

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 7, 2018

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, May 7, 2018.

- Present:** Deputy Mayor William Barrett
Trustee Cheryl Parisi
Trustee Walter Priestley
Attorney Claudio DeBellis
Administrator/Clerk/Treasurer Brian Harty
Deputy Clerk Barbara Kelly
Superintendent of Buildings Steve Fellman
Public Works Superintendent Andrew Fisch
- Absent:** Mayor Ralph Ekstrand
Trustee Anthony Addeo

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

ANNOUNCEMENTS – Deputy Mayor Barrett made the following announcements:

- The next Board meeting with public comment period will be held on Monday, June 4th, 2018 at 7:00 p.m. Regular Work Sessions will be held on Monday, May 21st and Monday, June 4th at 7:00 p.m. Special meeting – Staller hearing at Howitt Middle School on June 11th, 2018 at 7:00 p.m.
- Avanti Furniture is nearing completion of three benches to be used at the Farmingdale Train Station.
- The following resolutions were approved at the April 16, 2018 Work Session:
 - Hire Ann Rodenburg as a Clerk/Typist at a salary of \$42,000 per year.
 - Adopt the 2018/2019 Budget as presented.
 - Approved Long Island Precast to provide the structures for the Highway Yard blowoff pit, who provided the lowest quote, at a cost of \$5,297.00.
 - Revised the parking times on the south side of Conklin Street between Waverly Place and Parking Lot #2 from 2 hours to 3 hours.
 - Set a public hearing for the Annual MS4 Report as prepared by Savik & Murray, to be held Monday, May 7th, 2018 at 8:00 p.m.
 - Pay a \$1,000 deductible to James Bebry at 42 Hill Road for light pole failure.

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REGULAR MEETING BUSINESS ITEMS – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, the following items were, **RESOLVED (#2018-05-01)**,

- Abstract of Audited Vouchers #1113 dated May 7, 2018
- March Wire Transfers
- Minutes of Work Sessions of 4/16/18 & 4/23/18 and Regular Public Meeting of 4/9/18, as amended.
- Taxi permits
- Block Party Applications:
 - None
- Use of Village Property:
 - The Long Island Ladies Soccer League is requesting use of the Court Room on Wednesday, May 31st, 2017 from 7:00 to 10:00 p.m. for their annual general meeting.
 - The Cultural Arts Committee is requesting the use of the Gazebo and lawn in front of it for a Living History Day (Medieval/Renaissance Day) with the SCA on June 2nd, 2018 at 12:00 Noon.
 - The Cultural Arts Committee is requesting the use of the Gazebo (or the Court Room in the event of rain) for a Youth Open Mic Night on Friday, June 8th, 2018 at 7:00 p.m.
 - Runners Edge is requesting to hold their 14th annual Main Street Mile running event on Saturday, September 1, 2018 beginning at 8:30 a.m. at the Powell Cemetery and ending on Main Street near Village Hall.
 - The Nutty Irishman is hosting a charity event for the Police Officer Brian Moore Motorcycle Ride on Sunday, August 12th, 2018 (Rain date August 19th). They are requesting a designated parking area in Parking Lot #4 for approximately 150-200 motorcycles.
- Tax certiorari's:
 - None

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

LOCATION	TYPE OF CONSTRUCTION/COMMENTS	ARB
1 Jefferson Rd. National Grid RO 18-00001	One 4 x 4 x 3 bell hole for gas leak repair.	N/A

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12 Hampshire Drive Stacey Pietromonaco SW 18-00001	Replace 110' of sidewalk.	N/A
21 Clinton Avenue Serena Carter DB 18-00028	Direct replacement of bathroom.	N/A
52 Hudson Street National Grid RO 18-00002	One 4 x 4 mac bell hole to install gas service.	N/A
96 Jerome Drive Elizabeth Mayer FP 18-00002	6' hood fence along side of house.	N/A
96 Jerome Drive Elizabeth Mayer DB18-00029	Semi in-ground pool 12' x 20'.	N/A
146 Fairview Rd. Design Architects DB 18-00030	Interior alterations to enclose sunroom and combine with kitchen and dining room.	N/A
502 Main St. Robert Schumacher DB18-00031	Maintain second floor residence over first floor dental office as per drawings submitted by Joseph Bello Architect dated 4/13/18.	N/A
32 Jefferson Rd. Robert Hochberg DB 18-00032	Maintain garage converted to den and three piece bathroom.	N/A
222 Main St. Aric Signs SP 18-00002	ARB approved on 4/24/18 with gold leaf on blade sign and metallic paint – 'entrance in rear'. Main sign as presented.	X
140 Oakview Aveue Efstratios Mitsopoulos DB 18-00033	Replace existing stoop, sidewalk and asphalt.	N/A
8 Eastern Parkway Norman Kassowitz PP 18-00005	Replace water service.	N/A
30 Harrison Place Sunrun Installation Services Inc. DB 18-00034	Install 17 roof mounted solar panels as per drawings submitted by Sunrun dated 3/15/18.	N/A
1 Cooper Street Steve Swalgen FP 18-00003	Replace wood fence 6' x 44'	N/A
2 Sullivan Rd. Allied All City Plumbing PP 18-00006	Replace exterior sewer main and repair interior main.	N/A
44 Yoakum St. RR Plumbing Service SWR 18-00001	Replace sewer line.	N/A
155B Main Street Sobol SP 18-00003	ARB approved 4/24/18 for a 24" x 14' wall sign and a blade sign 24" – 36" in diameter. Drop the awning as low as 7' 6" above ground and extend to cover the door entrance. Awning should display address and telephone #. Add 1 – 2 gooseneck lights above sign. Add silver leafing in a thin border and the words "beyond". Window band (lettering) 15" with 5" letters.	X

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

RESOLVED (#2018-05-02), to set the following public hearings:

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- Special Use Permit and Parking Allowance for the expansion of the Dark Horse Tavern (273 Main Street) into the adjacent vacant storefront.
- To enact a local law to establish a Business Improvement District in the Village of Farmingdale.
- To modify the existing code to enable the Board of Trustees to Regulate Municipal Parking both on street and in lots in the DMU and Business D zoning districts by resolution.

PUBLIC HEARING ON 333 MAIN STREET/STALLER FOR PROPOSED MIXED USE BUILDING INCLUDING APARTMENTS AND RETAIL – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-03), to continue the public hearing on Monday, June 11, 2018.

PUBLIC HEARING ON MAIN & DIVISION LLC 155 MAIN STREET (SAM GLASS) – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi it was unanimously,

RESOLVED (#2018-05-04), to continue the hearing.

The following public comment was made:

- The Board asked about rent.
- A resident asked about the roof strength.
- A resident asked about parking requirements.
- A resident asked about land bank. Superintendent Fellman responded that it is green space until the Village requires the parking to be paved.

Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-05), to close the public hearing.

Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-06), to approve the amendment to a special use permit for Main & Division LLC 155 Main Street to maintain six existing apartments, that will be completely renovated and modify site plan to incorporate land banked parking.

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**BOARD OF TRUSTEES DECISION IN RE: THE APPLICATION TO
AMEND THE SPECIAL PERMIT OF MAIN & DIVISION, LLC,
155 MAIN STREET
FARMINGDALE, NEW YORK**

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

WHEREAS, Main & Division, LLC (Applicant) is the owner of the property located at 155 Main Street, Farmingdale, New York and known as Section 49; Block 73; Lot 105 (the “Property”); and

WHEREAS, the Property is located in the Business D-MU Zoning District of Village; and

WHEREAS, in and about 2014, Applicant submitted a proposal to renovate the property and develop 8 studio and 6 one-bedroom units; and

WHEREAS, the application was denied in part because there was a parking space deficiency of 15 parking spaces; and

WHEREAS, the Board of Trustees was concerned with the parking deficiency posed by the Applicant’s proposal; and

WHEREAS, the Board of Trustees’ concerns regarding the parking deficiencies was significantly reduced by the Applicant’s proposal to abandon the existing residential use on the Property and relocate the existing tenants; and

WHEREAS, Applicant on August 4, 2014 was granted a special use permit to allow the development of the 14 units subject to various conditions, including the abandonment of the existing residential uses and the relocation of the existing tenants; and

WHEREAS, the August 4, 2014 Special Permit required that the Applicant set aside two of the permitted 14 units as affordable housing units¹; and

WHEREAS, the Applicant requests an amendment to that portion of the August 4, 2014 special use permit which requires Applicant abandon the existing residential uses and relocate the existing tenants; and

¹ The original written decision incorrectly noted that only one unit of affordable housing was required. The Village Code and NYS law requires *no less than* 10% of the permitted units be set aside as affordable housing units. Ten (10 %) of 14 equals 1.4. Therefore, the *no less than* requirement would, mandate two affordable units.

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WHEREAS, Applicant proposes to satisfy his obligation to relocate the existing residents by maintaining the existing residential use at the premise (Action); and

WHEREAS, the Applicant has proposed, in connection with its limited request to amend the August 4, 2014 special permit approval, the following:

- a. Renovate and modernize the existing six units in accordance with the plans of Lavada, dated February 19, 2018;
 - b. Each unit shall:
 - Be constructed with new Mini-Split HVAC;
 - Contain new windows as per the determination of LIHP/The Village Superintendent of Buildings;
 - Be hard wired for:
 - Smoke/Fire detectors/alarms.
 - Carbon monoxide detectors/fire detectors.
 - c. The exterior of the entire premises shall be constructed of Hardy Plank;
 - d. Renovation shall be complete; all existing walls and fixtures shall be demolished and removed to existing studs. New sheetrock, paint and standard molding shall be installed.
 - e. New electric wiring/ceiling fixtures shall be installed.
 - f. New plumbing shall be installed as per the determination of LIHP/The Village Superintendent of Buildings ;
 - g. New bathroom fixtures shall be installed;
 - h. Bathroom tiles shall be installed on all bathroom floors and on one-half (1/2) the bathroom wall;
 - i. Tub surrounds to be composed of acrylic;
 - j. New kitchen cabinets, countertops and appliances to be installed;
 - k. New tile floor to be installed in kitchen. Appliances to include: refrigerator, dishwasher, stove, microwave;
 - l. Fire rated metal entry doors to be installed;
- (2) Rental fees for each unit shall not exceed \$3.00/square foot based on habitable area as determined by the Long Island Housing Partnership (LIHP). Yearly increases shall not exceed 3%. Each tenant shall be responsible for utilities.
- (3) No tenant shall be displaced during construction. Each existing tenant shall be relocated to a location suitable to the tenant and approved by the LIHP during construction.
- (4) Enter into a LIHP approved Residential Relocation Agreement with the Village for the benefit of existing tenants.
- (5) Provide an affidavit with the names of the current tenants and their current rental fees.

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(6) Landbank a portion of the property suitable for six (6) parking spaces in accordance with the survey prepared by Gary Cahnella, dated December 15, 2016. Applicant shall enter into an agreement with the Village relative to the land banking of spaces and the conversion of said land to spaces as per the determination of the Village Superintendent of Buildings.

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 for review; and

WHEREAS, In accordance with the Village Code, the Board of Trustees, on December 4, 2017, and January 2, 2018, May 4, 2018 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

WHEREAS, on March 9, 2018, the Nassau County Planning Commission deferred to the Village to take any action it deemed appropriate in connection with the application.

NOW, THEREFORE BE IT DECIDED, that Village Board amends paragraph 1(c) and 4(e) of the August 4, 2014 special permit approval and hereby permits Applicant to maintain the existing six (6) residential units in accordance with the following requirements:

1. The premises and each unit shall be renovated and modernized in accordance with the plans prepared by Lavada dated February 19, 2018;
2. Each unit shall be equipped with:
 - i. New Mini-Split HVAC system;
 - ii. New windows as per the determination of LIHP/The Village Superintendent of Buildings;
 - iii. Hard wired:
 1. Smoke/Fire detectors/alarms.
 2. Carbon monoxide detectors/fire detectors;

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3. The exterior of the entire premises shall be constructed of Hardy Plank;
4. Renovations shall be complete; all existing walls and fixtures shall be demolished and removed to existing studs. New sheetrock, paint and standard molding shall be installed;
5. New electric wiring/ceiling fixtures shall be installed;
6. New plumbing shall be installed as per the determination of LIHP/The Village Superintendent of Buildings;
7. New bathroom fixtures shall be installed to the satisfaction of the LIHP/The Village Superintendent of Buildings;
8. Bathroom tiles shall be installed on all bathroom floors and on one-half (1/2) the bathroom walls;
9. Tub surrounds shall be composed of acrylic;
10. New kitchen cabinets, countertops and shall be installed to the satisfaction of the LIHP/The Village Superintendent of Buildings;
11. New tile floor shall be installed in kitchen to the satisfaction of the LIHP/The Village Superintendent of Buildings. Appliances to include: refrigerator, dishwasher, stove, microwave; and
12. Fire rated metal entry doors shall be installed on each entry/exit.
13. Applicant shall:
 - a. Not charge rental fees in excess of \$3.00/square foot based on habitable area as determined by the LIHP. Yearly increases shall not exceed 3%. Each tenant shall be responsible for utilities.
 - b. Not displace any tenant during construction. Each existing tenant shall be relocated to a location suitable to the tenant and approved by the LIHP during construction.
 - c. Enter into a LIHP approved Residential Relocation Agreement with the Village for the benefit of existing tenants.
 - d. Provide an affidavit with the names of the current tenants and their current rental fees.
 - e. Provide one space for each of the six (6) units on a land bank basis in accordance with the survey prepared by Gary Cahnella and dated December 15, 2016.
 - f. Keep the existing six (6) units affordable in accordance with New York State Law and shall cause to be filed with the Nassau County Clerk covenants and restrictions confirming this requirement and this approval.
14. This amendment is limited to paragraph 1(c) of the August 4, 2014 special permit provision that required the abandonment of the residential units and the relocation of the existing tenants and to the insurance requirements set forth in paragraph 4(e). This amendment does not

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modify, alter or amend any other provisions of the August 4, 2014 special permit decision. The amended insurance requirements shall be in accordance with the attached Schedule A.

- 15.** In the event of a conflict between this amendment and the August 4, 2014 special permit, the most restrictive term or the term which provides the most benefit to the residents or the Village at large, as determined by the Village Superintendent of Buildings, shall govern.

PUBLIC HEARING ON MS4 REPORT – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-07), to open the hearing.

The following public comment was made:

- A resident had questions about the report.

Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2018-05-08), to close the public hearing.

Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-09), to accept the annual MS4 Report as prepared by Savik & Murray.

2018/2019 TAX WARRANT – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-10), to approve Mayor Ekstrand to sign the 2018/2019 Tax Warrant, as annexed to the minutes.

PARKING LOT & ROAD RECONSTRUCTION – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2018-05-11), to approve the reconstruction of Parking Lot 1, Washington Street, and South Front Street (Between Clinton & Elizabeth Streets) under requirements contract with Roadwork Ahead in the amount of \$354,388.08. This will be paid using CDBG & CHIPS funds.

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CAUSTIC SODA PURCHASE – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-12), to approve the purchase of caustic soda through Port Washington Water District Contract #2018-02.

AUDITING & FINANCIAL SERVICES – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2018-05-13), to approve the hiring of Satty, Levine & Ciacco for three years at a cost of \$16,000 for 2018, \$16,500 for 2019 and \$17,000 for 2020 for auditing and financial services.

CHANGE ORDERS FOR NEW FIRE TRUCKS – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2018-05-14), to approve change orders for the new fire trucks at a cost of \$5,385.

FIRE HYDRANT FOR RAINBOW APARTMENTS – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-15), to approve the installation of a new fire hydrant to support Rainbow Apartments by Merrick Utilities at a cost of \$8,446 for installation and a cost of \$2,000 for the hydrant. The total cost will be \$10,446.

SCOTT PACK BOTTLES – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-16), to add \$10,000 to the already encumbered \$20,000 for Scott Pack bottles. This uses current year fund balance to pay for the future purchase of these bottles.

OUTDOOR DINING – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2018-05-17), to approve an Outdoor Dining permit for Junos Pizza & Pasta 533 Fulton St.

CSEA AGREEMENT – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

RESOLVED (#2018-05-18), to approve 5 year union agreement with the CSEA beginning June 1, 2018 through May 31, 2023.

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SALARY INCREASES – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2018-05-19), to approve salary increases per attached list.

NELSON & POPE – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2018-05-20), to hire Nelson & Pope for \$1,900 at applicant's expense to review and make recommendations on site plan for 332 Fulton Street.

BEAUTIFICATION – Trustee Parisi reported that Beautification will be hanging pots on Saturday, May 12th with the help of our Junior Firemen and DPW. On Monday and Tuesday, May 14 and 15, we will be planting at Main and Melville and Northside Pocket Park. On Saturday, May 19th, we will be planting the pots on Main Street and Village Green beginning at 9:00 am. We start with breakfast and then start planting. Many volunteers are needed for this as we plant approximately 80 pots. We are very grateful for our volunteers as Main Street would not look as beautiful as it does, without their help.

OLD BUSINESS – None

CORRESPONDENCE – None

PUBLIC COMMENT – A discussion began on the following topics:

- A resident complained about the locked gate on the property at Lot 2, next to St. Thomas Church.
 - Kickline practices at St. Thomas – they finish late and it's dangerous for them to walk around to Lot 2.
 - Another resident stated that it's their property.
 - The church's neighbor will not cooperate.
- A resident complained about a house on Thomas Powell Blvd. with a house trailer and garbage in front.
- Steve Wilson wants a letter read into the record at the June 11th Staller hearing. He will not be able to attend the meeting.
- Mr. Wilson asked about the percentage of raises in the CSEA contract.
- Mr. Wilson also asked about the hydrant at the Rainbow Apartments.
- Update on FEMA flood insurance.

There being no further business, the meeting was adjourned at 9:35 p.m.

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Respectfully submitted,

Brian P. Harty, Village Clerk-Treasurer