

A regular meeting of the Board of Trustees was held on Monday, July 19, 2021, at 7:00 P.M. in the Village Hall:

Present: Mayor Alan C. Beach
Deputy Mayor Michael Hawxhurst
Trustee Ann Marie Reardon
Trustee Robert Boccio
Trustee Laura Ryder
Village Administrator John Giordano
Village Attorney Thomas Atkinson

MOMENT OF SILENCE

The Mayor asked for a moment of silence for Dionne McMahon, spouse of DPW employee, Kevin McMahon.

MINUTES – 6/21/21

RES.# [163-2021](#)

It was moved by Trustee Reardon, seconded by Trustee Boccio, to accept the Minutes of June 21, 2021 as submitted and place on file. Motion carried, all voting “Aye”.

SET DATE – P.H. – 8/23/21

– CHAPTER 212 -

SIDEWALK LIABILITY

RES.# [164-2021](#)

The Board reviewed proposed Local Law #4 of 2021. It was moved by Deputy Mayor Hawxhurst, seconded by Trustee Boccio, to set the date of August 23, 2021 at 7:00 P.M. for a Public Hearing to consider the enactment of a proposed Local Law #4 of 2021 to amend Section 212-1.1 of the Village Code, entitled “Repair and maintenance of sidewalks, curbs, paths and public thoroughfares” to add a new paragraph “F” providing that adjoining landowners or occupants shall be responsible for the maintenance and repair of sidewalks and, upon breach of such responsibility, shall be liable. Motion carried, all voting “Aye”.

REQUEST – SWIM
ACROSS AMERICA –
AUGUST 6TH

RES.# [165-2021](#)

It was moved by Trustee Boccio, seconded by Deputy Mayor Hawxhurst, to grant permission to Swim Across America to conduct a swim event at Greis Park on July 30, 2021, rain date August 6, 2021. Motion carried, all voting “Aye.”

REQUEST – CLINTON
INSTITUTE – P.F. #10 –
SEPTEMBER 25TH

RES.# [166-2021](#)

It was moved by Trustee Reardon, seconded by Trustee Boccio, to table a request from non-profit organization Clinton Institute of 111 Broadway to conduct a fundraiser event in P.F. #10 on Saturday, September 25th, 11am – 4pm. Motion carried, all voting “Aye”.

AUTHORIZATION – CFA
PARKS
RES.#[167-2021](#)

It was moved by Deputy Mayor Hawxhurst, seconded by Trustee Reardon, to authorize the Mayor and Village Administrator to sign all grant applications, agreements and other documents requesting a \$200,000 Grant from the 2021 New York State Consolidated Funding Application for Basketball Court Lights, a 2nd Turf Field Scoreboard and Hockey Rink Lighting upgrade. Motion carried, all voting “Aye”. It was moved by Trustee Boccio, seconded by Trustee Ryder, that the Board of Trustees declares itself 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”.

AUTHORIZATION – NYS
– F.D. SIGN
RES.#[168-2021](#)

It was moved Trustee Reardon, seconded by Trustee Boccio, to authorize the Mayor and Village Administrator to sign all grant applications, agreements and other documents requesting \$17,500 from the State and Municipal Facilities Program for a replacement Digital Message sign at the Sunrise Highway Fire Department Memorial for the Lynbrook Fire Department. Motion carried, all voting “Aye”. It was moved by Trustee Ryder, seconded by Trustee Boccio, that the Board of Trustees declares itself 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”.

DECISION/FINDINGS –
43-47 BROADWAY
RES.#[169-2021](#)

It was moved by Trustee Boccio, seconded by Trustee Ryder, to authorize the filing of the formal Findings and Decision with Conditions (see exhibit “A”) with the Village Clerk on the matter of the application from 43-47 Broadway LLC for the construction of a 201-unit multiple dwelling as approved at the June 21, 2021 meeting, subject to final revisions by the Village Attorney. Motion carried, all voting “Aye”.

CONTRACT RENEWAL –
VENDING MACHINE
GREIS PARK
RES.#[170-2021](#)

It was moved by Trustee Ryder, seconded by Trustee Boccio, to authorize the Mayor to sign a commission agreement with the Village’s Pool 2021 Concessionaire, Broadway & 47th Street Corp., to replace (2) vending machines at Greis Park recreation center with a 25% commission rate paid to the Village. Motion carried, all voting “Aye”.

LIFEGUARD – WSI
CERTIFICATION
RES.#[171-2021](#)

It was moved by Trustee Reardon, seconded by Trustee Boccio, to increase the hourly wage by \$1.00 for the following lifeguards:

Allison LaBarbera	\$14.00
Thomas Moore	14.25
Emily Paladino	14.25

for receiving their certification as a Water Safety Instructor. Motion carried, all voting “Aye”.

2021 SEASONAL HIRES
RES.#[172-2021](#)

It was moved by Trustee Reardon, seconded by Trustee Ryder, to approve the following new hires for the Summer 2021 season:

Recreation Attendant Seasonal

Ralph Caputo	\$12.00
Ryan Denker	12.00
Mark DiLapi	12.00
Caitlin Fash	12.00
Dylan Herlihy	12.00
Daniel Martinez	12.00
Veronica Montanez	12.00
Sean O’Brien	12.00
Nicholas Parco	12.00
Eugene Ridings	12.00
Kelly Sullivan	12.00
Ariana Valerio	12.00

Lifeguard Grade 1 Seasonal

Emma Bellin	\$13.00
Terence Deegan	13.00
Kayla Sukhnanon	13.00

Recreation Attendant Seasonal to Lifeguard Grade 1

Kathleen Healy	\$13.00
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Motion carried, all voting “Aye”.

2021 SEASONAL TITLE
CHANGE
RES.#[173-2021](#)

It was moved by Trustee Boccio, seconded by Trustee Reardon, to approve title change from Recreation Attendant Part Time to Recreation Attendant Seasonal with no change in hourly wage for:

Rena Umowski

Motion carried, all voting “Aye”.

POOL IMPROVEMENTS
RES.#[174-2021](#)

It was moved by Deputy Mayor Hawxhurst, seconded by Trustee Reardon, to authorize the replacement of the following items at the Pool:

Pool Cover	\$9,916
A/C Wall Units	\$6,800

as provided for in the Building & Equipment Maintenance Budgets. Motion carried, all voting “Aye”.

NYS EDC GRANT
AMENDMENT –
WALKTHROUGH
RES.#175-2021

It was moved by Trustee Ryder, seconded by Trustee Reardon, to authorize the Mayor and Village Administrator to sign all grant applications, agreements and other documents to enable the Village to receive \$200,000 in additional Grant monies from the Empire State Development Corporation for construction of a public access - pedestrian walkway at 25 Atlantic Avenue. Motion carried, all voting “Aye”. It was moved by Trustee Boccio, seconded by Trustee Ryder, that the Board of Trustees declares itself 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”.

BID AWARD – ATHLETIC
FIELD SCOREBOARD –
ATHLETIC FIELD GREIS
PARK
RES.#176-2021

Village Administrator John Giordano advised that sealed competitive bids were advertised for a scoreboard for Greis Park on July 6, 2021, and no bids were received. It was moved by Trustee Reardon, seconded by Trustee Boccio, to authorize its procurement from Long Island Gym Equipment Company in accordance with their proposal and options as discussed at the June 21st Board Meeting. Motion carried, all voting “Aye”.

BILLS

It was moved by Trustee Ryder, seconded by Trustee Boccio, that the bills listed on the Abstract of Audit #3, General Fund - \$1,761,237.44, Capital Fund - \$25,190.81, Electronic Transfer - \$32,935.80, Comm. Dev - \$31,300.00 all be paid as soon as same have been duly audited by the majority. Motion carried, all voting “Aye”.

GOOD & WELFARE

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

REQUEST – HERRICKS
SWIM TEAM - POOL USE
RES.#177-2021

It was moved by Trustee Boccio, seconded by Trustee Reardon, to approve a request from Herricks School District to use the pool 5:30 am to 6:30am, August 30, 2021 – September 4, 2021. Motion carried, all voting “Aye”.

ADJOURNMENT

It was moved by Trustee Reardon, seconded by Trustee Boccio, to adjourn the meeting at 7:45 PM. Motion carried, all voting “Aye.”

7/28/21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF LYNBROOK

-----X
In the Matter of the Application of
43-47 BROADWAY REALTY, LLC

DECISION

For inclusion of certain premises in the Arts and Cultural Overlay District pursuant to Chapter 252 of the Code of the Incorporated Village of Lynbrook, entitled "Zoning", Section 252-46.2 entitled "Areas of Applicability", subsection (B) and Section 252-46.3 entitled "Permitted Uses Authorized in District", Subsection (F) in order to permit the construction of a new 201 unit multiple dwelling upon the property known as 43-47 Broadway, 90-96 Saperstein Plaza and 17 & 21 Langdon Place, Lynbrook, New York known and designated on the Nassau County Land and Tax Map as Section 24, Block 519, Lot 13,14, 117-124, and 213.

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NAME OF APPLICANT: 43-47 Broadway Realty, LLC
SUBJECT PROPERTY: Lynbrook, New York
ZONING DISTRICT: Commercial District
RELIEF REQUESTED: Application for inclusion within the Arts and Cultural Overlay District - Article VIIA
PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations
DATE OF HEARING: May 17, 2021
APPEARANCES: Elisabetta T. Coschignano, Esq.
Partner, Sahn Ward PLLC,
Applicant's Attorney;
Kathleen Urbani, Fieldsgrade Development;
Jack Raker, Minnow Wasko
Architects;
David Buttacavoli, VHB
Engineering;
David Wortman, VHB
Engineering;
Patrick Lenihan, VHB
Engineering ;
Barry Nelson, Real Estate
Appraiser;
David Orwasher, Esq., Breslin Realty Development
Corp.

On May 17, 2021, 43-47 Broadway Realty, LLC (hereinafter, the "Applicant") appeared before the Board of Trustees of the Incorporated Village of Lynbrook (the "Board") pursuant to Article VIIA, Chapter 252 of the Code of the Incorporated Village of Lynbrook for inclusion of the subject property in the Arts and Cultural Overlay District and to construct a multifamily residential apartment building with 201 units. The subject property is located at 43-47 Broadway, 90-96 Saperstein Plaza, and 17 & 21 Langdon Place, Lynbrook, New York and designated on the Nassau County Land and Tax Map as Section 24, Block 519, Lots 13, 14, 117-124 and 213 (hereinafter, the "Property"). A large portion of the Property, that which is located at 43-47 Broadway, is currently occupied by a vacant building commonly known as the "Feather Building" or the "Feather Factory".

Applicant made an Application to the Board of Trustees for the inclusion pursuant to the Lynbrook Village Code and presented its Application at a Public Hearing conducted on May 17, 2021. Notably, Applicant was not required to make an application to the Board of Zoning Appeals for on-site parking, density, lot coverage and setbacks as the subject provision of the code transmits such jurisdiction to the Board of Trustees. Pursuant to Article VIIA the Board of Trustees heard the application and reserved decision to its June 7, 2021 meeting. Prior to the Application, on May 3, 2021, the Board of Trustees declared itself as Lead Agency pursuant to SEQRA and determined that the Application was an Unlisted action. The Board of Trustees, after careful review of relevant documents also issued a Negative Declaration under SEQRA. An expanded Environmental Assessment Form was prepared by the Applicant. At the Public Hearing the Applicant presented a site plan and surrounding area photographs; school age generation study; demographic analysis; traffic and parking impact study; and rendering of elevations.

Further, a referral of the Application was made to the Nassau County Planning Commission, and the Commission, by Resolution No. 10424-21, dated May 6, 2021, recommended that the Village Board of Trustees take whatever action it deemed appropriate resolving that the matter was one for local determination.

Thus, now before this Board is a proposal to demolish the existing structures on site and construct a new seven-story multifamily residential apartment building upon the Property containing a total of up to 201 units (55 studio units, 111 one-bedroom units, and 35 two-bedroom units).

IT IS THEREFORE RESOLVED, as follows:

The applicants Petition for inclusion in the Arts and Cultural Overlay District to construct and maintain a seven-story multifamily residential apartment building containing up to 201 units (55 studio units, 111 one-bedroom units, and 35 two-bedroom units) upon the Property including demolition of all existing structures is **GRANTED**.

**ALL OF THESE ENUMERATED GRANTS AND APPROVALS ARE
CONDITIONED UPON THE FOLLOWING:**

- 1) Streetscape improvements around the perimeter of the block on which the Property is located in substantial conformity with the Planting Plan prepared by VHB Engineering, Surveying, Landscape, Architecture and Geology, PC dated July 29, 2021 and attached hereto.
- 2) Satisfying all NYS regulations relating to workforce housing of a quality equal to that of the market rate units.
- 3) The representations made by Applicant on the record in this proceeding have been deemed material to this Application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special use permit.
- 4) Violation of a condition set forth in this Decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law. All of the terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns. In the event that any of the Conditions has not been satisfied or waived by the Board and the same remain unsatisfied ninety (90) days after Village gives Developer written notice of the same with copy to counsel, then Village reserves any and all rights and remedies at law with respect to said violations.
- 5) Sanitation Collection Trucks are prohibited from the development and Saperstein Plaza from 6:00 AM to 9:00 AM and 5:00 PM to 7:00 PM on weekdays.
- 6) All Demolition must begin within 9 months of this Decision and completed within 1 year thereafter. As applicant is currently contract vendee, should applicant require an additional 3 months to comply with commencement of demolition, applicant shall request same in writing and Village shall not unreasonably deny said extension.
- 7) Within thirty (30) days of this Decision the Developer shall deposit with the Village the sum of \$35,000 and replenish as required, funds for the purpose of paying to third parties or reimbursing the Village the cost and expenses for engineering review and inspection. Village shall request that any and all consultants provide invoices within sixty (60) days of any work done by consultants with copies to Applicant.
- 8) Developer shall timely develop all Building Permit Application Plans and shall submit to Village for its review not later than twelve (12) months after the issuance of this Decision.
- 9) Furnish Village a complete set of "as built" plans in duplicate (one of such plans being delivered in electronic format (including CAD drawings)) showing such improvements,

construction, as then constructed, and showing the location of all easements affecting the Premises, if available, and if not available, "marked" final drawings; and copy of all Electrical Underwriting Certificates.

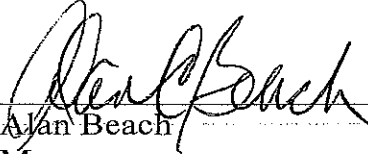
- 10) Occupancy of each unit shall be restricted in accordance with all Building and Fire Codes regulating such, in which the Developer must monitor regularly; Dogs and cats limited to 2 per unit.
- 11) Developer provides, at its sole cost and expense, garbage collection and disposal.
- 12) Developer, its successors in interest and assigns, agree to provide the Lynbrook Police Department access to all CCTV security video.
- 13) Operation of a Cafe on the first floor facing Broadway, or similar type facility that is open to the public.
- 14) A PILOT schedule that does not diminish the current amount of real estate taxes paid to the Village of Lynbrook or Union Free School District# 20.
- 15) Developer shall indemnify and hold harmless the Village, its Mayor, Board, employees and independent contractors, (hereinafter the "Indemnitees"), from and against all liabilities, obligations, claims, damages, penalties, causes of action, actual out of pocket third party costs and expenses of any kind or of any nature whatsoever imposed upon, incurred by or asserted against any Village Indemnatee, including, without limitation, reasonable attorneys' fees and costs, in connection with the development of this project. Said indemnification and hold harmless agreement shall exclude any and all costs and legal fees borne by the Village with respect to any Article 78 proceedings or litigation that may arise in connection with this decision.
- 16) Exterior lighting shall not glare on adjacent properties
- 17) Limit "Now Leasing" temporary sign or banner to three, one on each street frontage for a period of 12 months, commencing ninety (90) days prior to the expected issuance of a temporary certificate of occupancy. As for the retail café space, said signage shall be placed in or upon the exterior window of the retail café space once construction of the retail space is completed.
- 18) Construction workers, vehicles, equipment or materials shall not encumber any commuter parking spaces unless approved by the Mayor.

All of the terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein.

Lynbrook, New York
Dated as of July 29, 2021

Incorporated Village of Lynbrook



Alan Beach
Mayor