

May 7, 2012

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, May 7, 2012 at 7:00 P.M. in the Village Hall. The Mayor opened the meeting with the Pledge of Allegiance.

Present: Mayor William Hendrick  
Trustee Alan Beach  
Trustee Hilary Becker-Absent  
Trustee Michael Hawxhurst  
Trustee Thomas Atkinson  
Village Administrator John Giordano  
Village Attorney Peter Ledwith

GIRL SCOUT  
DONATION –  
BOOKSHELF –  
RECREATION  
CENTER

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to accept the donation of a bookshelf, books and reading services for the Recreation Center from Girl Scout Troop 2378 as part of their working on their Silver Award. Motion carried, all voting “Aye”.

**RES.#167-12**

DONATION OF  
BICYCLES – GIRL  
SCOUT BIKE  
EXCHANGE  
PROGRAM

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Board to donate Police Department abandoned bicycles to the Girl Scouts for charity for their Bike Exchange Program. Motion carried, all voting “Aye”.

**RES.#168-12**

ANNUAL ALARM  
MAINT.  
AGREEMENT  
RENEWAL

It was moved by Trustee Beach, seconded by Trustee Atkinson to table authorization for the Mayor to sign the Annual Alarm Maintenance Agreement Renewal with All Service Controls. Motion carried, all voting “Aye”.

**RES.#169-12**

FUEL SERVICE-  
HEWLETT BAY  
PARK

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Mayor to sign an Inter-municipal Agreement with the Village of Hewlett Bay Park for vehicle fuel purchasing as dispensed at the Lynbrook Department of Public Works. Motion carried, all voting “Aye”.

**RES.#170-12**

RATIFY  
VILLAGE HALL  
REPAIRS

It was moved by Trustee Beach, seconded by Trustee Atkinson to ratify the engagement of Frank Robustello & Son, Inc. for the emergency repair of the exterior concrete stairs at the west entrance of Village Hall, at a cost not to exceed \$12,000. Motion carried, all voting “Aye”.

**RES.#171-12**

POST PROM  
BREAKFAST  
6/22/12

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Lynbrook High School post prom breakfast at the Lynbrook Village Pool at 3:30 AM on June 22, 2012, as requested by Fly with the Owls, Inc. Motion carried, all voting “Aye”.

REPLACEENT-  
FIRE CHIEF  
VEHICLE

It was moved by Trustee Beach, seconded by Trustee Atkinson to table approval of the bid specifications for a Fire Department 2012 Ford Expedition vehicle. Motion carried, all voting “Aye”.

**RES.#172-12**

PUBLIC HEARING  
– REZONING –  
3/9 MERTON AVE  
-417 OCEAN AVE

The Mayor advised that a Public Hearing to consider the application of Sunrise One, LLC and Thomas Cecil Morash for a change of zone pursuant to Village Code 252-09, from “Residential” to “Commercial” on properties known as and by 3 Merton Avenue (Section 17, Block 2, Lot 1), 9 Merton Avenue (Section 17, Block 2, Lot 3), and 417 Ocean Avenue (Section 17, Block 2, Lot 2) and a public hearing to consider their application for a Special Use Permit pursuant to Village Code 252-56 and Village Code 252-116 for an off-site parking accessory use to the hotel located at 1 Sunrise Highway, is scheduled for this evening. At the request of Alan Stein, Esq., representing the applicant, it was moved by Trustee Beach, seconded by Trustee Atkinson to reschedule both hearings to the July 16, 2012 Board Meeting. Motion

**RES.#173-12**

May 7, 2012

carried, all voting "Aye". Paul Tubin, 431 Ocean Avenue submitted a letter opposing the application signed by 22 neighbors.

EXECUTIVE  
SESSION

RES.#[174-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting to open an executive session to discuss attorney client matters. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Becker to open an executive session to discuss attorney client matters. Motion carried, all voting "Aye". After a brief discussion, it was moved by Trustee Atkinson, seconded by Trustee Beach to adjourn the executive session. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson to reopen the regular meeting. Motion carried, all voting "Aye".

SPECIAL  
MEETING -5/11/12

RES.#[175-12](#)

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to schedule a Special Meeting on May 11, 2012 at 8:00 AM. Motion carried, all voting "Aye".

Mayor Hendrick invited all those present for a continuation of the meeting in the court room.

MINUTES-4/2, 4/9  
& 4/16/12

RES.#[176-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the Minutes of April 2, 9 & 16, 2012 as submitted and place on file. Motion carried, all voting "Aye".

MUNICIPAL  
CLERKS WEEK

Mayor Hendrick presented a Proclamation to John Giordano and Helen Lanza in honor of Municipal Clerks Week, April 29 – May 5, 2012.

CHAMBER OF  
COMMERCE  
REPORT

President of the Chamber of Commerce William Gaylor gave a report on Chamber of Commerce activities.

CHAMBER OF  
COMMERCE CAR  
SHOW

RES.#[177-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize the Chamber of Commerce to hold their Annual Car Shows each Thursday beginning June 7, 2012 and continuing until Thursday August 30, 2012 from 6:30 PM until 10:00 PM at Municipal Parking Field #20. Motion carried, all voting "Aye".

SET DATE-P.H.-  
5/21/12-FILMING

RES.#[178-12](#)

The Board reviewed a proposed Local Law to regulate "Filming". It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of May 21, 2012 for a Public Hearing to consider the enactment of a proposed Local Law to amend the Village Code by adding a new Chapter 122 entitled "Filming". Motion carried, all voting "Aye".

PUBLIC HEARING  
- CHAPTER 146 -  
IMPACT FEE

RES.#[179-12](#)

The Mayor opened a Public Hearing at 8:22 PM pursuant to Village Code Chapter 146 "Impact Fee" to consider whether the proposed Long Island Water Corp.'s project at 228 Whitehall Street will require Village services in excess of the average demand for services as per Special Use Permit application heard on February 21, 2012 for the construction of a one-story structure, and, if there is a finding in the affirmative, what, if any, the economic impact would be. No one was present representing Long Island Water. Superintendent of the Building Department Brian Stanton commented on such additional services. The Mayor asked if anyone wanted to comment. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the hearing, and adopt a resolution (Exhibit A) to impose a \$10,000 Impact Fee for additional cost requirements to the Special Use Permit Application submitted by Long Island Water. Motion carried, all voting "Aye". It was moved by Trustee Beach, seconded by Trustee Atkinson that the Board of Trustees declare themselves as Lead Agency and that a Negative Declaration be issued for this action as it has no significant adverse impact on the environment pursuant to the New York State Environmental Quality Review Act. Motion carried, all voting "Aye".

May 7, 2012

PUBLIC  
HEARING-3/9  
MERTON 417  
OCEAN RE-  
NOTICE

It was moved by Trustee Beach, seconded by Trustee Hawxhurst to request that the applicant for the Rezoning and Special Use Permit of 3,9 Merton Avenue/417 Ocean Avenue resend the Notices for the Public Hearings to those on their radius map for the July 16, 2012 hearings. Motion carried, all voting "Aye".

RES.#[180-12](#)

APPT.-G.FITZER-  
BZA

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the Mayors appointment of Ginger Fitzer as a 1<sup>st</sup> Alternate Member of the Zoning Board of Appeals. Motion carried, all voting "Aye".

RES.# [181-12](#)

PUBLIC  
HEARING-SUB-  
DIVISION-11  
MARSHALL  
AVE/601  
MERRICK ROAD

The Mayor opened two (2) Pubic Hearings jointly at 8:39 PM to consider the applications of CND, LLC, pursuant to Village Code Chapter 7 "Planning Board" for the Subdivision of a lot known as 11 Marshall Avenue, Section 56, Block 3, Lot 12 and 601 Merrick Road Section 56, Block 3, Lot 13, to relocate the dividing lot line that separates said lots 12 and 13, and, a Petition pursuant to Village Code Chapter 252, Article XIII "Procedure for Zone Change" to amend the Official Zoning Map by moving a zoning map line to zone 11 Marshall Avenue as "Residential A" from partially "Residential A and "Light Manufacturing". Alan Stein, Esq. representing the applicant advised that 11 Marshall Avenue is presently improved with a one family residence, and 601 Merrick Road is presently improved with a commercial building and that the zoning district line diagonally divides 11 Marshall Avenue into the Light Manufacturing and Residence A Districts, non coterminous with the lot line. He reiterated that Lot 12, maintains 50' frontage on Marshall Avenue and the zoning line diagonally divides the lot into the Light Manufacturing and Residence A zones, while generally Lot 13 is presently zoned "Light Manufacturing". Mr. Stein further indicated that this rezoning and sub-division application would result in changing the southerly side yard line to narrow 11 Marshall Avenue with 37.5' front and rear widths, containing 3750 square feet to be located wholly within Residence A District, and the zone for the 601 Merrick Road parcel being 13,984 sq. ft. would be in the Light Manufacturing District Zone. Variances for 11 Marshall Avenue would then be sought from the Board of Appeals. Barry Nelson, Appraiser, advised that the applications would not result in any change of use, have no impact on land values, and submitted an appraisal report as an Exhibit. Mr. Stein added that the applicant would restore the rear detached garage at 11 Marshall Avenue for non-commercial purposes and remove a shed. The Mayor asked for comments on both applications. The following individuals spoke on both applications: Peter Stark – 10 Marshall Avenue; Mike Insera – 16 Marshall Avenue; Noreen Abbott – 22 Marshall Avenue; and James Abbott – 22 Marshall Avenue. After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to continue both hearings to May 21, 2012. Motion carried, all voting "Aye".

RES.#[181A-12](#)

DEPARTMENT  
REPORTS-  
FEBRUARY &  
MARCH 2012

It was moved by Trustee Beach, seconded by Trustee Atkinson to accept the Department Reports for the month of February & March 2012 as follows: Police Department, Recreation Department, Village Justice Court, Fire Department, Department of Public Works, Building Department, and Library. Motion carried, all voting "Aye".

RES.#[182-12](#)

JUNIOR FIRE  
DEPARTMENT-  
FISHING TRIP -  
7/15/12

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission to members of the Junior Fire Department to use the Fire Department Bus 420-B for a trip to Captree State Park for a fishing trip, on Sunday, July 15, 2012. Motion carried, all voting "Aye".

RES.#[183-12](#)

May 7, 2012

MEDICAL  
COMPANY  
FLOWER SALE-  
5/12 & 5/13/12

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission for Medical Company to conduct a plant sale on Saturday, May 12<sup>th</sup> and Sunday, May 13<sup>th</sup> at the southeast intersection of Peninsula Blvd. & Remsen Street. Motion carried, all voting "Aye".

**RES.#[184-12](#)**

MEDICAL  
COMPANY –  
CHINA TOWN  
TRIP- 5/7/12

It was moved by Trustee Beach, seconded by Trustee Atkinson to grant permission to Medical Company to use the Fire Department Bus (420-B) for their annual trip to China Town, New York City on Monday, May 7, 2012. Motion carried, all voting "Aye".

**RES.#[185-12](#)**

BIKE TO THE  
BEACH

The Mayor reported that Bike to the Beach a non-profit organization will pass through the Village of Lynbrook on June 8, 2012 on their cycling to raise funds for Autism research. Motion carried, all voting "Aye".

**RES.#[186-12](#)**

BILLS

It was moved by Trustee Atkinson, seconded by Trustee Beach that Bills listed on Abstract of Audited Voucher #20, General Fund - \$292,177.90, Trust & Agency - \$17,958.83, Capital Fund - \$47,553.06, Electronic Transfer - \$246,743.26, Community Development - \$26,400.00, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting "Aye".

**RES.#[187-12](#)**

GOOD &  
WELFARE

Mayor Hendrick asked if anyone wished to speak under Good & Welfare.

PUBLIC HEARING  
– SPECIAL USE –  
CROWN FORD-  
ADJOURNED TO  
5/21/12

It was moved by Trustee Beach, seconded by Trustee Atkinson to reschedule the Public Hearing to consider the application of Crown Ford, Inc. for a three year Special Use Permit pursuant to Village Code 252-37(11) for construction and use of a vacant lot just north of the Long Island Railroad right-of-way at 346 Ocean Avenue for an outdoor parking lot in a Light Manufacturing District for the parking of new cars in conjunction with its new car dealership to the May 21, 2012 Board Meeting at 7:00 P.M. as requested by the applicant. Motion carried, all voting "Aye".

**RES.#[188-12](#)**

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting at 10:38 PM. Motion carried, all voting "Aye".