

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES
MINUTES
JUNE 22, 2016 7:00 pm**

The meeting was called to order at 7:00 pm by Mayor Giovanna Giunta. The Pledge of Allegiance was led by Ken Kraft. The Clerk called the roll and verified that there was a quorum. In attendance were:

**Giovanna Giunta, Mayor
James Avena, Trustee
Rita DiLucia, Trustee
Priscilla von Roeschlaub, Trustee
James E. Toner, Village Attorney
Leslie C. Gross, Village Clerk-Treasurer
Trustee Gately: Absent**

There were 43 +/- members of the public in attendance.

A. PUBLIC HEARINGS

1. A PUBLIC HEARING TO RE-OPEN THE HEARING ON THE SIX MONTH BUILDING MORATORIUM ON ALL WATERFRONT LAND USE APPLICATIONS.

Attorney James Toner explained that there was a minor change to the proposed Local Law, as one of the R-1 Residential Districts had been omitted from the original draft. He also announced that the Nassau County Planning Board had reviewed this proposed local law at their June 16th meeting, and had no objections. Michael Barone Jr., Esq. of Sahn Ward Coshignano, PLLC read a letter into the record by a partner in the firm, Michael Sahn, attorney for Mr. Richard Thypin. This letter requested the board not pass the moratorium being discussed affecting his client's property. The full transcript of this hearing is available at Village Hall.

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION # 45-2016 TO ADOPT
LOCAL LAW #7 - 2016 JUNE 22, 2016**

**A LOCAL LAW TO ESTABLISH A TEMPORARY BUILDING MORATORIUM
IN CERTAIN ZONING DISTRICTS WITHIN THE VILLAGE**

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Di Lucia, which resolution was declared adopted after a poll of the members of this Board:

LOCAL LAW NO. 7 of 2016

Title: “A LOCAL LAW TO ESTABLISH A TEMPORARY BUILDING MORATORIUM IN CERTAIN ZONING DISTRICTS WITHIN THE VILLAGE.”

WHEREAS, the Board of Trustees desires to protect the Village waterfront, as a significant and special resource, that has fostered the development of a unique nautical heritage and history.

WHEREAS, the Board of Trustees desires a temporary restraint on development in those zoning districts of the village that are located along its waterfront pending the Village’s review, modification, enactment, and/or updates to the its comprehensive master plan, its local waterfront revitalization plan, and its zoning code.

WHEREAS, the Board of Trustees plans, in conjunction with this Moratorium, to engage professional planners to perform a comprehensive study of the zoning and development along this waterfront in order to recommend specific amendments, proposals or enactments to properly balance the interests of private property owners in sensible, context- appropriate development and the interests of the community in maintaining public access to the waterfront, view of Manhasset Bay, and other concerns.

WHEREAS, the Board of Trustees believes that a pause in development and building will maintain the status quo while the Village determines how to effectuate the proper balance of these interests through the zoning and planning processes. The Village Board of Trustees and other Village officials need the time afforded by this moratorium in order to comprehensively address the question of how to properly modify the restrictions in place on the Village’s waterfront without further development proceeding while they are doing so.

WHEREAS, a properly noticed public hearing has been fully conducted on said Moratorium.

NOW THEREFORE BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF MANORHAVEN AS FOLLOWS:

Title: A LOCAL LAW TO ESTABLISH A TEMPORARY BUILDING MORATORIUM IN CERTAIN ZONING DISTRICTS WITHIN THE VILLAGE

Section 1. Purpose, intent, and findings

The purpose of this Local Law is the enactment of a temporary restraint on development in those zoning districts of the Village of Manorhaven that are located along its waterfront pending the Village’s review, modification, enactment, and/or updates to the its comprehensive master plan, its local waterfront revitalization plan, and its zoning code.

The Village’s waterfront is a significant and special resource that has fostered the development of a unique nautical heritage and history. Over the course of the Village’s history, the waterfront has been used for an incredible variety of purposes running the gamut from industrial uses including seaplane and steel factories, transportation uses

including the first commercial chartered trans-Atlantic air travel service and the former Morgan's ferry to mainland New York State, to recreational uses including marinas and passive-use park and preserve land, to residential uses including the Tom's Point cooperative, along with many others.

The Village is engaging professional planners to perform a comprehensive study of the zoning and development along this waterfront in order to recommend specific amendments, proposals or enactments to properly balance the interests of private property owners in sensible, context-appropriate development and the interests of the community in maintaining public access to the waterfront, view of Manhasset Bay, and other concerns.

This pause in development and building will maintain the status quo while the Village determines how to effectuate the proper balance of these interests through the zoning and planning processes. The Village Board of Trustees and other Village officials need the time afforded by this moratorium in order to comprehensively address the question of how to properly modify the restrictions in place on the Village's waterfront without further development proceeding while they are doing so.

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).

Section 4. Affected Zoning Districts. This local law is applicable to the following zoning districts only: C-1 Commercial Marine District E-1 Enterprise District R-1 Residential District, R-3 Residential District R-4 Residential District MP-1 Marine Preservation District MR Marine Recreational District

Section 5. MORATORIUM.

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. The following regulations shall apply to all new development or construction within the Waterfront area of the Affected Zoning Districts as provided in section 4 above:

1. 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 subdivision whether that subdivision application was submitted prior to or after the effective date of this law. This law applies to subdivisions as defined in Chapter 133 of the Village of Manorhaven Code. The state statutory and locally-enacted time periods for processing and making decisions and all aspects of subdivision approval (including, but not limited to, pre-preliminary, preliminary, and final subdivision plats) are suspended and stayed while this local law is in effect.

2. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for site plan approval or special permit approval involving the demolition, creation, or replacement of any building within the affected zones 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 site plan approval and special permits as indicated are suspended and stayed while this local law is in effect.
3. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for approval of a demolition permit for the demolition of all or any part of a structure, except in connection with an interior renovation in contemplation of continued use of the structure for residential purposes, 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 involving such demolition are suspended and stayed while this local law is in effect.
4. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for a variance from any state or local land use law that involves the demolition, creation, or replacement of a structure, 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.
5. No board, commission, agency, department, officer, employee, consultant, or agent of the Village of Manorhaven shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for a building permit to construct any building, structure, dwelling, or addition thereto upon any property located within the affected districts except as outlined in Section 7 (Exceptions) below.

Section 6. Exceptions. This local law shall not apply to:

1. Applications for residential subdivision, residential special permit, and/or residential site plan approval pending before any Village board provided such applications either have received preliminary subdivision approval and/or a negative declaration and/or a findings statement pursuant to the State Environmental Quality Review Act (SEQRA) and the regulations thereunder on or before the effective date of this local law.
2. The continued development of any residential, commercial or industrial use for which a building permit has been issued by the Village of Manorhaven prior to the effective date of this Act or for which a site plan has been approved by the Village of Manorhaven Planning Board or Board of Trustees prior to the effective date of this act.
3. Lot line adjustments where no new lots are being created and no additional dwelling unit(s) are being constructed.
4. An existing valid building permit and substantial construction having commenced in reliance thereon.
5. The issuance of a building permit for structural repairs to existing structures, making existing structures or facilities handicap accessible, and interior renovations or alterations which do not result in new commercial or industrial uses not in existence on the date of enactment of this local law.
6. 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 7. 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 IX 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 8. Validity and Severability

If any section, subsection, clause, phrase or other portion of this Local Law shall be adjudged invalid or unconstitutional, 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 9. Variances and Appeals.

Any appeal for a hardship variance related to a prohibition of this local law or a decision by the Building Inspector pursuant to this law may be made to the Zoning Board of Appeals in conformity section § 155-60 *et seq.* of the Code of the Village of Manorhaven. Should a hardship variance be granted by the Zoning Board of Appeals, the exempted development project shall be subject to all applicable provisions of the Manorhaven Village Code and laws, including the issuance of a special permit or site plan review and approval of the Village of Manorhaven Planning Board where applicable.

Section 10. Penalties

Any person, firm, corporation, or other entity, which shall construct, erect or install any building, improvement, or structure, or subdivide, or use land in violation of the provisions of this Local Law, shall be subject to a civil penalty in the amount of One Thousand Dollars (\$1,000.00) for each day that such violation shall exist. Nothing herein shall be construed so as to limit the authority of the Board of Trustees to seek and obtain injunctive relief for any such violation or violations.

Section 11. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State. As provided by law and shall remain in full force and effect for a period of six (6) months from the effective date. If however, the board of Trustees determines that it is in the best interest of the Village to extend effective date period beyond six (6) months, for the reasons of accomplishing the purposes and intent stated herein, it shall do so for a reasonable time period, as deemed appropriate.

Dated: Manorhaven, New York
June 22, 2016

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

Trustee Di Lucia AYE
Trustee von Roeschlaub AYE
Deputy Mayor Steele AYE
Mayor Giunta AYE

Eagle Scout candidate, Kyle Di Leo, then addressed the Board with an update regarding his project of adding a 9/11 monument outside of Village Hall.

The minutes of the previous meeting were reviewed, and Trustee Di Lucia made a motion to approve them, which was seconded by Trustee Avena. The vote was as follows:

Trustee Di Lucia AYE
Trustee von Roeschlaub AYE
Deputy Mayor Steele AYE
Mayor Giunta AYE

The department reports were then reviewed. Mayor Giunta made a motion to approve the department reports , with a second by Trustee Di Lucia. The motion carried as follows:

Trustee Di Lucia AYE
Trustee von Roeschlaub AYE
Deputy Mayor Steele AYE
Mayor Giunta AYE

Clerk Leslie Gross gave her report, congratulating the newly elected mayor and trustees. She noted some of the large bills on this month's abstract such as LOSAP and the Port Washington Fire Department contract, resulting in an abnormally high abstract. She then thanked Mayor Giunta for her two terms served as Mayor of this community, as this was her last meeting. Many of her accomplishments were highlighted, and she was presented with flowers and a proclamation from The Board.

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #46-2016 JUNE 22, 2016**

RESOLUTION AUTHORIZING TREE REMOVAL

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

BE IT RESOLVED, that upon the recommendation of the Board of Trustees, and consistent with the standards set forth in section 143-4 (C) of the Code of the Inc. Village of Manorhaven, permission be and hereby is granted to the following for removal of a tree or trees,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Ching Au	78 Edgewood Road	Diseased tree in backyard

; and

BE IT FURTHER RESOLVED, that the permit fees to be charged to the property owner, shall be as set forth in section 143-6 of the Code; and

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

Dated: Manorhaven, New York
June 22, 2016

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The Board was polled as follows:

Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Deputy Mayor Steele	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #47-2016 JUNE 22, 2016**

RESOLUTION AUTHORIZING TREE REMOVAL

Mayor Giunta offered the following resolution and moved its adoption, seconded by Trustee Di Lucia, which resolution was declared adopted after a poll of the members of this Board:

BE IT RESOLVED, that upon the recommendation of the Board of Trustees, and consistent with the standards set forth in section 143-4 (C) of the Code of the Inc. Village of Manorhaven, permission be and hereby is granted to the following for removal of a tree or trees,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Antonio Strangolagalli	38 Firwood Rd.	1 Tree facing Firwood

; and

BE IT FURTHER RESOLVED, that the permit fees to be charged to the property owner, shall be as set forth in section 143-6 of the Code; and

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

Dated: Manorhaven, New York

June 22, 2016

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The Board was polled as follows:

Trustee Di Lucia AYE
Trustee von Roeschlaub AYE
Deputy Mayor Steele AYE
Mayor Giunta AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #48-2016 JUNE 22, 2016**

RESOLUTION AUTHORIZING TREE REMOVAL

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

BE IT RESOLVED, that upon the recommendation of the Board of Trustees, and consistent with the standards set forth in section 143-4 (C) of the Code of the Inc. Village of Manorhaven, permission be and hereby is granted to the following for removal of a tree or trees,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Andy Fradelakis	61 Edgewood Road	Rear South Corner & rear right side

; and

BE IT FURTHER RESOLVED, that the permit fees to be charged to the property owner, shall be as set forth in section 143-6 of the Code; and

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

Dated: Manorhaven, New York
June 22, 2016

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The Board was polled as follows:

Trustee Di Lucia AYE
Trustee von Roeschlaub AYE
Deputy Mayor Steele AYE
Mayor Giunta AYE

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #49-2016 JUNE 22, 2016**

RESOLUTION AUTHORIZING TREE REMOVAL

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

BE IT RESOLVED, that upon the recommendation of the Board of Trustees, and consistent with the standards set forth in section 143-4 (C) of the Code of the Inc. Village of Manorhaven, permission be and hereby is granted to the following for removal of a tree or trees,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Christopher J. Hogan ; and	62 Kirkwood	Rear left side at fence line

BE IT FURTHER RESOLVED, that the permit fees to be charged to the property owner, shall be as set forth in section 143-6 of the Code; and

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

Dated: Manorhaven, New York
June 22, 2016

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The Board was polled as follows:

Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Deputy Mayor Steele	AYE
Mayor Giunta	AYE

**BOARD OF TRUSTEES-INC. VILLAGE OF MANORHAVEN
RESOLUTION #50-2016 , JUNE 22, 2016**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH THE PORT
WASHINGTON WATER POLLUTION CONTROL DISTRICT FOR A
ONE-YEAR CONTRACT EXTENSION FOR SEWER TREATMENT**

Trustee Di Lucia offered the following resolution and moved its adoption, seconded by Trustee von Roeschlaub, which resolution was declared adopted after a poll of the members of this Board:

WHEREAS, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law §119-o municipal corporations and Districts of the State are empowered to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, The Port Washington Pollution Control District is a Special Improvement District of the Town of North Hempstead and owns, maintains and operates a wastewater treatment facility located on Harbor Road, Port Washington, Nassau County New York; and,

WHEREAS, the Village owns and maintains sanitary sewer trunk lines and laterals for the collection of sewerage in the village; and,

WHEREAS, the Village has a contract for sewage with the District that is due to expire on June 30, 2016; and,

WHEREAS, the Village desires to arrange with the District for continued acceptance for treatment and disposal by the District of the sewage so collected by the Village; and the Village and the District have agreed upon the terms and conditions as hereinafter set forth upon the which the District will accept receive, treat and dispose of said sewage of the Village, delivered by the Village to the District at its wastewater treatment facility as aforesaid; and,

WHEREAS, the Board does not want to bind future boards to a ten year contract;

NOW, THEREFORE LET IT BE RESOLVED, that the Mayor is hereby authorized to enter into an agreement with the Port Washington Pollution Control District for the collection and disposal of sewage in accordance with the terms of the contract which is attached hereto and annexed a part hereof, for the period of one-year. The Mayor is authorized to affix her signature to the same.

Dated: June 22, 2016
Port Washington, New York

GIOVANNA GIUNTA, Mayor
Incorporated Village of Manorhaven

The vote on the forgoing resolution was as follows:

Trustee Di Lucia	AYE
Trustee von Roeschlaub	AYE
Deputy Mayor Steele	AYE
Mayor Giunta	AYE

A proposed resolution to purchase two additional licenses for the use of Laserfiche by the Building Department and by constituents was tabled to another time.

Ron De Meo, Oskar Cibants and a few other members of the community spoke, at which point Mayor Giunta noting there was not further public comment, made a motion to adjourn. A vote of all board members was unanimous. The meeting was adjourned at 8:15 pm.

Respectfully Submitted,

Leslie C. Gross, RMC, MMC
Village Clerk-Treasurer

