

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES PUBLIC HEARING
October 24, 2019 – 7 p.m. – MINUTES**

CALL TO ORDER: 7:00 p.m.

Pledge of Allegiance: Silvio Di Lucia

Attendance: *Trustee Rita Di Lucia, Trustee Ken Kraft, Trustee John Popeleski, Deputy Mayor Priscilla von Roeschlaub, Mayor Jim Avena, Sharon Abramski, Village Clerk-Treasurer, Jonathan Fielding – Village Attorney.*

ATTORNEYS COMMENTS REGARDING SEQRA RESOLUTION:

- A Motion to designate tonight’s proposed local law #14 as SEQRA Type II action and designate the Village Board of Trustees as the lead agency if the laws are accepted.

- *Jim Avena moved to accept the SEQRA determination for Local Laws #14 of 2019; seconded by John Popeleski; motion unanimously carried.*

LOCAL LAWS BEFORE THE BOARD:

Proposed Local Law #14-2019 - A local law amending Village Code Chapter 38 (“Building Code Administration”), by repealing section 38-18 “Energy Star Requirements.”
Village Attorney Jonathan Fielding, explained the history of the Energy Star requirements established in 2007 and noted that the Village needed to repeal the local law due to changes.

PUBLIC COMMENTS: None

- *Jim Avena moved to close public comment; seconded by Priscilla von Roeschlaub; motion unanimously carried.*

- *Ken Kraft moved to accept LL#14; seconded by John Popeleski; motion unanimously carried.*

ADJOURNMENT: 7:03 p.m.

- *Jim Avena moved to adjourn the hearing and move into the general session; seconded by Ken Kraft; motion unanimously carried.*

Sharon Natalie Abramski, RMC, CMC
Manorhaven, NY
October 24, 2019

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES MEETING
October 24, 2019 – 7 p.m. - AGENDA**

CALL TO ORDER: 7:03 p.m.

EXECUTIVE SESSION: To Seek Legal Counsel

- Jim Avena moved to enter into Executive Session at 7:04 p.m.; seconded by John Popeleski; unanimously carried.
- Rita Di Lucia moved to close the Executive Session and resume the General Meeting at 7:13 p.m.; seconded by Priscilla von Roeschlaub; unanimously carried.

MAYOR COMMENTS:

REPORTS:

- Justice Court
- Police Department
- Building Department
- Jim Avena moved to accept the reports; seconded by Priscilla von Roeschlaub; motion unanimously carried.

MINUTES:

- Draft Minutes of the September 26, 2019 - BOT Hearing and General Session
- Draft Minutes of the October 10, 2019S - Work Session
- Jim Avena moved to accept the minutes; seconded by Rita Di Lucia; motion unanimously carried

ABSTRACT OF CLAIMS:

- Abstract of Claims – General Fund 9/25/19 through 10/22/2019
- Abstract of Claims – Capital Fund 9/25/19 through 10/22/2019
- John Popeleski moved to accept the abstracts; seconded by Jim Avena; motion unanimously carried.

RESOLUTIONS:

RESOLUTION #43 - 2019 – RESOLUTION TO AMEND BUILDING PERMIT FEES FOR ANSI STANDARDS

WHEREAS, under section 38-16 of the Code of the Inc. Village of Manorhaven, the fee schedule for building permits and other permits issued by the Superintendent of Buildings may be amended by resolution of the Board of Trustees; and
WHEREAS, the American National Standards Institute promulgated a new standard for the calculation of floor area in residential development in 2013, entitled, “SQUARE FOOTAGE–METHOD FOR CALCULATING: ANSI Z765-2013,”
THEREFORE, BE IT RESOLVED, that the fee schedule for building permits issued by the Superintendent of Buildings shall be amended such that the Superintendent of Buildings shall calculate the square footage of residential developments in accordance with the standards outlined in ANSI Z765-2013; and
BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.
- John Popeleski moved to accept the resolution; seconded by Ken Kraft; motion unanimously carried.

RESOLUTION #44 - 2019 – RESOLUTION RATIFYING AN INTERMUNICIPAL AGREEMENT REGARDING THE TOWN OF NORTH HEMPSTEAD REHABILITATION PROJECT

WHEREAS, the Village of Manorhaven (the “Village”) has undertaken a sanitary sewer rehabilitation project which requires the Village to access certain sanitary sewer infrastructure located on real property owned by the Town of North Hempstead (the “Town”); and
WHEREAS, the Town has agreed to provide a license to the Village to access such infrastructure, pursuant to the terms of a proposed Intermunicipal agreement between the Village and the Town;
NOW, THEREFORE, BE IT RESOLVED, that a certain Intermunicipal Agreement by and between the Inc. Village of Manorhaven and the Town of North Hempstead, in connection with this sanitary sewer rehabilitation project, be and hereby is ratified; and

BE IT FURTHER RESOLVED, that the Mayor or his designee be and hereby is authorized to execute said Intermunicipal Agreement on behalf of the Village; and

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

- *Rita Di Lucia moved to accept the resolution; seconded by John Popeleski; motion unanimously carried.*

RESOLUTION #45 - 2019 – RESOLUTION FOR A TRANSFER OF HEARING TO THE PLANNING BOARD

WHEREAS, an application was filed with the Planning Board by Secatoag 20-26, LLC, under case no. PB 9-2019, for site plan review with respect to the property commonly known as 22 Sagamore Hill Drive, Port Washington, NY 11050, identified on the Nassau County Land and Tax Map as Section 4, Block 39, Lots 1-10 & 56-58 (the “Subject Property”); and

WHEREAS, the Subject Property exceeds 0.5 acres in lot area and the application is with respect to a commercial/multiple dwelling development; and

WHEREAS, under section 155-61.1 of the Code of the Inc. Village of Manorhaven, the Board of Trustees “shall have the authority to transfer powers of review for any nonresidential or multifamily project (three or more units) located on a lot of .5 or more acres to the Planning Board on an individual basis.”;

THEREFORE, BE IT RESOLVED that the above referenced application under case no. PB 9-2019 shall be transferred to the Planning Board of the Inc. Village of Manorhaven for such Board to hear and determine the application for site plan review; and

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

- *John Popeleski moved to accept the resolution; seconded by Rita Di Lucia. Priscilla von Roeschlaub voted aye; Ken Kraft voted nay and Jim Avena recused himself from the vote; motion carried.*

PUBLIC COMMENTS:

- Zygmunt Jagiello feels that the project is difficult, is a large project and is unusual. He feels that this application addresses complicated issues and feels the Board of Trustees should be involved. He is not thrilled to have this application before the Planning Board. The Board discussed their point of view.

- Dominick Masiello feels the Planning Board will need to address the traffic flow.

- Jonathan Fielding said the Planning Board only needs to review the flow of traffic and in and out of the property.

- Ken Kraft plans to give a document review to the Planning Board He feels H2M’s analysis was incomplete and plans to make a formal presentation. He prefers that the Board of Trustees handle this application.

- Jim Avena reiterated the Board of Trustees had Cameron engineering do a separate engineering review of the H2M document and soil test results.

- Peter Dejana told Trustee Kraft that he feels that he is against his project altogether and that the planning Board now has to accept the decision of the Board of Trustees.

- Rita Di Lucia noted that during the work session the Board of Trustees decided that Avena would recuse himself regarding this application.

- Ken Kraft told Dejana that agrees that he is against his application and the variances that were granted by the BZA.

- Jonathan Fielding quoted a local law stating that it was very clear that the Board of Trustees could transfer matters to the planning Board. Another portion of the local law stated that they may review it if it’s under a half acre, so there is some confusion in the laws.

- Jim Avena stated the Planning Board will have their own engineer to assist them.

- Nick Marra stated the Board of Trustees has the power to refer this to the Planning Board. He went to all of the meeting in both the BZA and Planning Board with reference to this property. The 200 people who attended asked multiple questions. If Ken thought there were inconsistencies, he should have brought them up at those meetings; he did not.

- Rita Di Lucia said she didn’t realize that the Planning Board or “Ziggy” was so uncomfortable hearing this application, but after some discussion she said nothing has changed in the overall opinion of the Board of Trustee.

- Jeremy Devine discussed the “Poppy Program.”

UPCOMING MEETINGS/EVENTS:

- Tuesday, November 5 – Election Day – Village Offices Closed

- Thursday, November 7 at 6:30 p.m. – Public Meeting to Discuss Streetscape Project

- Monday, November 11 – Veteran’s Day – Village Offices Closed

- Thursday, November 14 at 6 p.m. – Work Session
- Thursday, November 21 at 7 p.m. – BOT General Session
- Thursday & Friday, November 28 & 29 - Thanksgiving – Village Offices Closed

ADJOURNMENT: 7:44 p.m.

- Priscilla von Roeschlaub moved to adjourn; seconded by John Popeleski; motion unanimously carried.

Manorhaven, NY
Sharon Natalie Abramski, RMC, CMC
Village Clerk-Treasurer
October 24, 2019