

AGENDA
VILLAGE OF FLOWER HILL BOARD OF TRUSTEES
Monday, March 6, 2023 – 7:30 PM
PUBLIC HEARING/REGULAR MEETING

<https://www.youtube.com/channel/UCMPc74pOdNLktDh6L37W9Wg>

Pledge of Allegiance

Special Presentation – Port Washington Fire Dept. Representative re EMS billing

Public Comment

Appeal of tree removal permit denial – Kevin O'Rourke, 69 Mason

Public Hearing

1. Proposed Local Law A -2023 "Regulating Signs in the Right of Way"
2. Proposed Local Law B - 2022 "Amend section 172-11 "Property Maintenance"
3. Proposed Local Law C-2023 "Amending Chapter 235, Wireless Telecommunication Facilities"
4. Proposed Local Law D – 2023 "Add new section 85-3(H) 'Building Construction' permitted hours of construction"
5. Proposed Local Law E – 2023 "Amend 158-2(P) 'Noise' referring to federal holidays"
6. Lot line adjustment 15 West Gate/12 Hewlett
7. Landmark Designation Hearing: Flower Hill Cemetery and Sands Barn

Approval of Minutes February 6, 2023 Regular Meeting/Public Hearing

Treasurer's Report

Motion to approve claims

Building Superintendent's Report

ARC 1/30/23

Village Engineer's Report

Public Works Superintendent Report

Administrator's Report

1. Appoint Alternate Election Inspector Susan Ben-Moshe
2. Software update
3. Bond redemption for drainage work on Country Club Dr. update

Attorney's Report

BZA 2/15/23

Mayor's Report

Trustee's Report

Old Business

Resolution to issue an RFP for Land Use Planning Study

New Business

1. Introduce proposed Local Law F – 2023 "Amend 58-8(B) 'Zoning Board of Appeals', 'Variances' to permit USPS Priority Mail"
2. Introduce proposed Local Law G- 2022 "Amend Fee Schedule of Attachment 1 of Village Code Chapter A243, adding a fee schedule for Wireless Telecommunication Facilities"
3. Resolution to hold a special meeting for the presentation of the 2023-24 tentative budget, Tuesday, March 29, 2023
4. Resolution to hold the Annual Village Organizational Meeting and 2023-24 Budget Hearing on April 3, 2023

Next Meeting: Regular Meeting & Public Hearing, Annual Village Organizational Meeting
– Monday, April 3, 2023 at 7:30 PM

Kevin O'Rourke

69 Mason Drive
Manhasset, NY 11030
216-544-5260
kevin.patrick.orourke@gmail.com

February 28, 2023

To the Board of Trustees of the Village of Flower Hill,

Hello, my name is Kevin O'Rourke and with my wife, Kristin, and two sons Henry (age 3) and Finn (age 1) we are excited to move into our recently purchased home at 69 Mason Drive. By way of introduction, my wife Kristin (maiden name Morrison) was born and raised in Manhasset, and her family has been an active member of the Manhasset and Flower Hill community for decades. We have lived in Manhasset for 3 years, and are elated to move and raise our family in Flower Hill.

I am writing today to request an audience at the Public Hearing on Monday, March 6, 2023 to discuss a tree that poses a safety hazard to our home. I have attached details below, and have prepared a brief summary of the matter here to allow the board to review the matter in advance of the meeting.

The home was initially inspected by David Hanser (Hanser Home Inspection, NYS and ASHI certified) and he observed a large hickory tree that overhangs the house and recommended we seek an arborist to evaluate the tree. We contracted four different arborists to inspect the tree, all of whom recommended removal for the following reasons. First, this is a 65 foot tree and half of its canopy branches overhang our home and slate roof. Falling branches have caused damage to the roof, most recently stripping a section of the siding that now requires repair as well as falling on the powerline that connects to our home (pictures below). Falling leaves and sap from the tree have collected on the roof, which has created an opportunity for moss to colonize the structure. Additionally, the roots of the tree pose a damage to the foundation of the home and the septic tank, which is located underneath. Given the tree's 5 foot proximity to the house, and the evidenced damage and safety risk it poses to my family, we submitted paperwork on January 5, 2023 to have the tree removed.

On January 11, village arborist Ann Frankel denied the request and recommended a pruning of the overhanging branches. Her call to Hefferlin Trees to relay this information was received, however the experts at this company replied that pruning the overhanging limbs would result in both an unbalancing of the tree which would further exacerbate a fall risk, and loss of nutrient supply via the leaf reduction which would jeopardize the health of the tree, also posing a fall risk. It was mutually agreed that a third, unbiased party could be commissioned to evaluate the situation and their opinion would be taken into consideration.

On February 9, 2023, Richard Weir of Horticulture Solutions visited the property and evaluated the tree as requested by the village. In his opinion, there is no other recourse than to permit the removal of this tree. This is for similar reasons described above - the canopy overhangs the house, pruning would result in unbalancing, and the proximity of the tree to the foundation and structure remains a safety hazard. This third, unbiased opinion was received by Ann Frankel, however she denied the request.

Altogether, a total of 5 arborists and 1 home inspector have visited the site and recommended removal of the tree. Additionally, while the recommendations by Mrs. Frankel are respectfully noted, I have made several attempts to commission a pruning service but the arborists who would be responsible for carrying out her recommendations have strictly warned me against pruning the overhanging canopy, as it would make the situation imminently worse.

Thus I am writing to appear before the board to reconsider the village arborist opinion to permit me to remove the tree, in-line with the safety recommendations of the expert arborists who have evaluated options to keep my family safe in our home at 69 Mason Drive.

Respectfully,

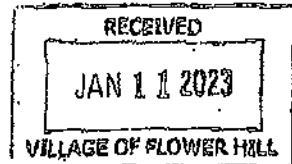
Kevin O'Rourke

Jan. 11, 2023 12:51PM

Kevin O'Rourke Tree Removal Permit/pg

No. 4655 P. 1/1

see attached



Village of Flower Hill

APPLICATION FOR A TREE REMOVAL PERMIT

**REMOVAL OF A TREE WITHOUT AN APPROVED PERMIT WILL INCUR FINES OF NO LESS THAN \$1000 AND UP TO \$500 PER TREE

| FEE SCHEDULE | |
|---------------------|------------|
| *Dead/damaged tree- | \$50 |
| for all per site | |
| *Live/viable tree- | \$150 |
| each | |
| *Replant bond - | \$500 each |

Today's Date 01/05/2023

Homeowner's Name Kevin O'Rourke

Phone: 216 544 5260

Address 69 Mason Drive

Zip

Email: Kevin.patrick.orourke@gmail.com

Section _____ Block _____ Lot _____

Where is tree located? Be specific (e.g.: front, rear, side yard, next to garage, along fence, etc.) or attach your survey showing the location of the tree(s) to be removed:

Number of trees 1 Location rear yard, close proximity to house

Size of tree (diameter) 30" Hickory

You MUST mark the tree with a ribbon or some other method.

Why do you want to remove the tree? tree is too close to home

Name of Tree Contractor Hefferin Trees

Phone: 516 476 4692 Ricci

Address 12a Valley Rd. Port Washington

Flower Hill Landscaping Permit # _____

If your contractor does not have a Flower Hill Permit, they must obtain one before any work may be done.

I hereby authorize the Village Arborist to enter my property to examine the tree(s) I am requesting removal for.

STATE OF NEW YORK
COUNTY OF NASSAU

Kevin O'Rourke
(print name)

Being duly sworn, deposes and says he is

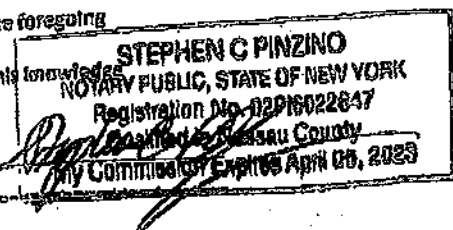
the owner in fee of the property/agent of the property owner described in the foregoing
(choose one)

Application and that the statements contained herein are true to the best of his knowledge and belief.

Sworn to me this 5 day of January 2023

Signed Kevin O'Rourke

Notary



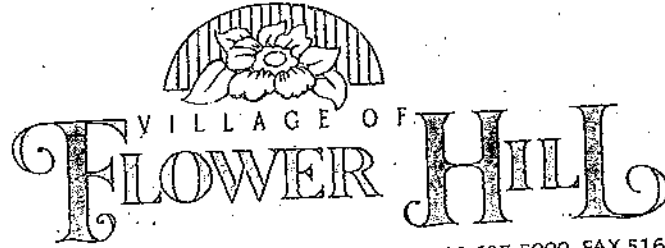
APPROVED
FEE

DENIED
BOND

OFFICIAL USE ONLY

LANDSCAPE PLAN REQUIRED?

NO. OF REPLACEMENTS REQUIRED



1 BONNIE HEIGHTS ROAD, MANHASSET, NEW YORK 11030 516-627-5000 FAX 516-627-5470
<http://www.villageflowerhill.com>

69 MASON Drive

This very large tree is live & stable, although close to house & large branches over hang the residence and have dropped branches, causing some damage (gutters, etc.)

Before removing this large & healthy tree, I am recommending a pruning of the overhanging branches - (not removal ~~of~~ of the limbs, but smaller branches ~~of~~ on the limbs =

I will call Steffen to insure any pruning does not imbalance the tree -

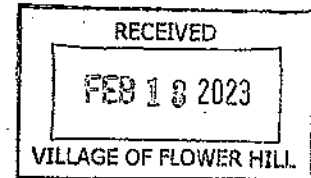
An Fralich
NY 5825 A

January 11



RICHARD WEIR, III
Horticulture Solutions

174 Cove Road • Oyster Bay, New York • 11771
(516) 922-1956 • rw38@cornell.edu



To; Mr. Ricci Lawrence

9 February 2023

From:  Richard Weir

Re: Site visit in the Village of Flower Hill

On the afternoon of 9 February, I visited a property at 69 Mason Drive at the request of Ricci Lawrence of the Hefferin Tree and Landscape Service. This was to provide a Second Opinion, as requested by the Village, for requested removal of a specimen oak tree.

My observation and determination, is as follows:

The red oak in the backyard of this property at the stated address is both majestic and a very beautiful and healthy specimen. It's location, however, jeopardizes its permanence. Not that it's stateliness isn't totally overwhelming of the house and backyard, the real problem pertains to its proximity to the house. Firstly, a good part of the canopy overhangs the house, and removal of those major branches would both 'unbalance' the canopy, preclude difficult wound closure, and reduce food-making potential for the tree due to leaf reduction from the amount of branch removal. Furthermore, is the proximity of the tree trunk and flare to the foundation of the house and porch (Additionally, the new owner wishes to extend this part of the structure.) that is less than 5 feet in distance. Excavation for the footing of the building extension would further compromise the health of this tree.

Thus, for the reasons stated above, I see no-other-recourse, than to permit removal of this large oak.

If you wish further clarification regarding the above, please don't hesitate to contact me.

Thank You!



1.0 Item 2 (Picture)
Fig. 2

Recommendation by home inspector David Hanser to commission an arborist to evaluate the large tree overhanging the home, pictured 10-6-2022.

A high-contrast, black and white photograph of a building's exterior. The image is dominated by a large, dark, curved structure, possibly a roof or a large pipe, which curves from the bottom left towards the top right. The surface of this structure is covered in numerous parallel, diagonal lines, creating a strong sense of texture and depth. The background is a bright, almost white, sky, which contrasts sharply with the dark foreground. The overall composition is dynamic, with strong geometric lines and a dramatic play of light and shadow.

Photo of damage to siding resulting from fallen branch of tree

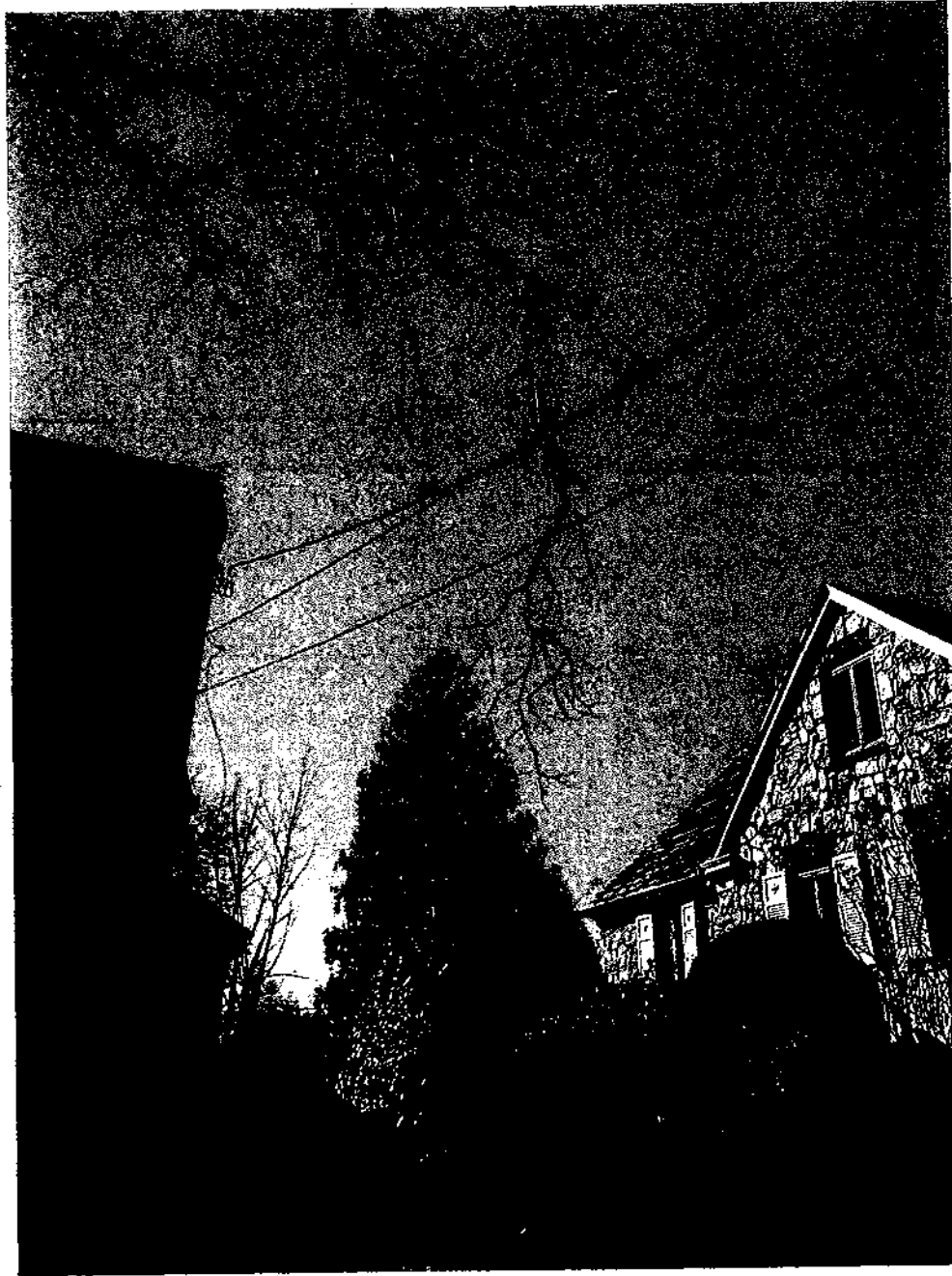
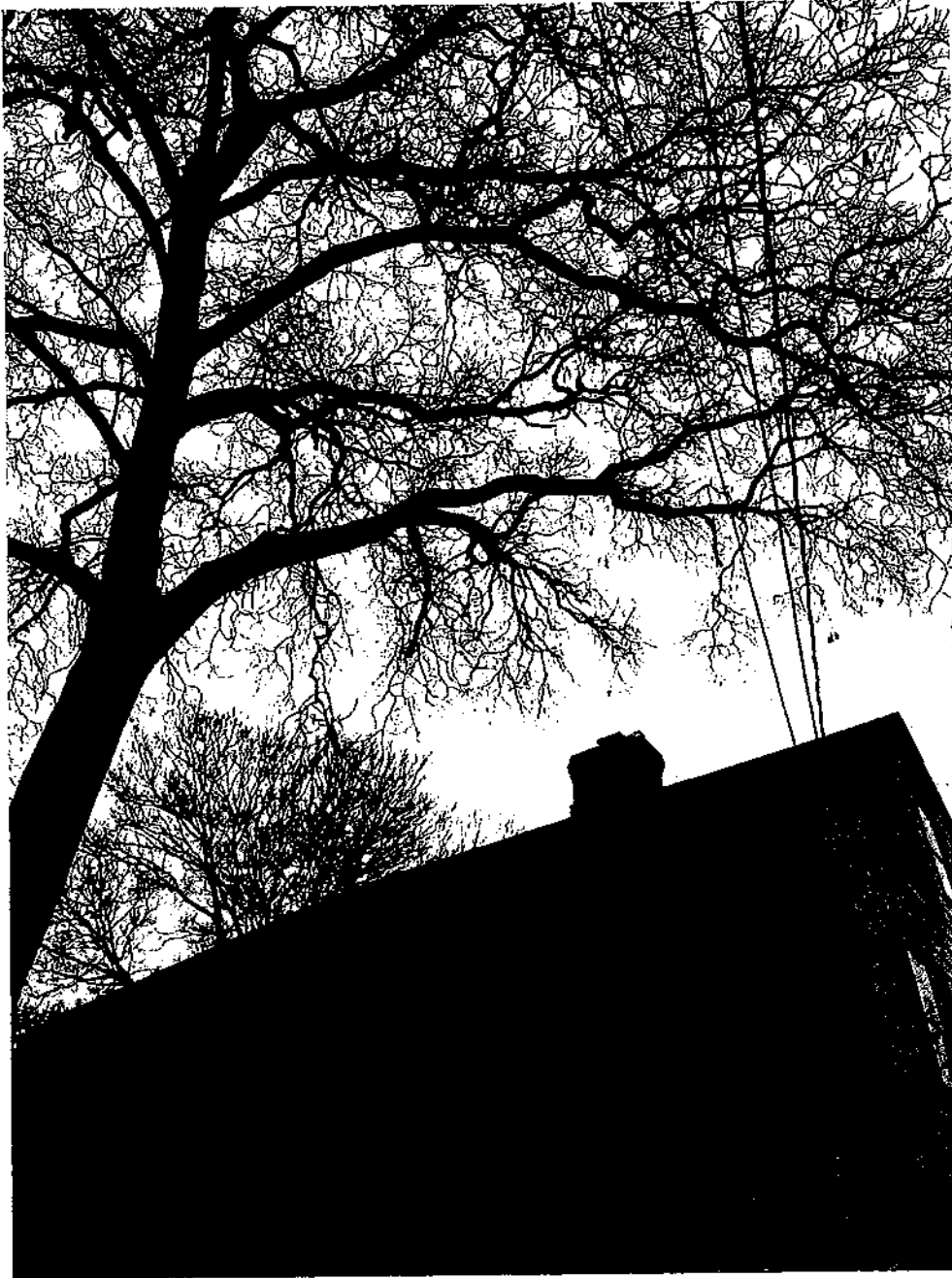


Photo demonstrating recent fallen branch that is compromising the power line.



An additional view of the tree showing the extent of the overhanging canopy and its proximity to the house and power lines. The 3 windows shown on the second floor are the children's (Henry, age 3, and Finn, age 1) bedrooms.



Photo with red line depicting the large overhanging canopy.

LOCAL LAW "A" – 2023

A Local Law amending Chapter 181 of the Village Code entitled "Signs" to include a new subparagraph "X" within section 181-13 entitled "Prohibited signs" as follows

BE IT ENACTED, by the Board of Trustees of the Inc. Village of Flower Hill as follows:

Section 1. Amending section 181-13 entitled "Prohibited signs" to include subparagraph "X" as follows:

X. With the exception of a sign including only the address of the adjoining property, no sign may be posted, attached or affixed in any manner in any Village right-of-way nor upon any structure within any right-of-way

Section 2. Authority.

The Board of Trustees of the Village of Flower Hill is authorized to adopt this local law pursuant to Municipal Home Rule Law 10(1)(i), 10(1)(ii)(a)(11), and 10(2).

Section 3. Determination for the purposes of the State Environmental Quality Review Act, (SEQRA)

The Board of Trustees is designated as lead agency with respect to this action and the within action is deemed a Type II action as defined under SEQRA having no significant impact on the environment and requiring no further action for the purposes of SEQRA.

Section 4. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Resolution No. -- March 6, 2023
RESOLUTION ENACTING LOCAL LAW 1 OF 2023

The following resolution was offered by ____, second by ____:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to adopt Local Law A -2023 "Regulating Signs in the Right of Way" to comply with the aesthetic of the Village and to prevent driver distraction, this resolution hereby enacts proposed Local Law A- 2023 as Local Law 1- 2023, and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, ("SEQRA"), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law 1 of the year 2023

LOCAL LAW "B" – 2023

A Local Law amending section 172-11 of Chapter 172 of the Village Code entitled "Property Maintenance" as follows

BE IT ENACTED, by the Board of Trustees of the Inc. Village of Flower Hill as follows:

Section 1. Amending section 172-11 entitled "Penalties for offenses" to read as follows:

§ 172-11 Penalties for offenses.

Any person who violates any provision of this chapter or any final determination or order of the Village of Flower Hill Code Enforcement Officer or Board of Trustees made in accordance with this chapter shall, in addition, be guilty of a violation, punishable as provided in Chapter 1, General Provisions, Article II

Section 2. Authority.

The Board of Trustees of the Village of Flower Hill is authorized to adopt this local law pursuant to Municipal Home Rule Law 10(1)(i), 10(1)(ii)(a)(11), and 10(2).

Section 3. Determination for the purposes of the State Environmental Quality Review Act, (SEQRA)

The Board of Trustees is designated as lead agency with respect to this action and the within action is deemed a Type II action as defined under SEQRA having no significant impact on the environment and requiring no further action for the purposes of SEQRA.

Section 4. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Resolution No. – March 6, 2023
RESOLUTION ENACTING LOCAL LAW 2 OF 2023

The following resolution was offered by ____, second by ____:

1. **WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to adopt Local Law B - 2022 "Amend section 172-11 "Property Maintenance" to clarify the acts and events that result in a violation, this resolution hereby enacts proposed Local Law A– 2023 as Local Law 2– 2023, and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, ("SEQRA"), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law 2 of the year 2023

LOCAL LAW "C" – 2023

A Local Law replacing Chapter 235 of the Village Code entitled "Wireless Communication Facilities" as follows

BE IT ENACTED, by the Board of Trustees of the Inc. Village of Flower Hill as follows:

Section 1. Replace existing Chapter 235

235-1. Purpose.

In recognition of advancing technology and the increased demand and need for wireless communications towers and facilities, the Board of Trustees hereby determines that it is in the public interest to regulate the siting and installation of such facilities within the Village in order to protect public interests while balancing any demonstrated and genuine need to fill actual gaps in wireless coverage. The Village of Flower Hill is planted with abundant flowering foliage, with many of its streets lined with cherry trees and wild violets along the roadsides. Apple trees dating to the days when Flower Hill farms sold the produce from their apple, pear and peach orchards are still standing. Throughout nearly the entire Village, no or nearly no electrical utility poles or overhead electrical lines are in the street rights-of-way. Instead, overhead electrical utility poles are overwhelmingly located hidden off- street along the sides or rear of private properties. Additionally, to maintain its natural bucolic character, essentially the entire Village has no streetlights or roadside technological encroachments.

When deliberating over granting or denying a permit and the location of wireless facilities, due consideration shall be given to existing land uses and development, the character of the area, visual impacts and other aesthetics, impacts on property values, other impacts, the existence or absence of a gap in wireless coverage, actual need, availability and feasibility of less impactful alternatives, and other appropriate land use factors in approving sites for the location of towers and/or facilities.

These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services.

These regulations are an exercise in state zoning authority permitted under 47 U.S.C. § 332(c)(7) (§ 704 of the Telecommunications Act of 1996) and are intended to strike a balance between the need for new or upgraded wireless facilities and protection of aesthetics, open space and residential environments from redundant and unsightly antennas, structures, and other wireless equipment, and to avoid other legitimate adverse impacts. In so doing and absent any legal mandate to the contrary, the Village Board intends to apply the interpretation of the applicable legal standards specified by federal courts reviewing permitting decisions. In *ExteNet Sys., Inc. v. Vill. of Flower Hill*, No. 19-CV-5588-FB-VMS, 2022 WL 3019650 (E.D.N.Y. July 29, 2022),

the United States District Court ruled that the Village of Flower Hill is within its rights to rely on federal court, including the Second Circuit Court of Appeals, interpretation of whether a proposed wireless telecommunications facility is needed to fill a genuine gap in coverage insofar as a user's ability to make a wireless telephone call to reach a landline telephone. The enactment of these regulations in compliance with federal and state law, and requirement of Village

approvals and wireless facilities permits, is not a finding by the Village Board that wireless telecommunication facilities are appropriate for the zoning district, are in harmony with the Village's general zoning plan, or will not adversely affect the neighborhoods. Such considerations are to be made on a case-by-case basis upon each application.

§ 235-2. Definitions.

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

ACCESSORY WIRELESS FACILITY — Any equipment, shed, fencing or structure, or combination thereof, containing any electrical components necessary for the proper operation of primary antennas.

ALTERNATIVE TOWER STRUCTURE — Any man-made trees, clock towers, steeples, light poles, flagpoles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers, subject to the review and approval of the Village Board of Trustees or its designee.

ANTENNAS — Any exterior transmitting and receiving device mounted on a tower, building, structure or poles (including but not limited to monopoles, utility poles, and streetlights) and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

COMMERCIAL DISTRICTS — All zoning districts except residential districts.

FAA — The Federal Aviation Administration.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS — Any tower or antenna for which a building permit-special permit, special use permit, or wireless facilities permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been completed or constructed, provided that such approved permit(s) is current and has not expired; or any tower which is constructed and has a certificate of compliance.

ROOF-MOUNTED COMMUNICATIONS FACILITY — A wireless communication facility which is mounted and supported on the roof or any rooftop appurtenance of a legally existing building or structure.

TOWER — Any structure that is designed and constructed for the principal purpose of supporting one or more antennas for telephone, personal communications services, common carrier services, radio and television transmission, microwave transmission, and similar communications purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes the structure and any support thereto.

WALL-MOUNTED COMMUNICATIONS FACILITY — A wireless communications facility

which is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features, such as parapets, chimneys and similar appurtenances.

WIRELESS COMMUNICATIONS FACILITY — A facility that transmits and/or receives electromagnetic signals, including any tower or antenna, accessory wireless facility, wall and roof-mounted facilities, as defined herein, and towers, buildings, structures or poles on which antennas are mounted.

WIRELESS FACILITIES PERMIT — A permit issued under this chapter to construct and maintain a wireless communications facility.

§ 235-3. Applicability.

No new wireless communications facility shall be erected, moved, reconstructed or altered to serve as a transmission, reception or relay facility except by approval of the Board of Trustees, in compliance with the regulations set forth in this section.

§ 235-4. Provisions for location of use.

This section identifies locational restrictions pertaining to residential zones, commercial zones, and parks. It is not intended to limit other application requirements or limit the Board of Trustees' review of the application based on aesthetics, other adverse impacts consistent with state and federal law, availability of less impactful alternatives, or a failure of the applicant to demonstrate sufficient need for the wireless telecommunications facility.

A. Residential. Wireless communications facilities located in residential zoning districts are subject to site plan approval and wireless facilities permit approval from the Board of Trustees following a public hearing and must further meet the following requirements:

(1) Wireless communications facilities on buildings shall meet the following criteria:

(a) Any antenna or equipment accessory to a roof-mounted antenna shall be set back a minimum of four feet for every one foot in height of the accessory equipment, but in no instance shall protrude more than 15 feet above the average height of the building in order to minimize its visibility from adjacent properties or roadways. Installation of an antenna and associated equipment shall incorporate a design that is contextual with the structure on which the antenna is co-locating.

(b) Any wall-mounted antenna shall not protrude above the roof parapet or roofline and shall be painted to match the color of the existing structure. No portion of the antenna shall extend more than 18 inches from the facade of the building. These requirements are to be maintained to the extent feasible without impeding the functionality of the antenna.

- (c) Enclosures designed to conceal rooftop wireless communications facilities shall not be deemed to contribute towards building height, floor area ratio, gross floor area, or parking requirements, provided that said enclosure does not contain equipment or materials that are not accessory to the wireless communication facility and the enclosure is contextual with the architecture of the structure and is minimized to the furthest extent practical. All equipment within the enclosure shall still be subject to the dimensional requirements set forth in this chapter.
 - (2) A tower base shall be set back from the property line by a minimum distance equal to 110% of the height of the tower. Accessory wireless facilities shall comply with all other dimensional requirements of the underlying zoning district.
 - (3) Any new tower shall consist of an alternative tower structure as defined herein. Guyed (cable-supported), truss or lattice antenna support structures are expressly prohibited.
 - (4) No new tower shall be permitted unless it is demonstrated that adequate service in accord with FCC guidelines cannot be provided within a coverage gap area by exhausting all other available and reasonable locations for the proposed tower in a nonresidential district to the satisfaction of the Board of Trustees, except as provided herein.
- B. Commercial. Wireless communications facilities located in commercial zoning districts are subject to site plan approval and wireless facilities permit approval from the Board of Trustees following a public hearing, except as otherwise provided herein, and must meet the following requirements:
- (1) Wireless communication facilities on buildings shall protrude not more than 15 feet above the average height of the building, and meet the following criteria:
 - (a) Equipment accessory to a roof-mounted antenna shall be set back a minimum of four feet for every one foot in height of the accessory equipment, but in no instance shall protrude more than 15 feet above the average height of the building in order to minimize its visibility from adjacent properties or roadways. Installation of an antenna and associated equipment shall incorporate a design that is contextual with the structure on which the antenna is co-locating, and antennas shall not protrude more than 15 feet above the average height of the building.
 - (b) Any wall-mounted antenna shall not protrude above the roof parapet or roofline and shall be painted to match the color of the existing structure. No portion of the antenna shall extend more than 18 inches from the facade of the building.
 - (c) Enclosures designed to conceal rooftop wireless communications facilities shall not be deemed to contribute towards building height, floor area ratio, gross floor area, or parking requirements, provided that said

enclosure does not contain equipment or materials that are not accessory to the wireless communication facility and the enclosure is minimized to the furthest extent practical. All equipment within the enclosure shall still be subject to the dimensional requirements set forth in this article.

- (2) A tower base shall be set back from the property line by a minimum distance equal to 110% of the height of the tower. Accessory wireless facilities shall comply with all other dimensional requirements of the underlying zoning district.
- (3) Wireless communications facilities located on preexisting structures or buildings in commercial districts are not subject to wireless facilities permit approval, provided that they have all necessary Building Department permits and are not visible to any residential use or zone as determined by the Building Superintendent or his/her designee. New antennas co-locating on an existing tower approved by the Board of Trustees shall not be subject to this requirement.
- (4) No new tower shall be permitted within 500 feet of a residential zone unless it is demonstrated that adequate service in accord with FCC standards cannot be provided within a coverage gap area by exhausting all other available and reasonable locations for the proposed tower outside the five-hundred-foot area to the satisfaction of the Board of Trustees.

C. Parks. Wireless communications facilities are subject to site plan approval and facilities permit approval from the Board of Trustees following a public hearing, except as otherwise provided herein, and must meet the following requirements: Wireless communications facilities shall not be located at any designated park listed by any federal, state or Village agency, except as specified by the following:

- (1) No new tower shall be permitted unless it is demonstrated that adequate service in accord with federal standards cannot be provided within a coverage gap area by exhausting all other available and reasonable locations for the proposed tower outside of the park to the satisfaction of the Board of Trustees or their designee.
- (2) Any facility located in a park shall be located, designed and screened to minimize the visual and aesthetic impacts.
- (3) Any facility located within a park shall not be located in an area that would interfere with normal, day-to-day recreational activities or operations.
- (4) Any facility located in a park which is co-located on or which replaces an existing structure (e.g., ball-field light poles) shall not be subject to wireless facilities permit approval, provided that the height of the new structure does not exceed the height of the preexisting structure and is a minimum of 500 feet from the nearest residence.
- (5) Co-location. No new tower shall be permitted unless the applicant

demonstrates that no existing tower, structure or building can accommodate the applicant's proposed antenna and unless it is demonstrated that adequate service cannot be provided with co-location.

- (6) Any facility on Village owned property shall be subject to a separate agreement regarding revenue to the Village.

§ 235-5. Design.

- A. Wireless communications facilities shall be designed in such a manner as to minimize any visual impacts.
- B. If a wireless communications facility is located on a building, it shall be neutral in color, or similar in color to the building so that it continues to maintain the architectural integrity of the building, and every effort shall be made to conceal the facility.
- C. Accessory wireless facilities shall be screened, landscaped and shall maximize use of building materials, colors and textures designed to blend with the natural or existing surroundings to minimize any visual impacts.
- D. The base area shall be surrounded by a six-foot-high fence or located within a structure. The surrounding fence shall be screened as per a landscaping plan to be approved by the Board of Trustees with input from the Village Arborist.
- E. No signs are permitted on towers except safety instructions or similar material.
- F. A tower shall not be lighted unless required by the FAA or otherwise required by the Board of Trustees for safety reasons.

§ 235-6. Removal.

Any antenna or tower that is not operated for a continuous period of 12 months shall be deemed abandoned. The owner of such antenna/tower/site shall remove the same at the owner's expense within 90 days of notice. The Village reserves the right, after 90 days' written notice sent certified mail, return receipt requested, to the owner or owner's designee, to remove the antenna or tower, and shall bill the owner for any expense incurred. All costs associated with same shall be assessed to the owner's next tax bill.

§ 235-7. Application requirements.

Requests for approvals under this chapter shall be made by application. The application is reviewed only by Village staff and not by the Village Board to determine whether it is deficient or sufficiently complete on its surface to warrant a Village Board Review. The Village Board does not have opportunity to review the application until a later stage, and the Board has the ultimate responsibility for determining whether the application complies with the Village Code, state laws, and federal laws, and whether the application should be granted or denied.

Applications shall include the following:

- A. The location, type and height of the wireless communications facility and whether it is to be located on an existing structure, co-located or on a telecommunications tower.
- B. Adjacent roadways, rights-of-way, land uses, structures and zoning on land within 1/2 mile.
- C. Setbacks from property lines.
- D. Environmental assessment.
- E. Scaled drawing of the site, including elevation drawings of the structure, a visual study showing where, within one mile, the tower could be seen, the distance between all structures and proposed means of access.
- F. Landscape plan, including fencing and fence screening.
- G. Analysis of physical need for additional towers or antennas.
- H. Written site location alternative analysis describing the location of other sites considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs and the reasons why the subject site was chosen. Written requests and responses for site location alternative analysis shall be provided, in addition to the names, addresses and telephone numbers of the current owner(s) of those sites. If the proposed plan is to locate in a residential area, the applicant must show a good faith effort to locate in a nonresidential area and that locating in a commercial or industrial zone is not feasible.
 - Evidence of a good faith effort to co-locate or locate on existing towers, structures or buildings and why it is not feasible. Written requests and responses for co-location efforts shall be provided, in addition to the names, addresses and telephone numbers of the current owner(s) of those structures.
 - The application must provide evidence that the proposed wireless communications facility can accommodate, at a minimum, three times the capacity to allow for future lease and co-location. Competing providers are required to negotiate fairly regarding co-location leases. A future co-location applicant cannot be denied except for mechanical, structural or regulatory reasons, and only with respect to Village property.
- I. Location and separation distance between all other existing and proposed facilities within the Village and/or within five miles.
- J. Coverage maps, certified radio frequency engineer report, data.
 - (1) Coverage maps depicting existing and proposed coverage in -dBm levels for each proposed carrier. Said maps shall be submitted in both paper and electronic form. Paper maps shall be at least 11 inches by 17 inches in size and shall contain coverage areas superimposed over current aerial photography.

Electronic formats shall be submitted in any industry-standard geographic information system (GIS) format.

- (2) Said maps shall be accompanied by a certified report by a radio frequency engineer and shall depict any existing and proposed dBm signal strength levels, as well as identify the minimum -dBm level each proposed carrier needs in order for a wireless telephone to be able to make a telephone call from the subject area.
- (3) The radio frequency engineer's certified report shall identify the source of the coverage data contained in the coverage maps.
- (4) In the report, the certifying engineer must demonstrate his or her first-hand knowledge of the underlying data for the reception levels shown in the coverage maps, or that they otherwise have sufficient knowledge of the underlying data and how it was secured that they personally can reliably certify the data's accuracy.
- (5) The report must include the actual reception data, and identify whether it is drive-by, in-building, missed calls, reception-level canvassing, or some other identified generally accepted reception testing method,
- (6) The report must identify who conducted the testing and when it was conducted,
- (7) The report must certify that the testing was conducted using generally accepted reliable methods and indicate the basis of that certification.

K. Other information as deemed necessary by the Board.

L. Visual impact analysis.

- Said analysis shall include:
 - Identification of visually sensitive sites, including parks, and residential areas.
 - Visualization photographs from key viewpoints. Photographs shall be conducted when leaves are off trees if trees are in front of the view of a proposed tower.
 - In the event a crane or other equipment is utilized to simulate the proposed tower on the subject property for the visualization photographs, the owners of surrounding properties within 200 feet of the site and the Board of Trustees shall be notified no less than 10 days prior to the test by certified letter, return receipt requested. Said notification shall include two rain dates in the event inclement weather prevents the visualization study from taking place.

§ 235-8. Approval considerations

When deliberating over granting or denying a permit and the location of wireless facilities, the Village Board shall consider existing land uses and development, the character of the area, visual impacts and other aesthetics, impacts on property values, other land use impacts, the existence or absence of a genuine gap in wireless coverage, actual need for the facility, the availability and feasibility of less impactful alternatives, and whether denial of the application would or would not constitute a prohibition of wireless services under the Telecommunications Act. The Village Board shall further apply the following priorities and considerations

A. Priorities.

- (1) The Board may give priority to application for location on an existing structure or building.
- (2) The Board may give priority to applications for collocation.
- (3) The Board may give priority to a single application for multi-antenna proposals.
- (4) The Board may give priority when necessary for health and/or security.

B. Other considerations.

- (1) The minimum height necessary to render adequate service.
- (2) Proximity to residential districts and other structures.
- (3) Nature of existing or proposed uses of adjacent property.
- (4) Site and/or surrounding topography.
- (5) Surrounding tree coverage and foliage.
- (6) Design of tower, in particular the characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (7) Availability of suitable existing towers and structures.
- (8) Proposed ingress and egress.
- (9) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Trustees that no existing tower, structure or building can accommodate the applicant's proposed antenna.
- (10) Impact on wireless service.
- (11) Utility Poles.
 - (a) An antenna to be mounted on a new or existing pole which is not to be located hidden along the sides or rear of properties, shall demonstrate that

an antenna mounted on new or existing poles and other structures hidden along the sides or rear of properties (a) would not be sufficient to fill a genuine gap in coverage consistent with controlling federal law, (b) would not be a reasonably feasible alternative, or (c) would result in greater adverse aesthetic or other adverse impacts.

- (b) An antenna to be mounted on a new pole, including but not limited to a monopole, utility pole, or streetlight, shall demonstrate that an antenna mounted on existing poles and other structures (a) would not be sufficient to fill a genuine gap in coverage consistent with controlling federal law,
 - (c) would not be a reasonably feasible alternative, or (c) would result in greater adverse aesthetic or other adverse impacts. A new pole includes one which replaces an existing pole.
- C. The Board may waive or reduce the burden on the applicant of one or more of these criteria if it concludes that the goals of this section are better served thereby.
- D. The Village Board authorizes the Board of Trustees to retain the services of such persons, expert or otherwise, including but not limited to competent radio frequency engineers, real estate experts and/or attorneys where reasonably necessary to review an application or proposal, including, but not limited to, reviewing expert testimony provided on behalf of the applicant and supplementing submissions. The consultant(s) may review coverage maps, alternative site locations, co-location opportunities or other criteria that may be associated with the application or proposal. The consultant shall review all submissions in accordance with all applicable federal, state and local codes, rules and regulations and make recommendations to the Board of Trustees. The cost of retaining such competent consultants shall be borne by the applicant. The costs of any consultant shall be reasonable and the work and associated billing shall be viewable by the applicant upon request.
- E. In the event a denial of an application would constitute an unlawful prohibition or effective prohibition of cellular service under applicable federal or state law (including the Telecommunications Act of 1996, see 47 U.S.C. § 609 et seq., the "TCA"), the Board of Trustees shall grant the wireless facilities permit and shall have the authority to impose conditions upon such granting consistent with this chapter and such federal or state law.
- F. If the Board of Trustees determines that the interests of this chapter would otherwise be satisfied, the Board of Trustees may, in its discretion, but shall not be required to, deem individual requirements and conditions satisfied by issuing a waiver or relaxation in relation thereto. Any waiver or relaxation may only be made in the event that the requirements and conditions for which a waiver or relaxation is made are found not to be requisite in the interest of public safety or general welfare and may only be exercised in the event that the Board of Trustees, in issuing a waiver or relaxation, makes specific findings that the interests of this chapter would otherwise be satisfied, the waiver or relaxation is reasonably necessary for the provision of wireless communications services consistent with the interests of both

this chapter and the TCA and the applicant has taken all reasonably available mitigation measures. Every wireless facilities permit shall also conform to all special findings that are specified herein.

§ 235-9. Amateur radio antennas and towers.

Facilities are subject to site plan approval and wireless facilities permit approval from the Board of Trustees, and must meet the following requirements:

- A. Any antenna or tower must be located in the rear yard.
- B. A tower base shall be separated from the property line by 110% of the height of the tower.

§ 235-10. Satellite dishes.

- A. Satellite dishes shall be permitted as an accessory structure within any use district, subject to the requirements contained herein and subject to the issuance of a building permit from the Building Department.
- B. Standards applying to all use districts.
 - (1) Satellite dishes shall be designed to withstand winds of up to 120 miles per hour.
 - (2) All satellite dishes shall be installed and operated in accordance with the manufacturer's specifications.
- C. Ground-mounted satellite dishes shall not exceed 10 feet in diameter or exceed a height of 15 feet above the average grade level.
- D. Ground-mounted satellite dishes shall be screened at the base with evergreen plants, shall be finished in a color that blends with the surrounding environment and shall not be visible from any street as long as adequate reception in accord with FCC requirements is maintained.
- E. Roof-mounted satellite dishes shall not exceed two feet in diameter or project above the ridgeline of any building on the property and visibility from the street shall be shielded to the extent adequate reception in accord with FCC requirements is maintained.
- F. Ground-mounted satellite dishes shall be placed only in the rear yard, excluding the rear yard setback areas.
- G. Roof-mounted satellite dishes shall be mounted on the rear half of the building roof and shall not exceed 10 feet in diameter.
- H. Satellite dishes shall not be visible from any street so long as adequate reception in accord with FCC requirements is maintained. An architectural screen consisting of material compatible with the building type and style or landscaping may be utilized, subject to the review and approval of the Building Department.

§ 235-11. Application fee.

At the time that a person submits an application for a wireless facilities permit for a new tower, facility or antenna, or for modifying or co-locating on an existing tower or other suitable structure, where no increase in height of the tower or structure is required, or for a temporary facility, there shall be submitted with said application a nonrefundable application fee per application and/or per location, in an amount to be determined by the Village Board of Trustees and set forth in the Village's Fee Schedule.

§ 235-12. Performance security.

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the Village a bond, or other form of security acceptable to the Village as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the Village to assure the faithful performance of the terms and conditions of this chapter and conditions of any wireless facilities permit issued pursuant to this chapter. The full amount of the bond or security shall remain in full force and effect throughout the term of the wireless facilities permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original wireless facilities permit.

§ 235-13. Reservation of authority to inspect wireless telecommunications facilities.

In order to verify that the holder of a wireless facilities permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the Village may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

§ 235-14. Liability insurance.

A. A holder of a wireless facilities permit for tower wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the wireless facilities permit in amounts as set forth below.

- (1) Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
- (2) Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
- (3) Worker's compensation and disability: Statutory amounts.

B. For a wireless telecommunications facility on Village property or right-of-way, liability insurance shall be in reasonable amounts fixed by the Village Board in the licensing

agreement, which shall in all events be less than or equal to those applicable to towers. The commercial general liability insurance policy shall specifically include the Village and its officers, board members, employees, committee members, attorneys, agents and consultants as additional insureds.

- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the Village at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- F. Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than 15 days after the granting of the wireless facilities permit, the holder of the wireless facilities permit shall deliver to the Village a copy of each of the policies or certificates representing the insurance in the required amounts.

§ 235.15. Indemnification.

- A. Any application for wireless telecommunication facilities that is proposed for Village property or right-of-way, pursuant to this chapter, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village, and its officers, councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Village, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Village.
- B. Notwithstanding the requirements noted in subsection A of this section, an indemnification provision will not be required in those instances where the Village itself applies for and secures a wireless facilities permit for wireless telecommunications facilities.

§ 235.16. Fines.

- A. In the event of a violation of this chapter or any wireless facilities permit issued pursuant to this chapter, the Village may impose and collect, from the property owner, lessee, and/or holder of a wireless facilities permit the fines or penalties, and pursuant to the procedures,

as set forth in §§ 240-35 and 240-36 of this Village Code.

- B. The Village may also seek injunctive relief to prevent the continued violation of this chapter, without limiting other remedies available to the Village.

§ 235.17. Default and/or revocation.

If a wireless telecommunication facility is repaired, rebuilt, placed, moved, relocated, ~~modified or maintained in a way that is inconsistent or not in compliance with the provisions~~ of this chapter or of the wireless facilities permit, then the Village shall notify the holder of the wireless facilities permit in writing of such violation. A holder of a wireless facilities permit in violation may be considered in default and subject to fines as in § 235.16 and if a violation is not corrected to the satisfaction of the Village in a reasonable period of time the wireless facilities permit is subject to revocation.

Section 2. Authority.

The Board of Trustees of the Village of Flower Hill is authorized to adopt this local law pursuant to Municipal Home Rule Law 10(1)(i), 10(1)(ii)(a)(11), and 10(2).

Section 3. Determination for the purposes of the State Environmental Quality Review Act, (SEQRA)

The Board of Trustees is designated as lead agency with respect to this action and the within action is deemed a Type II action as defined under SEQRA having no significant impact on the environment and requiring no further action for the purposes of SEQRA.

Section 4. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Resolution No. – March 6, 2023

RESOLUTION ENACTING LOCAL LAW 3 OF 2023

The following resolution was offered by ____, second by ____:

1. **WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to adopt Local Law C - 2022 "Amending Chapter 235, Wireless Telecommunication Facilities", clarifying the original law, this resolution hereby enacts proposed Local Law C- 2023 as Local Law 3- 2023, and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, ("SEQRA"), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law 3 of the year 2023

LOCAL LAW "D" - 2023

A Local Law amending Chapter 85 of the Village Code entitled "Building Construction" to include a new subparagraph "H" within section 85-3 entitled "General Provisions" as follows

BE IT ENACTED, by the Board of Trustees of the Inc. Village of Flower Hill as follows:

Section 1. Amending section 85-3 entitled "General Provisions" to include subparagraph "H" as follows:

H. Permitted hours of construction

1. Construction is permitted from 8:00 AM to 6:00 PM weekdays and 9:00 AM and 5:00 PM on Saturdays. Construction outside those hours may be permitted in the case of urgent necessity in the interest of public safety upon approval of the Building Superintendent.

2. No construction is permitted on Federal holidays.

Section 2. Authority.

The Board of Trustees of the Village of Flower Hill is authorized to adopt this local law pursuant to Municipal Home Rule Law 10(1)(i), 10(1)(ii)(a)(11), and 10(2).

Section 3. Determination for the purposes of the State Environmental Quality Review Act, (SEQRA)

The Board of Trustees is designated as lead agency with respect to this action and the within action is deemed a Type II action as defined under SEQRA having no significant impact on the environment and requiring no further action for the purposes of SEQRA.

Section 4. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Rev. 2/7/23

Resolution No. – March 6, 2023
RESOLUTION ENACTING LOCAL LAW 4 OF 2023

The following resolution was offered by ____, second by ____:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to adopt Local Law D – 2023 "Adding new section 85-3(H) 'Building Construction' permitted hours of construction", to clarify the Village Code, this resolution hereby enacts proposed Local Law D – 2023 as Local Law 4 – 2023, and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, ("SEQRA"), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law 4 of the year 2023

LOCAL LAW "E" – 2023

A Local Law amending Chapter 158 of the Village Code entitled "Noise", section 158-2 "Prohibited Noises" sub-section (P) "Federal Holidays" as follows

BE IT ENACTED, by the Board of Trustees of the Inc. Village of Flower Hill as follows:

Section 1. Amending section 158(2)(P)

Federal holidays. Any construction, excavation, demolition, alteration, repair, commercial landscaping, and the use of heavy equipment, as provided herein, on all federally recognized holidays, except in the case of urgent necessity in the interest of public safety upon approval of the Building Superintendent.

Section 2. Authority.

The Board of Trustees of the Village of Flower Hill is authorized to adopt this local law pursuant to Municipal Home Rule Law 10(1)(i), 10(1)(ii)(a)(11), and 10(2).

Section 3. Determination for the purposes of the State Environmental Quality Review Act, (SEQRA)

The Board of Trustees is designated as lead agency with respect to this action and the within action is deemed a Type II action as defined under SEQRA having no significant impact on the environment and requiring no further action for the purposes of SEQRA.

Section 4. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Rev. 2/7/23

Resolution No. – March 6, 2023

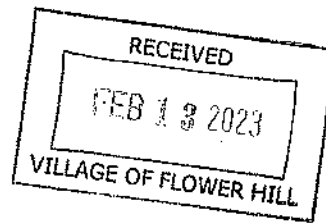
RESOLUTION ENACTING LOCAL LAW 5 OF 2023

The following resolution was offered by ____, second by ____:

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village to adopt Local Law E – 2023 “Amend 158-2(P) ‘Noise’ referring to federal holidays” to clarify the Village Code, this resolution hereby enacts proposed Local Law E – 2023 as Local Law 5 – 2023, and

WHEREAS, the Board of Trustees has determined that it is the lead agency for the purposes of the State Environmental Quality Review Act, (“SEQRA”), and has further determined that the consideration of the within Local Law is a Type II Action requiring no further action under SEQRA;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee hereby adopts Local Law 5 of the year 2023



| | | | |
|---|---|-------------|------------------------------|
| SITE ADDRESS (Property "A") 15 West Gate Rd. (Property "B") 12 Hewlett Lane | | | |
| Port Washington, NY 11050 | | | |
| SECTION | 6 | BLOCK 53-04 | LOT 1530 - Property "A" |
| ZONE | | BLOCK 53-04 | LOT 549 & 213 - Property "B" |

STATE PROPOSED REQUEST IN DETAIL

2. OWNER "A" - Amir & Sharifa Sitafalwalla. "B" Robert & Laura Landau
ADDRESS "A" -15 West Gate Rd. "B" 12 Hewlett Lane
PHONE # C/O attorney (516) 671-6577 Port Washington, NY 11050
EMAIL C/O attorney ChicLawOffice@aol.com

3 REPRESENTATIVE Charles J. Chiclacos, Esq.
ADDRESS 15 Karen Rd. Glen Cove, NY 11542-3206
PHONE # (516) 671-6577
EMAIL ChicLawOffice@aol.com

STUART J. GROSSMAN
Notary Public, State of New York
No. 02GR4641976
Qualified in Nassau County
Commission Expires January 31, 2011

CHARLES J. CHICLACOS

Attorney At Law

15 Karen Road
Glen Cove, New York 11542
Tel: (516) 671-6577
Fax: (516) 801-4634
(NOT FOR LEGAL SERVICE)

February 13, 2023

Incorporated Village of Flower Hill
1 Bonnie Heights Road
Manhasset, New York 11030

Att: Ms. Ronnie Shatzkamer, Administrator

Re: Application for a minor subdivision
Co-Applicants: Sitafalwalla – 15 West Gate Rd. (Property "A")
Landau – 12 Hewlett Lane (Property "B")

Dear Ms. Shatzkamer,

I represent the above two property owners, who, as "co-applicants" are seeking approval of the Board of Trustees acting in their capacity as the Planning Board, for a minor subdivision and lot line adjustment in order for the owners of Property "A" at 14 West Gate Road to be able to convey to the owners of Property "B" at 12 Hewlett Lane, a portion of "A's" land which runs adjacent to the common boundary line between the two properties.

We request that this matter be placed on the calendar for the meeting of the Board of Trustees for March 6, 2023 for a public hearing on the application. Enclosed herewith please find the following in connection with the application for a minor subdivision: (total of 10 packets – Original + 9 copies)

1. Application to Planning Board, duly signed and notarized.
2. Radius Map (front) and list of owners within 200 foot radius (back)
3. Letter of no jurisdiction from Nassau County Planning Commission
4. Nassau County Land and Tax Map, Sec. 6, Block 53-04 showing location of the two co-applicants' property in relation to each other.
5. Google photo showing the two co-applicants' property in relation to each other.
6. Surveys as follows:
 - For 15 West Gate Road - a) as presently existing; b) as existing after conveyance.
 - For 12 Hewlett Lane – a) as presently existing; b) as existing after conveyance.
 - For both properties – A composite survey showing the parcel being conveyed and boundary lines of both properties after the conveyance.

Very truly yours,



Charles J. Chiclacos, Esq.

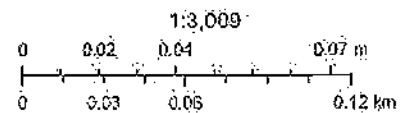


15 W Gate / 12 Hewlett



2/6/2023, 11:53:56 AM

| | | | |
|---------------------|----------------|--------------|------------------|
| Address Points | Manhole | 24 | Inland Water |
| Fire Hydrants | Outfall | 60 | Natural Drainage |
| Stream Corridors | Structure | Street Owner | Lots |
| Drainage Structures | Drainage Pipes | Street | Parcel Detail |
| Catch Basin | 15 | Roadway Type | Tree Cover |
| Drywell | 18 | State | Parks |
| | | Village | |



Mapa, Microsoft

Bruce A. Blakeman
County Executive

Kenneth G. Arnold, P.E.
Commissioner

William Ninuno
Deputy Commissioner



Nassau County Department of Public Works Planning Commission

1194 Prospect Avenue
Westbury, New York 11590-2923
516-571-9600
www.nassaucountyny.gov

Leonard H. Shapiro
Chair
Jeffrey H. Greenfield
Vice-Chair
Neal Lewis
3rd Vice-Chair
Ronald J. Ellerbe
Murray Forman
Denise Gold
Khandan Kalaty
Reid Sakowich
Lisa Warren

February 9, 2023

Charles J. Chiclacos, Esq.
Law Office of Charles J. Chiclacos, Esq.
15 Karen Rd.
Glen Cove, N.Y. 11542

Re: Section: 6, Block: 53-4, Lot(s): 213, 549 & 1530

Dear Mr. Chiclacos:

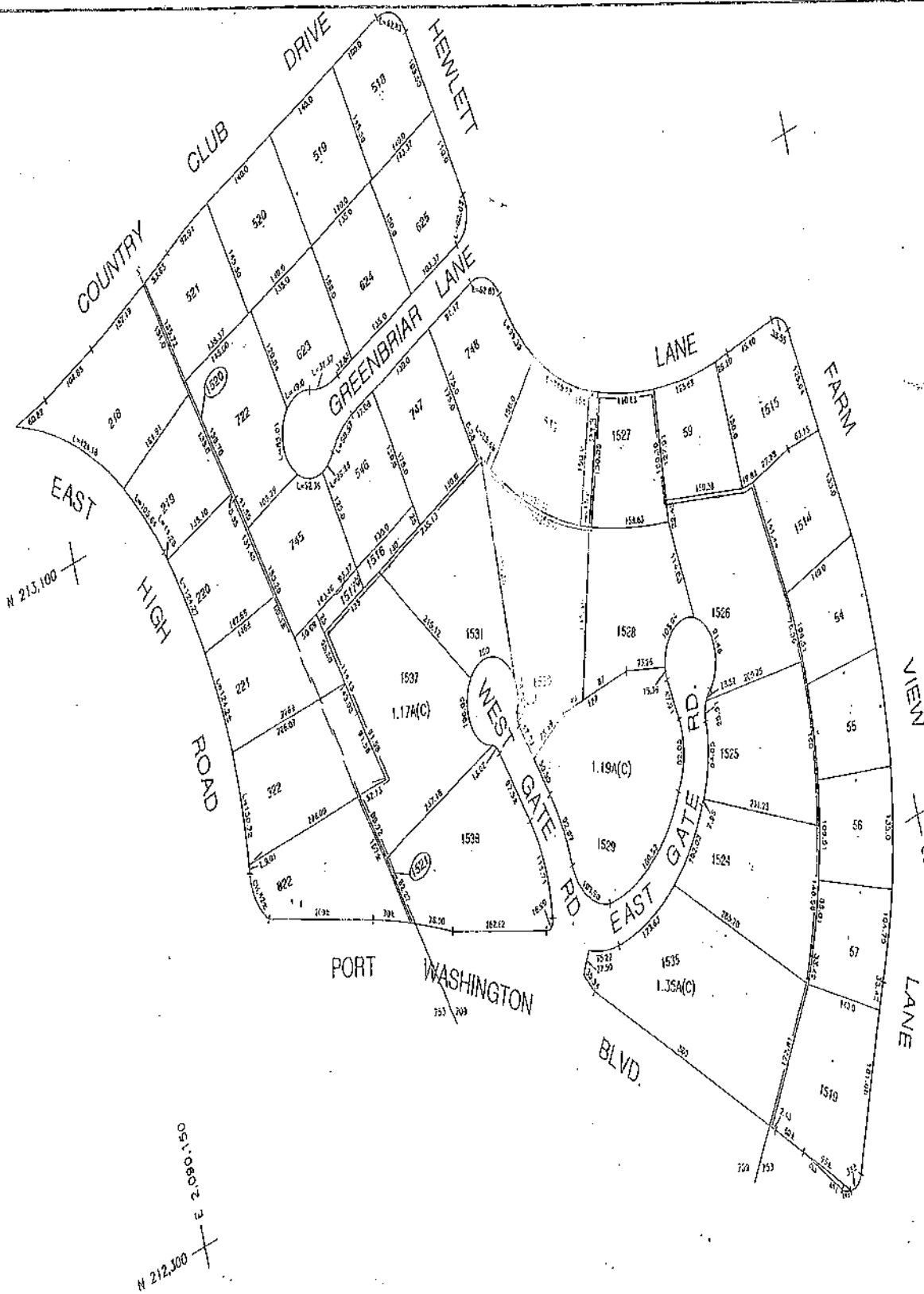
Your proposal to subdivide the above-referenced property does not fall under the jurisdiction of the Nassau County Planning Commission, in accordance with NYS Real Property Law Section 334(a) and Section 1610 of the Nassau County Charter. This property is located entirely within the Incorporated Village of Flower Hill and is not within 300' of a municipal boundary.

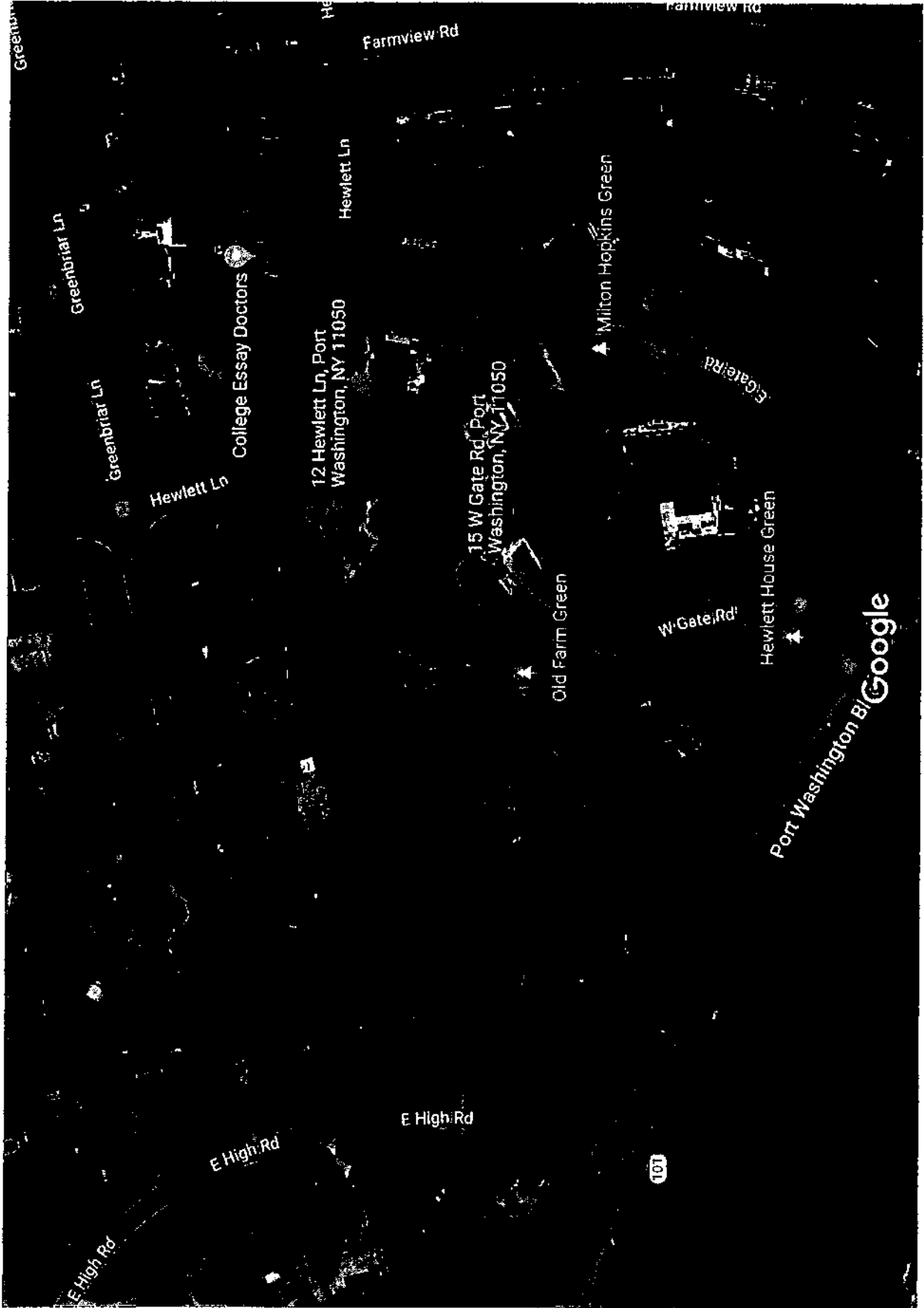
Please contact the Nassau County Health Department at (516) 227-9697 and the Incorporated Village of Flower Hill for their procedures, in accordance with Section 334(a) of the Real Property Law, prior to filing the appropriate deed(s) in the Office of the County Clerk.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hoesl", is written over a horizontal line.

Gregory J. Hoesl
Nassau County DPW, Planning Division
(516) 571-1752
ghoesl@nassaucountyny.gov

[illegible]



RESOLUTION NO. ____ - MARCH 6, 2023
RESOLUTION APPROVING A LOT LINE ADJUSTMENT

The following resolution was offered by ____, second by ____:

WHEREAS, Charles J. Chicliacos, Attorney, representing Amir and Sharifa Sitafalwalla, owners of 15 West Gate Road, Port Washington, NY (Property A) also known as Section 6, Lot 5304, Lot 1530; and Robert and Laura Landau, owners of 12 Hewlett Lane, Port Washington, NY (Property B) also known as Section 6, Lot 5304, Lots 549 & 213, appeared before the Board to present a final plat entitled "Lot Line Change, 12 Hewlett Lane and 15 West Gate Road, Port Washington, NY"; prepared by TS Land Surveying PC, 140 Fell Court, Hauppauge, NY, and

WHEREAS, the owners of Property A have conveyed a portion of the rear yard property to the rear yard of the owners of Property B, the portion being 95.8 square feet, and

WHEREAS, The Board of Trustees is designated as lead agency with respect to this action and the within action is deemed a Type II action as defined under SEQRA having no significant impact on the environment and requiring no further action for the purposes of SEQRA, and

WHEREAS, the Board of Trustees acting in its capacity as Planning Board has found the lot line adjustment to be de minimis, without effect to the current zoning of both properties, and

THEREFORE, the application is approved, and the Village Clerk will present the amended surveys to the Nassau County Department of Assessment for assignment of new lot numbers.

**FOR CONSIDERATION AT PUBLIC HEARING—POTENTIAL DESIGNATION
OF SANDS BARN AND THE FLOWER HILL CEMETERY AS LANDMARKS
PURSUANT TO THE VILLAGE CODE**

**INCORPORATED VILLAGE OF FLOWER HILL
LANDMARKS COMMISSION**

----- X
In the Matter of

Sands Barn
336 Port Washington Boulevard
Port Washington, NY 11050

FHLC: 1/22

**DETERMINATION AND
RECOMMENDATION**

----- X

This is the matter of Sands Barn, 336 Port Washington Boulevard, Port Washington, NY, also known on the Nassau County Land and Tax Map as Section 5, Block 156, Lot 41. Pursuant to Village Code sections 143-4 and 143-6(B) the Landmarks Commission identified this building as potentially meeting with the criteria under the Village Code to be designated as a landmark within the Village.

A hearing was held on November 10, 2022. A quorum of the Board was present, to wit; Chairperson Rhoda Becker; Barbara Goldman and Mitchell Schwartz.

Notice has been properly provided in accord with Village Code section 143-6(D), proper notification to the surrounding properties has been completed and the matter was ready to proceed.

The Commission heard from representatives of the Cow Neck Peninsula Historical Society who spoke in support of the designation. Submissions into the record show that this structure is a 17th century barn. It was subsequently the property of the Laidlaw and Backus family from 1905 until 1978 when it was donated to the Cow Neck Peninsula Historical Society. The Commission also received photographs of the

structure which reflect its character and aesthetic nature.

Determination of the Commission:

Pursuant to sections 143-6(E) and 143-7(C) of the Village Code the Commission is to consider all relevant factors in making a determination whether to designate a structure or site as a landmark including but not limited to the character, architectural design, ambience, the cultural interest, historical significance, aesthetic value and uniqueness of the proposed subject as well as the area in which the subject is found.

Upon the presentation and review of the materials submitted, and after hearing all who wish to be heard, it is the determination and recommendation of this Commission that the Sands Barn meets with the criteria identified above to be a landmark within the Village, and it is therefore:

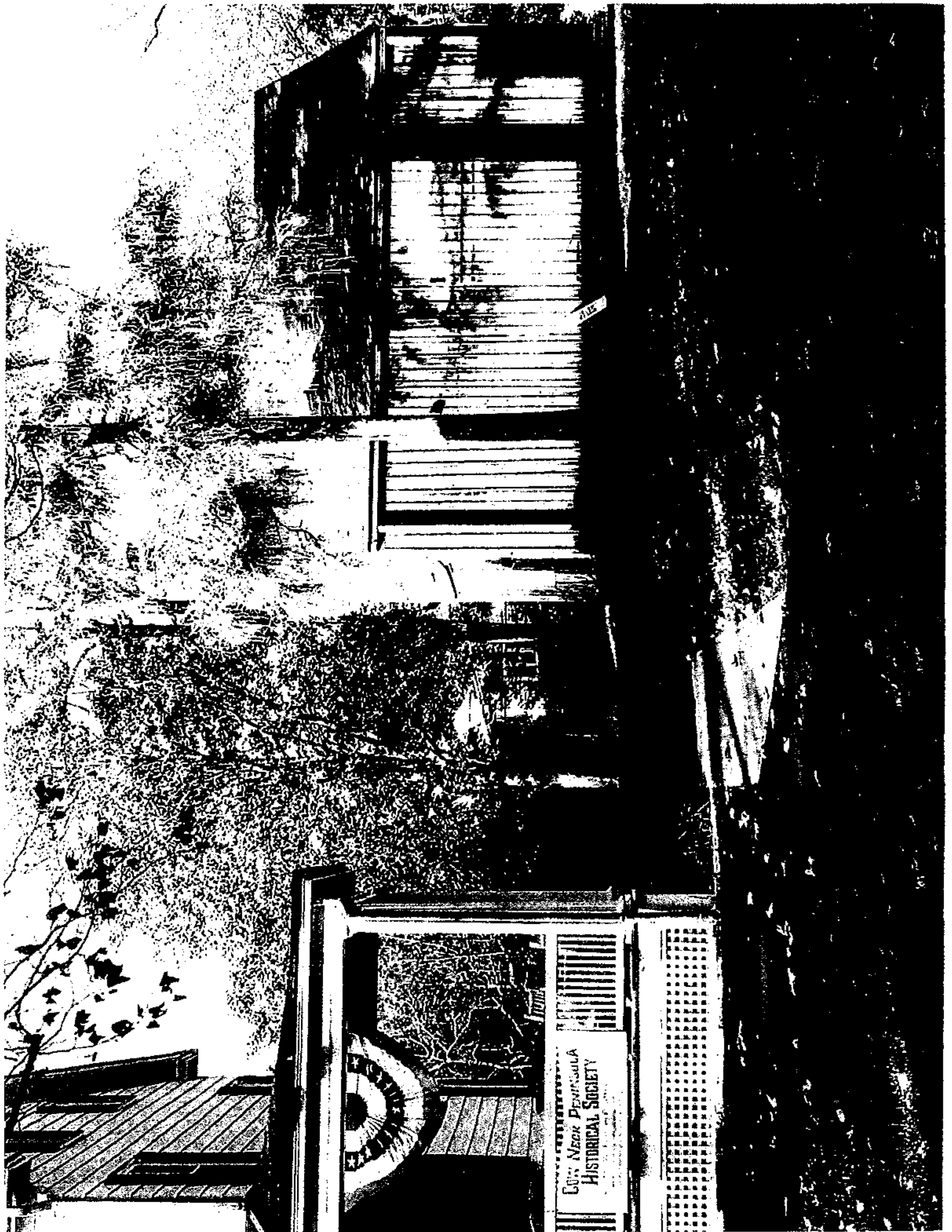
RESOLVED: that the Sands Barn should be considered for formal designation as a landmark within the Village and the matter is therefore respectfully referred to the Board of Trustees in accord with section 143-6(H) of the Village Code for a public hearing and decision to be made as to whether the Sands Barn shall be formally designated as a landmark within the Village.

The Vote on the Foregoing was as Follows

In Favor:

Opposed:

Dated: Flower Hill, New York
_____ day of _____, 2022



DEDICATED TO
HENRY DEVILLIERS WILLIAMS
IN APPRECIATION OF HIS
FORESIGHT, UNTIRING DEDICATION
AND GENEROSITY IN THE SECURING
AND RESTORATION FOR POSTERITY
OF THIS
17TH CENTURY DUTCH BARN
JUNE 1, 1980
COW NECK PENINSULA HISTORICAL SOCIETY

17TH CENTURY DUTCH BARN

PROPERTY OF THE LAIDLAW AND
BACKUS FAMILY OF SANDS POINT
FROM 1905 TO 1978

DONATED TO THE COW NECK PENINSULA
HISTORICAL SOCIETY IN 1978 BY
DANA CONVERSE BACKUS
IN MEMORY OF HIS WIFE
LOUISE LAIDLAW BACKUS

**INCORPORATED VILLAGE OF FLOWER HILL
LANDMARKS COMMISSION**

----- X
In the Matter of

The Flower Hill Cemetery
Country Club Drive
Port Washington, NY 11050

FHLC: 2/22

**DETERMINATION AND
RECOMMENDATION**

----- X

This is the matter of the Flower Hill Cemetery located on Country Club Drive, Port Washington, NY, also known on the Nassau County Land and Tax Map as Section 53, Block 6, Lot 210. Pursuant to Village Code sections 143-4 and 143-6(B) the Landmarks Commission identified this site as potentially meeting with the criteria under the Village Code to be designated as a landmark within the Village.

A hearing was held on November 10, 2022. A quorum of the Board was present, to wit; Chairperson Rhoda Becker; Barbara Goldman and Mitchell Schwartz.

Notice has been properly provided in accord with Village Code section 143-6(D), proper notification to the surrounding properties has been completed and the matter was ready to proceed.

The Commission reviewed the history of the subject property and received photographs depicting it as it currently exists. The cemetery is over 200 years old, and is currently inactive.

Determination of the Commission:

Pursuant to sections 143-6(E) and 143-7(C) of the Village Code the Commission

is to consider all relevant factors in making a determination whether to designate a structure or site as a landmark including but not limited to the character, architectural design, ambience, the cultural interest, historical significance, aesthetic value and uniqueness of the proposed subject as well as the area in which the subject is found.

Upon the presentation and review of the materials submitted, and after hearing all who wish to be heard, it is the determination and recommendation of this Commission that the Flower Hill Cemetery meets with the criteria identified above to be a landmark within the Village, and it is therefore:

RESOLVED: that the Flower Hill Cemetery should be considered for formal designation as a landmark within the Village and the matter is therefore respectfully referred to the Board of Trustees in accord with section 143-6(H) of the Village Code for a public hearing and decision to be made as to whether the Flower Hill Cemetery shall be formally designated as a landmark within the Village.

The Vote on the Foregoing was as Follows

In Favor:

Opposed:

Dated: Flower Hill, New York
_____ day of _____, 2022

Google Maps · Flower Hill Cemetery

main Rd

Port Washington Blvd

Flower Hill Cemetery

Country Club Dr

Country Club Dr

Country Club Dr

Country Club Dr

Country Club Dr

Port Washington Blvd

Flower Hill Cemetery

Map data ©2022 Google 50 ft



Flower Hill Cemetery

Cemetery



Directions



Save



Nearby



Send to
phone



Share



Cemetery, Flower Hill, Country Club Dr, Port
Washington, NY 11050



R86F+6J Port Washington, New York

**REGULAR MEETING
OF THE BOARD OF TRUSTEES
Monday, February 6, 2023**

A public hearing and regular monthly meeting of the Board of Trustees was held on February 6, 2023. The meeting was called to order at 7:30 PM by Mayor Rosenbaum with the following in attendance:

| | |
|-------------------|-----------------------------|
| Randall Rosenbaum | Mayor |
| Brian Herrington | Deputy Mayor |
| Gary Lewandowski | Trustee |
| Frank Genese | Trustee |
| Mary Jo Collins | Trustee |
| Claire Dorfman | Trustee |
| Max Frankel | Trustee |
| Steven Leventhal | Acting Village Attorney |
| Ronnie Shatzkamer | Village Administrator |
| Rich Falcones | Public Works Superintendent |

Alexandra Dorfman led the assembly in the Pledge of Allegiance. There were three members of the public present.

Public Comment

Alexandra Dorfman asked the Board to consider repaving Chestnut Road. Mitchell Schwartz asked the Board to consider adding signage before the crosswalk on Middle Neck Road as cars do not stop for pedestrians.

Public Hearing

On motion of Mayor Rosenbaum, second by Deputy Mayor Herrington, and unanimously approved, the Board entered into Public Hearing at 7:37 pm.

The first hearing was to consider Proposed Local Law C – 2023, "Amending Chapter 235, Wireless Telecommunication Facilities". Attorney Judah Seratty, representing Edward Ross, the Village's counsel in the Extenet suit, went over the relevant changes. On motion of the Mayor, second by Trustee Frankel, the Board unanimously moved to adjourn the hearing to March 6, 2023.

The second hearing was to consider Proposed Local Law A – 2023 "Regulating Signs in the Right-of-Way". After discussion, on motion of the Mayor, second by Deputy Mayor Herrington, the Board unanimously moved to adjourn the hearing to March 6, 2023.

The final hearing was to consider Proposed Local Law C – 2023, "Amending Section 172-11 of the Property Maintenance Code". After discussion, on motion of Trustee Genese, second by Trustee Collins, the Board unanimously moved to adjourn the hearing to March 6, 2023.

On motion of Mayor Rosenbaum, second by Deputy Mayor Herrington, the Board unanimously adjourned the public hearing portion of the meeting.

See the transcript for further detail.

Regular Meeting

Approval of Minutes

On motion of Mayor Rosenbaum, seconded by Trustee Dorfman, the minutes of the January 3, 2023 regular meeting were approved by all those who were in attendance.

Treasurer's Report

The monthly claims, were unanimously approved on motion of Mayor Rosenbaum, seconded by Trustee Genese. Trustee Frankel abstained from the claim from The Art of Landscaping.

Building Inspector's Report

Mr. Albinski reported on the Architectural Review Committee's meeting of January 30, 2023. The Committee recommended no action on the following application: 32 Woodland Road for a second-floor addition with interior alterations and 110 Pinewood Road for roof mounted solar shingles. The following applications were approved with conditions: 26 Sycamore Drive for roof mounted solar panels and 325 Stonytown Road for a new one family dwelling. 41 Knollwood Rad for a first floor addition was approved as submitted. On motion of Trustee Genese, second by Deputy Mayor Herrington, the Board unanimously approved the recommendations of the committee.

Public Works Superintendent's Report

Mr. Falcones is in the process of completing a survey of all Village signage. All signs that are not compliant with NY state requirements for visibility and reflectiveness will be replaced.

Administrator's Report

RESOLUTION NO. 05 – February 6, 2023

RESOLUTION AUTHORIZING THE VILLAGE TO ENTER INTO A CONTRACT

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

BE IT RESOLVED that the Board of Trustees hereby authorizes the Mayor to enter into a contract with Control Poinjt Associates, 275 Broadhollow Road, Melville, NY for a survey of the subsurface utilities on Middle Neck Road at a cost of \$22,500.00; and

Further, upon completion the Village will submit the bill to the County for reimbursement as per the Intermunicipal Agreement transferring ownership of Middle Neck Road from the County to the Village.

The Board was polled as follows:

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

RESOLUTION NO. 06- February 6, 2023

RESOLUTION APPOINTING ELECTION INSPECTORS FOR GENERAL VILLAGE ELECTION

The following resolution was offered by Trustee Genese, second by Deputy Mayor Herrington:
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 Village elections;

WHEREAS, the General Village Election will be held on March 21, 2023;

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
Douglas Spadero

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.

The Board was polled as follows:

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

RESOLUTION No. 07 - February 6, 2023

RESOLUTION TO AMEND EMPLOYEE HANDBOOK (POLICY) TO INCLUDE MARIJUANA (A NON-CONTROLLED SUBSTANCE)

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

WHEREAS, under NY State Cannabis Law, Cannabis is legal for adult use; and

WHEREAS, the Village of Flower Hill finds that any impairment of an employee by use this substance would be detrimental to the Village;

THEREFORE, the section of the Employment Policy titled "Substance Abuse" is hereby amended as follows:

SUBSTANCE ABUSE

The use or abuse of any controlled substance, alcoholic beverage or marijuana during working hours or during any time that may cause interference with an employee's job performance, or with the ability of other employees to perform their assigned tasks, constitutes a potentially hazardous condition and is not permitted. Any employee who is involved in the unlawful manufacture, distribution, purchase or sale of a controlled substance or who is found in possession of or using alcoholic beverages, marijuana or a controlled substance while engaged in any of his or her employment duties, or whose performance is affected by the use of any controlled substance, alcoholic beverage or marijuana will be subject to disciplinary actions.

In addition, members of the Highway Department are subject to drug and alcohol testing pursuant to the U.S. Dept. of Transportation regulations which govern the use of drugs and alcohol by commercial motor vehicle drivers. The Village Drug and Alcohol Testing Policy outline rules and procedures for testing.

Violations of this policy can result in disciplinary action up to and including termination.

The Board was polled as follows:

| | |
|---------------------|-----|
| Trustee Dorfman | Aye |
| Trustee Lewandowski | Aye |
| Trustee Genese | Aye |

| | |
|-------------------------|-----|
| Trustee Collins | Aye |
| Trustee Frankel | Aye |
| Deputy Mayor Herrington | Aye |
| Mayor Rosenbaum | Aye |

Attorney's Report

Acting Village Attorney Steven Leventhal distributed a report on the Zoning Board of Appeals hearing held on January 18 and the Landmark Commission meetings held on January 18 and 24.

Mayor's Report

The Mayor reported that he attended the Nassau County Police 6th Precinct Community Safety meeting. He was also at the Port Washington Fire Department EMS meeting where the Department outlined their plans for seeking reimbursement for EMS services. A representative of the Department will attend the March 6th Board meeting to answer questions. The Mayor was in attendance at the January Nassau County VOA meeting on Cybersecurity presented by the FBI. He took part in a call with Governor Hochul's staff regarding her proposed high density housing plan for Long Island. The Mayor thanked Mr. Falcones for adding safety lights to the payloaders and other truck repairs.

Trustee's Report

RESOLUTION No. 08 - February 6, 2023

RESOLUTION TO PAY HEMPSTEAD HARBOR PROTECTION COMMITTEE DUES

The following resolution was offered by Trustee Lewandowski, second by Trustee Dorfman:

WHEREAS the Village supports the work of the Hempstead Harbor Protection Committee, and **WHEREAS**, the Village uses the work of the Committee to support the Village's annual DEC Stormwater Report; and

WHEREAS, dues of \$5,445.00 have not increased since 2015;

THEREFORE, BE IT RESOLVED that the Village approves payment and continuation of its membership in the Committee.

The Board was polled as follows:

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

Old Business

RESOLUTION NO. 09 - FEBRUARY 6, 2023

RESOLUTION ACCEPTING RESPONSIBILITY FOR MIDDLE NECK ROAD

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

WHEREAS Nassau County has transferred Middle Neck Road (the Road), between Northern Blvd. and Port Washington Blvd, to the Village of Flower Hill via an Intermunicipal Agreement dated February 24, 2022, pursuant to New York State Highway Law Section 115-b; and **WHEREAS** upon transfer of the Road the Village hereby agreed to assume sole maintenance, ownership and control of the Road; and

WHEREAS, the mileage of this two-lane, +/- 0.51 mile (+/- 2,656.02 feet) road shall be included in the Village's Annual Report of Local Highway Mileage to the Dept. of Transportation.
THEREFORE, BE IT RESOLVED that Middle Neck Road in the Village of Flower Hill is hereby adopted and will be included in the Village road inventory.

The Board was polled as follows:

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

New Business

The Mayor introduced the intention of the Village to pursue a planning study to address the zoning vulnerabilities of several large properties in the Village: Elderfields Preserve, Saint Francis Hospital, North Hempstead Country Club, Vincent Smith School and the DiStefano property on Shore Road.

RESOLUTION NO. 10 – February 6, 2023

RESOLUTION TO HOLD A PUBLIC HEARING REGARDING RECOMMENDATIONS OF THE LANDMARK COMMISSION

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

BE IT RESOLVED, that the Village of Flower Hill Landmark Commission, having met for several public hearings and considered several properties in the Village for designation as landmarks, and has now asked The Board of Trustees to consider their recommendations at a public hearing on the Flower Hill Cemetery and the Sands Barn; and

BE IT FURTHER RESOLVED, that the Board of Trustees shall hold such public hearing on said proposed Local Laws at 7:30 p.m. on Monday, March 6, 2023 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 Dorfman | Aye |
| Trustee Lewandowski | Aye |
| Trustee Genese | Aye |
| Trustee Collins | Aye |
| Trustee Frankel | Aye |
| Deputy Mayor Herrington | Aye |
| Mayor Rosenbaum | Aye |

RESOLUTION NO. 11– February 6, 2023

RESOLUTION TO HOLD A PUBLIC HEARING TO CONSIDER PROPOSED LOCAL LAWS

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

BE IT RESOLVED, that Proposed Local Law D of the Year 2023, "Add new section 85-3(H) 'Building Construction' permitted hours of construction", and Proposed Local Law E of the Year 2023 "'Amend 158-2(P) 'Noise' referring to federal holidays" have been introduced; and

BE IT FURTHER RESOLVED, that the Board of Trustees hold public hearings on said proposed Local Laws at 7:30 p.m. on Monday March 6, 2023 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 Dorfman | Aye |
| Trustee Lewandowski | Aye |
| Trustee Genese | Aye |
| Trustee Collins | Aye |
| Trustee Frankel | Aye |
| Deputy Mayor Herrington | Aye |
| Mayor Rosenbaum | Aye |

Public Comment Continued

Residents Kate Hirsch and Aren Tung asked the Board several rapid fire questions and then abruptly left.

On motion of Mayor Rosenbaum, seconded by Trustee Genese, the Board moved to close the meeting at 9:04 pm.

Respectfully submitted,
Ronnie Shatzkamer
Village Administrator

INC VILLAGE OF FLOWER HILL

TREASURER'S REPORT

BALANCE FOR MARCH 2023

DATE PREPARED BY TREASURER -03/01/23

| | | |
|-------------------------------|----------------|----------------|
| FNBLI-GENERAL FUND | CHECKING-1447 | \$332,242.50 |
| FNBLI-TRUST & AGENCY | CHECKING-1454 | \$548,647.40 |
| FNBLI - CAPITAL RESERVE | SAVINGS - 0288 | \$100,175.61 |
| FNBLI-GENERAL FUND INVESTMENT | INVESTMENT | \$1,068,364.48 |
| NYCLASS INVESTMENT FUND | INVESTMENT | \$609,596.09 |
| FNBLI - JUSTICE | CHECKING | \$4,883.00 |
| FNBLI - ACTING JUSTICE | CHECKING | \$505.00 |
| MONTHLY RECEIPT DEPOSITS | | \$60,830.21 |
| MONTHLY TAX DEPOSITS | | \$2,308.28 |
| MONTHLY EXPENDITURES | | \$209,633.25 |

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

ABSTRACT #10

Date of Audit - Monday, March 6, 2023

(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> |
|----------------------------------|--|---------------|
| *Home Depot | Bags of Black Top/Ice Melt/ Supplies for Village 01.23 | \$493.34 |
| *Lawman Enterprises | Code Enforcement/Bldg. Dept. Services 02.13.23-02.18.23 | \$975.00 |
| *National Grid | Gas Service 01.23 | \$1,004.00 |
| *NYS Employees' Health Insurance | Health Insurance for Village Employees 03.23 | \$27,285.47 |
| *PSEGLI | Electric Supply 02.23 | \$1,513.88 |
| *PSEGLI | Electric for Park 02.23 | \$16.47 |
| *PSEGLI | Electric Service for Street Light 01.23 | \$12.97 |
| *Verizon | High Speed Internet Service 02.23 | \$108.99 |
| *Visa | Business Cards/Lights for Truck/Office Supplies 02.23 | \$159.72 |
| *Wex Bank | Exxon/Mobil Gas for Vehicles 01.23 | \$414.83 |
| *Windstream Enterprise | Phones/Service for Village 02.23 | \$456.43 |
| Aero Operating, LLC | Monthly Trash Removal-February 2023 | \$69,737.09 |
| Anton Community News | Legal Notice-BOT Meeting/Public Hearing 02.06.23 | \$156.00 |
| Automotive Unlimited | Grease for Truck 02.23 | \$64.90 |
| Barnwell House of Tires | 2 Tires for 2009 International Truck 02.23 | \$1,442.48 |
| Bayles Garden Center | Oil Mix Gas/Top Soil 12.22 | \$76.00 |
| Big Valley Nursery, Inc. | 2 Cycle Oil/Mower Blades 02.23 | \$303.91 |
| CIT | Monthly Lease for Copier 02.23 | \$232.63 |
| Davis Vision | Vision Insurance for Employees 03.23 | \$45.92 |
| Dog Waste Depot | Dog Waste Bags for Park 01.23 | \$199.98 |
| Dwight Kennedy | Prof. Services-Village Prosecutor 02.22.23 | \$250.00 |
| Granite | Bundling of Phone services 02.23 | \$119.07 |
| ICC CDS, LLC | Municipality Saas System 02.23 | \$7,980.00 |
| ICC CDS, LLC | Laserfiche Cloud 03.23 | \$4,900.00 |
| Leventhal, Mullaney & Blinkoff | Monthly Retainer-BOT, BZA; Justice Court 03.23 | \$6,875.00 |
| Metropolitan Life Insurance | Dental Insurance for Employees 03.23 | \$676.23 |
| NYCOM | Annual Membership Dues 06.01.23-05.31.24 | \$2,542.00 |
| NYSACC, Inc. | Annual Membership Renewal-S. Williams 03.23 | \$60.00 |
| Office of the State Comptroller | Justice Court Fines & Fees 01.23 | \$6,692.00 |
| Optimum | Optimum Services for Office 02.23 | \$154.72 |
| P3 Cost Analysts | Telecom Savings 02.23 | \$22.90 |
| Purchase Power | Addition of Monies to Postal Meter 02.23 | \$352.00 |
| Sourcepass Total | Monthly ESP Remote Support-02.23 | \$1,603.40 |
| SHL Engineering | 2022 P&D Contract; Middle Neck Rd Survey; General Services 12.23 | \$5,217.50 |
| Staples | Supplies for Office 02.23 | \$85.03 |
| S.W.M.A-Town of North Hempstead | Tipping Fees-02.23 | \$968.71 |
| T-Mobile | Cell Phones/Service for Employees 02.23 | \$58.66 |
| The Art of Landscaping | Tree Permit(11) & Landscape Plan(1) Approval 02.23 | \$650.00 |
| Trius | Repair to International Truck 03.23 | \$3,494.71 |
| Martin Velasquez | Reimbursement for Commercial Driver's License 02.23 | \$180.50 |
| | | |
| | | |
| | | |

***CHECKS TO BE ISSUED**

\$32,441.10
\$115,141.34

TOTAL ABSTRACT

\$147,582.44

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 6th day of March 2023.

Mayor Randall Rosenbaum

VILLAGE OF
FLOWER HILL

ARCHITECTURAL REVIEW COMMITTEE
FEBRUARY 27, 2023

RETURNING APPLICATIONS

PA2022-721 - 32 Woodland Road – Second Floor Rear Addition and Interior Alterations

Comments: revised plans approved as submitted

Approved – to BOT

PA2023-26 - 110 Pinewood Drive – Roof Mounted Solar Shingles

Comments:

1. Suggest moving front shingles to upper front roof if solar exposure is viable.

Approved with condition – to BOT

NEW APPLICATION

PA2022- - 140 Crabapple Road – Addition and Alterations

Comments:

1. Revised trim below skirt roof to be wider.
2. Revise muntins in garage doors to be vertical divisions only.

Approved with conditions– to BOT

RESOLUTION NO. __- March 6, 2023
RESOLUTION APPOINTING ELECTION INSPECTOR FOR
GENERAL VILLAGE ELECTION

The following resolution was offered by ___, second by ___:

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 Village elections;

WHEREAS, the General Village Election will be held on March 21, 2023;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby appoints the following person to serve as Alternate Inspector of Election at the General Village Election:

Susan Ben-Moshe

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.



1 BONNIE HEIGHTS ROAD, MANHASSET, NY 11030
(516) 627-5000 FAX: (516) 627-5470
WWW.VILLAGEFLOWERHILL.ORG

RFP LAND USE PLANNING STUDY

Introduction and Background

The Village of Flower Hill, an incorporated Village with approximately 5,000 residents, located in the Manhasset, Roslyn and Port Washington areas of the Port Washington peninsula, is seeking a proposal for the services of a planner to assist in creating new zones for existing residential zones in order to prevent overdevelopment of large areas.

The Village is predominantly built-out with single-family residences in accordance with its zoning. It has been about 40 years since the last major development in the Village, which consisted of condominiums. However, there are several parcels of concern regarding potential future development, including:

- North Hempstead Country Club – 18-hole golf course and country club on approximately 115 acres in the R-1 Residence District, which permits single-family homes on one-acre lots; this property is connected to municipal sanitary sewers.
- Vincent Smith School – 3.1-acre private school campus in the R-2 Residence District, which permits single-family homes on 22,000-square foot lots.
- St. Francis Hospital – approximately 15 acres in the H-1 (Hospital) District; this property is connected to municipal sanitary sewers. There have been indications that the Hospital has outgrown its existing campus and is seeking to expand, potentially including a request for increased height and/or the acquisition and use of adjacent single-family residential parcels.
- DeStefano Property– waterfront parcel on Shore Road containing a commercial use in the R-7 Residence District, which permits single-family homes on 7,500-square foot lots.

MAYOR RANDALL ROSENBAUM, DEPUTY MAYOR BRIAN HERRINGTON,
TRUSTEES, GARY LEWANDOWSKI, FRANK GENESE, MARY JO COLLINS, CLAIRE DORFMAN, MAX FRANKEL
VILLAGE ADMINISTRATOR RONNIE SHATZKAMER, ESQ., TREASURER SUZANNE TANGREDI,
BUILDING SUPERINTENDENT PETER ALBINSKI, PUBLIC WORKS SUPERINTENDENT RICH FALCONES

Scope of Services

We seek consultation and the preparation of a targeted plan for rezoning the above identified properties that are susceptible to what could be significant over-development.

Procedure for Proposals

Submissions for consideration must be received by _____. The Village Board of Trustees will make a selection from among the respondents at a meeting scheduled for _____.

Submissions should be addressed to:

Ronnie Shatzkamer
Village Administrator
Village of Flower Hill
1 Bonnie Heights Road
Manhasset, NY 11030

Selection

The Village reserves the right to select the respondent who best meets the requirements of the RFP, and not necessarily the lowest bidder. Further, the Village reserves the right to amend, in whole or in part, this RFP; withdraw or cancel this RFP; and accept or reject any or all proposals for any or no reason and with no penalty to the Village.

The Village shall inform the Awardee that they have been selected however neither the selection or the issuance of a notice of award shall constitute a binding commitment on behalf of the Village to enter into any contract or binding arrangement with the Awardee.

**LOCAL LAW "F" -
2023**

A Local Law amending Chapter 58 of the Village Code entitled "Zoning Board of Appeals" to amend section 58-8(B) "Variances", as follows:

BE IT ENACTED, by the Board of Trustees of the Inc. Village of Flower Hill as follows:

Section 1. Amending section 58-8(B) entitled "Variances" to include the underlined italicized language as follows:

In the filing of an application with the Board of Appeals for a variance or conditional use permit, the applicant shall either file with the Board, on forms provided by the Board, the written consents of all owners of adjoining and abutting properties and all property across the street within 200 feet of the applicant's property line or, in lieu thereof, shall file with the Board written proof that said owner or owners have been notified, by registered or certified mail with return receipts, or USPS Priority Mail with proof of delivery as to the date of the public hearing on such applications, including a statement of the permit, variance or variances requested. Such written proof shall be filed with the Board not less than 10 days prior to the date set for public hearing on such application. Forms for such notification shall be furnished by the Board.

Section 2. Authority.

The Board of Trustees of the Village of Flower Hill is authorized to adopt this local law pursuant to Municipal Home Rule Law 10(1)(i), 10(1)(ii)(a)(11), and 10(2).

Section 3. Determination for the purposes of the State Environmental Quality Review Act, (SEQRA)

The Board of Trustees is designated as lead agency with respect to this action and the within action is deemed a Type II action as defined under SEQRA having no significant impact on the environment and requiring no further action for the purposes of SEQRA.

Section 4. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. ____ – March 6, 2023

**RESOLUTION SETTING A DATE FOR A SPECIAL MEETING FOR PRESENTATION OF THE
TENTATIVE BUDGET TO THE BOARD OF TRUSTEES**

The following resolution was offered by ___, second by Trustee ___:

BE IT RESOLVED that the Village Administrator will present the 2023-2024 Tentative Budget to the Board of Trustees on Tuesday, March 29, 2023 commencing at 6:00 pm at the Village Hall, 1 Bonnie Heights Rd., Manhasset, NY; and

BE IT FURTHER RESOLVED, that the Village Administrator shall post notice of this meeting Village Hall and the Village newspaper of record.

RESOLUTION NO. __ – March 6, 2023
RESOLUTION INTRODUCING PROPOSED LOCAL LAWS AND AUTHORIZING PUBLIC
HEARING

The following resolution was offered by ____, second by ____:

BE IT RESOLVED, that proposed Local Law F of the year 2023 "Amend 58-8(B) 'Zoning Board of Appeals', 'Variances' to permit USPS Priority Mail" and proposed Local Law G of the Year 2023, "Amend Fee Schedule of Attachment 1 of Village Code Chapter A243, adding a fee schedule for Wireless Telecommunication Facilities" have been introduced; and

BE IT FURTHER RESOLVED, that the Board of Trustees hold public hearings on said proposed Local Laws at 7:30 p.m. on Monday, April 3, 2023 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.

RESOLUTION NO. ____ – March 6, 2023
RESOLUTION TO HOLD THE ANNUAL VILLAGE ORGANIZATIONAL MEETING AND
BUDGET HEARING

The following resolution was offered by ____, second by ____:

BE IT RESOLVED, that the Board of Trustees of the Inc. Village of Flower Hill shall conduct the annual Village Organizational Meeting and 2023-2024 Budget Hearing on April 3, 2023 commencing at 7:30 PM; and

BE IT FURTHER RESOLVED, that the Village Administrator shall post notice of this meeting at Village Hall, in the Village newspaper of record and on the Village Website.

Village of Flower Hill

| Permits Issued From: | | | | 2/1/23 | To: | 2/28/23 | Sorted By Permit Date | |
|----------------------|----------|----------------|----------------------|-------------------------|------|--|-----------------------|------------|
| Date | Perm No. | Tax ID | Location | Owner | Type | Description Of Work | Proj Value | Fee |
| 2/2/23 | M23-045 | 03-143-00250 | 63 DARTMOUTH RD | FALCO, CARMINE | Res | New roof on garage (flat roof-black) | \$9,000 | \$190.00 |
| 2/3/23 | M23-046 | 03-192-0024C | 100 PORT WASHINGTON | ST FRANCIS HOSPITAL | Com | Crane to install rooftop unit at hospital on | | \$100.00 |
| 2/3/23 | T23-047 | 05-152-00630 | 325 STONYTOWN RD | SAVOCCI | Res | Removal of 9 live trees, 9 dead, multiple | | \$1,350.00 |
| 2/6/23 | M23-048 | 05-156-00360 | 108 CARDINAL RD | LIEBMAN, SCOTT | Res | Dumpster in driveway (4 months) | | \$200.00 |
| 2/10/23 | RO23-049 | 03-196-00190 | 81 BOULDER RD | SCHLOSSER, MARK | Res | Road opening to extend gas main to | | \$250.00 |
| 2/13/23 | M23-059 | 06-075-00340 | 3 SPRUCE DR | JEOUN, SUNGMIN | Res | Renew dumpster permit | | \$50.00 |
| 2/14/23 | T23-050 | 03-199-00030 | 85 BRIDGE RD | SCHAEFER RAYMOND & | Res | Removal of one dying tree in rear yard | | \$50.00 |
| 2/15/23 | RO23-051 | 03-203-00030 | 8 COLONY LA | ZERBARINI DGM | Res | Two grass openings for Optimum cable | | \$500.00 |
| 2/15/23 | RO23-052 | 03-203-00370 | 24 COLONY LA | ANAGNOSTOPOULOS | Res | Two openings in grass only for Optimum | | \$500.00 |
| 2/17/23 | T23-056 | 03-207-00020 | 306 CRABAPPLE RD | CHAN, JEREMY | Res | Removal of one dead tree | | \$50.00 |
| 2/17/23 | BP23-054 | 06-05322-00400 | 26 SYCAMORE DR | CHEN, KEVIN | Res | Installation of roof mounted solar panels | \$44,096 | \$690.96 |
| 2/17/23 | T23-055 | 06-804-00340 | 56 KNOLLWOOD RD | TAKHALOV, MIKHAIL | Res | Removal of one large, dead tree in front | | \$0.00 |
| 2/17/23 | BP23-053 | 03-064-00100 | 30 BONNIE HEIGHTS RD | GIANNAKOPOULOS, GREG | Res | Construct 2 car garage and breezeway | \$234,400 | \$2,844.00 |
| 2/21/23 | P23-058 | 06-05309-00790 | 5 THE SPUR | REICH, JESSE & AMANDA | Res | Plumbing for interior alterations (9 fixtures) | | \$235.00 |
| 2/21/23 | M23-057 | 03-200-00360 | 60 PINEWOOD RD | MARTINOLICH | Res | Install new 1,250 gallon septic tank and | \$12,800 | \$228.00 |
| 2/22/23 | M23-060 | 06-076-00560 | 87 FERNWOOD LA | KARAGIANNIS, DEMETRIA | Res | Dumpster renewal | | \$50.00 |
| 2/23/23 | RO23-061 | 05-152-00470 | 20 CHESTNUT RD | KRAMER MARC & DINAH | Res | Road open to replace gas service | | \$250.00 |
| 2/24/23 | M23-062 | 06-085-00140 | 44 WOODLAND RD | MOHAN RAVI & SANGEETA | Res | Direct replacement of 6 windows | \$17,600 | \$275.00 |
| 2/24/23 | M23-063 | 06-05306-02110 | 14 COUNTRY CLUB DR | WILSON LAWRENCE & ROBIN | Res | Replace 7 windows | \$19,971 | \$299.71 |
| 2/24/23 | M23-066 | 03-167-00340 | 375 DOGWOOD LA | TSARTSALIS, CHRISTINA & | Res | Dumpster 1 month | | \$50.00 |
| 2/24/23 | M23-065 | 03-167-00340 | 375 DOGWOOD LA | TSARTSALIS, CHRISTINA & | Res | PQD up to 6 months | | \$100.00 |
| 2/24/23 | T23-064 | 03-200-00360 | 60 PINEWOOD RD | SAVIDIS | Res | Removal of 2 trees- 1 dead, 1 large live | | \$150.00 |
| 2/27/23 | BP23-067 | 03-193-00570 | 135 WOODHILL LN | CVM DEVELOPMENT LLC | Res | New Generac generator | \$12,000 | \$370.00 |
| 2/28/23 | T23-068 | 05-155-00280 | 10 CHANTICLARE DR | SIGMAN, BRIAN & LAUREN | Res | Removal of two large dead trees | | \$50.00 |
| 2/28/23 | T23-071 | 05-156-00090 | 112 RENI RD | CONSTANTAKIS, JOHN & | Res | Removal of one live and two dead trees | | \$150.00 |
| 2/28/23 | M23-069 | 03-192-0024C | 100 PORT WASHINGTON | ST FRANCIS HOSPITAL | Com | Add dental chair in Maria Assunta Bldg, | \$5,000 | \$150.00 |
| 2/28/23 | P23-070 | 03-192-0024C | 100 PORT WASHINGTON | ST FRANCIS HOSPITAL | Res | Plumbing for one dental chair | | \$115.00 |
| Totals | | Permits 27 | | | | Totals | \$354,767 | \$9,247.67 |