

AGENDA
VILLAGE OF FLOWER HILL BOARD OF TRUSTEES
Monday, February 7, 2022 – 7:30 PM
PUBLIC HEARING - REGULAR MEETING

Pledge of Allegiance

Executive Session – Personnel Issue

Public Hearing – all previously heard on 1/3/22

1. Lot line adjustment hearing 50-60 Walnut
2. Proposed Local Law A-2022 "Fee for cancellation of inspection appointment"
3. Proposed Local Law B-2022 "Rental registration"
4. Proposed Local Law C-2022 "Amend Property Maintenance to prohibit unsecured ladders"

New Hearing

5. Proposed LL D – 2022 "Parking restrictions on Ridge Dr. West".

Approval of Minutes – January 3, 2022 Regular Meeting/Public Hearing

Building Superintendent's Report

1. ARC report 1-24-22
2. 370 Stonytown Rd. remediation

Treasurer's Report - Motion to approve claims

Public Works Superintendent Report

1. Water seepage on Manhasset Woods Rd at Stonytown Rd.
2. Snow update

Village Engineer's Report

Administrator's Report

Attorney's Report - BZA Report 1-16-22 Hearing

Mayor's Report

Trustee's Report

Old Business

Approval of file scanning and Municipality contracts

New Business

1. Roslyn Fire Dept. contract update
2. Contract with Port Washington Fire Dept. 6/1/22 – 5/31/23
3. Appoint election inspectors for March 15, 2022 Village Election
4. Introduce Proposed Local Law E – 2020 "Amend 147-3, Food licenses"

History Report

Public Comment

Executive Session – legal issue

Next Meeting – Monday, March 7, 2022 at 7:30

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JOHN C. FARRELL
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January 26, 2021

Hon. Mayor Brian Herrington
1 Bonnie Heights Road
Manhasset, New York 11030

Re: Lot Line Adjustment 50 and 60 Walnut Lane

Dear Mayor Herrington:

Following the meeting of January 3, 2022, the Baumbachs and I had an opportunity to review the correspondence and petition provided by the residents objecting (the "Objectors") to the application. As an initial matter, it should be noted that none of the Objectors reside on Walnut Lane. Conversely, many of the residents on Walnut Lane support the Baumbachs' application, including property owners adjacent to and across the street from the subject properties. In other words, those that are most affected by the proposed change do not have an issue with the Baumbachs adjusting the lot line to achieve their stated goals of 1) creating a larger side yard between their home and the home that could be constructed on 50 Walnut Lane and 2) having more open space for their family.

In any event, the Objectors' statements about the impact of the proposed lot line adjustment are simply generalized community objections that could be made about any application in the Village of Flower Hill. For example, the Objectors state that the impact of an approval of this application is "...far reaching and permanent. If the application is granted, it will set dangerous and irreversible precedent in the Village of Flower Hill, in particular as it comes to well-resourced builders to acquire and develop new homes, alone or jointly with others."

It is unclear what the Objectors mean with this statement. This application is unique because the Baumbachs are acquiring the adjoining property and moving the lot line to preserve open space for a home they are building and in which they will reside. More importantly, the proposed lot line adjustment will not create any additional building lots and the lots remaining after the adjustment will be larger, in terms of lot width and lot area, than what is required by the

Code. These circumstances are highly unique and not likely to be duplicated by future applicants or developers.

Regardless of this fact, future development in the Village is subject to setbacks, sky exposure plain and floor area ratio requirements contained in the Code. Moreover, it is also subject to consideration by the Architectural Review Committee and, if necessary, the Board of Zoning Appeals. Additionally, if one wishes to subdivide a lot or adjust a lot line between two parcels, that would be subject to the review by this Board. Simply put, there are protections to overdevelopment that are already in place.

This argument makes it clear that the Objectors are opposed to development in compliance with the Village's Zoning Code. If the Objectors are concerned with what is permitted by the Code, they should seek to have changes made to the Village Code. However, the Village Zoning Code is specifically designed to allow development that is proportional to the size of the lot so that open space is preserved, and it limits the appearance of overdevelopment. Therefore, someone with a larger lot can and should be allowed to build more, while someone with a smaller lot must build less. To this point, the Baumbachs' home at 60 Walnut Lane has been approved for construction with outdoor amenities included in Lot Coverage (such as a kitchen and entertaining area) and only occupies 3,911 square feet, or 19% of the lot. Since the code allows 25% lot coverage (5,086 square feet), the Baumbachs could add approximately 1,175 square feet to the existing lot coverage without the lot line adjustment. Again, the Baumbachs are not making this application to increase the gross floor area or the size of outdoor amenities or accessory structures.

The Objectors note that there has been a fair amount of development in the Village of Flower Hill. To that point, there has been a lot of development on Northwoods Road in recent years. In 2018, there was a side yard variance granted to expand a home at 115 Northwoods and two large new homes were built at 145 and 155 Northwoods (behind the Subject Properties) since 2020. It is not clear if there were any objections to those applications, but the development is of a size and scope that Objectors seem to oppose on Walnut Lane. Specifically, those homes are maxed out on density, and in at least one instance, a variance was secured to achieve the desired bulk.

Finally, the Objectors assert that the proposed lot line adjustment directly impacts the use and enjoyment of the properties of neighbors on Northwoods Road because "the homes behind these lots are already dealing with towering structures with insufficient rear and side yard landscaping." According to the Objectors, the result of this is that driveways extend in to rear yards and headlights shine on to the yards of rear neighbors.

It is not clear which properties the Objectors are referring to, but the Baumbachs' new home is fully compliant with the Village Code and has a driveway going to a side car garage, just like the previous home at 60 Walnut Ln. As such it can hardly be considered a towering structure. Moreover, my client has clearly stated that his main objective in acquiring the adjoining lot is to create a larger side yard, which they intend to landscape. Therefore, this contention seems irrelevant to the Baumbachs' proposal to shift the lot line.

Additionally, regardless of the size of the lot or the home, if the Code permits driveways to extend to rear yards, then this problem will exist with or without the lot line adjustment. Further,

the existing home at 50 Walnut Ln already has a driveway going to a side car garage. Interestingly, I had a similar problem at my home several years ago. However, in addition to headlights, my rear yard neighbor was across the street from a shopping center which exacerbated the problem. I resolved the issue by installing a wood privacy fence and planting a dense row of arborvitaes in front of it.

It appears that the Objectors are more concerned with existing conditions and what the Village Code permits as-of-right. The Baumbachs have no control over either of these issues. If this application is approved, the remaining lots will exceed the minimum lot size and minimum lot width provided for in the Code. There is substantial room on both lots to develop an appropriately sized home without the need for variances, but if variances are sought, the Board of Zoning Appeals has discretion to approve or deny the request based on whether the benefit to the applicant outweighs the detriment to the surrounding community.

Based on the foregoing, we respectfully request that the application be approved.

Very truly yours,

A handwritten signature in black ink that reads "John C. Farrell". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

JOHN C. FARRELL



Proposed Local Law A - 2022

Add to Section A243 Attachment 1, Schedule of Fees, "Fees, Charges and Deposits",

Miscellaneous Fees:

Failure to cancel building inspection appointment \$50.00



Proposed Local Law B – 2022
RENTAL DWELLING UNIT REGISTRATION (12/8/21)

- § 176-1 **Legislative intent.**
- § 176-2 **Definitions.**
- § 176-3 **Applicability.**
- § 176-4 **Rental occupancy permit required.**
- § 176-5 **Application for rental occupancy permit.**
- § 176-6 **Fees.**
- § 176-7 **Review of application.**
- § 176-8 **Term of permits.**
- § 176-9 **Register of permits.**
- § 176-10 **Authorization for inspections.**
- § 176-11 **Broker's responsibility prior to listing.**
- § 176-12 **Offers to rent.**
- § 176-13 **Presumptions applicable to rental registration, enforcement and prosecutions.**
- § 176-14 **Severability.**
- § 176-1 **Legislative intent.**

The intent of this chapter is to attempt to ensure that all rental dwelling units are safe, to provide necessary information for essential communications between emergency responders and tenants in the event of an emergency, and to prevent illegal rentals.

§ 176-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DWELLING UNIT

A building within the Village, or part of such building, occupied or to be occupied by one or more persons as a residence. Such residence does not have to be the occupier's sole residence.

FAMILY

One individual or a collective group of individuals either:

(1) Related to each other by blood, marriage or adoption who live together in the same dwelling unit, cook together and function as a single, stable housekeeping unit with common access to all rooms and facilities; or

(2) Not related by blood, marriage or adoption but who together constitute the functional equivalent of a natural family, all living together in the same dwelling unit, cooking together and generally functioning as a single, stable housekeeping unit, all with common access to all rooms and facilities, with no member or members of such group subletting, subleasing or otherwise controlling any part of the dwelling separately from the others.

OWNER

A. The grantee of the property as set forth in the last deed of record on file with the Clerk of the County of Nassau, every partner of any grantee that is partnership, company, or firm, and every officer of any grantee that is a corporation, except:

(1) A public housing authority organized as such under the laws of the State of New York;

(2) A not-for-profit corporation organized to own and operate a group home or assisted-living or moderate-income senior-citizen housing in conjunction with New York State; and

(3) A state-, county- or village-operated group home or treatment facility.

B. A tenant in relation to its subtenant.

RENT

A return, in money, property, or other valuable consideration (including payment in kind or services or other thing of value), for use and/or occupancy or the right to the use and/or occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL BUILDING

A building wherein there is a rental dwelling unit.

RENTAL DWELLING UNIT

A dwelling unit established, occupied, used or maintained for rental occupancy.

RENTAL OCCUPANCY

The occupancy or use of a dwelling unit by one or more persons as a dwelling unit under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use. There is a rebuttable presumption that any occupancy or use of a dwelling unit is a rental occupancy if the owner of the building containing the dwelling unit does not reside in the same building.

SUPERINTENDENT

The Superintendent of the Building Department or his or her designee.

§ 176-3 Applicability.

A. This chapter shall apply to all rental dwelling units, whether or not the use and/or occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located.

B. The issuance of any permit pursuant to this chapter does not make legal any action that is otherwise illegal under any other applicable law.

§ 176-4 Rental occupancy permit required.

It shall be unlawful for the owner, owner's agent, real estate agent, or any other person with actual or apparent authority over any dwelling unit to allow, permit, suffer, or tolerate the rental of such dwelling unit without having first obtained a rental occupancy permit pursuant to this chapter.

§ 176-5 Application for rental occupancy permit.

A. An application for a rental occupancy permit for a rental dwelling unit shall be made to the Superintendent and shall include the following information and such other information as the Superintendent may deem appropriate:

(1) The name, address, telephone number, and email address of the managing agent or operator, if any, or of the owner of the rental building;

(2) The street address and tax map description (section, block, and lot or lots) of the rental building; and

(3) The number of dwelling units within the rental building.

(4) The name, telephone number, and email address of the occupant or occupants to whom the dwelling unit is rented. If not known at the time of the registration, that

information shall be added to the registration within 30 days after it becomes known. In the event that such dwelling unit is at any time thereafter rented to a different occupant or occupants, within 30 days of that rental, such registration information shall be updated so that it is always current.

(5) A floor plan or other diagram sufficient for the Superintendent to identify the location of the dwelling unit within the rental building if the dwelling unit is only part of the rental building.

(6) A certification that the dwelling unit is equipped with a functioning smoke detector devices and carbon monoxide alarms in compliance with the New York State Uniform Fire Prevention and Building Code and certification that the unit has been inspected and is rodent and infestation free.

B. Each application shall be executed and acknowledged by the owner of the rental building.

§ 176-6 Fees.

A nonrefundable permit application fee for each dwelling unit shall be set from time to time by resolution of the Board of Trustees.

§ 176-7 Review of application.

The Superintendent shall review each application for completeness and the legality of the proposed rental and, upon satisfaction of the completeness of the application, the legality of the rental, the payment of the required fee, and confirming that there is a legal certificate of occupancy for the proposed rental and that there are no outstanding violations on the property, whether or not a notice of violation or a notice of appearance to the Village Justice Court has been issued, the Superintendent shall issue the permit.

§ 176-8 Term of permits.

All permits issued pursuant to this chapter shall be valid for a period of two years from the date of issuance, however, upon a change in tenant, a new permit shall be filed.

§ 176-9 Register of permits.

A. The Superintendent shall maintain a register of permits issued pursuant to this chapter. Such register shall be kept by street address, showing the name and address of the permit holder, the number of rental dwelling units in the rental building, and the date of expiration of such permit.

B. The telephone numbers and email addresses set forth on the applications may be shared with Law Enforcement, but shall otherwise be kept confidential to the extent permitted by the Freedom of Information Law.

§ 176-10 Broker's responsibility prior to listing.

It shall be unlawful for any real estate broker or agent to list, show, or otherwise offer for rent any dwelling unit for which a current rental occupancy permit has not been issued by the Superintendent. It shall be both the broker and the agent's responsibility to verify the existence of a current rental occupancy permit before offering any dwelling unit for rental. In the event that a real estate broker and/or agent is convicted of a violation of this section, the Superintendent shall transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such real estate broker and/or agent on behalf of the Village.

§ 176-11 Offers to rent.

No person shall solicit, advertise, cause, permit, and/or allow another person to solicit, advertise, or publish an offer to lease a rental dwelling unit, unless the rental dwelling has in effect a current rental occupancy permit.

§ 176-12 Presumptions applicable to rental registration enforcement and prosecutions.

A. Within the context of rental registration enforcement and prosecutions, the presence or existence of any of the following shall create a rebuttable presumption that a property is being used for rental occupancy:

- (1)** The property is occupied by someone other than the owner of the property, and the owner of the property represents in any manner that he or she resides at an address other than the subject property;
- (2)** Utilities, cable, phone, or other services are in place or requested to be installed or used at the premises in the name of someone other than the owner;
- (3)** There are separate entrances for segregated parts of the dwelling;
- (4)** There are partitions and/or internal doors with locks that may serve to bar access between portions of the dwelling, including, but not limited to, bedrooms;
- (5)** There is a written or oral lease or other rental agreement for all or portions of a residential building;
- (6)** Any occupant or person in possession of a residential building does not have unimpeded access to all parts of the residential building;
- (7)** A premises has been advertised as being available for rent;
- (8)** There is more than one mailbox, gas meter, and/or electric meter at the premises;
- (9)** There are more than two motor vehicles registered to the premises and the registered owners of not less than three of such motor vehicles have different surnames.

B. Nothing herein shall be construed to prevent persons living together as a family unit with the owner.

§ 176-13 Short Term Rentals.

A. Renting, leasing or letting of a single-family dwelling by a homeowner to another single family or individual for 90 consecutive days or more while the owner does not occupy the premises is a permitted use. No more than two such rentings, leaseings or lettings may occur in any three-hundred-sixty-five-day period. The rental, leasing or letting for a term of less than 90 consecutive days in a three-hundred-sixty-five-day period is prohibited. The homeowner must notify the Village Clerk and Police Department of the name and contact telephone number of the individual(s) occupying the premises upon any renting, leasing or letting authorized under this section.

B. In the event that this section causes a severe and substantial financial hardship to any property owner, an application may be made in writing to the Board of Trustees requesting an exemption from the provisions of this section. After due notice and a public hearing on such application, the Board of Trustees may grant such exemption and impose any conditions as may be deemed reasonable or necessary. No exemption shall be granted pursuant to this section, except upon a determination in the sole discretion of the Board of Trustees that severe and substantial financial hardship exists as a result of the application of the provisions of this section.

§ 176-14 Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this chapter shall be for any reason adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, and it shall be construed to have been the legislative intent to enact this chapter without such unconstitutional and/or invalid parts therein.

Ronnie Shatzkamer

To: Randall Rosenbaum
Subject: RE: Local Law B of 2022 - Comments for Public Hearing

From: Randall Rosenbaum <trusteerosenbaum@villageflowerhill.org>
Sent: Wednesday, February 2, 2022 7:03 PM
To: Ronnie Shatzkamer <vclerk@villageflowerhill.org>
Subject: Fw: Local Law B of 2022 - Comments for Public Hearing

You were not included in this letter

From: Kate Hirsch <hirsch.kate@gmail.com>
Sent: Wednesday, February 2, 2022 6:11 PM
To: Jeffrey Blinkoff; Jeffrey Blinkoff.
Cc: Brian Herrington; Randall Rosenbaum; Gary Lewandowski; Claire Dorfman; Frank Genese; Trustee Collins; Trustee frankel
Subject: Local Law B of 2022 - Comments for Public Hearing

Dear Mr. Blinkoff,

In follow up to the issues raised by Aren Tung regarding the proposed Rental Regulation Law, I too have questions about Proposed Local Law B and how it will impact my property rights as a homeowner and taxpayer in the Village. I request that as Village Attorney you address my questions prior to the next Board meeting.

At the last meeting you and Mr. Herrington attempted to address the issues raised by Mrs. Tung. Your response to her questions using a bizarre hypothetical was incomprehensible and irrelevant. On the other hand, the comments by Mr. Herrington were enlightening as he admitted that the reasons given for Local Law B of 2022 during the public hearings were pretextual (potential wild parties, rodent problems) and that he had no evidence that these were problems in our Village. Instead, he stated multiple times that he "wants to get ahead of it before it becomes a problem." Kindly advise if "getting ahead of a non-existent problem" warrants the use of the Village's Police Power under the NYS Municipal Home Rule Law § 10(ii)(a)(12). If not, kindly advise under what power the Village would be acting in passing such a law. As the stated legislative intent of the law is to "attempt to ensure that all rental dwelling units are safe, to provide necessary information for essential communications between emergency responders and tenants in the event of an emergency, and to

prevent illegal rentals," it would appear that the Village's Police Power is the basis. Let's discuss each of these three "reasons":

1) Firstly, please advise what section of the Flower Hill code allows for "rental dwelling units" as defined in proposed Local Law B. I reviewed the code and found that all residential areas are zoned for single family use. Furthermore, multiple dwelling units are expressly not permitted in other zoning areas. As there is no residential zoning other than single family, for what purpose would Flower Hill need to ensure that rental dwelling units are safe when they are not permitted under the Code? Does Flower Hill want to allow for Rental Dwelling Units in the Village? If so, wouldn't that be a matter of Zoning legislation? Indeed, shouldn't this proposed law be under the "Zoning" section of the code as it relates to such matters? Does amending the Village code regarding Zoning require commentary and/or notification to neighboring land owners who purchased land zoned for single family use? Would the Village need to put any other entities on notice of a zoning change (such as the County, State, or neighboring Villages)? If yes, should that be done here since this law, if passed, would be a *de facto* zoning change?

2) The law further states its purpose is "to provide necessary information for essential communications between emergency responders and tenants in the event of an emergency." As noted above in #1, there is no multi-family zoning in our Village. Thus, who are the renters that the Village is looking to protect? The Village Administrator claims that there are "mother daughter apartments" but never said where, not even specifying if it is in Manhasset, Port Washington or Roslyn. As the current Flower Hill code defines a mother daughter unit in the Zoning section perhaps that section should be amended if there is a problem. However, again, no showing whatsoever has been made that there is any current problem with any tenants, or if there even are tenants anywhere in our Village! No testimony has been given by any emergency responders that they have any concerns that they can't do their job to protect the public unless this law is passed and no showing has been made that our highly paid full time Village code enforcer is not equipped to handle matters.

3) The third reason stated is to prevent illegal rentals. I have reviewed the public hearings and found zero evidence that there is any problem in the Village with illegal rentals. Is this part of the "get ahead of it" rationale?

The rest of the law is similarly incomprehensible:

In the definitions (which contain many interesting definitions which I am hard pressed to relate to our Village), a "Rental Dwelling Unit" is a dwelling unit established, occupied, used or maintained for rental occupancy. Kindly advise in which Zoning Areas of Flower Hill this definition will apply. In fact, the very next section (176-3) is "Applicability" which states "This chapter shall apply to all rental dwelling units, whether or not the use and/or occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located." Do any of Flower Hill's Zoning Districts permit this? If none, for what purpose would the Village give out a "Rental Occupancy Permit" as required by 176-4? If none of the Village Zoning districts allow for multiple dwellings but this law provides that permits will be issued for the illegal use, is this law essentially simply an amendment to the Zoning law to allow for permitted multiple dwelling units where none legally are permitted?

As for Section 176-5 (and the remaining sections relating to multiple dwelling rental units) of the proposed law, as with the other sections above, kindly advise exactly why this law would be needed in Flower Hill.

With respect to Section 176-13 "Short Term Rentals" the Village has not demonstrated one single issue that has arisen which is attributable to anyone renting out their home in our Village. As you well know, in restricting a citizen's Constitutional rights, a municipality must demonstrate a compelling state interest. Here there is nothing. Not even a minor - much less compelling - interest to regulate. One must wonder why this law would be put forth again (you will recall the same law was proposed under Mayor McNamara and withdrawn when opposition was made to it) and now, despite no apparent health and safety issues, no issues whatsoever, this Board wants to pass a law restricting and regulating the use of citizen's private property. Again, please advise under what authority the Board will be acting if it passes this unnecessary law.

As this law seems to have no relation to current Flower Hill zoning and land use, please advise if there are any potential zoning changes under consideration by the Board, or whether there are any land use changes being contemplated in the Village which may be affected by this proposed law, or if there is any other information which you or the Board is aware of which may, in the future, have a bearing on this proposed law. If there is any such information available to you and/or some or all Trustees I would ask that you share that information with the public so that the "public hearing" being held on this law will be meaningful to all participants.

On another (un)related note, I'm sure you are aware that St. Francis Hospital has acquired a third property on Oaktree Lane. Have there been any further discussions with St. Francis since the March 2020 Board of Trustees meeting at which Jack Martins stated that St. Francis intends to acquire the properties on both sides of Oaktree Lane as well as the County property immediately adjacent to Oaktree (behind Woodhill Lane)? Has St. Francis disclosed their plans? Has there been any discussion whatsoever about this, even regarding the loss of tax revenue in the Port Washington School District/Fire District as a result of the acquisitions? Has the public been made aware of this? Kindly advise.

With regard to public notifications, I have received at least three (3) notifications from the Village in the past week (telling me it was going to snow, that there would be no garbage pick up, that the police had notified the Village of stolen vehicles (not in Flower Hill) and that PSE & G would be trimming trees). Not once in any of the messages has Mr. Herrington bothered to mention the next Board of Trustee meeting at which four (4) public hearings will be held on issues that will impact us all. If Local Law B is passed it could have significant impacts on property owners. Furthermore, the Board itself seems disinterested in the law and mainly has simply let it be passed from meeting to meeting without scrutiny or questions as to why it is necessary in our Village. No one other than Mrs. Tung has objected and questioned why her personal property rights are being restricted – and for her trouble she was sneered at and degraded by Trustee Genese who basically said "if we pass it you will

obey it." On that note, what if this law is passed and I choose to use my house as an Airbnb? What can the Village do to stop me? What if I choose not to obey? What is the penalty? Are there undisclosed enforcement mechanisms?

Please also ensure that this letter is made part of the record of the public hearing on Proposed Local Law B of 2022.

Kate Hirsch

cc: Board of Trustees



Proposed Local Law C - 2022 "Amend Chapter 174 "Property Maintenance" to prohibit unsecured ladders"

Amend Section 172-4 "Exterior Property Areas" to add sub-section(H)

Any ladder left on the exterior of premises must be secured in such a manner that would prohibit the use or removal thereof.



PROPOSED LOCAL LAW D – 2022

**AMEND CHAPTER 227 "VEHICLES AND TRAFFIC", SECTION 227-36 SCHEDULE XII,
"NO PARKING CERTAIN HOURS"**

**Ridge Drive West , both sides, from 165 feet north of Northern Blvd to Peachtree
Lane,**

From 8 to 10 am and 4 to 6 pm

**MINUTES OF
PUBLIC HEARING/REGULAR MEETING
OF THE BOARD OF TRUSTEES
Monday, January 3, 2022**

A regular monthly meeting of the Board of Trustees was held on January 3, 2022. This meeting was held virtually by teleconference. The meeting was called to order at 7:35 PM by Mayor Herrington with the following in attendance:

Brian Herrington	Mayor
Randall Rosenbaum	Deputy Mayor
Gary Lewandowski	Trustee
Frank Genese	Trustee
Mary Jo Collins	Trustee
Claire Dorfman	Trustee
Max Frankel	Trustee
Jeff Blinkoff	Village Attorney
Ronnie Shatzkamer	Village Administrator
Peter Albinski	Building Superintendent
Rich Falcones	Superintendent of Public Works
Suzanne Tangredi	Village Treasurer
Rhoda Becker	co-Historian
Mitchell Schwartz	co-Historian

Public Hearing

On motion of Mayor Herrington, second by Deputy Mayor Rosenbaum, the Board opened the Public Hearing portion of the meeting.

The first hearing was a continued application before the Board of Trustees acting in their capacity as Planning Board on the application of Daniel Baumbach for a lot line adjustment at 50-60 Walnut Lane, Manhasset. The application was presented by attorney John Farrell with additional testimony by owner Dan Baumbach and Architect Patricia O'Neill. There were questions and answers from the Board and several members of the public offered comments. On motion of Trustee Lewandowski, second by Mayor Herrington, the Board unanimously voted to continue the hearing to February 7, 2022.

The second hearing was to consider proposed Local Law F – 2021 "Fee for failure to cancel inspection appointment".

The third hearing was to consider proposed Local Law G – 2021 "Rental Registration". The Mayor spoke to the number of other villages with similar laws. Mr. Blinkoff addressed the time frame issue on short term rentals.

The final hearing was to consider proposed Local Law H- 2021 "Prohibit Unsecured Ladders". Deputy Mayor Rosenbaum presented the rationale for the proposed law.

On motion of the Deputy Mayor Rosenbaum, second by the Trustee Genese, the local law public hearings were unanimously adjourned to February 7, 2022 and the public hearing portion of the meeting was closed at 8:32 pm.

See the stenographic record for details.

Approval of Minutes

On motion of Trustee Collins, second by Trustee Dorfman, the Board unanimously approved the minutes of the December 6, 2021 regular meeting and public hearing.

Treasurer's Report

The monthly claims were unanimously approved on motion of Mayor Herrington seconded by Deputy Mayor Rosenbaum.

Public Works Superintendent

Mr. Falcones reported that his department is ready for snow season. He and the Village Engineer have also started their road assessment for the 2022 paving project.

Administrator's Report

RESOLUTION NO. 01 – January 3, 2022 ANNOUNCING THE POLLING PLACE AND TIME FOR THE TUESDAY, MARCH 15, 2022 GENERAL VILLAGE ELECTION

The following resolution was offered by Mayor Herrington, second by Trustee Dorfman:

WHEREAS, pursuant to Article 15 section 15-104 of the New York State Election Law the Board of Trustees of the Village of Flower Hill, is required to adopt a resolution setting forth information about the General Election;

WHEREAS, the Resolution must be adopted at least sixty (60) days prior to the General and Special Village Election;

WHEREAS, the General Election for the Village of Flower Hill will be held on Tuesday, March 15, 2022;

NOW THEREFORE, be it RESOLVED, that the polling place for the March 15, 2022 General Village election shall be the Village Hall, located at 1 Bonnie Heights Road, Manhasset, New York; and be it further

RESOLVED, that the polling place shall be open from 6:00 am to 9:00 pm; and be it further

RESOLVED, that at least ten days prior to the election the Village Clerk shall publish, a notice which shall state:

(1) the polling place;

(2) the hours during which the polls shall be open; and

(3) the names and addresses of all those who have been duly nominated in accordance with the provisions of this chapter for village office by certificate or petition of nomination duly filed with the village clerk and the office and term of such office for which they have been so nominated; and be it further

RESOLVED, that in addition to such publication, a copy of such notice shall be posted in at least six conspicuous public places within the village and at each polling place at least one day before the village election.

The Board of Trustees was polled as follows:

Trustee Genese	Aye
Trustee Frankel	Aye
Trustee Lewandowski	Aye
Trustee Collins	Aye
Trustee Dorfman	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

Attorney's Report

Mr. Blinkoff reported on the Zoning Board hearing of December 15, 2021.

Trustees Report

Trustee Dorfman reported on the food drive and commended the Vincent Smith School for partnering with the Village.

Old Business

RESOLUTION NO. 02 – January 3, 2022

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT

The following resolution was offered by Trustee Genese, second by Deputy Mayor Rosenbaum:

WHEREAS the Village issued an RFP for Audit services for the Village and Justice Court; and

WHEREAS four responses were received, then

BE IT RESOLVED that the Board of Trustees of the Village of Flower Hill authorizes the Mayor to enter into an agreement with the lowest responsible bidder, Skinnon & Faber CPA, PC, 3690 Expressway Drive South, Islandia, NY 11749, for Independent Audit Services for the Village of Flower Hill and the Justice Court fiscal years 2021 – 2022 through 2023 -2024 as per their proposal dated November 19, 2021.

The Board was polled as follows:

Trustee Genese	Aye
Trustee Frankel	Aye
Trustee Lewandowski	Aye
Trustee Collins	Aye
Trustee Dorfman	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

RESOLUTION NO. 03 – January 3, 2022

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW AND AUTHORIZING PUBLIC HEARING

The following resolution was offered by Mayor Herrington, seconded by Trustee Frankel:

BE IT RESOLVED, that Local Law “A” of the Year 2022, imposing parking regulations on Ridge Drive West has been introduced; and

BE IT FURTHER RESOLVED, that the Board of Trustees hold a public hearing on said proposed Local Law at 7:30 p.m. on Monday, February 7, 2022 and

BE IT FURTHER RESOLVED, that the Village Administrator publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least three days prior thereto.

The Board was polled as follows:

Trustee Genese	Aye
Trustee Frankel	Aye
Trustee Lewandowski	Aye
Trustee Collins	Aye
Trustee Dorfman	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

PROPOSED LOCAL LAW A – 2022

AMEND CHAPTER 227 “VEHICLES AND TRAFFIC”, SECTION 227-36 SCHEDULE XII, “NO PARKING CERTAIN HOURS”

Ridge Drive West , both sides, from 165 feet north of Northern Blvd to Peachtree Lane,
From 8 to 10 am and 4 to 6 pm

RESOLUTION NO. 04 – January 3, 2022

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT

The following resolution was offered by Trustee Genese, second by Trustee Frankel:

WHEREAS the Village put out an RFP for engineering services to design and implement street parking on Middle Neck Road within the Village, and

WHEREAS there were three responses to said RFP so now

BE IT RESOLVED that the Board of Trustees of the Village of Flower Hill authorizes the Mayor to enter into an agreement with VHB Engineers. 100 Motor Parkway, Suite 350, Hauppauge, NY as per their proposal dated November 1, 2021.

The Board was polled as follows:

Trustee Genese	Aye
Trustee Frankel	Aye
Trustee Lewandowski	Aye
Trustee Collins	Aye
Trustee Dorfman	Aye
Deputy Mayor Rosenbaum	Aye
Mayor Herrington	Aye

New Business

The North Shore Cable Commission asked their member villages for additional funding for legal expenses relating to the negotiation of a Franchise Agreement. On motion of Mayor Herrington, second by Trustee Genese, the Board unanimously approved the expenditure.

On motion of Deputy Mayor Rosenbaum, seconded by Trustee Genese, the Board unanimously adjourned the Executive Session and the meeting at 9:20 pm.

Respectfully submitted,
Ronnie Shatzkamer
Village Administrator

INC. VILLAGE OF FLOWER HILL

TREASURER'S REPORT

BALANCE FOR FEBRUARY 2022

DATE PREPARED BY TREASURER -02/01/2022

FNBL-GENERAL FUND	CHECKING-1447	\$700,092.09
FNBL-TRUST & AGENCY	CHECKING-1454	\$547,226.96
FNBL - CAPITAL RESERVE	SAVINGS - 0288	
FNBL-GENERAL FUND INVESTMENT	INVESTMENT	\$1,556,598.87
FNBL - JUSTICE	CHECKING	\$1,053.00
FNBL - ASSOCIATE JUSTICE	CHECKING	\$453.00
MONTHLY RECEIPT DEPOSITS		\$178,413.62
MONTHLY TAX DEPOSITS		\$2,382.87
MONTHLY EXPENDITURES		\$190,943.04

ABSTRACT OF AUDITED VOUCHERS
VILLAGE OF FLOWER HILL, COUNTY OF NASSAU, NEW YORK
GENERAL FUND
FEBRUARY 2022

ABSTRACT #9

Date of Audit - Monday, February 7, 2022

(Original to Village Treasurer - Duplicate to be retained by Village Clerk or Auditor)

<u>Name of Claimant</u>	<u>Description of Claim</u>	<u>Amount</u>
AppRiver	Email Server Security 01.22	\$259.00
Energetix Corp.	Random Drug Test for Hwy Dept Employees 12.21-01.22	\$106.00
Granite	Bundling of Phone Services 01.22	\$115.56
Great Neck/North Shore Cable Cor	VFH -Legal Fees -Negotiation of Verizon & Altice Franchise Agreem	\$2,950.03
Nassau County Dept. of Assessme	2023 Tentative Roll PDF/Disk	\$131.14
Nassau-Suffolk Court Clerks Asso	Annual Membership Dues-S. Williams 01.22	\$25.00
North Shore V.I.C.E. Corp.	Code Enforcement Services 01.01.22-01-14.22	\$2,203.08
Notable Corporation	W2's; 1099 Misc.; 1099 NEC with Envelopes 01.22	\$368.18
NYS Employees' Health Insurance	Health Insurance for Village Employees 01.22	\$23,914.16
Optimum	Optimum Services for VH 01.22	\$154.30
Port Washington Water District	Water Supply for Village Grounds	\$763.21
PSEGLI	Electric Service for Village 12.21	\$1,358.27
Ready Refresh	Water for VH 12.21	\$168.16
Ricoh	Quarterly Fee for Copies 09.21.21-12.20.21	\$40.69
Seery Systems Group, Inc.	Quarterly Charge for Storage of Boxes 01.01.22-03.31.22	\$300.00
Staples	Office/Cleaning Supplies for Village 12.21	\$25.90
S.W.M.A.-Town of N. Hempstead	Dumping Fees for December 2021	\$1,440.20
Total Technology Solutions	Monthly ESP Remote Support 02.22	\$1,281.00
Veritext	Attendance/Transcript-Public Hearing/BOT Meeting 12.06.21	\$774.00
Verizon Wireless	Cell phones/Service for Village Employees 12.21	\$233.08
Visa	ID Cards/Lanyards; Office Supplies 12.21	\$735.20
Martin Velasquez	Reimbursement for Retirement Overpayment 12.21	\$69.23
Windstream Enterprise	Phones/Service for Village 01.22	\$454.92
Anton Community Newspapers	Legal Notices-Schedule of Meetings 2022	\$386.10
Atlantic Salt	Salt for Village Streets 01.22	\$3,427.26
Aero Operating, LLC	Trash removal for January 2022	\$69,737.09
ExxonMobil	Gas for Village Vehicles 12.21-01.22	\$183.32
Hm Life of NY	Vision Insurance for Employees 02.22	\$62.52
Kelly International Security Servic	Balance of Keyscan Upgrade Proposal 01.22	\$5,499.50
Metropolitan Life Insurance	Dental Insurance for Employees 02.22	\$741.93
National Grid	Gas Supply for Village 01.22	\$1,026.97
Nassau County Clerk	Notary Renewal-H. Lanci 01.22	\$60.00
North Shore V.I.C.E. Corp.	Code Enforcement Services 01.15.22-01.28.22	\$2,203.08
Property Tax Adjusters, Ltd	Tax Certiorari Settlements 2021/2022	\$300.00
PSEGLI	Electric Supply for Village Park 01.22	\$36.00
Ricoh USA	Monthly Lease for Blueprint Copier 01.22	\$267.00
Staples	Supplies for Office 01.22	\$132.84
Total Technology Solutions	ESP Remote Support 01.22	\$1,281.00
Trius	Blades/Bolts for Snow Plows 01.22	\$2,749.00
Verizon	High Speed Internet Service 01.22	\$150.84
lper's Hardware	Parts for Plow 01.22	\$18.60
merican Paving	Req#4-2021 Pavement & Drainage Contract 01.22	\$53,088.71
atlantic Salt	Salt Delivery for Village Streets 01.22	\$3,480.38
utomotive Unlimited	Supplies for Highway Garage 01.22	\$38.08
ventine Properties LLC	Tax Certiorari Settlements 2021.2022	\$150.00
IT	Monthly Lease for Copier 02.22	\$221.55

General Code	eCode 360 Annual Maintenance 02.22	\$1,195.00
IMC	Annual Membership Renewal -01.22	\$175.00
Leventhal, Mullaney & Blinkoff	Monthly Retainer: BOT;BZA; Justice Court 2.22	\$6,875.00
MGR Reporting	Attendance/Transcript -BOT Meeting 01.03.22	\$545.00
Minuteman Press	Justice Court Envelopes 01.22	\$121.44
Minuteman Press	Landscape License Permits 01.22	\$617.35
Motive	Repair to 2009 International Truck 01.22	\$642.02
NYS Magistrates Association	Annual Membership Renewal -Reisman & Pieper 01.22	\$110.00
Optimum	Optimum Phone Service 02.22	\$150.61
PEGLI	Electric for Village 01.22	\$1,364.58
Purchase Power	Addition of Monies to Postal Meter 01.22	\$352.00
Ready Refresh	Water Delivery for Village 01.22	\$114.17
SHL Engineering, P.C.	2021 P&D Contract; Stonytown Rd. Slope Collapse; General Svces.11.2	\$6,565.00
The Art of Landscaping	Tree Permit (3) & Landscape Plan (3) Review-01.22	\$450.00
Town of N. Hempstead-MBPC	Annual Membership Dues 02.22	\$1,800.00
Jline	Supplies for Highway Garage 01.22	\$477.11
Martin Velasquez	Reimbursement for CDL Test & Permit 01.22	\$22.50

***CHECKS TO BE ISSUED**

\$126,114.76

\$78,574.10

TOTAL ABSTRACT

\$204,688.86

To the Treasurer of the above Village:

The above listed claims have been presented to the Board of Trustees of the above-named Village, and having been duly audited and allowed in the amounts as shown on the above-mentioned date, you are hereby authorized and directed to pay each of the listed claimant the amount allowed upon his claim appearing opposite his name.

In Witness Whereof, I have hereunto set my hand as Mayor of the above Village this 7th day of February 2022.

Mayor Brian Herrington

RESOLUTION NO. __ - February 8, 2021
RESOLUTION APPOINTING ELECTION INSPECTORS FOR
GENERAL and SPECIAL VILLAGE ELECTION

The following resolution was offered by Mayor Herrington, second by Deputy Mayor Rosenbaum:

WHEREAS pursuant to Article 15 section 15-116 of the New York State Election Law the Board of Trustees of the Incorporated Village of Flower Hill, is authorized to appoint individuals to serve as Inspectors of Elections for General and Special Village elections;

WHEREAS, the General Village Election will be held on March 15, 2022;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby appoints the following persons to serve as Inspectors of Elections and alternates at the General Village Election:

John Parker

Michael Putre

Anthony Rowlands

Howard Sussy

In the event that any of the above cannot serve, any other qualified individual may be appointed, and

RESOLVED, that each of these individuals are duly qualified to serve as Inspectors under New York State Election Law; and

RESOLVED, that the compensation paid to the Inspectors shall be two hundred fifty dollars (\$250.00) for each Inspector; and be it further

RESOLVED, that all Inspectors must file a Constitutional oath with the Village Administrator prior to the assumption of his or her duties.

PROPOSED LOCAL LAW E – 2022

Amend

§ 147-3 **Restaurants, hotels, inns, etc.**

A.

No person shall engage in the business of conducting a restaurant, hotel or inn, or sell soft drinks, refreshments and beverages of any kind in the Village of Flower Hill without first obtaining a license therefor from the Mayor of the Village.

B.

The license fee for conducting a restaurant, hotel, inn, lunch counter or similar establishment or for selling soft drinks, refreshments or beverages of any kind is hereby fixed in the sum set forth in Chapter **A243**, Fees, Charges and Deposits.

By adding

C.

All food establishments must certify that they are vermin and rodent free by certification of a licensed pest management professional.

RESOLUTION NO. __ – February 7, 2022
RESOLUTION INTRODUCING A PROPOSED LOCAL LAW AND AUTHORIZING PUBLIC
HEARING

BE IT RESOLVED, that Local Law "E" of the Year 2022, amending Section 147-3 "Licensing" "Restaurants, hotels, inns, etc."; and

BE IT FURTHER RESOLVED, that the Board of Trustees hold a public hearing on said proposed Local Law at 7:30 p.m. on Monday, March 7, 2022 and

BE IT FURTHER RESOLVED, that the Village Administrator publish or cause to be published a public notice in the official newspaper of the Village of said public hearing at least three days prior thereto.

Flower Hill History Feb'22

Rhoda H. Becker, Historian

Due to the economy, the parcels of land in the Village of Flower Hill were slow to sell. Although Mr. Munson had delineated the sizes of the plots, the Great Depression was a drag on Real Estate sales. Not until after World War II, did these Village farms and estates get developed into individual plots with homes.

The major growth of our Village and use of the land took place from the 1950's through the 1970's. The electricity and telephone lines were installed so that land and homes could be sold. Large areas were built with houses that were able to be produced along with some individual homes. People were looking to move from New York City. The price of homes rose rapidly. Large farms and estates were subdivided into individual lots. Communities were formed. The Village of Flower Hill now began to look as it does now. Flower Hill's commercial area has changed its appearance but the location is still much the same.

In the future, some existing and continual changes are likely to occur. Concern over cesspools and sewers and the present demand for more area within the home, all will slowly alter the Village. .

Although there will continue to be changes in land use, these changes will occur slowly. New problems will come up. Some related to new environmental issues, some general economic and others financial that we have not dreamed about. What we do now will become tomorrow's history.