

April 20, 2015

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, April 20, 2015 at 7:00 PM in the Village Hall.

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

CHAMBER OF  
COMMERCE  
BANNER

RES.#[108-15](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker to approve a request from the Chamber of Commerce for the Department of Public Works to install a banner across Atlantic Avenue for three weeks for the Chamber of Commerce Craft Fair to be held on May 31, 2015. Motion carried, all voting "Aye."

POST-PROM  
PARTY-6/25/15

RES.#[109-15](#)

It was moved by Trustee Becker, seconded by Trustee Hawxhurst, to grant permission to Fly with the Owls to have their post-prom party at the Lynbrook Pool on June 25, 2015 from 3AM to 5AM. Motion carried, all voting "Aye."

2015 CAPITAL  
PROJECTS

RES.#[110-15](#)

It was moved by Trustee Becker, seconded by Trustee Hawxhurst, to engage Liberty Capital, Standard and Poors, and Hawkins, Delafield and Wood to prepare all Bond Resolutions, Bond Rating and closing documents in relation to the issuance of Bonds in 2015 for the following items:

<u>Item</u>	<u>Amount</u>
Ladder Truck	\$1,300,000
Police Car Computers	\$ 100,000
Ornamental Street Signs	\$ 475,000
Telephone System	\$ 100,000
Severances	\$1,250,000
Safety Playground (2) Surface	<u>\$ 300,000</u>
Total	\$3,525,000

Such resolutions to be adopted at the June 1, 2015 Board Meeting and to let this resolution serve as a Declaration of Intent to procure these capital items prior to Bond Closing as directed by the Board and to authorize same to be financed by the General Fund as necessary prior to the receipt of bond proceeds, and to further direct the Capital Fund to reimburse the General Fund for any expended funds. Motion carried, all voting "Aye."

RATIFY E.  
WASTE  
CONTRACT

RES.#[111-15](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson, to authorize the Mayor to sign an Agreement with Green Recycling Management, LLC, for the collection and recycling of electronic waste. Motion carried, all voting "Aye."

RECYCLING  
MATTRESSES-  
TABLED  
RES.#[112-15](#)

It was moved by Trustee Atkinson, seconded by Trustee Hawxhurst to table the discussion on a proposal from Renewable Recycling, Inc. to recycle bed mattresses. Motion carried, all voting "Aye."

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SIDEWALK BID  
AWARD

Village Administrator John Giordano advised that out of ten (10) bids for the 2015 Annual Sidewalk Program that were distributed, six (6) were returned on March 26, 2015 as follows:

RES.#[113-15](#)

Castle Industries, Inc. - \$166,940  
Stasi Bros. - \$186,600  
Cook Industries - \$197,944  
Laser Industries - \$283,100  
The Landtek Group - \$300,000

It was moved by Trustee Beach, seconded by Trustee Atkinson, to award the bid to Castle Industries as low bidder. Motion carried, all voting "Aye."

COURT OFFICE  
RENOVATIONS-  
TABLED  
RES.#[114-15](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker, to table discussion on Court Office renovations. Motion carried, all voting "Aye."

EXECUTIVE  
SESSION

It was moved by Trustee Beach, seconded by Trustee Atkinson, to adjourn the regular meeting to open an Executive Session to discuss settling the Claim Mastropieri v. Village. Motion carried, all voting "Aye." It was moved by Trustee Beach, seconded by Trustee Atkinson, to open an Executive Session to discuss settling the Claim Mastropieri v. Village. After a lengthy discussion, it was moved by Trustee Beach, seconded by Atkinson, 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."

WORK PLACE  
VIOLENCE  
COMMITTEE

RES.#[115-15](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to amend Resolution 450-07 by appointing employees Joe Cipolla, Pat Ciampi, Nancy Desai-Chairperson, Sue Bonomo, Lisa Kenny, Larry Bien, Robyn Gilloon, and Lynn Curtis as members of the Work Place Violence Committee with Peter Ledwith as Counsel. Motion carried, all voting "Aye."

SETTLEMENT-  
MASTROPIERI V.  
VILLAGE

RES.#[116-15](#)

It was moved by Trustee Atkinson, seconded by Trustee Beach to authorize payment in the amount of \$500.00 pursuant the Minor Claims Settlement Policy to Sam Mastropieri in settlement of damage by the Village to his automobile by a Village Snowplow. Motion carried, all voting "Aye."

PAYOUT-  
J.DEMARTINI

RES.#[117-15](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson, to authorize payout of unused leave time for former Building Inspector Joe DeMartini pursuant to the UPSEU Labor Agreement. Motion carried, all voting "Aye."

Mayor Hendrick invited all those in attendance for a continuation of the meeting in the Court Room.

MINUTES-3/30/15

RES.#[118-15](#)

It was moved by Trustee Becker, seconded by Trustee Hawxhurst, to accept the Minutes of March 30, 2015 as submitted and place on file. Motion carried, all voting "Aye."

2015 FIRE  
CHIEF'S

Mayor Hendrick introduced the 2015 Fire Chiefs as follows: Chief James McDermott; 1st Assistant Chief John Chavatte; 2nd Assistant Chief Carl Lengel; 3rd Assistant Chief – William Abrams.

CHAMBER OF  
COMMERCE  
REPORT

Linda Stewart, President of the Chamber of Commerce, gave an update on Chamber of Commerce activities.

ARBOR DAY

Mayor Hendrick proclaimed Friday, April 24, 2015 as Arbor Day.

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AWARD-  
LYNBROOK  
TITANS  
WRESTLING

Mayor Hendrick presented Award Certificates to members and coaches of the Lynbrook Titans Wrestling on a successful wrestling season.

HOLOCAUST  
REMEMBRANCE

Mayor Hendrick proclaimed the week of Sunday, April 12 through Sunday, April 19, 2015, as Day of Remembrance in memory of the victims of the Holocaust.

PUBLIC  
HEARING-ARTS  
& CULTURAL  
OVERLAY  
DISTRICT

**RES.#119-15**

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson to open a Public Hearing to consider the enactment of Local Law #6 of 2015 to amend the Village Code to adopt a new Article VIIA to Chapter 252 - Zoning entitled "Arts and Cultural Overlay District"; in the "Commercial" zoning district. Motion carried, all voting "Aye." Special Attorney Jack Libert read the proposed Local Law and discussed its intent, and introduced Village Consultant Marwa Fawaz of VHB Planners, who summarized the benefits of the proposed law and indicated that it would not result on any adverse impact to the environment. Patrick Lenahan of VHB commented on how the Law would benefit the business district, by encouraging Museums, Theatres and Cultural Arts uses to the central business district as defined for the purpose of the Law to be bounded by Peninsula Boulevard and Sunrise Highway, from Earle Avenue to Neiman Avenue. The Mayor asked for comments. Jeff Greenfield, Chairman of the Nassau County Planning Commission, indicated the Commission had no objection to the proposed Local Law. After a lengthy conversation and no further comments, it was moved by Trustee Beach, seconded by Trustee Hawxhurst, to close the Public Hearing and render a decision following tonight's Public Hearing to consider an application for inclusion into this Overlay District by Lynbrook Theatre Group. Motion carried, all voting "Aye."

P.H.-SITE PLAN  
REVIEW-REGAL  
THEATRES-321  
MERRICK ROAD

**RES.#120-15**

It was moved by Trustee Beach, seconded by Trustee Becker, to also open a Public Hearing to consider an application from Lynbrook Theatre Group, LLC, for Site Plan Review for the demolition and construction of a new Movie Theatre at 321 Merrick Road, and to consider the inclusion of the site into the newly formed "Arts and Cultural Overlay District" pursuant to Village Code Article VIIA. Mrs. Miriam Milgram, Esq. of Berkman, Henoch, Peterson, Peddy and Fenchel, PC., representing the applicant, introduced Mr. David Blumenthal, of Blumenthal Development Group Contractors, who indicated that the application provides for the construction of a new movie theatre having 1,660 seats to replace the existing theatre, which is to be demolished, having 1,605 seats on their parcel known as Section 61, Block 3, Lot 13, 321 Merrick Road, owned by Regal Entertainment. Mr. Blumenthal introduced Mr. Gerry Grewe of Regal Entertainment who added that the theatre would have large electric reclining seats and 13 screens. Chris Robinson of RMS Engineering, Consultants for the Applicant, presented the site plan showing the proposed building which would have 81,486 square feet, with entrance on the east side, and provisions for landscaping and storm water disposal. Mr. Grewe indicated that each of the 13 auditoriums would have a range of 75-125 seats. Wayne Mullof of RMS Engineering presented a Parking and Traffic study which included a review of 1,075 on and off street parking available to accommodate the additional 55 seats, increased potential theatre attendance, and displaced on-site parking. Mr. Mullof added that there would be no impact to traffic resulting from the additional patronage of the theatre. The Mayor asked if anyone would like to comment. Jeff Greenfield, as Vice President of the Lynbrook Chamber of Commerce, indicated that the Chamber supports the Site-Plan Application. William Gaylor II, Vice President of the Chamber of Commerce and President of Lynbrook Gardens Co-op and proprietor of Lyn Gift Shop on Atlantic Avenue, indicated that his organizations are in favor of the application. Patrick Cox – 17-19 Langdon Place, commented on parking, height and attendance. Mr. Robinson indicated that some parts of the building would be 77' high, including a 5' parapet. Mark DeRossa, owner of

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337-343 Merrick Road, commented that the west side yard setback and height may diminish sunlight and fresh air for his building. After no further comments, it was moved by Trustee Beach, seconded by Trustee Becker, to close the Public Hearing. Motion carried, all voting "Aye." It was moved by Trustee Beach, seconded by Trustee Atkinson, that the Board of Trustees, as Lead Agency, issue a Negative Declaration 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."

RES.#-[121-15](#)

It was moved by Trustee Becker, seconded by Trustee Atkinson, to enact proposed Local Law #6 of 2015. Motion carried, all voting "Aye."

RES>#[122-15](#)

It was moved by Trustee Beach, seconded by Trustee Becker, to grant the petition from Lynbrook Theatre Group for inclusion of 321 Merrick Road, Section 61, Bock 3, Lot 13, in the new Arts and Cultural Overlay District pursuant to Article VIIA of the Village Code upon effective date of Local Law #6 of 2015. Motion carried, all voting "Aye."

APPROVAL-SITE  
PLAN-321  
MERRICK RD.

RES.#[123-15](#)

It was moved by Trustee Atkinson, seconded by Trustee Becker to approve the application for Site Plan from Lynbrook Theatre Group for the construction of a new Theatre having 1660 seats at 321 Merrick Road. Motion carried, all voting "Aye."

BILLS

RES.#[124-15](#)

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson, that Bills listed on Abstract of Audited Voucher #16, General Fund - \$268,485.73; Trust & Agency - \$10,417.34; Capital Fund -\$255,378.20; Electronic Transfer - \$310,054.11; Community Development - \$106,311.59, all be paid as soon as same have been duly audited by the majority. Motion carried, all voting "Aye."

GOOD &  
WELFARE

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

It was moved by Trustee Hawxhurst, seconded by Trustee Atkinson, to adjourn the meeting at 10:25 PM. Motion carried, all voting "Aye."