

**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**Monday, December 3, 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, December 3, 2018.

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

**Absent:** Deputy Clerk Barbara Kelly

Mayor Ekstrand opened the meeting at 8:15 PM with the pledge of allegiance.

**ANNOUNCEMENTS** – Mayor Ekstrand made the following announcements:

- The next Board meeting with public comment period will be held on Monday, January 7<sup>th</sup>, 2019 at 8:00 p.m. Regular Work Sessions will be held on Monday, December 17<sup>th</sup>, 2018 and Monday, January 7<sup>th</sup>, 2019 at 7:00 p.m.
- The following resolution was approved 4-0 (Trustee Addeo was absent) at the November 19, 2018 Work Session:
  - Hire James Healey and Robert Warshauer as Part-Time Substitute Firehouse Maintainers at a salary of \$15.00 per hour.
- The following resolutions were approved at the November 26, 2018 Work Session:
  - Approved VHB to develop a survey and finalize a report at a cost of \$2500 to contact Triangle residents to develop a consensus of concerns to present to the State Department of Transportation for their consideration.
  - Accepted the 2017/2018 audit report as submitted by Satty, Levine & Ciacco, CPAs.
  - Hired David Rodenburg as a Parking Meter Attendant at a salary of \$16.00 per hour during his 6 month probationary/training period with a salary increase to \$18.00 per hour upon successful completion

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of his probationary period. This was approved 4-0 (Deputy Mayor Barrett abstained).

- Hired Brian Bretana as a Part Time Laborer in the Highway Department at a salary of \$15.00 per hour.

**REGULAR MEETING BUSINESS ITEMS** – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, the following items were, **RESOLVED (#2019-12-01)**,

- Abstract of Audited Vouchers #1120 dated December 3, 2018
- Minutes of Work Sessions of 11/5/18, 11/19/18 & 11/26/18 and Regular Public Meeting of 11/5/18, as amended.
- Taxi permits
- Use of Village Property:
  - The Greater Long Island Running Club is requesting to hold their annual “Fun Run” on Sunday, February 24, 2019 starting at 9:00 a.m. The event will start behind Runner’s Edge continuing up Main Street and onto Round Swamp Road.
- 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 |
|--|--|-----|
| 11/5/18<br>5 Fuschetto Court<br>National Grid<br>RO 18-00013     | One 4 x 4 x 3 bellhole to install gas service.                 | N/A |
| 11/6/18<br>3 Fuschetto Court<br>National Grid<br>RO 18-00014     | One 4 x 4 x 3 bellhole to install gas service.                 | N/A |
| 11/6/18<br>273 Main Street<br>DMT Tavern Inc.<br>SP 18-00011     | ARB approved as per conditions listed in letter dated 11/6/18. | X   |
| 11/6/18<br>191 Main Street<br>Chiddy Cheesesteaks<br>SP 18-00012 | ARB approved as per conditions listed in letter dated 11/6/18. | X   |
| 11/7/18<br>15 Puritan Lane<br>Jeffrey Damo<br>PP 18-00024        | Oil to gas conversion.   | N/A |
| 11/8/18<br>150 Main St.<br>Suzie Kim<br>DB 18-00112              | Interior alterations for nail salon.                           | N/A |
| 11/9/18<br>6 Ridge Rd.<br>National Grid<br>RO 18-00015           | One 4 x 4 x 3 bellhole to repair gas leak.                     | N/A |
| 11/9/18<br>315-317 Main St.<br>Joseph Fortuna                    | Curbcut for 800 AMP upgrade in service.                        | N/A |

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|----------|--|--|-----|
|          | CC 18-00001  |  |     |
| 11/9/18  | 323 Main St.<br>Spa 79 ELP<br>DB 18-00113                    | Repair 160 square feet of asphalt and raise septic tank clean out.   | N/A |
| 11/13/18 | 315 Conklin St.<br>Nancy White<br>DB 18-00114                | Interior and exterior alterations as per list submitted by applicant.  | N/A |
| 11/19/18 | 37 Van Cott Avenue<br>John Capobianco<br>PP 18-00025         | Oil to gas conversion.   | N/A |
| 11/19/18 | 431 Conklin St.<br>Merk431 LLC<br>FP 18-00015                | 6' white PVC fence along rear of property.   | N/A |
| 11/19/18 | 2 Harrison Pl.<br>LCT Plumbing & Heating<br>PP 18-00026      | Oil to gas conversion.   | N/A |
| 11/19/18 | 7 Jervis Avenue<br>National Grid<br>RO 18-00016              | 4 x 4 x 3 bell hole to repair gas leak.  | N/A |
| 11/20/18 | 40 Jefferson Rd.<br>Universe Appliance Repairs<br>PP18-00027 | Install new gas boiler.  | N/A |
| 11/20/18 | 97 Fulton St.<br>Apco Plumbing & Heating<br>PP 18-00028      | Fix gas connection to existing roof top HVAC unit.   | N/A |
| 11/27/18 | 80 Yoakum St.<br>Gary E. Dolan<br>DB 18-00115                | Interior repairs to heating, plumbing and electrical system damaged from winter freeze up.                                 | N/A |
| 11/27/18 | 252 Main St.<br>Whiskey Down Diner<br>PP 18-00029            | 3 water closets, 4 kitchen sinks, 7 lavatories, 1 urinal, 2 slop sinks, 6 indirect wastes, 1 dishwasher, & 4 floor drains. | N/A |
| 11/27/18 | 190 Bethpage Rd.<br>John Speller<br>DB 18-00116              | Maintain basement egress window.   | N/A |
| 11/29/18 | 9 Fairview Rd.<br>Martha Thomatos<br>DB18-00117              | Convert garage to new kitchen space as per drawings submitted by Norman C. Lok Engineer dated 10/23/18.                    | N/A |
| 11/29/18 | 24 Maple St. N.<br>Sunation Solar Systems<br>DB 18-00118     | Install 28 roof mounted solar panels as per drawings submitted by Michael Dunn Architect dated 11/5/18.                    | N/A |

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

**RESOLVED (#2019-12-02)**, to set the following public hearings:

- Special Use Permit for 566 Fulton Street to renovate the existing building into a convenience store and reestablish a gas station in a Residence B-B Zoning district.

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**PUBLIC HEARING ON SPECIAL USE PERMIT FOR 356 FULTON STREET –**

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

**RESOLVED (#2019-12-03)**, to adjourn the hearing until Monday, January 7, 2019 at 8:00 p.m. as the applicant was not present.

**PUBLIC HEARING ON MORATORIUM ON NEW CONSTRUCTION IN DMU**

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

**RESOLVED (#2019-12-04)**, to open the hearing.

The following public comment was made:

- Residents indicated that they were supportive of the moratorium to review the current regulations and evaluate if changes should be made.
- Some residents expressed concerns about pending and new applications and the impact on commercial property owners looking to rent their spaces to new tenants.
- Some residents questioned the reason for the moratorium and building in D zoning, and if a full SEQRA will be needed if the DMU zoning is significantly modified.
- Someone stated that this review include coordination with the existing Downtown Master Plan.
- Public comment supported taking a pause and evaluation of the current DMU code.
- A resident suggested hiring a planning consultant and was told that the cost of such a consultant would be \$170,000 and that the review process will be noticed and public participation be encouraged.
- It was mentioned that the Master Plan indicated that 375 units of apartment housing was stipulated at that time.
- A resident requested that the affordable component of the current code be reviewed as well.

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

**RESOLVED (#2019-12-05)**, to close the hearing.

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

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**RESOLVED (#2019-12-06)**, to adjourn the hearing until January 7, 2019 at 8:00 p.m. - waiting for Nassau County Planning Commission determination.

**PUBLIC HEARING ON SPECIAL USE PERMIT FOR 994 FULTON STREET (STAR TRANSMISSION)** – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2019-12-07)**, to open the hearing.

The expediter for the applicant presented the case for approval of the Special Use Permit for the applicant indicating that the property had all prior approvals to operate and that it was permitted previously in its present parking configuration. He indicated that the applicant will maximize the available on-site parking and will park all vehicles on-site or inside and not on the street when the business is closed.

The following public comment was made:

- Residents were supportive of the applicant receiving the Special Use Permit as the owner is well known to the resident.
- Other residents expressed concerns about vehicles parking on the street and that the applicant's employees will have to use the street to park.

The Board expressed concerns about the necessity to use on-street parking to support business operations and that there is a shortage of available parking on-site under current code calculations.

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

**RESOLVED (#2019-12-08)**, to adjourn the hearing until January 7, 2019 at 8:00 p.m. – waiting for Nassau County Planning Commission determination.

**PUBLIC HEARING ON SPECIAL USE PERMIT FOR 453 MAIN STREET** – Upon a motion made by Trustee Priestley and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2019-12-09)**, to open the hearing.

The architect of the applicant made the case to convert current office space into a one bedroom apartment. They will need the ability to use the current entrance that faces Main Street, residential use on the 2<sup>nd</sup> floor and loading space.

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The following public comment was made:

- A resident indicated support of leaving the front entrance if improvements to the building are made.
- A resident supported moving the entrance to the side or rear of the building.

The Board expressed concerns about the inability to meet certain DMU requirements, including moving the front entrance to comply with the DMU code.

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

**RESOLVED (#2019-12-10)**, to continue the hearing until January 7, 2019 at 8:00 p.m.

**PUBLIC HEARING ON SPECIAL USE PERMIT FOR “WHISKEY DOWN” 252 MAIN STREET** – Upon a motion made by Trustee Priestley and seconded by Deputy Mayor Barrett, it was unanimously,

**RESOLVED (#2019-12-11)**, to open the hearing.

The following public comment was made:

- Residents commented that the applicant should pay for the use of Village property and the Board indicated that this would be the case.
- A resident indicated that there would be large support for a diner in the Village.

The Board indicated to the applicant that there is a payment for parking based on parking needs and calculation from the Building Department at \$5,000 per spot.

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

**RESOLVED (#2019-12-12)**, to continue the hearing until January 7, 2019 at 8:00 p.m. - waiting for Nassau County Planning Commission determination.

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

**RESOLVED (#2019-12-13)**, to send to the Planning Board for review at their January 15, 2019 meeting.

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**PUBLIC HEARING ON SPECIAL USE PERMIT FOR HIGH TIDE TACO (LA BOTTEGA) 257 MAIN STREET** – Upon a motion made by Trustee Priestley and seconded by Deputy Mayor Barrett, it was unanimously,

**RESOLVED (#2019-12-14)**, to open the hearing.

The applicant agreed to pay for one parking space at a cost of \$5,000 with \$2,500 due upon issuance of the Certificate of Occupancy and \$2,500 due on January 1, 2020.

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

**RESOLVED (#2019-12-15)**, to close the hearing.

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

**RESOLVED (#2019-12-16)**, to continue the hearing until January 7, 2019 at 8:00 p.m. - waiting for Nassau County Planning Commission determination.

**PUBLIC HEARING ON SPECIAL USE PERMIT FOR 332 FULTON STREET** – Upon a motion made by Deputy Mayor Barrett and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2019-12-17)**, to continue the hearing.

In attendance was Andrea Curto from the Forchelli Deegan Terrana law firm and Robert Eschbacher from VHB.

The applicant's attorney presented the case for approval of the car wash to the Board and claimed that the car wash, although not indicated as a permitted use, was applying under a code provision of the "like or similar use" to a gas station in the Business D zoning district. The attorney further argued that the Building Superintendent had the authority to determine what was a "like or similar use". (Superintendent Fellman disputed this.) Also, the attorney answered questions that were posed at the last hearing.

The following public comment was made:

- A resident indicated that it was his observation that gas stations and car washes were commonly situated together.

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The Board arduously contested the claim that a car wash is a “like or similar use” to a gas station and questioned the applicant’s attorney. Additionally, certain board members expressed concern about the intensification of the site.

**EXECUTIVE SESSION**, upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

**RESOLVED**, to move to Executive Session.

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

**RESOLVED**, to reconvene the meeting.

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

**RESOLVED (#2019-12-18)**, to deny the application for 332 Fulton Street for car wash and oil lube uses.

**VILLAGE PERSONNEL POLICY BOOK** – Upon a motion made by Deputy Mayor Barrett and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2019-12-19)**, to adopt the updated Village Personnel Policy book.

**ANTI-HARASSMENT COMMITTEE** – Upon a motion made by Trustee Parisi and seconded by Trustee Priestley, it was unanimously,

**RESOLVED (#2019-12-20)**, to appoint Brian Harty, Barbara Kelly, Walter Priestley, Cheryl Cruthers and Micheal Tortoso as the Anti-Harassment Committee.

**REQUIREMENTS CONTRACT FOR ELECTRICAL MAINTENANCE & REPAIR SERVICES** – Upon a motion made by Deputy Mayor Barrett and seconded by Trustee Parisi, it was unanimously,

**RESOLVED (#2019-12-21)**, to approve the renewal of the requirements contract for Electrical Maintenance and Repair Services (Water Department) with Banker/Baltray Enterprises, Inc. for one year.

**BEAUTIFICATION** – From Trustee Parisi: Many thanks to all of our volunteers this year. On Thursday, November 15th we had 28 volunteers string lights and fluff bows for



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the wreaths that are hung on Main Street. On Saturday, November 17th, we had the Junior Firemen hang all the wreaths, volunteers string the garland along Front Street, volunteers decorate the gazebo at Village Green and string garland and bows along the fencing on Village Green. On Tuesday, November 27th, we met at 5 Corners and decorated the gazebo and sign. We finished up with the fountain on Village Green. Our Village would not look as beautiful as it does without all of their help. Many thanks to DPW for picking up the slack and finishing up decorations that we couldn't get done. Thank you all. Wishing everyone a wonderful holiday season.

**OLD BUSINESS** – None

**CORRESPONDENCE** – None

**PUBLIC COMMENT** – None

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

**RESOLVED**, to move to Executive Session to discuss legal issues.

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

**RESOLVED**, to reconvene the meeting.

There being no further business, the meeting was adjourned at 11:20 p.m.

Respectfully submitted,

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Brian P. Harty, Village Clerk-Treasurer