

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, January 6, 2014
INC. VILLAGE OF FARMINGDALE

The regular meeting of the Board of Trustees of the Incorporated Village of Farmingdale was held at Village Hall, 361 Main Street, Farmingdale, New York at 8:00 p.m. on Monday, January 6, 2014.

Present: Mayor Ralph Ekstrand
Deputy Mayor Patricia Christiansen
Trustee William Barrett
Trustee Cheryl Parisi
Trustee Thomas Ryan
Attorney Claudio DeBellis
Administrator/Clerk/Treasurer Brian Harty
Deputy Clerk/Treasurer Barbara Kelly
Superintendent of Buildings Steve Fellman
Public Works Superintendent Andy Fisch

Mayor Ekstrand opened the meeting at 8:00 PM with the pledge of allegiance.

ANNOUNCEMENTS – Mayor Ekstrand made the following announcements:

- Next Board meeting with public comment period will be held Monday, February 3, 2014 at 8:00 pm: Board of Trustees Work Session begins at 7:00 pm on Monday, January 13, Tuesday, January 21 and Monday, January 27, 2014.
- Mayor Ekstrand commended the Fire Department on their response to a house fire on Vernon Street.

PUBLIC HEARING PROPOSED SPECIAL USE PERMIT/OFF STREET PARKING/LOADING/INCENTIVE BONUSES – 155 MAIN STREET (SAM GLASS) – Due to resident concerns and comments, parking was recalculated and the application is being adjourned until further notice.

PUBLIC HEARING PROPOSED SPECIAL USE PERMIT/ADDITIONAL SEATING/SITE PLAN APPROVAL – 282 MAIN STREET (FARMINGDALE DINER LLC) – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2014-178), to open the public hearing.

Trustee Parisi stated that she had not seen minutes from Planning Board meeting in regard to this application.

Building Superintendent Steve Fellman stated that the Planning Board was satisfied with this application.

Deputy Mayor Christiansen asked how many seats the prior restaurant had. Steve Fellman stated it had seating for 115 and that this application has seating for 91.

REGULAR MEETING OF THE BOARD OF TRUSTEES
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INC. VILLAGE OF FARMINGDALE

There being no further comment from the Board, Mayor Ekstrand asked for comment from the public.

There being no public comment, upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2014-179), to close the public hearing.

Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, the following was, **RESOLVED (#2014-180)**,

WHEREAS, The Incorporated Village of Farmingdale (“VILLAGE”) is a municipal corporation duly organized under the laws of the State of New York; and

WHEREAS, Teddy Tsakos, on behalf of The Farmingdale Diner, (“APPLICANT”) is the tenant of the property located at 282 Main Street, Farmingdale New York, 11735, said parcel being known on the Nassau County Tax Maps as Section 49; Block 9701; Lot 47 (“PROPERTY”).

WHEREAS, the PROPERTY is located within the Downtown Mixed Use (“D-MU”) Zoning District of the VILLAGE; and

WHEREAS, APPLICANT desires to renovate the existing restaurant on the PROPERTY to operate a Diner 91 seats in accordance with the plans prepared by Architectural Visions dated November 22, 2013 (“ACTION”) and has applied for a building permit in connection with the ACTION; and

WHEREAS, the ACTION is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review Act, (“SEQRA”); and

WHEREAS, The Board of Trustees for the Incorporated Village of Farmingdale (“VILLAGE BOARD”) has declared itself Lead Agency pursuant to SEQRA, declared the ACTION to be an unlisted action with no significant, adverse environmental impacts and issued a negative declaration and notice of determination of non-significance; and

WHEREAS, in accordance with General Municipal Law Section 239-m, the ACTION was referred to the Nassau County Planning Commission (“NCPC”) for review; and

WHEREAS, the building permit application was denied on the grounds the proposed development did not comply with the requirements of the D-MU Zoning District, Article XIV, of the Zoning Code of the Inc. Village of Farmingdale in that the proposed use would require a special use permit and on the grounds that the application required site plan approval pursuant to Section 105-100; and

WHEREAS, The VILLAGE BOARD may, in accordance with Article XIV, Section 105-94 A(1), grant a special use permit for a Diner with 91 seats; and

WHEREAS, APPLICANT has applied for a special use permit to operate the diner 91 seats pursuant to Article XIV, Section 105-94 A(1); and

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, January 6, 2014

INC. VILLAGE OF FARMINGDALE

WHEREAS, In accordance with the Zoning Code of the Inc. Village of Farmingdale, the Board of Trustees, on January 6, 2014, held a public hearing in connection with the ACTION; and

WHEREAS, The APPLICANT appeared on its behalf at the public hearing; and

WHEREAS, at the public hearing members of the public were given the opportunity to speak and did speak regarding the application; and

NOW, THEREFORE BE IT DECIDED, the Board of Trustees grants site plan approval and the Special Permit to operate the Farmingdale Diner provided the following conditions are satisfied:

1. There is full compliance with the plans prepared by Architectural Visions dated November 22, 2013 and all Federal, State, or local law, the recommendations or conditions of the Village Planning Board and any directives of the Building Department of the VILLAGE.
2. The VILLAGE is reimbursed for all expert or consultant fees incurred by it connection with the ACTION and there is full compliance with Section 105-103 of the Code of the Incorporated Village of Farmingdale. No building permit shall be issued until all such expenses have been reimbursed. In the event that a building permit is issued prior to the reimbursement of such fees, the building permit and this special permit shall be immediately revoked if reimbursement to the VILLAGE for such expenses is not made within five (5) days of the request for same; and
3. The noncompliance with any of the terms or conditions of this decision shall result in the immediate revocation of the building permit and special permit unless the Board of Trustees determines, for good cause, that revocation is not in the best interests of the VILLAGE.

This approval is granted by a vote as follows:

Mayor Ralph Ekstrand	aye
Deputy Mayor Patricia A. Christiansen	aye
Trustee William Barrett	aye
Trustee Cheryl Parisi	aye
Trustee Thomas Ryan	aye

PUBLIC HEARING DATES – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-181), to set the following public hearings for February 3, 2014 at 8:00 p.m.:

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, January 6, 2014

INC. VILLAGE OF FARMINGDALE

- Proposed Local Law 1 of 2014: A proposed change of zone expanding the Business D district to include the property located at 168-178 Fulton Street.
- Proposed Site Plan approval for 273 Main Street (Dark Horse Tavern)

ABSTRACT – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2014-182), that the Abstract of Audited Vouchers #1061 dated January 6, 2014 be approved for payment.

WIRE TRANSFERS - Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2014-183), to approve the wire transfers made since the prior meeting, as annexed to these minutes.

MINUTES – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2014-184), to approve BOT work sessions of November 4, 18, 25, December 2, and December 16, 2013 with one correction.

USE OF VILLAGE PROPERTY – Upon a motion made by Trustee Ryan and seconded by Trustee Parisi, it was unanimously,

RESOLVED, to allow the following use of Village property:

- The Greater Long Island Running Club is requesting to hold their annual Fun Run on Sunday, February 23, 2014 starting behind the Runner’s Edge on Main Street and continuing up Main Street and onto Round Swamp Road. This event will begin at 9:00 a.m.

BUILDING PERMITS – The Board of Trustees accepted the listing of the following building permits issued since the last meeting:

RPM Transmissions 994 Fulton St. SP 13-8	Erect 36” x 32’ sign for Star Transmissions.	X
NY Top Nails Inc. 150A Main St. SP 13-9	Erect 2’x10’ wood carved sign. Gold letters on green background.	X
Ziminski 216 Prospect St. FP 13-30	Erect 6’ PVC fence along side and rear property lines.	
Dorsey 27 Duane St. DB 13-83	Maintain finished basement.	N/A

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, January 6, 2014
INC. VILLAGE OF FARMINGDALE

222 Main St. LLC 222-224 Main St. DB 13-84	Install HVAC roof top unit.	N/A
Farmingdale Diner LLC 282 Main St. DB 13-85	Interior alterations for new diner.	N/A
Guercio 435 Secatogue Ave. DB 13-86	Install gas fireplace.	N/A
Masci 965 Fulton St. DB 13-87	Maintain finished basement.	N/A
Charlotte's Yogurt Shop 294 Main St. DB 13-88	Increase seating from 12 to 38 seats.	N/A
Felix 115 Fairview Rd. DB 13-89	Replace existing central A/C unit. ZBA approved 12/12/13.	N/A
Looney 17 Paine Ave. RO 13-18	New gas service.	N/A
Cappadonna 26 Paine Ave. RO 13-19	New gas service.	N/A
Dark Horse Tavern 273 Main St. PP 13-40	Install plumbing fixtures.	N/A
Poulos 832 Fulton St. DB 13-90	Construct 10'x20' shed.	N/A
Maier 33 Sherman Rd. DB 13-91	Install windows, siding, awning, leaders and gutters.	N/A

TAXI PERMITS – Upon a motion by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED, to issue 7 new and 48 renewals for a total of 55 taxi permits pending receipt of additional information.

TAX CERTIORARI – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-185), to approve Arnold Anthony Prisco, Sec 49, Bl 79, Lots 75, 152, 499-503 Conklin Street, for tax years 2007/08 through and including 2013/14 for a refund of \$3,400, reducing the 2013/14 final assessed value to \$500,000 which equates to a taxable value of \$500,000. If assessment remains the same for tax years 2014/15 and 2016/17, no Article proceedings will be filed.

GERNGRAS PARK EQUIPMENT – This resolution has been tabled until February 3, 2014.

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, January 6, 2014

INC. VILLAGE OF FARMINGDALE

2013/14 BUDGET ADJUSTMENTS – Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2014-186), to approve 2013/14 Budget Adjustments, annexed to these minutes.

RESIDENTIAL REHABILITATION - Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-187), to approve a change order to a previously approved Residential Rehab project on Barberry Court to add \$1,300 of work after contractor review and approval by Nassau County Inspectors.

BARCLAY FUND – Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2014-188), to approve the allocation of Barclay funds (\$47,000) to a predetermined list of various charities, as discussed and agreed upon by this Board, annexed to these minutes.

PENALTY FEES – Upon a motion made by Trustee Ryan and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2014-189), to approve changes in penalty fees for various violations if payment is received after 60 days.

MARKETING MASTERS – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-190), to approve an extension to Marketing Masters NY contract until December 31, 2014 at a fee of \$750.00 per month.

SURPLUS TRUCK – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-191), to declare one 1985 GMC Dump Truck VIN 1GDL71D1B3FV627363 as surplus.

CAPITAL TRUCK – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-192), to approve payment of \$159,038 to Syosset Truck for new capital 4 x 4 truck - New York State Contract #PC62176.

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, January 6, 2014
INC. VILLAGE OF FARMINGDALE

LABOR COUNSEL – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-193), to renew retainer with Bee Ready Fishbein Hatter & Donovan, LLP for a new 3 year term pursuant to the terms of the current retainer. Bee Ready Fishbein Hatter & Donovan shall include, in the new retainer, the preparation of an employee handbook at no additional charge and related personnel issues.

BEAUTIFICATION – Deputy Mayor Christiansen reported that everyone is happy with the decorations and that the committee will remove them this week and beginning of next.

OLD BUSINESS – The following items were discussed:

- Trustee Barrett inquired about an ordinance for vacant buildings.
- Mayor Ekstrand stated that the NYS Department of Transportation will be removing the ‘no turn on red’ sign on Secatogue Avenue and Conklin Street to relieve congestion.

GOOD & WELFARE – A discussion began on the following topics:

- Plowing on Main Street and Fairview Road
- Lot 6 repaving work

EXECUTIVE SESSION, upon a motion duly made and seconded, it was unanimously,

RESOLVED, to move to Executive Session to discuss legal matters.

Upon a motion duly made and seconded, it was unanimously,

RESOLVED, to reconvene the meeting.

There being no further work, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Brian P. Harty, Village Clerk-Treasurer