

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, November 4, 2013
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, November 4, 2013.

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, December 2, 2013 at 8:00 pm: Board of Trustees Work Sessions begin at 7:00 pm on Monday, November 18 and November 25, 2013.
- Monday, December 2, 2013 is “Joe Belesi Day” in Farmingdale Village.

CONTINUED PUBLIC HEARING PROPOSED SPECIAL USE PERMIT – 511 FULTON STREET (511 FULTON STREET HOLDING CORP.) – Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2014-132), to open the public hearing.

A brief discussion began on traffic concerns in the area.

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

RESOLVED (#2014-133), to close the public hearing.

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

RESOLVED (#2014-134), that the applicant will re-notice this application until such time that this site is free of violations.

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CONTINUED PUBLIC HEARING PROPOSED AMENDMENT SPECIAL USE PERMIT – 356 FULTON STREET (AB LAND CORP.) – Upon a motion made by Trustee Ryan and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2014-135), to open the public hearing.

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

RESOLVED (#2014-136), to close the public hearing.

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

RESOLVED (#2014-137), that the applicant will re-notice this application until such time that this site is free of violations.

PUBLIC HEARING PROPOSED AMENDMENT SPECIAL USE PERMIT/SITE PLAN APPROVAL – 25 HEMPSTEAD TURNPIKE (LIVING FAITH CHRISTIAN CHURCH) – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-138), to open the public hearing.

Mr. Notaro, the architect for the applicant explained the three phases of this application.

A discussion began about the fence on the property.

There being no further comment, upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2014-139), to close the public hearing.

Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, the following was unanimously, **RESOLVED (#2014-140)**,

WHEREAS, the Living Faith Church (the “APPLICANT”) is the owner of the property located at 25 Hempstead Turnpike, Farmingdale, New York and known as Section 49; Block 249; Lots 48 and 49 (the “PROPERTY”); and

WHEREAS, the PROPERTY is located within the Business D Zoning District of the Incorporated Village of Farmingdale (the “VILLAGE”); and

WHEREAS, a portion of the Property is located outside of the VILLAGE and within the Town of Oyster Bay which has deferred jurisdiction over the PROPERTY to the VILAGE; and

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WHEREAS, the APPLICANT is the successor in interest to the Wantagh Baptist Church which was granted site plan and special permit approval on June 2, 2008 and amended site plan and special permit approval on October 6, 2008; and

WHEREAS, the APPLICANT submitted a building permit application to the VILLAGE Superintendent of Buildings on September 2013, to create a new land-banked lot, and to increase the total number of parking spaces on site to 541 (from 359) which are comprised as follows: paved spaces increased to 380 (from 247); land-banked spaces decreased to 33 (from 122); and the creation of 128 new seasonal spaces (“ACTION”); and

WHEREAS, the VILLAGE Superintendent of Buildings denied the building permit application as the intended construction required an amendment to the previously granted site plan approvals; 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 VILLAGE (“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 has 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 NCPC deferred to the VILLAGE to take any action it deemed appropriate in connection with the ACTION; and

WHEREAS, in connection with the ACTION, APPLICANT submitted plans dated September, 2013 prepared by Notaro Grupp Associates, Architects & Planners (“NOTARO 2103 PLANS”) “calling in” land banked spaces on the northern portion of the PROPERTY and depicting the addition of newly leased land, newly purchased land (35 Hempstead Turnpike), the additional parking spaces and the creation of a new land-banked lot on the northwest portion of the PROPERTY; and

WHEREAS, a public hearing was held on November 4, 2013 at the Village Hall in Farmingdale; and

WHEREAS, at the public hearing the APPLICANT presented witnesses who testified on the APPLICANT’s behalf; and

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

WHEREAS, the APPLICANT provided evidence that it has leased property from the Long Island Rail Road (“LIRR”) and purchased the property at 35 Hempstead Turnpike

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to satisfy the parking demand on the PROPERTY and has demonstrated at the public hearing held that the proposed changes in parking are sufficient for the proper and orderly parking of cars based upon the present anticipated use of the lot; and

WHEREAS, the land banked spaces will be available to be repaved for use at any time they are needed to provide additional onsite parking; and

WHEREAS, the APPLICANT accepts that it will be in the sole discretion of the VILLAGE BOARD to determine when, and if, the land bank status shall cease and the spaces shall be paved by the APPLICANT; and

NOW, the Board of Trustees hereby approves the amended Site Plan subject to the findings set forth above and further upon:

1. The parking spaces shall comply with the NOTARO 2013 PLANS, except that no gate shall be located on the northwest portion of the PROPERTY and no traffic shall be permitted to exit or enter through any gate or other opening on the northwest portion of the PROPERTY, and except that there shall be no entrance/exit, and no traffic shall be permitted, on or through the Fairway Drive/Plainview Road access point of the PROPERTY. The land banking of spaces shall be limited as per the NOTARO 2013 PLANS and such spaces shall be landscaped consistent with landscaping required and approved by the VILLAGE.
2. The grant hereunder is made specifically upon the representation that APPLICANT is the owner of 35 Hempstead Turnpike. The approvals hereunder shall require APPLICANT to maintain ownership of 35 Hempstead Turnpike. APPLICANT shall supply the VILLAGE, upon request, with a certified copy of a current deed confirming ownership of 35 Hempstead. In the event that APPLICANT no longer owns 35 Hempstead Turnpike the approvals hereunder shall immediately cease and the approvals revoked. APPLICANT shall immediately notify the VILLAGE of any change in ownership of 35 Hempstead Turnpike or of any alteration, construction, development or change to said property. Any alteration, construction, development or change to 35 Hempstead Turnpike shall require APPLICANT to demonstrate to the VILLAGE BOARD that such changes do not impair the APPLICANT'S ability to provide for an area sufficient for the proper and orderly parking of cars on the PROPERTY.
3. The grant hereunder is also made specifically upon the representation that APPLICANT is lessee of a certain portion of land from the LIRR. APPLICANT shall supply the VILLAGE, upon request, with a copy the lease with the LIRR for the portion of the LIRR property to be used by APPLICANT for parking. APPLICANT shall immediately

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notify the VILLAGE of any changes in the lease or any alteration, construction, development or change to the portion of the property leased. In the event that APPLICANT no longer leases the aforementioned property, the approvals hereunder shall immediately cease and the approvals revoked. Any change to the lease or any alteration, construction, development or change to the portion of the property leased shall require APPLICANT to demonstrate to the VILLAGE BOARD that such changes do not impair the APPLICANT's ability to provide for an area sufficient for the proper and orderly parking of cars on the PROPERTY.

4. At any time in the future the APPLICANT agrees to pave all or a portion of the land banked spaces upon the VILLAGE's request to do so. APPLICANT understands that this approval is expressly conditioned upon the APPLICANT's agreement to pave the land banked parking spaces when requested by the VILLAGE to do so. APPLICANT understands and agrees that the determination to pave the land banked area in the future is at the sole discretion of the VILLAGE BOARD; and
5. 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
6. APPLICANT shall provide landscaping and a landscaping plan satisfactory to the VILLAGE.
7. All conditions of the Board of Trustees' Site Plan and Special Use Permit decisions dated June 2, 2008 and October 6, 2008, other than those changed in this decision, shall remain in full force and effect.
8. 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.

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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 Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2014-141), to set the following public hearings for December 2, 2013 at 8:00 p.m.:

- Proposed Special Use permit/Off Street parking/Loading/Incentive Bonuses for 155 Main Street (Sam Glass)
- Proposed Special Use permit/Parking modification/Additional seating for 294 Main Street (Charlotte’s Yogurt Shop)

GOOD & WELFARE

- Ms. Licausi inquired about plans for 155 Main Street
- An Elizabeth Street resident inquired about fencing on North Front Street

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

RESOLVED (#2014-142), that the Abstract of Audited Vouchers #1059 dated November 4, 2013 be approved for payment with the exception of some held.

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

RESOLVED (#2014-143), to approve the wire transfers made since the prior meeting, as annexed to these minutes.

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

RESOLVED (#2014-144), to approve the minutes of 8/5 and 9/3 BOT Regular Meetings and Work Sessions of 10/7, 10/21 and 10/28 with 2 corrections.

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USE OF VILLAGE PROPERTY – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED, to allow the following use of Village property:

- The NYS Department of Agriculture is requesting use of Court Room for classroom training on Thursday, November 14, 2013 from 8:30 a.m. to 12:00 noon.
- Girl Scout Troop 3178 is requesting to host a table on the Village Green on Saturday, November 23, 2013 from 11:00 a.m. to 2:00 p.m. to collect donated food for Farmingdale Methodist Church during the parade.

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

LOCATION	TYPE OF CONSTRUCTION/COMMENTS	ARB
Milhous 21 Barberry Ct. SWP 13-17	Replace 1-2 sidewalk flags.	N/A
Staller Assoc. 231-245 Main St. DB 13-66	Disconnect four sewers.	N/A
Mucaria 245 Cherry St. RO 13-15	Oil to gas conversion.	N/A
222-224 Main St. LLC 222-224 Main St. DB 13-67	Interior alterations for insurance office.	N/A
222-224 Main St. LLC 222-224 Main St. DP 13-03	Demo interior of building.	N/A
222-224 Main St. LLC 222-224 Main St. PP 13-24	Install 2 water closets, 1 kitchen sink and 2 lavatories.	N/A
Phoenix Eastern Med. 374 Fulton St. DB 13-68	Interior renovations to create medical spa.	X
Panache Enterprises 315 Main St. DB 13-69	Paint exterior of building Lenox Tan. ARB approved.	X
Cassidy 47 William St. PP 13-25	Install one water closet, kitchen sink, lavatory, dishwasher and washing machine on 1 st fl. Install shower, water closet and lavatory on second floor.	N/A
Community Services 80 Bethpage Road PP 13-26	New gas fired boiler.	N/A
Phoenix Eastern Med. 374 Fulton St. DB 13-70	Reconstruct parking area with new paving, drainage, lighting and landscaping. Planning Bd. approved.	X
Town Diner 282 Main St. DP 13-04	Partial demolition of interior to create diner.	N/A
Olbeter 14 Merritt Rd. PP 13-27	Install gas line to pool heater.	N/A
High Point Engineering 521 Conklin St. FP 13-24	Replace chain link fence.	N/A
Sciuto	Replace driveway, front stoop & walkway.	N/A

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920 Fulton St. SWP 13-18		
Martino 9 Paine Ave. PP 13-28	Install gas boiler/hot water heater. Oil to gas conversion.	N/A
Boyle 6 Paine Ave. PP 13-29	Install gas boiler. Oil to gas conversion.	N/A
Kontchegulian 234 Staples St. SWP 13-19	Replace sixteen sidewalk flags.	N/A
Blue Hawaiian 195 Main St. DB 13-71	New front façade – door and windows.	X
Masjid Bilal 425 Fulton St. DB 13-72	Remodel existing bathroom and add foot washing station.	N/A
Dark Horse Tavern 273 Main St. DP 13-05	Interior demolition for restaurant/tavern.	N/A
Carrasquillo 25 Iroquois Pl. DB 13-73	Maintain finished basement – 2 bedrooms, 3 pc. Bath and front porch.	N/A
Alber 32 Staples St. PP 13-30	Install gas boiler. Oil to gas conversion.	N/A
Augner 35 Harrison Pl. FP 13-25	Maintain 6' PVC fence from rear property line to front of house.	N/A
Bartone Properties 120 Secatogue Ave. DB 13-74	Phase II – 3 story mixed use building.	X
Didio 6 Dale Drive PP 13-31	Install gas boiler. Oil to gas conversion.	N/A
Cassidy 47 William St. PP 13-32	Install gas boiler. Oil to gas conversion.	N/A
Masjid Bilal 425 Fulton St. PP 13-33	Install 2 water closets, 1 lavatory, 3 foot wash stations.	N/A
Batt 34 Ridge Rd. PP 13-34	Install gas boiler/hot water heater. Oil to gas conversion.	N/A
Cappadonna 26 Paine Ave. PP 13-35	Install gas boiler/hot water heater. Oil to gas conversion.	N/A
Looney 17 Paine Ave. PP 13-36	Install gas boiler/hot water heater. Oil to gas conversion.	N/A
Japutra 8 Manetto Rd. FP 13-26	Install 12' section of pvc fencing.	N/A
Staller Assoc. 221 Main St. FP 13-27	Install 30'x10' dumpster enclosure.	N/A
Kropp 104 Cherry St. DB 13-75	One story rear addition, rear deck and two dormers on second floor.	N/A
Marino 22 Heisser Ln. DB 13-76	Maintain finished basement for storage only.	N/A
Secondary Capital 53 Iroquois Pl. DB 13-77	Construct second floor dormer w/3 pc. bath.	N/A
Batt	New gas service.	N/A

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34 Ridge Rd. RO 13-16		
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TAXI PERMITS – Upon a motion by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED, to issue 5 taxi permits.

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

RESOLVED (#2014-145), to approve minor revision to Village’s Retiree Health Insurance Policy as recommended by NYSHIP, previously adopted by resolution on October 7, 2013, as annexed to these minutes.

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

RESOLVED (#2014-146), to accept the Village Election resolutions, as annexed to these minutes.

YEAR 39 CDBG – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2014-147), to authorize Mayor Ekstrand to sign the Year 39 CDBG contract.

VHB ENGINEERING RESIDENTIAL STUDY – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-148), to hire VHB Engineering to conduct and prepare a study of potential additional residential development in the Village, to be paid for by applicant.

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

RESOLVED (#2014-149), to approve the Residential Rehab project on Barberry Court for a total of \$8,950, using CDBG Residential Rehab funds.

TELEPHONE INVOICE AUDIT – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2014-150), to approve the hiring of Telstar Resource Group, Inc. to perform an audit of the Village’s telephone invoices for a fee of forty five (45%) of the refund or credit received by the Village.

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

RESOLVED (#2014-151), to approve the adjusted cash settlement on a previously approved tax certiorari for 717 Conklin Street (Sec 49, Bl 86, Lot 136) for an additional \$2,000 for a total of \$8,500.

COMMERCIAL BUILDING GRANT – Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2014-152), to authorize new downtown commercial building grant for qualified buildings. Funding assistance provided through the Village's Community Development Block Grant allocations. Payment of up to 80% of the cost for work from a qualified contractor\painter to appropriately prepare (repair as needed if requested) and paint the exterior mansard roof structure attached horizontally above the building's storefront. Qualified owner\tenant(s) must contribute a minimum of 20% of the total cost. Building will receive an allocation up to \$500.00 per linear foot of building width facing Main Street or Conklin Street up to 80% of total cost to offset the expense. Contractors shall follow Davis-Bacon prevailing wage requirements.

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

RESOLVED (#2014-153), to award contract to Aristocrat Paint Contracting, Inc. in response to RFP for costs to prepare and paint mansards within the Village's commercial districts as ordered and approved by the Village.

HANDICAPPED PARKING SPACE – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-154), to approve installation of a handicapped parking space on Columbia Street.

FARMINGDALE MEAT MARKET – Upon a motion made by Trustee Barrett and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2014-155), to approve Farmingdale Meat Market use of 15 designated parking spaces in Lot #4 at a fee to be determined by the Board of Trustees.

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

RESOLVED (#2014-156), to approve the surplus of DPW Truck #11 – Scavenger (body only).

STAPLETON PROPOSAL – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was,

RESOLVED (#2014-157), to accept proposal from Stapleton Tree Service for purchase of surplus Scavenger (body only) in the amount of \$1,500. The estimated scrap value of Scavenger body was \$400.

VILLAGE & JUSTICE COURT AUDIT – This resolution was withdrawn.

WESCHE DRIVE SIDEWALK – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2014-158), to install sidewalk and new curb and gutter on Wesche Drive from Rose Street to Cherry Street under requirements contract with Road Work Ahead with additional sidewalk on Doud Street to be installed at same time. Funding will be from proceeds of sale of parcel of land on Wesche Drive and Parking Lot funds.

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

RESOLVED (#2014-159), to approve the hiring of (2) Part Time Dispatchers (subs) – James Baudille and Michael Urbanik at a rate of \$12.55 per hour.

7-11 SIGN PERMIT – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-160), to approve the sign permit application, as per High Point Engineering dated 5/17/13, provided that applicant replace light box sign on façade by March 2014.

BEAUTIFICATION – Deputy Mayor Christiansen reported that the committee is preparing for Holiday decorating on November 23 and the Marine volunteers will be helping.

OLD BUSINESS –

- Trustee Parisi inquired about the status of the impact zone.

CORRESPONDENCE – None

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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 10:45 p.m.

Respectfully submitted,

Brian P. Harty, Village Clerk-Treasurer