

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES PUBLIC HEARING  
February 27, 2020 – 7 p.m. – AGENDA**

**CALL TO ORDER:**

Pledge of Allegiance:

Attendance:

**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.*

**LOCAL LAWS BEFORE THE BOARD:**

**Proposed Local Law #1-2020** - A local law local law amending Chapter 147 (Vehicles and Traffic), Article III (Parking, Stopping and Standing), by amending Section 147-52 (Schedule XVI: Handicapped Parking) to designate a reserved parking space for handicapped parking on the north side of Graywood Road in front of house number 18 and remove a sign in front of Dunes Lane.

**BE IT ENACTED** by the Board of Trustees of the Inc. Village of Manorhaven as follows:

Chapter 147 Vehicles and Traffic § 147-52 Schedule XVI: Handicapped Parking is modified as follows (N.B., additions are boldfaced and deletions are struck through):

**§ 147-52 Schedule XVI: Handicapped Parking.**

[Added 10-24-1984 by L.L. No. 9-1984]

In accordance with the provisions of § 147-22.1, the stopping, standing or parking of a vehicle in the locations described below, which are hereby designated as places for handicapped parking, is prohibited, unless the vehicle bears a permit issued under § 1203-a or registration issued under § 404-a of the New York State Vehicle and Traffic Law and such vehicle is being used for the transportation of a severely disabled or handicapped person:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Cambridge Avenue [Added 10-10-2019 by L.L. No. 11-2019]	North	In front of No. 41
<del>Dunes Lane [Added 12-11-2014 by L.L. No. 2-2014]</del>	<del>East</del>	<del>From a point 300 feet northerly from the northeast corner of Manorhaven Boulevard and Dunes Lane to a point 20 feet southerly thereof</del>
Edgewood Road [Added 12-18-1985 by L.L. No. 5-1985; repealed 11-22-1989 by L.L. No. 2-1989]		
<b>Graywood Road</b>	<b>East</b>	<b>In front of No. 18</b>
Juniper Road [Added 8-30-2018 by L.L. No. 11-2018]	West	From a point 125 feet northerly from the northwest corner of Cambridge Avenue and Juniper Road to a point 20 feet northerly thereof, in front of No. 41 Juniper Road
Manorhaven Boulevard	North	From a point 60 feet easterly from the northeast corner of Manorhaven Boulevard and Cottonwood Road to a point 20 feet easterly thereof
Sagamore Hill Drive [Added 10-25-2006 by L.L. No. 2-2006]	West	In front of No. 49
Yennicoek Avenue [Added 10-21-2003 by L.L. No. 4-2003]	North	On the north side corner of Yennicoek Avenue, 25 feet west of Sintsink Drive east to a point 20 feet westerly thereof

**BE IT FURTHER ENACTED** that this local law is effective upon filing with the Secretary of State.

**PUBLIC COMMENT:**

**Proposed Local Law #2-2020** – A local law amending Village Code Chapter 123 (Sewers) by adding Article III “Sewer Connection Permits.”

**WHEREAS**, the Inc. Village of Manorhaven operates its own sanitary sewer system for the removal of sanitary sewage and wastewater (the “Sewer System”); and  
**WHEREAS**, properties within the Village and certain properties located outside of the Village are or may be connected to the Village’s Sewer System to provide for the removal of sanitary sewage and wastewater generated by those properties; and  
**WHEREAS**, the Village Board of Trustees seeks to formalize the procedure for a property owner to obtain a permit to connect their property to the Village’s Sewer System;  
**NOW, THEREFORE BE IT RESOLVED** that the following Article III “Sewer Connection Permits” be added to Chapter 123 (Sewers) of the Code of the Inc. Village of Manorhaven.

**CHAPTER 123. SEWERS**  
**ARTICLE III. Sewer Connection Permits**

§ 123-23. Permit required.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Building Department of the Village of Manorhaven or its authorized representative.
- B. All applications to construct, install, alter, replace, modify or change a building sewer shall be made and submitted to the Village in writing, upon the form provided for such purpose by the Village.
- C. The permit fee, in the amount stated on the application form, shall accompany such application. The Board of Trustees of the Village shall set and/or modify the fee for the permit by a resolution of the Board. The applicant shall also provide such bond against potentially required road and/or sewer repairs as the Board of Trustees may require by resolution of the Board.
- D. No permit to connect to the public sanitary sewer will be issued until a finished roof is on the building and the cellar plumbing is in place and inspected by the Code Official of the Village or its authorized representative and the cellar floor completed.
- E. No work shall be commenced on the building sewer until the permit applied for has been issued by the Village, and in any event such commencement shall be preceded by three days' notice to the Village of intent to commence.
- F. The owner shall obtain all necessary permits to open any road for the connection to the public sewer and shall be responsible for all damage to persons or property occasioned by such opening. Pavement replacement shall conform to the requirements of the authority having jurisdiction over said pavement.
- G. The Village Engineer, as overseen by the Code Official, shall inspect the installation and connection of the building sewer to the Village’s sanitary sewer system. The Village Engineer shall promulgate such regulations and standards as it may deem necessary and appropriate to secure and maintain the safety and efficacy of the Village’s sanitary sewer system. All permits shall require the applicant to meet these regulations and standards.

§ 123-24. Building sewers and connections.

- A. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Village for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- B. All work performed under a sewer connection permit shall conform to the Plumbing Code of the Village.
- C. Only those persons licensed to perform plumbing in the Village and supplying to the Village a plumber’s bond as approved by the Village Code Official and/or Village Engineer shall be authorized to perform such plumbing and/or make connections to the public sewer.
- D. The point of connection to the public sanitary sewer shall be as designated by the Village or its authorized representative. The building sewer shall be run directly from said point to the wastewater outlet of the connected building.
- E. No part of the building sewer shall be covered with backfill until it has been inspected by a representative of the Village. The actual connection to the public sewer or manhole of the district shall be made only in the presence of and in the manner directed by said representative.
- F. All work shall be completed in accordance with the Village sewer connection standard specifications. This includes, but is not limited to, excavation, backfilling and compaction, piping, cleanouts, and road restoration as required by the Village standards promulgated by the Village Engineer.
- G. When, in the opinion of the Village Engineer, any extraordinary conditions exist with respect to an application for a permit, the Village Engineer shall determine such special specifications and methods under which that sewer connection shall be made or building sewers installed.

§ 123-25. Penalties for offenses.

- A. Any person found to be violating any provision of this Chapter shall be served by the Village Code Official with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit above denoted shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$1,000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Chapter shall become liable to the Village for any expense, loss or damage occasioned the district by reason of such violation.
- D. The Village may, in addition to the remedies provided above in this section, take such steps as may be necessary to seal or close off any building sewer connection from the Village’s sanitary sewer system until it is satisfied that adequate measures have been taken to prevent the recurrence of any violation of the provisions of this article.

§ 123-26. Repealer and severability; amendment.

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article or chapter which can be given effect without such invalid part or parts.
- C. The Village reserves the right to change or amend this article in accordance with the provisions provided therefor in the Village Law of the State of New York.

**BE IT FURTHER RESOLVED**, that the provisions of this local law shall take effect upon filing with the Secretary of State.

**PUBLIC COMMENT:**

**Proposed Local Law #3-2020** - A local law amending Village Code Chapter 155 (Zoning) by enacting a Moratorium temporarily prohibiting any use involving the sale of marijuana.

**BE IT ENACTED**, by the Board of Trustees of the Inc. Village of Manorhaven as follows:

Section 1. Purpose, intent, and findings. The Board of Trustees of the Village of Manorhaven recognizes that the Governor of the State of New York and leaders of the Legislature of the State of New York have publicly stated that they plan on enacting legislation that will legalize the recreational use of marijuana within the State. The Board further recognizes that the current state of such proposed legislation is undecided and may include the creation of a state regulatory authority controlling businesses that will engage in the sale of recreational marijuana and further that it may include a provision under which certain counties within the State may opt in or out of such legalization. Given the high level of uncertainty surrounding such proposed legislation and the form which it may take, the Board finds that the most sensible course of action is to impose a temporary moratorium on the establishment of any use within the Village that involves the sale of marijuana or marijuana products, or the dispensing or distribution of medical marijuana. Such a moratorium will temporarily prevent the establishment of any such use until the state legislation is enacted in its final form, the County of Nassau takes whatever lawful action in response thereto it deems appropriate, and the Village has the opportunity to analyze the legal effects of such legislation and craft appropriate zoning regulations concerning such uses. The Board further recognizes that such measures were proposed by the Governor and leaders of the Legislature last year, and in response the Village Board had imposed a temporary moratorium under Local Law 3-2019. Ultimately, the session of the Legislature ended without the passage of substantive legislation to legalize marijuana, and the Village's Board of Trustees allowed the temporary moratorium to lapse. The Board finds that given the State's renewed interest in the passage of such legislation, another temporary moratorium would be appropriate.

Section 2. Authority. The Board of Trustees of the Village of Manorhaven is authorized to adopt this local law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general police power vested with the Village of Manorhaven to promote the health, safety, and welfare of all of the residents and property owners in the Village.

Section 3. Definitions. For the purpose of this local law, unless specified below, all terms shall be as defined in the Zoning Code of the Village of Manorhaven, New York (Chapter 155 of the Village Code). The following definitions shall be added to Section 155-6 of the Zoning Code: MARIJUANA: Shall have the same definition ascribed to "marijuana" in §3302 of the New York Public Health Law. MARIJUANA PRODUCT: Marijuana and/or any material, substance or other thing derived (in any manner) from marijuana or which contains marijuana as a component part in any amount or concentration.

MARIJUANA RETAIL STORE A building, structure or premises engaged in the sale, use or distribution of marijuana and/or marijuana products for nonmedical use. A building, structure or premises shall be considered a marijuana retail store regardless of whether products in addition to marijuana products are offered for sale, use or distribution at the building, structure or premises and regardless of the amount of marijuana or marijuana products available for sale, use or distribution at the building, structure or premises in comparison to other products offered for sale, use or distribution at the building, structure or premises.

MEDICAL MARIJUANA: Shall have the same definition ascribed to medical marijuana in § 3360 of the New York Public Health Law.

MEDICAL MARIJUANA DISPENSARY: A building, structure or premises authorized by the New York State Department of Health to dispense or distribute medical marijuana in accordance with Article 33 of the Public Health Law and Part 1004 of Title 10 of the New York Codes, Rules and Regulations.

Section 4. Affected Zoning Districts. This local law is applicable to the following zoning districts only: C-1 Commercial Marine District 2 C-2 Commercial Offices and Services District C-3 Commercial Retail and Sales Stores District BOLD Business Overlay District E-1 Enterprise District MP-1 Marine Preservation District MR Marine Recreational District

Section 5. Duration. The provisions of this local law shall be in effect for a period of six (6) months from the effective date hereof unless earlier repealed, modified, extended, or supplemented by further local law of the Village of Manorhaven.

Section 6. Moratorium. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing, or make any decision upon any application for a building permit, an application for a variance, an application for site plan approval, or an application for a special use permit, seeking to establish a use involving the sale of marijuana or marijuana products or the dispensing or distribution of medical marijuana, whether said application was submitted prior to or after the effective date of this local law. The state statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for a variance(s) from any state or local land use law as indicated are suspended and stayed while this local law is in effect. No existing approved use within the Village shall be permitted to begin the sale, dispensing, or distribution of marijuana or medical marijuana, regardless of the comparative amount of activity involving such sale, dispensing or distribution with other activities already permitted therein.

Section 7. Exceptions. This local law shall not apply to: 1. An existing valid building permit and substantial construction having commenced in reliance thereon. 2. The issuance of a building permit required in connection with the ordinary repairs, maintenance, and/or interior renovations of a structure, and minor exterior changes such as a replacement of windows. 3. The issuance of a certificate of occupancy in connection with the completion of a project that obtained prior site plan approval or subdivision approval and for

which building permits were issued and substantial construction commenced.

Section 8. Appeal Procedure.

1. The Board of Trustees shall have the authority to vary or waive the application of any provision of this local law, in its legislative discretion, upon its determination that such variance or waiver is required to alleviate an unnecessary hardship affecting a lot. To grant such a request, the Board of Trustees must find that a variance or waiver will not adversely affect the purpose of this local law, the health, safety, or welfare of the Village of Manorhaven, nor will it substantially undermine the land use planning and potential revision process under review. The Board of Trustees shall take into account the existing land use in the immediate vicinity of the property and the impact of the variance or waiver on infrastructure, neighborhood and community character, natural resources, government services, and other environmental issues. The development application must comply with all other applicable provisions of the Village's local laws and Village Code.

2. Any application for a variance or waiver shall be filed with the Village Clerk and shall include a fee of five hundred (\$500) dollars for the processing of such application. An application for a variance or waiver shall contain the complete details of the proposed improvement project. To the extent that the Board of Trustees requires a consultant to assist it in reviewing such application, it may also require the applicant to pay the reasonable costs of such consultant. Any consultant shall be selected in the sole discretion of the Board of Trustees.

3. In the sole discretion of the Board of Trustees, the Board may refer any application for a variance or waiver of this local law to any official, department, and/or land use board. The Board of Trustees shall not be bound by any recommendation of any official, department, or land use board and shall conduct a public hearing and make a final decision on the application, with or without conditions. The Board of Trustees shall render a decision on an application for a variance or waiver of this local law within sixty (60) calendar days of the Village Clerk's receipt of a complete application.

4. The Board of Trustees shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of this local law. In the event that the Board of Trustees determines to approve such application, the applicant may seek approvals from the relevant officials and/or land use boards under the terms set forth within the Board of Trustees's decision.

Section 9. Conflicts with State Statutes and Local Laws and Authority to Supersede. To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Village Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Village Law and such local ordinances, laws or regulations, including but not limited to: the receipt, consideration of, and action on variance applications (§§ 7-712-a and 7-712-b of the Village Law, Article X of Chapter 155 of the Code of the Village of Manorhaven), site plan applications (§ 7-725-a of the Village Law, Chapter 155 of the Code of the Village of Manorhaven), special use permit applications (§ 7-725-b of the Village Law, Chapter 155 of the Code of the Village of Manorhaven), subdivision applications (§§ 7-728, 7-730, 7-732, 7-738 of the Village Law, Chapter 133 of the Code of the Village of Manorhaven), and Building Department permit applications (New York State Uniform Fire Prevention and Building Code and Chapter 38 of the Code of the Village of Manorhaven), pursuant to the Village's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes.

Section 10. 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 11. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

**PUBLIC COMMENT:**

**RESOLUTION TO BE HEARD IN A PUBLIC HEARING:**

**RESOLUTION # - 2020 - DIRECTING THE VILLAGE TO SUBMIT AN APPLICATION FOR THE 46<sup>th</sup> YEAR CDBG GRANT WITH THE NASSAU COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT**

**BE IT RESOLVED**, that upon the recommendation of the Board of Trustees, that authorization is hereby given for the filing of a grant application with the Nassau County Office of Community Development for a Community Development Block Grant (CDBG) for the 46<sup>th</sup> Fiscal Year 2020 for a public facility/parks and recreation grant for the Manorhaven Preserve; and

**BE IT FURTHER RESOLVED**, that the Mayor and the Village Clerk are authorized to execute said grant application on behalf of the Village; and

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

**PUBLIC COMMENT:**

**ADJOURNMENT:**

Sharon Natalie Abramski, RMC, CMC  
Manorhaven, NY  
February 27, 2020

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES MEETING  
February 27, 2020 – 7 p.m. - AGENDA**

**CALL TO ORDER:**

**MAYOR COMMENTS:**

**REPORTS:**

- Justice Court
- Police Department
- Building Department

**MINUTES:**

- Draft Minutes of the January 23, 2020 - BOT Hearing and General Session
- Draft Minutes of the January 30, 2020 - Special Session
- Draft Minutes of the February 13, 2020 - Work Session

**ABSTRACT OF CLAIMS:**

- Abstract of Claims – General Fund 1/24/2020 through 2/25/2020
- Abstract of Claims – Capital Fund 1/24/2020 through 2/25/2020

**MOTIONS:**

- **Motion # – 2020** – Motion to approve the use of Village roadways for the Lauri Strauss Bike Tour on Sunday, May 17, 2020.
- **Motion # – 2020** – Motion to accept updated versions of the Manorhaven Workplace Violence Policy
- **Motion # – 2020** – Motion to accept the updated version of the Manorhaven Sexual Harassment Policy
- **Motion # – 2020** – Motion to accept the updated version of the Manorhaven Emergency Response Plan
- **Motion # – 2020** – Motion to accept the updated version of the Manorhaven Emergency Sewer Plan

**RESOLUTIONS:**

**RESOLUTION # - 2020 – RESOLUTION SETTING SEWER CONNECTION FEES**

**WHEREAS**, under section 123-23 of the Code of the Incorporated Village of Manorhaven, the fees charged to applicants for a permit for connection to the Village’s sanitary sewer system shall be established by resolution of the Board of Trustees; and  
**NOW, THEREFORE, BE IT RESOLVED** that the fee for such permit shall be \$600.  
**BE IT FURTHER RESOLVED** that the provisions of this resolution shall take effect immediately.

**RESOLUTION # - 2020 – RESOLUTION PURSUANT TO 2019-A OF THE NEW YORK UNIFORM JUSTICE COURT ACT**

**WHEREAS**, Village Justices are required to annually provide the Court records and dockets to the respective auditing board in accord with Uniform Justice Court Act section 2019-a (“UJCA”) with such records to be then examined or audited with the fact of the same being entered in the minutes of the board’s proceedings; and

**WHEREAS**, the Village Justice of the Inc. Village of Manorhaven has provided such records to the Board of Trustees of the Village; and

**WHEREAS**, the records and dockets have been duly examined; and

**THEREFORE, IT IS RESOLVED** that the fines collected have been turned over to the proper officials of the Village as required by law; and

**IT IS FURTHER RESOLVED** that a copy of the examination report and a copy of this resolution shall be transmitted by the Clerk to the Village Justice to Joan Casazza, Internal Control Liaison, NYS Office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033.

**RESOLUTION # - 2020 – RESOLUTION REGARDING FISCAL YEAR 2019-2020 BUDGET**

**TRANSFERS**

**WHEREAS**, Pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may transfer funds from existing and unexpended balances; from a contingent account; from available cash surplus or unanticipated revenues within a fund; or by borrowing; and

**WHEREAS**, during the Village Fiscal Year 2019-2020, it is necessary to make supplemental appropriations to fund increased sewer and refuse contractual expenditures; and

**WHEREAS**, there are sufficient fund balances available to cover the transfers; and

**THEREFORE BE IT RESOLVED** that pursuant to Village Law 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2019-2020 Budget by making the following transfers effective immediately:

Increase

8130401 Other Contract (Sewer) \$30,330.00

8160400 Contractual Expenses \$67,115.00

Increase

5990 Appropriated Fund Balance \$97,445.00

**RESOLUTION # - 2020 – STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS**

**WHEREAS** the Village of Manorhaven Board of Trustees establishes the following as the standard for any elected and/or appointed official enrolled in the New York State and Local Employees Retirement System; and

**WHEREAS** the Village will report the days worked to the New York State and Local Employees Retirement System based on the time keeping system records of activities maintained and submitted; and

**THEREFORE BE IT RESOLVED** that Trustee Rita Di Lucia, NYSLRS Registration #6015472-1, with a term of 7/2019– 6/2021 shall participate with a 6-hour standard work day, and has worked an average of 5.45 days per month (ROA Result); and

**BE IT FURTHER RESOLVED** that Board of Zoning Appeals Member Patrick Gibson, NYSLRS Registration #5066771-6, with a term of 7/18 – 6/23 shall participate with a 6-hour standard work day, and has worked an average of 0.39 days per month (ROA Result); and

**BE IT FURTHER RESOLVED** that Board of Planning, Member Dominick Masiello, NYSLRS Registration #3879982-8, with a term of 7/2015 – 7/2020 shall participate with a 6-hour standard work day and has worked an average of 0.39 days per month (ROA Result); and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately

**PENDING BUSINESS:**

**NEW BUSINESS:**

- Manorhaven is being designated as a Tree City by the NYS Department of Environmental Conservation

**PUBLIC COMMENT:**

**UPCOMING MEETINGS/EVENTS:**

- Thursday, 3/12/20 at 6 p.m. – Work Session

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

Manorhaven, NY

Sharon Natalie Abramski, RMC, CMC

Village Clerk-Treasurer

February 27, 2020