

October 19, 2015

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, October 19, 2015 in the Village Hall.

Present: Mayor William Hendrick
Trustee Alan Beach
Trustee Michael Hawxhurst
Trustee Hilary Becker
Trustee Ann Marie Reardon
Village Administrator John Giordano
Village Attorney Peter Ledwith

SET BID DATE-12/3/15-
ROAD
REQUIREMENTS
RES.#308-15

It was moved by Trustee Beach, seconded by Trustee Becker, to set the date of Thursday, December 3, 2015, to receive bids for a Two (2) Year Road Requirements Contract. Motion carried, all voting "Aye."

SET BID DATE-12/3/15-
DRAINAGE
REQUIREMENTS
RES.#309-15

It was moved by Trustee Beach, seconded by Trustee Becker, to set the date of Thursday, December 3, 2015, to receive bids for a Two (2) Year Drainage Requirements Contract. Motion carried, all voting "Aye."

SET BID DATE-12/3/15-
STREETSCAPE
REQUIREMENTS
RES.#310-15

It was moved by Trustee Beach, seconded by Trustee Becker, to set the date of Thursday, December 3, 2015, to receive bids for a Two (2) Year Streetscape Requirements Contract. Motion carried, all voting "Aye."

CABLEVISION WiFi
RES.#311-15

It was moved by Trustee Beach, seconded by Trustee Becker to approve a request from Optimum to maintain the current premium Cable TV Program packages for Village buildings with no rate adjustment and a cost reduction of \$109.78 a month for two (2) years on modem accounts, in exchange for the Village approving Access Agreements for Optimum WiFi units to be installed at the Village Hall and Greis Park for two (2) years. Motion carried, all voting "Aye."

PROPOSED
HYDRANT-RUTH
PLACE
RES.#312-15

It was moved by Trustee Beach, seconded by Trustee Reardon, to table an offer from NY American Water to install a new fire hydrant on Ruth Place in conjunction with their Ruth Place water main replacement project. Motion carried, all voting "Aye".

LUCCHESI
ENGINEERING,PC.
EVALUATION &
REPORT
RES.#313-15

It was moved by Trustee Beach, seconded by Trustee Reardon, to authorize final payment to Allen Industries for work completed in the 2014 Road Improvement Project, subject to crack sealing on Sherman Street and Vincent Avenue. Motion carried, all voting "Aye."

BUILDING
DEPARTMENT NEW
CARPET
RES.#314-15

It was moved by Trustee Becker, seconded by Trustee Reardon, to approve a proposal from Max Carpet in the amount of \$3,267.00 as low bidder for new carpeting in the Building Department. Motion carried, all voting "Aye."

LYNBROOK LITTLE
LEAGUE
RES.#315-15

It was moved by Trustee Becker, seconded by Trustee Reardon, to approve a request from Lynbrook Little League to install a banner across Atlantic Avenue, south of Merrick Road, with the assistance of DPW from October 26 – November 21, 2015 to advertise their annual player registration. Motion carried, all voting "Aye."

EXECUTIVE SESSION

It was moved by Trustee Beach, seconded by Trustee Reardon, to adjourn the regular 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 Reardon, to open an Executive Session After a brief discussion, it was moved by Trustee Beach, seconded by Trustee Reardon, to adjourn the Executive Session. Motion carried, all voting "Aye." It was moved by Trustee Beach, seconded by Trustee Reardon, to reopen the regular meeting. Motion carried, all voting "Aye."

MEDICAL BENEFITS-
ACTING JUSTICE
RES.#316-15

It was moved by Trustee Becker, seconded by Trustee Reardon, to amend the Non-Contractual Employee Policy by authorizing medical and life insurance benefits for the part-time Acting Village Justice. Motion carried, all voting "Aye".

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SETTLEMENT-
A.COCHRAN-ON THE
JOB INJURY

RES.#[317-15](#)

It was moved by Trustee Beach, seconded by Trustee Reardon, to authorize payment of a lump sum settlement as recommended by PERMA-NEAM to former Police Officer Alan Cochran who sustained an on the job injury in 1990 while the Village was self-insured. Motion carried, all voting "Aye."

170 STUART ST. -TAX
FORECLOSURE

RES.#[318-15](#)

It was moved by Trustee Becker, seconded by Trustee Reardon, to deny a request from Jon Ward, Esq. for the Village to accept payment to satisfy all prior year unpaid real estate taxes, cancel acquisition by tax foreclosure of 170 Stuart Street that occurred on September 8, 2015 by Treasurer's Deed, and restore title in the name of Fugelsang. Motion carried, all voting "Aye."

Mayor Hendrick adjourned the meeting for a continuation in the Court Room.

COLOR RENDERING-
PROPOSED HOTEL

Lee Browning of Browning Hotel Properties, presented additional color renderings of his proposed hotel planned to be constructed on the municipal parking field at the northwest corner of Broadway and Langdon Place.

MINUTES-10/5/15

RES.#[319-15](#)

It was moved by Trustee Beach, seconded by Trustee Becker, to accept the Minutes of October 5, 2015 as submitted and place on file. Motion carried, all voting "Aye."

CHAMBER OF
COMMERCE REPORT

Vice President of the Chamber of Commerce reported on Chamber of Commerce activities.

PROC. FREEDOM
FROM-WORKPLACE
BULLIES WEEK

Mayor Hendrick proclaimed the week of October 18 – 24 as Freedom From Workplace Bullies Week.

ANTI-BULLYING
AWARENESS MONTH

Mayor Hendrick proclaimed the month of October as Anti-Bullying Awareness Month.

FLY WITH THE OWLS
RUN/WALK-11/14/15

RES.#[320-15](#)

It was moved by Trustee Beach, seconded by Trustee Reardon, to grant permission to Fly With the Owls, Inc. to hold its 11th Annual Run/Walk on Saturday, November 14, 2015, on various streets and for DPW to install their banner over Atlantic Avenue north of Stauderman Avenue for two weeks prior to the event. Motion carried, all voting "Aye."

P.H.-RE-ZONING -417
OCEAN AVE,3 & 9
MERTON AVE & SPEC.
USE PERMIT 417
OCEAN AVE & 3
MERTON AVE

RES.#[321-15](#)

It was moved by Trustee Becker, seconded by Trustee Reardon, to open two Public Hearings at 8:30 P.M. to consider:

1) a Petition filed by Sunrise One LLC, - 1 Sunrise Highway, for a re-zoning pursuant to Village Code Sections 252-109 and 252-110 of three parcels of real estate known as 417 Ocean Avenue (Sec.17, Blk. 2, lot 2), 3 Merton Avenue (Sec. 17, Blk. 2, Lot 1) and part of 9 Merton Avenue (Section 17, Blk. 2, Lot 3) from "Residential A" to "Commercial"; and

2) an application filed by Sunrise One LLC, - 1 Sunrise Highway, for the grant of a Special Use Permit for the construction of a parking lot on real property known as 417 Ocean Avenue (Section 17, Blk. 2, Lot 3) and 3 Merton Avenue (Section 17, Blk. 2, Lot 1) and part of 9 Merton Avenue (Section 17, Blk. 2, Lot 3) pursuant to Village Code Section 252-56. Motion carried, all voting "Aye." Special Village Counsel Jack Libert and Michael Morash of Sunrise One LLC were also present.

Domenick Minerva, Esq. representing Sunrise One LLC, presented a Rezoning Petition and an application for a Special Use Permit to construct a new 44 space parking lot on the northeast corner of Merton Avenue and Ocean Avenue on parcels they own known as 3 Merton Avenue, part of 9 Merton Avenue and 417 Ocean Avenue which are presently improved by one family homes. Mr. Minerva indicated that his client also owns 11 Merton Avenue, would agree to deed covenants to restrict the use of 9 and 11 Merton Avenue as single family homes. Mr. Minerva presented a site plan indicating that the egress and ingress to the new parking lot would only be on Ocean Avenue, ramping downward below grade with extensive landscaping and fencing along the north side of Merton Avenue to screen the parking lot from the residential area on Merton Avenue. Mr. Minerva added that the Rezoning Petition is to rezone 3 Merton Avenue, part of the westerly side yard of 9 Merton Avenue and 417 Ocean Avenue from "Residence A" to "Commercial",

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to allow construction of the parking lot, once the homes at 3 Merton Avenue and 471 Ocean Avenue are demolished.

Mr. Robert Marks, Appraiser representing the applicant presented photos of existing surrounding sites and a rendering depicting how the proposed new parking lot would be screened from those who reside on Merton Avenue. Mr. Marks further indicated that he had studied real-estate sales data within a half mile radius of the site to calculate average sales value based on square footage, and concluded that re-zoning the subject parcels to Commercial, and constructing a parking lot as requested, would not result in any diminution of property value nor any adverse impact on the character of the surrounding community. At the request of Trustee Becker, Mr. Marks clarified that such sales data was based on only one comparable sale.

Mr. Shawn Mulryan, P.E., on behalf of the applicant, presented a Traffic and Engineering Report indicating that the proposed 44 space parking lot would have 19 spaces at grade level and 25 below grade which would be utilized by the abutting Rockville Centre Inn, and Holiday Inn Express located at the southwest corner of Ocean Avenue and Sunrise Highway. Mr. Mulryan indicated that the Holiday Inn Express has 107 rooms and 87 parking spaces on-site. The Rockville Centre Inn has 68 rooms with 31 parking spaces on-site and that 15 are rented by the applicant from the Village of Rockville Centre DPW at the east end of Merton Avenue, resulting in 133 available parking spaces. Mr. Mulryan stated that Industry standards suggest that 210 parking spaces need be provided to satisfy peak parking demand of both Hotels, and advised that the 44 new parking spaces can accommodate employees of the Hotels to minimize short term parking turnover, and that egress would be right turn only onto Ocean Avenue.

Mr. Minivera advised that the Nassau County Planning Commission will be reviewing the Village's GML 239-M Referral on October 22, 2015 and concluded his presentation.

The Mayor asked if anyone in attendance would like to comment on the applications. The following individuals spoke, who were all in opposition to the Re-zoning Petition and Special Use Application, citing that it would result in diminished property values of the homes on Merton Avenue, noise, light & air pollution, increased traffic, unkept property maintenance and general erosion of the quality of life for those who reside in the vicinity of the site:

Paul Tubin – 431 Ocean Avenue. At this point, the Mayor indicated that the Hearings would have a 10 minute recess to allow TV Technicians time to make repairs to restore live broadcasting. Mr. Tubin then continued his comments.
Ellen Trione – 12 Merton Avenue
Pat Nicolette – 18 Merton Avenue
Jim Nicolette – 18 Merton Avenue
Linda Espino – 17 Merton Avenue
Ron Moegenbesser - 38 Merton Avenue
Denise Rogers – 464 Ocean Avenue
Neil Schloth – 60 Lakewood Blvd.
Carmine Aliffi - 318 S. Park Ave.

In response to those who commented, Mr. Minerva indicated that if the applications were approved his client would agree to Covenants & Restrictions prohibiting the use of the Hotels as a Catering Hall. After no further discussion, it was moved by Trustee Becker, seconded by Trustee Reardon, to close the Public Hearings at 11:41 PM. Motion carried, all voting "Aye." It was moved by Trustee Becker, seconded by Trustee Reardon, to reserve decisions on the petition for the Re-zoning and Application for a Special Use Permit. Motion carried, all voting "Aye."

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BILLS
RES.#322-15

It was moved by Trustee Reardon, seconded by Trustee Becker, that Bills listed on Abstract of Audited Voucher #7, General Fund - \$312,073.29, Capital Fund - \$25,575.00, 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.

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Reardon, to adjourn the meeting at 11:48 PM. Motion carried, all voting "Aye."