition of "Landmark" in the Code?

In relevant part, the Village Code defines a "landmark" as "Any . . . building of particular historic or aesthetic significance to the Village, the Town of North Hempstead, the County of Nassau, the State of New York or the United States," including (i) any building "where the . . . spiritual history of the community, state or nation is reflected or exemplified," (ii) any building "which [is] identified with historic personages or with important events in local, state or national history," (iii) "any building or structure which embodies the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction," or (iv) "a notable work of construction of a master architect whose individual genius influenced an age."

As an initial matter, the Commission took note of the significant changes to the exterior of the two buildings since their construction 140 years ago. In particular, the Church Building was completely rebuilt around 1951 after a fire, and the new Church Building differs significantly from the original structure, including among other things, a new brick exterior replacing the original wood, and a changed steeple. The renovation of the Parish Hall in 2012 also resulted in

changes, although less consequential to the original structure. For example, based on photographs submitted to the Village and the comments of church members at the October 28, 2024 meeting, it is apparent that the shape of the large windows on the side of the Parish Hall were changed, the original slate roof was replaced with asphalt shingles, and a stucco-like coating was applied to the exterior. However, the 2012 renovation was undertaken with sensitivity to the Gothic Revival architecture of the original structure, and maintained principal elements of the original design.

For the reasons indicated below, (i) all of the Commission members determine that the Church Building does not fit within the definition of “landmark” in the Code, and (ii) a majority of the Commission members (Messrs. Stern, Noren and Marzouk) determine that the Parish Hall does not fit within that definition. The remaining Commission members (Ms. Georgopoulos and Ms. Adams) conclude that the Parish Hall (but not the Church Building) fits within the definition of landmark.

However, even if the Commission had concluded that the Church Building and the Parish Hall each satisfied the definition of “landmark” in the Village Code, the Commissioners are unanimous in their determination that, for the reasons given in Part D below, neither the Church Building nor the Parish Hall should be designated as a landmark for purposes of the Village Code.

We also note that, in 2009 (before the 2012 renovation of the Parish House), the Village Landmarks Commission as then constituted recommended to designate the Parish Hall (but not the Church Building) as a landmark. However, this recommendation was rejected by the Village Board of Trustees at that time.

Assessing each structure under the specific clauses of the definition of “landmark” in the Village Code, a majority of the Commissioners determined that:

- ***Particular Historic Significance?*** The Church Building and Parish Hall are certainly very old, and the Methodist Church is mentioned in a few historical materials. However, very little historical information was presented to the Commission (or was uncovered by the Commission in the course of the research by members of the Commission), other than mention in the Village walking tour and history pamphlet and on the Village website (and recognition by the Great Neck Historical Society, as indicated below), that would lead the Commission to conclude that either the Church Building or Parish Hall was of “particular historic significance” to “the spiritual history of the community, state or nation.” The 1870s and 1880s, long before the Village of Thomaston was incorporated, was an era of large estates in Great Neck, and numerous wealthy residents. The Church Building and Parish Hall are not unique, in that other important churches were built during the same time period. For example, All Saints Episcopal Church (a more prominent church building which has been determined by New York State to be “eligible” for national register status) was built in 1886, on land donated by two then-

noteworthy Great Neck families (the Messenger and Cignoux families). St. Aloysius Roman Catholic Church was built in 1876 (relocated and rebuilt in 1913). Other churches and synagogues have been built since then, and a majority of the Commissioners did not find material information suggesting that the congregation of the Church Building and Parish Hall, or the buildings themselves, were particularly impactful to the community in relation to the impact of other religious institutions. Accordingly, and while the Church Building and the Parish Hall are certainly attractive and of historical interest, a majority of the Commissioners determine that the Church Building and Parish Hall are not of “particular historic significance” [emphasis added] either to the spiritual history of the community or to the community more generally.

- **Historic Personages?** Similarly, while Joseph Spinney was a prominent merchant in Great Neck in the late 1800s, and while Spinney was certainly a noteworthy member of the Great Neck community, a majority of the Commissioners determine that, in relation to other prominent Great Neck residents at the time or since then (such as F. Scott Fitzgerald, Madeline Albright, David Baltimore (Nobel Prize), Walter Chrysler, Mary Cleave, George Cohan and Paul Newman), Joseph Spinney was not of “particular historic significance” [emphasis added] to Great Neck. Beyond Great Neck, no information came to the Commission’s attention indicating that Spinney has been associated with important historical occurrences on a state or national level.
- **Architectural Specimen?** Particularly in light of the modifications to the Church Building since its original construction, a majority of the Commissioners determine that the Church Building as it currently exists does not “embod[y] the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction.”

The Parish Hall presents a closer case. The 2012 renovation made significant changes to the shape of the glass side windows of the Parish Hall, slate on the roof was replaced with asphalt shingles, and a stucco-like coating was applied to the exterior, among other changes. However, the original character of this building was not changed to such a significant extent as was the Church Building, and Gothic elements remain, if somewhat modified. While reasonable people may certainly disagree on this point, a majority of the Commissioners determine that the Parish Hall does not fit within the requirement that it be “inherently valuable for a representation of a period, style or method of construction.”

- **Master Architect?** While the Commission reviewed the materials submitted in support of landmarking which described the architects of the Church Building and the Parish Hall and their other works, the Commissioners do not find sufficient information to establish to their satisfaction that any of those architects was “a master architect whose



individual genius influenced an age,” as described in the definition of landmark in the Code.

- ***Particular Aesthetic Significance?*** The question remains whether the Church Building and/or the Parish Hall would separately satisfy the general “aesthetic” leg of the definition of landmark in the Code, i.e. whether either structure is of “particular aesthetic significance to the Village, the Town of North Hempstead, the County of Nassau, the State of New York or the United States.” As for the Church Building, all Commission members determine that the integrity of the original church building was sufficiently changed by the 1951 renovation so as no longer to be historic. While the church is certainly attractive, the Commissioners do not find it to be of particular historic or aesthetic significance. As for the Parish Hall, a majority of the Commissioners conclude that, to some degree, the 2012 renovation modified the architectural integrity and thereby diminished the aesthetic elements of the original structure, by changing the shape of side glass windows, changing the roof material from slate to asphalt shingles, and applying a stucco-like coating to the exterior. Again, while both the Church Building and the Parish Hall are distinctive, and while reasonable people can certainly differ as to whether any structure is of “particular aesthetic significance,” a majority of the Commissioners determine that neither the Church Building nor the Parish Hall passed this test. (The Commission noted the fact that the Great Neck Historical Society awarded a plaque commending the 2012 Parish Hall renovation, but a majority do not find this persuasive and noted that the Society, when asked by a member of the Commission, could not locate any records or reports indicating the basis for awarding the plaque).

**Other Viewpoints.** As noted above, two of the Commissioners conclude that the Parish House (but not the Church Building) fits within the definition of landmark in the Code. This is primarily a result of their view that (i) the development was donated by and funded by a then prominent member of the community, Joseph Spinney, and was a development dedicated to the spiritual growth within the community (ii) the parish house is the only remaining building from the original Spinney development which retains the original Gothic elements of the structure, (iii) this type of wood framed/clad gothic structure is a unique specimen of its type, (iv) the building is listed on the Village walking tour, mentioned in the Village history pamphlet and noted on the Village website, and (v) the sympathetic 2012 renovation/restoration to the Parish House was commended by the awarding of a plaque by the Great Neck Historical Society.

D. Should the Commission “Designate” the Church Building and/or the Parish House as a Landmark?

As noted above, even if the Commissioners had found that the Church Building and/or the Parish Hall fit within the definition of “landmark” in the Code, the Commissioners unanimously

determine that neither the Church Building nor the Parish House should be designated as a landmark. The Commission considered the following additional factors in reaching this conclusion:

- (1) ***Hardship of Landmarking to Owner.*** At the October 28, 2024 meeting of the Commission, members of the Korean Methodist Church, the owner of the Property, reported that (i) COVID resulted in a significant decline in membership for the Korean Methodist Church (as has been true generally for other denominations in our area), and the Korean Methodist Church, which is struggling to rebuild membership, is in a financially difficult position, (ii) church members, many of which travel from Queens for services, are of limited means, and had great difficulty in funding the 2012 renovation of the Parish House (as a result, the church took measures to change the structure in order to economize on renovation cost), (iii) based on the church's experience with the 2012 renovation (for example, pricing windows that would have been closer in appearance to the original windows), church members reported that the cost of repairs and renovations is significantly increased if historical accuracy is to be maintained (for example, the cost could be prohibitive if the church desires to expand its youth ministry in the future - - yet such expansion could be important to the continued viability of the church), and (iv) the congregation intends to continue, on a voluntary basis subject to its means, to maintain the general historical appearance of its buildings, as it did in connection with the 2012 renovation of the Parish House. In contrast, the Commission notes that, during its prior consideration of a church building for landmarking (Harmony House on Middle Neck Road in 2023), that property owner raised no objection based on hardship.

Also at the October 28, 2024 meeting, a resident suggested that the Commission could approve landmarking now without imposing hardship to the owner, because, as provided in Section 120-8(C) of the Village Code, the Commission could landmark a building now, and take into account "unnecessary financial hardship" if, and when, the property owner proposed a particular renovation in the future. However, the Commission is of the view that, despite that Code provision, hardship could arise in this case from designating a building as a landmark, such as the increased cost and administrative burden required if the owner is required in the future to present plans to the Commission to seek an exemption based on hardship, even if at the time the contemplated change to the building satisfies all the requirements of the Village's building code applicable to non-landmarked buildings.

While the Commission is aware that, in certain instances, grant money may be available for the renovation of historic structures, it cannot be known at this time whether grants will be available and funded for any specific renovation sought by the property owner in

the future. Accordingly, the possibility of future grants is speculative, and does not, in the Commission's view, change the hardship analysis in this case.

The issue of hardship takes on a particularly important role in this case because of Constitutional and statutory protections designed to avoid restrictions that pose an undue burden on the practice of religion. For example, based on the advice of legal counsel, the Commission understands that properties used for religious purposes enjoy special rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA) which must be recognized and protected. Based on such legal advice, the Commission further understands that (a) religious properties may be landmarked by the Commission, but that (b) in considering landmarking of a religious property, or whether to permit alterations or improvements in the future after a religious property has been landmarked, consideration must be given to several factors, including whether the proposed regulation (landmarking, in this case) constitutes an "undue burden" on the exercise of religion, and whether the religious property is subject to burdens not imposed on other, similarly situated properties. In light of the financial challenges facing the property owner, the Commission is concerned that increased administrative and financial requirements potentially associated with a landmarked structure could result in an undue burden on the congregation and this property owner.

On the basis of hardship alone, all the Commissioners conclude that neither the Church Building nor the Parish Hall should be designated as a landmark. However, other factors (described below) independently lead to the same determination.

- (2) ***Architectural and Aesthetic Significance.*** The Commissioners note that the aesthetic appearance of the site has been diminished by the presence of a trailer in close proximity to the Parish Hall, and the unremarkable parsonage building. In addition, the Commissioners find relevant that the Parish Hall is set back from Northern Boulevard so that it is not prominent when viewed from the public street, and that the Property is located in the middle of a block and is often overlooked by those driving by on busy Northern Boulevard (where there is only modest pedestrian traffic). This differs from both the Belgrave Motors and Harmony House sites previously designated as landmarks by the Commissions - - those structures were in prominent locations in the center of the Village, which added to their aesthetic importance to the community.
- (3) ***Impact of Landmarking on the Community.*** The Commission considered the impact that landmarking could have on the future of the community. The Commission notes that landmarking could raise the cost to the property owner of maintaining, renovating and/or altering the building, and that an owner could potentially be compelled to allow a landmarked structure to fall into neglect rather than incur the expense of complying with landmark regulations. In this connection, the Commission is aware that the Church

(4) Building and Parish House were, in fact, both abandoned and boarded up for a period of years after the Great Neck congregation of the Methodist Church ceased to exist. The buildings were re-opened and reoccupied only after the Property was transferred to the Korean Methodist Church in 1982.

(5) **Repurposing of Buildings.** The Commission considered whether any negative financial impact of landmarking to the owner could be minimized by altering the structures for another use, while maintaining their architectural integrity. During the October 28, 2024 public meeting of the Commission, a member of the public provided numerous examples of landmarked structures in other locations being converted into buildings housing hotels, restaurants and other uses, while maintaining landmarked features. However, as mentioned at the October 28, 2024 meeting, the Property in this case is subject to a deed restriction (a copy of which appears in the building files for the Property in the Village Hall) that prohibits all uses other than religious worship of the United Methodist ministry. While in theory it may be possible in the future to obtain a waiver of this restriction from the New York Annual Conference of the United Methodist Church, or to challenge the restriction through legal proceedings, the covenant would impose a serious impediment to repurposing as a practical matter. Such impediments to repurposing were not present in the case of Belgrave Motors or Harmony House, two sites previously designated as landmarks by the Commission.

E. Conclusion.

Having considered public comment, and the factors described above, the Commission hereby unanimously determines that neither the Church Building nor the Parish Hall should be, and neither hereby is, designated a landmark pursuant to the Code (subject to any action taken by the Village Board of Trustees, as provided in the Code).

ADOPTED BY THE LANDMARKS PRESERVATION COMMISSION OF THE VILLAGE OF THOMASTON  
ON DECEMBER 5, 2024.

Members of the Commission:

Mr. Donald Stern, Chair

Ms. Julie Georgopoulos, Vice Chair

Mr. Gary Noren

Ms. Carol Adams

Mr. Ben Marzouk