

AGENDA

VILLAGE OF FLOWER HILL BOARD OF TRUSTEES

Monday, March 4, 2024

7:30 PM

REGULAR MEETING

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

Pledge of Allegiance

**Memoriam for Rhoda Becker, Former Village Trustee, Historian, Landmark Commissioner
Public Comment**

Approval of Minutes - February 5, 2024 Regular Meeting

Treasurer's Report - Motion to approve claims

Public Works Superintendent

Building Superintendent - February 26, 2024 ARC Report

Administrator's Report

1. Arbor Day resolution
2. Motion to approve declaration of Town of North Hempstead as lead agency under SEQRA for amendment to the town Zoning Code

Attorney's Report - BZA 2/21/24

Mayor's Report

1. Resolution in support of increased AIM funding

Trustee's Report

Tr. Smith Security Committee update

Old Business

Resolution to hold a public hearing to enact Local Laws A & B – 2024

New Business

1. Resolution to hold a special meeting for the presentation of the 2023-24 tentative budget,
2. Resolution to hold the Annual Village Organizational Meeting and 2024-25 Budget Hearing on April 1, 2024
3. New fee schedule
4. Tax Cap discussion

Executive Session

Employee compensation

Next Meeting: Annual Organizational Meeting, Regular Meeting & Public Hearing– Monday, April 1, 2024 at 7:30 PM

A Tribute to Rhoda Becker (1935–2024)

By Mitchell M. Schwartz, Village Historian, March 4, 2024

Dedicated in memory of Rhoda H. Becker

Throughout Flower Hill's 93-year history, hundreds of residents have volunteered their time as civil servants to our village. While many have come and gone, only a handful have left behind a trailblazing, profound, and lasting impact on Flower Hill. One of those individuals was Rhoda H. Becker (1935–2024) – the first woman to serve on the Board of Trustees & the former Planning Board, and as Village Historian. A person whose proud and vigorous participation in our village's government spanned roughly 50 of those 93 years.

Rhoda Becker (née Heffner) was born to Ruth and Benjamin Heffner on November 4, 1935 in New York City – along with her identical twin sister, Lenore. Their late brother, John, was born ten years later, in 1945.

Becker and her siblings were raised in Great Neck, New York – both in the hamlet of University Gardens and in the Village of Russell Gardens. She was exposed to the importance of public servitude and local government at an early age: her father, a condemnation lawyer, served as the Mayor of Russell Gardens. She was an alum of Great Neck North High School, which at the time was the sole public high school in Great Neck.

Following high school, Becker attended Skidmore College, where she earned her Bachelor of Arts degree in Fine Art. After graduating, she began working as a textile designer. It was during this time, early in her textile career, when she met her husband, Dr. Melvin H. Becker, on a blind date arranged by her father. They wed five years later, on June 5, 1960, and would shortly thereafter have two daughters – Barbara Gardiner and Betsy Kushner – and move

to a Michael Radoslovich-designed home at 160 Chestnut Road in the Village of Flower Hill; she called this home hers for over 50 years, living in it for the rest of her life.

As both an active, strong person and as a devoted spouse & parent, Becker cared greatly for her children & their successful education – and for her husband, who served as a doctor for the Metropolitan Opera; she frequently accompanied her husband to the performances.

It was also about this time when Becker became involved in local politics and emerged as a trailblazing figure in local politics. In 1976, she was elected as a Village Trustee, making history as the first female ever elected to any Flower Hill government position. Becker served as a Trustee for 12 years, from 1976 until the end of her sixth term in 1988. Becker would always reflect upon her time on the Board of Trustees with great enthusiasm and nostalgia, having helped successfully govern the Village through a colorful array of matters – from banning lions and tigers from the Village (*see “July 2020 Village History Report” by R. Becker*), to bringing public access cable television to Flower Hill and several other villages in the area.

It was also during this time when Becker would return to school, earning a Master of Business Administration degree from Adelphi University in the early 1980s. She would then go on to become the Planning Director for Nassau County, and she would also serve as the Deputy Commissioner of Solid Waste for the Town of North Hempstead, implementing recycling programs which remain successful to this day and writing the “Rhoda Recycles” section of the Town’s newsletter. She would also assist the Town of North Hempstead in the closing of the Main Street School in Port Washington and transforming it into the thriving community center it is today.

Following the death of former Mayor and Village Historian John W. Walter in 2018, Becker assumed the role of Village Historian. While serving in that capacity, she wrote several

history reports for the monthly village meetings and created a large poster showcasing historical sites in Flower Hill with former Village Trustee Jay Beber. She was then appointed to an additional position in 2022, with Mayor Randall Rosenbaum appointing her as Chair of the Village's Landmarks Preservation Commission. Becker proudly served in these capacities until her death.

Becker died peacefully in Flower Hill on February 7, 2024, aged 88, still proudly serving this community. She had participated in Flower Hill's government for roughly 50 years, making her one of the longest-serving members of Flower Hill's volunteer-based government. Indeed, Rhoda H. Becker was one of the most dedicated, respected, and decorated individuals to ever call Flower Hill home and to serve in our government. Her legacy and contributions to Flower Hill have been monumental and are some of its most prolific for all the right reasons – and they will remain so in perpetuity.

Sources:

- Flower Hill Meeting Minutes, 1931–2024.
- Becker, R. "Village History Reports", 2020–2022.
- Becker, R.; Schwartz, M. Spoken Conversations, 2020-2023.
- “Obituary for Rhoda Heffner Becker”, 2024.

**REGULAR MEETING
OF THE BOARD OF TRUSTEES
February 5, 2024**

A regular monthly meeting of the Board of Trustees was held on February 5, 2024. The meeting was called to order at 7:30 PM by Mayor Rosenbaum with the following in attendance:

Randall Rosenbaum	Mayor
Frank Genese	Deputy Mayor
Gary Lewandowski	Trustee
Clare Dorfman	Trustee
Max Frankel	Trustee
AJ Smith	Trustee
Jeff Blinkoiff	Village Attorney
Ronnie Shatzkamer	Village Administrator
Rich Falcones	Public Works Superintendent
Peter Albinski	Building Superintendent
Suzanne Tangredi	Deputy Clerk/Treasurer

Village Co-Historian Mitchell Schwartz led the assembly in the Pledge of Allegiance. There was one member of the public present.

Approval of Minutes

On motion of Mayor Rosenbaum, seconded by Deputy Mayor Genese I, the minutes of the January 5, 2024 Regular Meeting and January 17, 2024 Special Meeting Meeting/Public were approved by all those who attended the meeting.

Treasurer's Report

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

Architetural Review Committee Report

Mr. Albinski reported on the January 29, 2024 Architectural Review Committee meeting. The following application was approved as submitted: 112 Reni Road for solar panels. The following applications were approved with conditions: 17 Ridge Drive West for an addition and exterior alterations; 63 Middle Neck Road for an addition and exterior alterations; 77 Country Club Drive for additions and alterations; 40 Hewlett Lane for retaining walls and driveway.. No action was taken on the applications for 32 Woodland Road for an addition and exterior alterations and 12 Center Drive for an addition and exterior alterations. On motion of Mayor Rosenbaum, seconded by Trustee Smith, the Board approved the findings of the ARC. Trustee Lewandowski abstained.

Attorney's Report

Mr. Blinkoff presented a report on the findings of the BZA hearing of January 17, 2024.

Mayor's Report

The Mayor reported that the security patrol started on Wednesday, January 31 from 10 pm to 6 am, seven days a week. He appointed a security Committee chaired by Trustee Smith with 5 resident members from different areas of the Village. The first meeting is February 8.

A meeting with Port Washington Police Department will be held on Tuesday, February 6. The Mayor and Deputy Mayor will discuss the possibility of the Department taking over Flower Hill from Nassau County Police.

Vincent Smith School celebrated their 100th anniversary, the Mayor attended a ceremony. There was a presentation at the NCVOA meeting by a company that manufactures stop sign cameras attended by the Mayor and Deputy Mayor. The cameras are not authorized by the State so no action could be taken.

The Mayor attended the Police Commissioner's Council where accident data was presented. A Sergeant from Nassau County Police Tec Dept. visited the Mayor to go over License plate reader technology and uses.

The Mayor attended an Emergency Management class at Nassau County OEM and a webinar on conducting Moratoria.

The Village has ordered signs warning that security patrols are present in the Village.

Old Business

RESOLUTION No. 03 - February 5, 2024

RESOLUTION DECLARING PROPERTY AS SURPLUS

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

WHEREAS it has been determined that the Village has no further use of certain real property, a portion of public street known as Birch Lane, located between 215 and 225 Elderfields Road in Flower Hill Manhasset:

Section 3, Block 13901, Lot N/A

- 11,130± square feet of public (paved) street and land, located at the northerly terminus of Birch Lane
- The site is generally rectangular with approximately 42± feet of frontage along Elderfields Street and a depth of 265± feet along Birch Lane.
- Macadam paved street, concrete storm drains and landscaping on both sides of the street that includes grass and shrubs; and

WHEREAS the Board of Trustees has determined this property is no longer needed for Village purposes and it is in the best interests of the Village to list this property for sale; and

WHEREAS to ensure the Village is receiving a fair sale price, the fair market value has been established by appraisal by SVS Standard Valuation Services, 27 East Jericho Turnpike, Mineola, NY; and

WHEREAS the Village Administrator will oversee the sale of this property at no less than the appraised value plus incidental costs of appraisal and any legal fees required by the transfer;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Flower Hill declares this property to be surplus.

The Board was polled as follows:

Trustee Lewandowski	Aye
Trustee Smith	Aye
Trustee Dorfman	Aye
Trustee Frankel	Aye
Deputy Mayor Genese	Aye
Mayor Rosenbaum	Aye

New Business

RESOLUTION NO. 04 - February 5, 2024

RESOLUTION APPOINTING ELECTION INSPECTOR FOR GENERAL VILLAGE ELECTION

The following resolution was offered by Deputy Mayor Genese, second by Trustee Frankel:
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 19, 2024;
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

In the event that any of the above cannot serve, the following will serve as alternate election inspectors:

Douglas Spadero

Susan Ben Moshe

And in the event they 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 Lewandowski Aye

Trustee Smith Aye

Trustee Dorfman Aye

Trustee Frankel Aye

Deputy Mayor Genese Aye

Mayor Rosenbaum Aye

On motion of Deputy Mayor Genese, seconded by Mayor Rosenbaum, the Board unanimously approved the Security Service Policy which is an addendum to Code Section 147-5.

RESOLUTION NO. 05 – February 5, 2024

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT – D&B ENGINEERING

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

BE IT RESOLVED that the Village of Flower Hill has received a proposal for 2024 Stormwater Management Program Services in accordance with MS4 Permit Compliance Activities from D&B Engineering, 330 Crossways Park Drive, Woodbury, NY, for preparation of the 2021 SWMP Annual Report at a cost of \$9,100.00; and

THEREFORE, the Board of Trustees hereby authorizes the Mayor to enter in said agreement.

The Board was polled as follows:

Trustee Lewandowski Aye

Trustee Smith Aye

Trustee Dorfman Aye

Trustee Frankel Aye

Deputy Mayor Genese Aye

Mayor Rosenbaum Aye

The Board was presented with a proposed update to the Village Code chapter on Trees. A public hearing is planned for April.

Executive Session

On motion of Mayor Rosenbaum, second by Trustee Smith, the Board voted to go into Executive Session to discuss an employee contract.

As no action was taken during Executive Session, on motion of Mayor Rosenbaum, seconded by Trustee Frankel, the Board moved to close the Executive Session and the regular meeting at 8:15 pm.

Respectfully submitted,

Ronnie Shatzkamer
Village Administrator

INC VILLAGE OF FLOWER HILL

TREASURER'S REPORT

BALANCE FOR MARCH 2024

DATE PREPARED BY TREASURER -03/01/2024

FNB LI-GENERAL FUND	CHECKING-1447	\$146,209.69
FNB LI-TRUST & AGENCY	CHECKING-1454	\$112,065.49
FNB LI - CAPITAL RESERVE	SAVINGS - 0288	\$0.00
FNB LI-GENERAL FUND INVESTMENT	INVESTMENT	\$0.00
TD BANK-GENERAL FUND	CHECKING-9575	\$321,930.77
TD BANK-TRUST & AGENCY	CHECKING-9640	\$327,870.52
TD BANK-CAPITAL RESERVE	SAVINGS-9682	\$100,602.43
TD BANK-GENERAL FUND INVESTMENT	INVESTMENT	\$635,946.40
NYCLASS INVESTMENT FUND	INVESTMENT	\$641,279.80
FNB LI - JUSTICE	CHECKING	\$700.76
FNB LI - ASSOCIATE JUSTICE	CHECKING	\$5,167.51
MONTHLY RECEIPT DEPOSITS		\$75,400.75
MONTHLY TAX DEPOSITS		\$3,494.64
MONTHLY EXPENDITURES		\$291,515.78

ABSTRACT OF AUDITED VOUCHERS
VILLAGE OF FLOWER HILL, COUNTY OF NASSAU, NEW YORK
GENERAL FUND
MARCH 2024

ABSTRACT #9

Date of Audit -Monday, March 4, 2024

(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>
*DeLage Landen Financial Services	Monthly Lease for Blueprint Copier 01.24	\$248.00
*Granite Communications	Bundling of Services 02.24	\$137.66
*Lawman Enterprises	Code Enforcement 01.14.24-01.26.24	\$1,820.00
*NYS Employees Health Insurance	Health Insurance Premium 03.24	\$29,106.73
*PSEGLI	Electric for Street Light 02.24	\$12.96
*Visa	Camera; Vacuum; Dog Waste Bags 01.24	\$496.47
*Wex Bank	Exxon/Mobil Gas for Vehicles 01.24	\$475.05
*Windstream Enterprise	Phones/Service 02.24	\$437.89
*First Citizens Bank & Trust Co	New Copier Lease & Fees 02.24	\$452.87
*Lawman Enterprises	Code Enforcement Services 02.05.24-02.16.24	\$1,170.00
*Metropolitan Life Insurance Co	Dental Coverage 03.24	\$716.82
*National Grid	Gas Service 02.24	\$1,138.19
*Office of the State Comptroller	Fines & Fees for December 2023	\$591.00
*P3 Cost Analysts	telecom Savings 02.24	\$22.90
*PSEGLI	Electric for Park 02.24	\$17.75
*TGI Office Automation, Inc.	B&W/Color Copies 02.24	\$157.95
*Verizon	High Speed Internet Service 02.24	\$108.99
Aero Operating, LLC	Monthly Trash Removal 02.24	\$69,737.09
Alper's Hardware	Supplies for Highway Dept. 02.24	\$34.83
Atlantic Salt	Salt for Village Roads 01.24	\$4,029.75
Automotive Unlimited	Supplies for Repair to Village Vehicles 02.24	\$447.53
Brian Meyerson	Village Prosecutor 02.28.24	\$250.00
Edmunds Gov Tech	Financial Software 02.24	\$23,900.00
DeLage Landen Financial Services, Inc.	Monthly Lease for Copier 03.24	\$259.30
Dwight Kennedy, Esq.	Village Prosecutor 02.28.24	\$250.00
EconoSigns	Signs for Security Patrol 01.24	\$1,352.40
EconoSigns	Signs for Village Roads 01.24	\$1,307.33
Richard Falcones	Opening of Village for Election 02.13.24	\$35.00
General Code	Code Supplement #70 02.24	\$947.00
Leventhal, Mullaney & Blinkoff	Monthly Retainer: BOT; BZA, Justice Court-March 2024	\$6,875.00
Minuteman Press	Envelopes for Office 02.24	\$274.27
NYCOM	Annual Membership Dues 02.24	\$2,542.00
NYS Magistrates Association	Annual Membership Dues 02.24	\$160.00
Office of the State Comptroller	Justice Court Fines & Fees 01.24	\$893.00
Pro Protection Security, Inc	Security Car for Village January-February 2024	\$12,554.56
Purchase Power	Addition of Monies to Postal Meter 02.24	\$352.00
Randal Rosenbaum	Reimbursement for Mayor Breakfast/Closing VH for Election 02.24	\$173.91
Mitchell Schwartz	Assistant in Office for Scanning 02.24	\$180.00
SHL Engineering P.C.	Engineering Services for December 2023/January 2024	\$2,897.50
Sourcepass	Microsoft Annual Agreement 02.24	\$1,761.60
Sourcepass	Monthly Billing for February 02.24	\$1,765.20
Staples	Office Supplies 02.24	\$404.27
S.W.M.A.-Town Of N. Hempstead	Dumping Fees for January 2024	\$369.28
T.F. O'Brien Cooling & Heating	Repair to Heat in Basement 02.24	\$562.45
Town of North Hempstead	VFBL Coverage 07/01/2023-2024	\$12,300.83

*CHECKS TO BE ISSUED	\$37,111.23
	\$146,616.10
TOTAL ABSTRACT	\$183,479.33

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 4th day of March 2024.

Mayor Randall Rosenbaum

RESOLUTION NO. __ – April 3, 2023
RESOLUTION PROCLAIMING ARBOR DAY

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

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air produce life-giving oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our village increase property values, enhance the economic vitality of business areas and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I Randall Rosenbaum, Mayor of the Village of Flower Hill do hereby proclaim that the last Friday in April (April 26, 2024) of each year as Arbor Day in the Village of Flower Hill and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

BE IT FURTHER RESOLVED that the provisions of this resolution shall take effect immediately.

The Board was polled as follows:

Town of North Hempstead

Supervisor
Jennifer DeSena

Town Board
Robert J. Troiano
Edward Scott
Dennis J. Walsh
Christine Liu
David A. Adhami
Mariann Dalimonte



Town Clerk
Ragini Srivastava

Receiver of Taxes
Mary Jo Collins

Department of Planning & Environmental Protection

210 Plandome Road
Manhasset, NY 11030
(516) 869-7665

February 20, 2024

RE: State Environmental Quality Review Act - Intent to Declare Lead Agency
Proposed Action: Amendment to Article II (§70-5.2 Special Uses)

To All Involved Agencies:

Enclosed, please find a copy of the site plan and Full Environmental Assessment Form for the proposed amendments to the Town Zoning Code establishing new Special Uses in the Residence AAA District.

The North Hempstead Town Board wishes to declare itself Lead Agency pursuant to 6 NYCRR Part 617 ("SEQRA") on or after March 21, 2024. Please review the enclosed materials and advise us by that date if you have any objection to the Town of North Hempstead serving as Lead Agency or if you have any comments or questions regarding the Proposed Action.

Very truly yours,

TOWN OF NORTH HEMPSTEAD

Wesley Sternberg

Wesley Sternberg, AICP
Department of Planning and Environmental Protection

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Amendment to R-AAA Uses		
Project Location (describe, and attach a general location map): Town of North Hempstead		
Brief Description of Proposed Action (include purpose or need): Addition of Special Uses to the R-AAA zoning district for the purpose of permitting certain activities of Fire Departments including training, vehicle storage maintenance, and the establishment of Fire Houses and EMS Stations on properties larger than 10 acres.		
Name of Applicant/Sponsor: North Hempstead Town Board	Telephone: 516-869-6311	
	E-Mail: planning@northhempsteadny.gov	
Address: 220 Plandome Rd		
City/PO: Manhasset	State: NY	Zip Code: 11030
Project Contact (if not same as sponsor; give name and title/role): N/A	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): N/A	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:



Resolution No. ____ - March 4, 2024
A Resolution Calling for an Increase in AIM Funding

The following Resolution was offered by _____, second by _____:

Whereas, the Aid and Incentives for Municipalities (AIM) program plays a critical role in funding essential municipal services for cities and villages across New York State; and

Whereas, city and village officials share the same priorities as our state leaders which is to make New York safer and more affordable; and

Whereas, New York's local governments, who are on the frontlines of controlling property tax affordability and ensuring public safety, are integral to achieving those goals; and

Whereas, the State has not increased AIM funding in 15 years and according to the Bureau of Labor Statistics, inflation has increased by nearly 45% during that same period; and

Whereas, this neglect from the State has led to rising municipal tax burdens and harmful disinvestment in essential municipal services and staff; and

Whereas, the property tax cap further limits the ability of local governments to properly fund the services their residents need; and

Whereas, the challenges of rising inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid, only accentuate the need for an increase in AIM funding; and

Whereas, the Governor's 2024-25 Executive Budget proposes to keep AIM funding flat; and

Whereas, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York;

Now, therefore, be it resolved that the Village of Flower Hill urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2024-25 adopted State Budget.

The Board was polled as follows:

A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Jack Martins, Assemblymember Gina Silletti and the New York State Conference of Mayors.

RESOLUTION NO. ____ – March 4, 2024

RESOLUTION TO INTRODUCE LOCAL LAW A – 2023 and LOCAL LAW B - 2024

The following resolution was offered by ____ second by ____:

BE IT RESOLVED, that Proposed Local Law A – 2024, Amending section 119-1(H), "Fence Requirements", adding new sub section (6) On properties abutting Northern Boulevard has been introduced; and

BE IT RESOLVED, that Proposed Local Law B – 2024, Replacing Chapter 219, "Trees" has been introduced; and

BE IT RESOLVED, that the Board of Trustees hold public hearings on said proposed Local Laws at 7:30 p.m. on Monday, April 1, 2024 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:

**PROPOSED LOCAL
LAW "A" - 2024**

A Local Law amending 119-1(H), "Fence Requirements", adding Northern Boulevard, as follows:

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

Section 1. Amending section 119-1(H), "Fence Requirements", as follows (italicized in red):

Notwithstanding anything herein above contained to the contrary, and without limitation upon any other provision of this Code limiting the height of fences, fences erected hereunder shall not exceed a height of six feet from the existing grade at the base thereof:

(1)

Only the section of fence on properties abutting Port Washington Boulevard.

(2) *Only the section of fence on properties abutting Middle Neck Road.*

(3) *Only the section of fence on properties abutting Northern Boulevard.*

(4) On buffer strip fences, as provided in § **240-15D(2)(d)** of this Code.

(5) On pool fences, as provided in Chapter **201** of this Code.

(6) On tennis court fences, as provided in Chapter **212** of this Code.

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.

Proposed Local Law B – 2024
Replace Chapter 219

CHANGE TITLE OF CHAPTER TO "TREES" (Shrubs, brush, grass & weeds are dealt with in Property Maintenance)

§ 219-1 Findings; intent.

The Board of Trustees of the Village of Flower Hill ("Board of Trustees") recognizes that trees stabilize the soil, control water pollution by preventing soil erosion and flooding, absorb air pollution, provide us with oxygen, yield microclimatic effects, are a natural barrier to noise, provide a natural habitat for the wildlife in our area and have an intrinsic aesthetic quality. Destruction or removal of trees deprives the residents of the Village of Flower Hill, as well as all sectors of society, of these benefits and disrupts fundamental ecological systems of which they are an integral part. Therefore, it is the intent of the Board of Trustees, in enacting this chapter, to regulate the destruction and removal of trees to secure these benefits for the present and future inhabitants of the Village of Flower Hill.

219-2 Definitions

For the purposes of this section, the following terms shall have the following meanings:

APPLICANT The owner of real property, or his duly authorized agent, seeking a permit to remove trees pursuant to the provisions of this chapter

BOARD OF TRUSTEES The Board of Trustees of the Village of Flower Hill

DECIDUOUS TREE Any tree that loses its leaves annually after the growing season.

EVERGREEN TREE Any non-deciduous tree which has foliage that remains green and functional through more than one growing season.

GIRTH The circumference of a tree trunk, measured anywhere four inches to six inches above the ground-level base of the tree.

HABITAT The natural growing characteristics of a tree, including branch spread and distribution, root spread and distribution and aboveground branch height.

PERSON Any individual, firm, partnership, association, corporation, company, public agency, public utility or organization of any kind, or agent thereof.

PUBLIC RIGHT-OF-WAY The unpaved portion of a public street which abuts private property and lies between the public street and private property.

REAL PROPERTY All property within the metes and bounds of the building lot, including the Village owned right-of-way adjoining said lot.

PUBLIC RIGHT-OF-WAY The unpaved portion of a public street which abuts private property and lies between the public street and private property.

SPECIMEN TREE May be deciduous or evergreen. Usually grown in a prominent position to be viewed from all angles for the beauty of its flower, color or natural growth pattern.

SUBSTANTIAL ALTERATION Any cutting or drastic pruning or altering the grade around the habitat of a tree which impairs, destroys or endangers the life of such tree or destroys its natural symmetry, including but not limited to heavy or unnecessary cutting of top branches or of major lower limbs of a tree. In any event, the removal of more than 50% of a tree's crown or limbs, or any cutting or trimming that would be deemed substantial by industry standards (ANSI), shall be a substantial alteration.

TREE Any deciduous or evergreen living woody plant, its root system and the environment within the area, defined by the outermost limits of its branches, the trunk of which is seven inches in diameter or greater at a height of four feet from ground level; minor forest vegetation of any size. Excluded from this definition are landscape shrubs including but not limited to arborvitae, Leyland cypress, holly, juniper, wintercreeper, azalea and rhododendron and the like.

VILLAGE ARBORIST A duly licensed arborist hired by the Village of Flower Hill to determine the conditions of trees with respect to disease, insect attack and danger of falling in connection with a permit application to remove trees pursuant to the provisions of this chapter.

ART. I Protection & Maintenance

§219-3 Protection of trees.

A. Every property owner or occupant shall be responsible for the normal care, including watering, of trees, shrubs and plants located on such property.

B. Willful injury or disfigurement of any tree growing within the Village shall be a violation of this chapter;

C. No person shall in anywise mutilate, girdle, cut, injure or destroy any tree or shrub in or upon any street, highway, parkway or public place in the Village of Flower Hill.

(1) Attach any sign, notice or other object to any tree or fasten any wires, cables, nails or screws to any tree in a manner that could prove harmful to the tree, except as necessary in conjunction with activities in the public interest.

(2) Pour any material on any tree or on nearby ground which could be harmful to the tree.

(3) Cause or encourage any unnecessary fire or burning near or around any tree.

(4) Construct a concrete, asphalt, brick or gravel sidewalk or otherwise fill up the ground around any tree so as to cut off air, light or water from the roots.

(5) Pile building material or equipment around any tree so as to cause injury thereto.

D. A protective barrier shall be placed around the protected trees prior to land preparation or construction activities and shall remain in place until all construction activity is terminated.

E.

No equipment, chemicals, soil deposits or construction materials shall be placed within the protective barriers.

F. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

§ 219-4 Exemptions.

A. Any person doing business as a public utility subject to the jurisdiction of the New York State Public Service Commission and any duly constituted public agency authorized to provide utility services shall be permitted to trim, prune or alter any tree which may otherwise be lawfully altered by such person to the minimum extent necessary to enable such person to repair existing utility services without having first obtained a permit pursuant to § 219-7 of this chapter.

B. The New York State Department of Environmental Conservation shall be permitted to trim, prune or remove trees pursuant to law without the necessity of obtaining a permit pursuant to § 219-7 of this chapter.

C. The State of New York, Town of North Hempstead, County of Nassau and Village of Flower Hill shall be permitted to trim, prune or remove trees pursuant to law without the necessity of obtaining a permit pursuant to § 219-7 of this chapter.

§ 219-5 Defacing or damaging of trees by animals prohibited.

No dog or other animal shall be permitted to stand, walk, vent or run in a manner or at a place where it may cut, deface, uproot or mutilate or commit a nuisance upon any shade or ornamental tree, shrub, grass or plants in or upon any public place or upon any private field, woodland or plot or parcel of land except by specific permission and consent of the owner of said property; and no building or other materials or debris of any kind shall be piled or maintained against any tree or shrub.

219-5 Planting and maintenance in public areas.

A. Planting, cutting and destruction of trees.

(1) No tree, shrub or plant shall be planted in or upon any road, street, parkway, highway or other public place in the Village of Flower Hill until a permit therefor has been issued by the Building Superintendent

(2) No stem, branch, leaf, fruit, berry, flower or seed of any tree, shrub or flower on any such road, street, parkway, highway or public place shall be cut, broken or destroyed; nor shall the root of any such tree, shrub or plant be destroyed or interfered with in any way by any individual or by any officers, servants or employees of a public or private corporation until a permit shall have been issued therefor by the Building Superintendent

(3) Permits under the provisions of this section of this chapter may be issued by the Building Superintendent without charge upon application being made therefor in writing.

B. On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained so as to obscure the view and create a dangerous traffic hazard. For the purpose of this chapter, a "traffic hazard" is deemed to be created by any fence, wall or other structure or any hedge, tree, shrub or other growth maintained on premises located at road intersections and which fence, wall or other structure, hedge, tree, shrub or other growth, in the opinion of the Village of Flower Hill Board of Trustees, so obstructs the view of operators of motor vehicles as to create traffic hazard.

ART II Tree Removal

§ 219-6 Trimming; removal of dangerous trees.

A. The owner or person in control of a premises shall keep the trees in the sidewalk area fronting on said premises trimmed so that overhanging limbs will not interfere with passersby on the sidewalk or roadway. Such limbs shall be kept trimmed at all times to allow a passage space of not less than 13 feet above the roadway, measured at a point five feet from the curbline. Trees that are dangerous or interfere with vehicle or pedestrian traffic shall be removed at the direction of the Board of Trustees.

B. No person who owns, leases, controls or otherwise occupies or possesses real property in the Village shall, without a permit, cause, suffer, permit or allow the removal, destruction or the substantial alteration of the habitat of any tree located on real property in the Village, nor shall any person or business without a permit remove, destroy or substantially alter the habitat of any tree located on real property in the Village if said tree, or any trunk thereof where such tree has more than one trunk, shall have a diameter, as defined herein, of the following size, as measured at any point from

ground level to a height of four feet six inches from the ground. In the event a tree is split, the measurement shall be taken at the point just below the juncture of the split:

- (1) For specimen trees, a diameter of 2.5 inches or greater.
- (2) For all other evergreen trees, a diameter of 4.5 inches or greater.
- (3) For all other deciduous trees, a diameter of 7.5 inches or greater.

C. This chapter shall not apply in any emergency situation in which the removal, destruction or substantial alteration of any tree or specimen tree is necessary to prevent imminent danger to human life or property. In such event, the permission of the village shall be obtained prior to removal. This chapter shall not apply to nursery stock intended for sale.

§ 219-7 **Required removal.**

A. Private property. Any tree or specimen tree growing on private real property which is endangering or, in the opinion of the Board of Trustees or the Building Inspector, constitutes a danger to a public street or to public places or which in any way endangers the usefulness of a public utility shall be removed or trimmed by the owner of the real property within 14 days after receipt of a notice from the Board of Trustees. In the event that the property owner fails to remove or trim such tree or specimen tree within said time, the Board of Trustees may then remove or trim said tree or specimen tree and assess the cost thereof against the property owner.

B. Public property. Nothing herein shall limit the authority of the Building Inspector or his designee to remove or alter any tree or specimen tree he deems necessary to protect the health, safety and welfare of the village residents.

§ 219-8 **Removal, destruction or alteration of trees.**

A. It shall be unlawful for any owner of real property, or any other person, to cause, permit or allow the removal, destruction or substantial alteration of the habitat of a tree as defined in §219- 2 of this chapter within the Village of Flower Hill, unless:

- (1) A permit is first obtained from the Building Department upon approval of the Village Arborist;
- (2) The work is done as specified in an accepted and approved landscape plan as part of an approved subdivision or building permit for the real property in question;
- (3) The alteration of habitat by the pruning of trees in accordance with customarily accepted ornamental procedures; or

(4) In the event of a life- or property-threatening circumstance requiring the removal, destruction or substantial alteration of the habit of a tree, the Building Superintendent or his/her proxy may authorize the removal, destruction or alteration which shall be certified in writing by the person giving such authority, either before or after the event, as circumstances require.

B. The removal of the tree(s) is necessary for the construction or any improvement for which a valid building permit has been issued upon submission of a landscape plan approved by the Village Arborist.

§ 219-9 Permit required; application; hearing.

A. If a person shall deem it necessary to remove, destroy or substantially alter the habitat of a tree as defined in § 219-2 of this chapter on any real property within the Village of Flower Hill and such person does not have an accepted landscape plan as part of an approved subdivision or building permit and the alteration of habitat is not in accordance with customarily accepted ornamental procedures, then such person shall first make application for a permit to the Superintendent of the Building Department.

(1) Upon receipt of the application, the Village Arborist shall visit and inspect the site to determine the condition of the tree with respect to disease, insect attack and danger of falling. The Village Arborist shall certify in writing whether the tree is healthy or diseased and submit such certification to the Superintendent of Buildings who shall make a decision as to whether the permit should be granted.

(2) The applicant is responsible for paying the Village Arborist inspection fee. A permit will not be granted if the Village Arborist has not had an opportunity to inspect the site and certify the tree's condition.

B.

The application shall include but not be limited to the following:

(1) The name and address of the applicant and owner, if not the same.

(2) The purpose of the proposed tree removal, destruction or alteration.

(3) The site of the proposed tree removal, destruction or alteration.

(4) An attached plan or sketch of the area clearly indicating the following:

(a) An outline of the site showing the location and size of existing trees.

(b) The location and size of tree(s) to be removed destroyed or altered.

(c) The location of any improvements on the property, existing or proposed.

(d) The name and address of the Tree Removal contractor who must be licensed under Section 147-4

(e) Any additional information that the Building Department may deem necessary for evaluation of the application.

C. The decision of the Superintendent of the Building Department shall take into account the following considerations:

- (1)** The location and size of the tree(s) to be removed, destroyed or altered.
- (2)** The condition of the tree(s) with respect to disease and potential for creating hazardous conditions.
- (3)** The proximity of the tree(s) to existing or proposed structures and utility appurtenances.
- (4)** The reason for the removal.
- (5)** The character established at the site or proposed site with respect to existing trees or other vegetation in the immediate vicinity, locality or village.
- (6)** The environmental effect of the removal, destruction or alteration.
- (7)** The aesthetic effect of the removal, destruction or alteration.
- (8)** The intentions of the applicant to replant additional tree(s) at the site.
- (9)** Any of the considerations enumerated in § 219-1 of this chapter.
- (10)** An application fee in the sum set forth in Chapter A243, Fees, Charges and Deposits, shall accompany an application for a permit hereunder.

D. Upon the submission of an application, inspection by the Village Arborist if required, and upon approval by the Superintendent of the Building Department, the Village shall issue a permit. All work to be performed pursuant to a duly issued permit for the removal of trees shall be limited to weekdays from 8:00 a.m. to 6:00 p.m., excluding federal holidays.

§ 219-10 Replacement of trees.

The Superintendent of the Building Department may require the planting of one or several of the same or agreed upon alternate species of trees as are nearly comparable in type and size as practical to the trees to be removed, when the individual character of the tree(s) or the ecological setting requires special consideration, as a condition for the issuance of a permit for tree removal. The location for planting of the replacement trees shall be agreed upon between the applicant and the Superintendent of the Building Department prior to issuance of a permit for removal.

§ 219-11 Required removal.

A. Maintenance.

- (1)** The maintenance and care of any tree growing within a public right-of-way shall be the responsibility of the private property owner whose property abuts the public right-of-way. Maintenance of trees shall include all necessary trimming, pruning and removal of trees as required by the Superintendent of the Building Department.

(2) Maintenance shall also include the trimming or removal of any tree or bush that obstructs the line of sight of a person accessing a public street, as determined by the Superintendent of the Building Department.

B. Any tree growing on private real property or within a public right-of-way which is endangering or, in the opinion of the Superintendent of the Building Department, constitutes a danger to the public, public street or to a public place, or which in any way endangers the usefulness of a public sewer or public utility, shall be removed or trimmed by the owner of real property within 14 days of receiving notice from the Building Department, unless the danger is imminent, in which case the work shall be completed within one business day of receiving notice. In the event that the owner fails to remove or trim such tree within said time, the Superintendent of the Building Department may then arrange for the removal or trimming of said tree and assess the cost thereof against the property owner.

C. Nothing herein shall limit the authority of the Superintendent of the Building Department to remove or alter any tree that is growing on public or private property or a public right-of-way if he deems it necessary to protect the health, safety and welfare of the Village residents.

D. No new trees shall be planted within the public right-of-way unless authorized by the Superintendent of the Building Department.

§ 219-12 **Penalties for offenses.**

A. Any person who shall violate any provision of this chapter shall be deemed guilty of a violation, and, upon conviction thereof, the court may impose a fine of no less than \$5,000 and no more than \$10,000 per tree illegally removed, destroyed or substantially altered. The court, in addition to any penalties imposed, may order any person convicted of violating the provisions of this chapter to replace the tree(s) illegally removed, destroyed or substantially altered with the same species or agreed-upon alternate species having approximately the same diameter. Each such violation shall constitute a separate offense and shall be punishable as such hereunder.

B. In addition to any penalties which may be imposed pursuant to Subsection A, any person who violates any provision of this chapter may be ordered to restore the premises damaged by the unlawful removal, destruction or alteration of trees to such suitable conditions as the Board of Trustees may require. In the event that the property is not restored within a reasonable time, as determined by the Board of Trustees, they may restore, or cause to be restored, such real property, and all costs incidental to such restoration shall be assessed against the real property in question and shall be a lien against said real property in the same manner as real estate taxes, with the same force and effect.

§ 219-13 Administration.

This chapter shall be administered by the Board of Trustees, which shall have the authority to promulgate rules and regulations for the effective administration of this chapter consistent with the intent of this chapter as stated in § **219-1**. It shall have the authority to hire a licensed arborist or a landscape architect as a consultant, subject to the approval of the Board of Trustees.

§ 219-14 Appeals.

A. Any person aggrieved by any act or determination of the Superintendent of the Building Department in the exercise of the authority herein granted shall have the right to appeal to the Board of Trustees within 30 days after the determination is made, by filing an application for a Special Use Exception Permit

B. An appeal shall be in writing, stating the decision appealed from and the reasons for the appeal. The determination of the Board of Trustees shall be binding and conclusive.

RESOLUTION NO. __ – MARCH 1 2024

**RESOLUTION TO HOLD THE ANNUAL VILLAGE ORGANIZATIONAL MEETING AND
BUDGET HEARING**

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

BE IT RESOLVED, that the Board of Trustees of the Inc. Village of Flower Hill shall conduct the annual Village Organizational Meeting and 2024-2025 Budget Hearing on April 1, 2024 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.

The Board was polled as follows: