

May 21, 2012

A regular meeting of the Board of Trustees of the Incorporated Village of Lynbrook was held on Monday, May 21, 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
Trustee Michael Hawxhurst
Trustee Thomas Atkinson
Village Administrator John Giordano
Village Attorney Peter Ledwith

NEW FIRE CHIEF
VEHICLE

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the bid specifications for a new 2012 Ford Expedition as a replacement Fire Chief vehicle. Motion carried, all voting "Aye".

BID AWARD –
F.D.
AMBULANCE

RES.#190-12

Fire Chief DeCarlo reported that of the 5 bid notices distributed to vendors for a new Ambulance, one was received on May 17, 2012 as follows: Braun Ambulance c/o All Area Fire & Rescue - \$217,596.33. It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the bid to Braun Ambulance in the amount of \$217,596.33, plus \$2,045.44 for the optional Performance Bond. Motion carried, all voting "Aye".

SEASONAL
LABORERS

RES.#191-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the following individuals with hourly wages for 2012 seasonal hiring in the Public Works Department:

Dylan Bien	\$8.50
Christopher Dolce	\$8.50
Nicholas Drevnyak	\$8.75
Liam Egan	\$8.75
Kenneth Gilloon	\$8.75
Ryan Kropas	\$8.75
Nicholas Maniaci	\$8.75
Ryan Miller	\$9.00
Nicholas Palladino	\$8.75
Jessica Valentino	\$8.50
Robert Varvaro	\$8.75
Scott Henrich	\$8.75
Steven Wong	\$8.75
Brian Cribbin	\$8.75
Steven Cribbin	\$8.75
James Walter	\$8.75
Michael Calderone	\$8.25
Kevin Becker	\$8.75
Joseph Faranello	\$8.75
Daniel Grossi	\$8.25

Motion carried, Trustee Becker abstained, all others voting "Aye".

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PUBLIC HEARING
– CHAPTER 122 –
FILMING

RES.#[192-12](#)

The Mayor opened a Public Hearing at 7:36 P.M. to consider enacting a proposed Local Law to amend the Village Code to add a new Chapter 122 entitled “Filming” to establish regulations for the permitting process for commercial filming operations within the Village, and for providing safe and convenient conditions for both the filming entity and the residents and business of the Village. The Mayor read the proposed Local Law and asked if anyone wished to speak. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Public Hearing at 7:38 PM and enact Local Law #2 of 2012. 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”

PUBLIC
HEARING-
CHAPTER 240 –
VEHICLES &
TRAFFIC

RES.#[193-12](#)

The Mayor opened a Public Hearing to consider the enactment of a proposed Local Law to amend the Village Code Chapter 240 entitled “Vehicles & Traffic”, with respect to (a) Article II, “Traffic Regulations” to reference existing parking and traffic regulations to the Village Board of Trustees’ Minutes and to add a regulation for use of a vehicle’s horn; and Article VIII entitled “Penalties” to change the range of permissible fines. The Mayor read the proposed Local Law and asked if anyone wished to speak. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the Public Hearing and enact Local Law #3 of 2012. 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”.

PARKING
REGULATIONS –
DENTON
AVENUE

It was moved by Trustee Beach, seconded by Trustee Atkinson to table a request to amend the existing parking regulations in front of Vineyard Church, 185 Denton Avenue. Motion carried, all voting “Aye”.

TRANSFER OF
FUNDS

RES.#[194-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the attached transfer of funds. (See Exhibit A) Motion carried, all voting “Aye”.

RESCHEDULE 6/4
BD. MTG. TO
6/18/12

RES.#[195-12](#)

It was moved by Trustee Beach, seconded by Trustee Atkinson to reschedule the June 4th Board Meeting to June 18, 2012 at 7:00 P.M., and to approve the summer schedule board meetings as follows: July 16th, August 13th and September 10, 2012 at 7:00 P.M. Motion carried, all voting “Aye”.

SET DATE –P.H-
6/18/12 – GATES

RES.#[196-12](#)

The Board reviewed a proposed Local Law to amend the Village Code Chapter 252-30 to include as a prohibited use the exterior installation of security gates. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of June 18, 2012 for a Public Hearing on the proposed Local Law to regulate security Gates. Motion carried, all voting “Aye”.

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SET DATE-P.H.-
6/18/12-
PEDDLING &
SOLICITING

RES.#197-12

The Board reviewed a proposed Local Law to amend the Village Code Chapter 178 "Peddling & Soliciting" to include a Statement of Legislative Purpose, and to amend regulations related to the age of a proposed peddler/solicitor, and to amend the permissible hours of performance. It was moved by Trustee Beach, seconded by Trustee Atkinson to set the date of June 18, 2012 for a Public Hearing on Chapter 178 Peddling & Soliciting. Motion carried, all voting "Aye".

SET DATE -
6/18/12-2012
BOND
RESOLUTION

RES.#198-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to authorize Village Bond Counsel Hawkins, Delafield & Wood to prepare Bond Resolutions for adoption on June 18, 2012. Motion carried, all voting "Aye".

SIGNS - ST.
ANTHONY'S
FEAST

RES.#199-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve temporary signs to be posted by St. Anthony's Society for the St. Anthony's Feast at Greis Park at the following locations: Sunrise Highway & Ocean Avenue; Sunrise Highway & Horton Avenue; and Ocean Avenue & Peninsula Blvd. subject to St. Anthony's submitting a Certificate of Insurance naming the Village of Lynbrook as an additional insured. Motion carried, all voting "Aye".

EXECUTIVE
SESSION

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 Atkinson to open an executive session to discuss attorney client matters. Motion carried, all voting "Aye". After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee 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".

RATIFY HOME
RULE MESSAGE

RES.#200-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to ratify a Home Rule Message adopted on March 26, 2012 noting that Assembly Bill No. 10261 and Senate Bill No. 7435 have been assigned and titled "An Act to amend the Local Finance Law, in relation to authorizing the Village of Lynbrook in the County of Nassau, to amortize the cost of payments to certain employees upon separation of service from such Village". Motion carried, all voting "Aye".

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

MINUTES - 4/23 &
4/27/12

RES.#201-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to approve the Minutes of April 23 & 27, 2012 as amended and place on file. Motion carried, all voting "Aye".

Vice President of the Lynbrook Chamber Jeff Greenfield gave a report on Chamber of Commerce activities.

PROC. - POLICE
WEEK

Mayor Hendrick proclaimed the week of May 13th through May 19, 2012 as Police Week.

PROC -
NATIONAL
PUBLIC WORKS
WEEK

Mayor Hendrick proclaimed the week of May 20th through May 26th as National Public Works Week.

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PUBLIC HEARING
– 346 OCEAN
AVENUE –
SPECIAL USE
PERMIT

RES.#[202-12](#)

The Mayor opened a Public Hearing to consider the application of Crown Ford, Inc. – 420 Merrick Road for a three year Special Use Permit pursuant to Village Code 252-37(11) for use of a vacant lot just north of the Long Island Railroad right-of-way at 346 Ocean Avenue, known as Section 13, Block 2, Lot 5C for an outdoor parking lot in a Light Manufacturing District for the parking of new cars in conjunction with its new car dealership at 420 Merrick Road. Bruce Haffner, Esq. representing the applicant advised that this site would be used as a storage site of vehicles for sale. After a brief discussion, the Mayor asked if anyone would like to comment. Jeff Greenfield, Vice President of the Chamber of Commerce advised that his Board voted in favor of endorsing this application. After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the hearing at 8:34 PM and adopt a resolution (Exhibit B) to approve the application. 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”

PUBLIC HEARING
– SUB-DIVISION –
32 HORTON
AVENUE

RES.#[203-12](#)

The Mayor opened a Public Hearing at 8:36 PM to consider the application of Nu Level Builders, LLC – 663 Merrick Road for a Subdivision of the lot known as 32 Horton Avenue, Section 25, Block 3, Lot 1 located at the south/west corner of Horton Avenue and East New York Avenue into two (2) parcels. William F. Florio, representing the applicant advised that the site formally maintained a single family residence destroyed by fire in 2004, fronts 125 feet on East New York Avenue and is 75 feet deep, and that the applicant requests that the parcel be divided into two (2) 62.5x75 foot lots for the construction of one (1) single family home on each lot. Mr. Florio indicated that the setbacks and lot area is consistent with existing homes on East New York Avenue and that variances would be obtained from the Lynbrook Board of Appeals. The Mayor asked if anyone would like to comment. The following individuals commented: Marilyn Strovinski – East New York Avenue; Janet Halliton – East New York Avenue. The Mayor noted that the Village of Valley Stream has designated the Village of Lynbrook as Lead Agency, as part of the parcel is in Valley Stream Village. After no further comments, it was moved by Trustee Beach, seconded by Trustee Atkinson to close the hearing at 8:58 PM. Motion carried, all voting “Aye”. It was moved by Trustee Beach, seconded by Trustee Hawxhurst to approve the Subdivision subject to the length of the driveway from the sidewalk to garage being able to accommodate two (2) parked cars on the outside driveway, and covenant and restrictions to prohibit the construction of exterior basement entrances. (see Exhibit C) 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”.

ROTARY
FOUNDATION
MOVIE

Lou Falco of District 7250 Rotary Foundation advised that a movie honoring veterans will be shown on June 4, 2012 at Lynbrook High School.

PUBLIC HEARING
– 601 MERRICK
ROAD/11
MARSHALL
AVENUE
CONTINUED

RES.#[204-12](#)

The Mayor opened at 9:06 PM a continuation of the Public Hearings held on May 7, 2012 to consider the application of the petition 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 create a residential lot and a commercial lot as presently occupied by a residence and a commercial building and a request to consider a Petition pursuant to Village Code Chapter 252, Article XIII Procedure for Zone Change to move a zoning map line to permit the lot currently occupied by a residence known as 11 Marshall

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Avenue to be fully rezoned “Residential A” instead of its current “Residential A/Light Manufacturing”. Alan Stein, Esq. representing the applicant introduced Cardaro Mussino, contract vendee. The Mayor asked for comments on both applications. The following individuals spoke: Peter Stark – 10 Marshall Avenue; Jeff Greenfield of the Chamber of Commerce, Tony Mendola, -38 Marshall. Avenue. After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the hearings at 9:40 PM. Motion carried, all voting “Aye”. It was moved by Trustee Beach, seconded by Trustee Becker to adopt a resolution (see Exhibit D/) to approve both applications, subject to the approval of Zoning Board variances, removal of the rear yard shed, and restoration of the garage at 11 Marshall Avenue to be used for non-commercial storage of 1 vehicle in conjunction with the one family home. 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”.

WARRANT TO
TAX COLLECTOR

RES.#205-12

It was moved by Trustee Beach, seconded by Trustee Atkinson to issue a Warrant to the Village Clerk/Tax Collector for the collection of the 2012/2013 Real Property Taxes. (See Exhibit E) pursuant to the Real Property Tax Law. Motion carried, all voting “Aye”.

BILLS

RES.#206-12

It was moved by Trustee Becker, seconded by Trustee Atkinson that Bills listed on Abstract of Audited Voucher #21, General Fund - \$311,230.78, Trust & Agency - \$48,903.06, Capital Fund - \$432.11, Electronic Transfer - \$272,801.64, 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.

EXECUTIVE
SESSION

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 Atkinson to open an executive session to discuss attorney client matters. Motion carried, all voting “Aye”. After a lengthy discussion, it was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the executive session. Motion carried, all voting “Aye”.

ADJOURNMENT

It was moved by Trustee Beach, seconded by Trustee Atkinson to adjourn the meeting at 10:36 PM. Motion carried, all voting “Aye”.