

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES  
SPECIAL SESSION - PUBLIC HEARING  
10/26/2022 – 6:30 p.m. - MINUTES**

**CALL TO ORDER:** 6:30 p.m.

**PLEDGE OF ALLEGIANCE:** Lori Vlahos

**ATTENDANCE:** Trustee Harry Farina; Trustee Monica Ildefonso; Trustee Khristine Shahipour; Deputy Mayor Vincent Costa; Mayor John Popeleski; Village Attorney Genevieve LoPresti and Sharon Abramski, Village Clerk.

**LOCAL LAWS BEFORE THE BOARD:**

**LOCAL LAW #13 - 2022 - A SIX (6) MONTH MORATORIUM ON CONSTRUCTION OF NEW BUILDING WITHIN THE INCORPORATED VILLAGE OF MANORHAVEN WITH REGARD TO C-1 COMMERCIAL, E-1 ENTERPRISE, R-3 RESIDENTIAL, R-4 RESIDENTIAL, MP-1 MARINE PRESERVATION AND MR MARINE RECREATION, ALONG WITH ENTERPRISE DISTRICT (E-1) AND COMMERCIAL-2 ZONE (C-2), AND ALL RESIDENTIAL AREAS.**

**Section 1: Title**

A. This Local Law shall be known and cited as Incorporated Village of Manorhaven Local Law No. \_\_\_ of 2022 entitled “A Temporary Village-Wide Moratorium Construction of New Building Within the Incorporated Village of Manorhaven with Regard to C-1 Commercial, E-1 Enterprise, R-3 Residential, R-4 Residential, Mp-1 Marine Preservation and MR Marine Recreation, along with Enterprise District (E-1) and Commercial-2 Zone (C-2), and All Residential Areas.

**Section 2. Legislative Findings and Intent.**

A. The Board of Trustees recognizes the unique character of the Incorporated Village of Manorhaven, which is created in substantial part by its proximity to Manhasset Bay. This unique geographical position and the current recognition that development on or near the waterfront area and throughout the Incorporated Village of Manorhaven along with the current recognition of the over density of the area as the Incorporated Village of Manorhaven has been recognized as of great environmental concern. The Village’s population of 6,706 as of July 1, 2021, Manorhaven ranks in the upper quartile for Population Density, that development on or near that the waterfront and throughout the Incorporated Village of Manorhaven must be regulated to preserve and maintain the Village’s integrity. The Incorporated Village of Manorhaven must protect the future of this beautiful community and preserve the natural resources. Specifically, the disappearance of open space in the various districts, including but not limited to the following districts: C-1 Commercial, E-1 Enterprise, R-3 Residential, R-4 Residential, MP-1 Marine Preservation and MR Marine Recreation, along with Enterprise District (E-1) and Commercial-2 Zone (C-2).

B. The Mayor and Board of Trustees have recognized the recent developments of parcels of land near the waterfront and within the other areas of the Village without regard to the effect of the development and the decrease of open space and permeable surface area could have on the future well-being of the Village due to such parcels’ effect upon the density of the area and impact of the neighboring properties, along with the increase of congestion and traffic. The safety of the residents is also of paramount concern as the need for the Fire Department and Police to traverse the area in times of emergency has become increasingly difficult due to the increased traffic congestion. This Mayor and Board of Trustees believes that unregulated future development will inhibit or prevent the development and preservation of the unique character of the Village and could negatively impact the quality of life of the residents and the community which historically has relied on both visual and physical access to the waterfront as an intrinsic part of living in the Incorporated Village of Manorhaven. The Village also wishes to consider the most effective manner to preserve or expand any structures or uses of any land which further advance the waterfront character of the Village, or the quaintness of the homes built thereon.

C. That the purpose of this Legislation is in accord with the various studies undertaken regarding the waterfront, traffic, and density. The Board must take appropriate steps to ensure the character and integrity of the Village’s maritime heritage, particularly the concentration of water-dependent uses in the area which is unique to the Village and the entire Long Island Sound area, will be maintained and enhanced; to maintain encourage and promote the development of uses that have traditionally been associated with the Incorporated Village of Manorhaven waterfront and to accommodate water enhanced commercial and residential uses that are compatible with and supportive of water-dependent uses; to expand, enhance and preserve the public’s ability to access a limited deep-water resource for commercial and recreational uses and enjoyment and maximize employment opportunities for water-dependent commerce; to reduce traffic congestion; to maintain the structural integrity of the area.

D. The Mayor and Board of Trustees are acutely aware of the expansion of many one family homes into two to three family homes and the proliferation of multifamily dwellings which encroach upon the waterfront and other areas within the Incorporated Village of Manorhaven, an almost unrestricted range of mixed use and over-concentration of development and that some or much of that property being over-developed which may not be consistent with the best interests of the Village and its residents.

E. Comprehensive review of waterfront properties, along with landlocked properties located within the Village, along with traffic studies and density reports, along with reflection upon prior efforts to curtail the unnecessary harmful development, indicate the importance of applying the results of the studies and suggestions of the reports cannot be underscored and the time to investigate further is now.

F. In order to allow this Board additional to investigate and review the recommendations of the Village Building Department, the New York State, the studies performed, land use and environmental experts, to determine whether any changes in the present zoning regulations are needed to protect the waterfront and landlocked areas and the Villages' infrastructure, including the overload of its sewer system, road and traffic impact, water usage, ability to sustain the wide range of building currently permitted in the Enterprise District (E-1), the other residential districts and areas as well, and to enact any needed amendments to the Incorporated Village of Manorhaven's zoning regulations, this Board has determined that it is necessary to enact a six (6) month moratorium on (1) all subdivisions of real property, (2) all Special Permit applications and approvals, (3) all site plan approvals, (4) the issuance of demolition and/or building permits, for all real property described above; and (5) construction on single family homes and two-family homes.

**Section 3. Scope of Moratorium.**

A. This Moratorium shall be in effect for the period of six (6) months from the enactment of this local law.

B. The real property subject ("Subject Properties") to this moratorium will be: the entire Enterprise District (E-1); the parcel in the Commercial -2 zone known as Shore Road, Port Washington, New York 11050, section 4, block 123, lots 44C and 49; the Thypin Property known as 5 Sagamore Hill Drive, Port Washington, New York 11050, section 4, block L, LOT 153; all properties located within all residential districts as well; and to construction on single family homes and two family homes.

C. No person, firm, association, corporation, business or entity shall subdivide any real property that is located within the Subject Properties.

D. Neither the Building Department, the Board of Zoning Appeals, nor the Planning Board of the Incorporated Village of Manorhaven shall process any applications for the subdivision of real property within the Subject Properties.

E. No special permit application or approval, site plan approval, demolition permit, building permit may be granted for any real property within the Subject Properties. Nor shall any applications for approval of permits for such real property be processed.

F. The provision of this Local Law shall apply to all private and public lands within the Incorporated Village of Manorhaven.

**Section 4. Review and Approval Prohibited.**

The Village, Mayor and any Board or Department thereof shall not accept as complete any new application any new application as described herein, nor shall it continue to process any such application under the moratorium during the period set forth herein.

**Section 5. Statutory Authority and Supersession**

A. This Local Law is adopted pursuant to Village Law, Municipal Law Home Rule Law and State Environmental Quality Review Act and its implementing regulations and expressly supersedes those provisions of the Village Code and New York State Law which would have required the Incorporated Village of Manorhaven or any Board thereof, to accept, process, and approve applications involving subdivisions, special permits, site plans and demolition /building permits, within statutory time periods during the moratorium period.

**Section 6. SEQRA**

A. The Mayor and the Board of Trustees have determined that pursuant to 6 NYCRR 617.5 ( c ) of the SEQRA regulations this action of the Incorporated Village of Manorhaven is "routine or continuing agency administration and management, not including new programs or major reordering or priorities" within the meaning of 6 NYCRR 617.5( c ) (20); the "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action" within the meaning of 6 NYCRR 617.5 ( c ) (27); and a moratorium on land development and construction within the meaning of 6 NYCRR 617.5 ( c ) (3) and therefore, the proposed action of the Incorporated Village of Manorhaven in this matter is a Type II action and requires no further action pursuant to SEQRA.

**Section 7. Severability**

A. If any clause, sentence, paragraph, subdivision, section, or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional, or otherwise, invalidated, such judgment shall not effect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

**Section 8. Variances**

A. In the event of extraordinary hardship as a result of this Local Law, an application for relief from this Local Law may be made to the Village's Zoning Board of Appeals pursuant to Village Code Section 7-712-b (2) for a use variance.

**Section 9. Hardship**

A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board of the incorporated Village of Manorhaven in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium by this Local Law.

**B. Procedure.**

1. Upon submission of a written application to the Village Clerk by the property owner seeking a waiver from this Local Law, the Village Mayor and Board of Trustees shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' notice in the official newspaper of the Village. Notice of said Public Hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.

2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard and the Village Mayor and Board of Trustees shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

3. If the Mayor and the Village Board of Trustees determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Mayor and the Village Board of Trustees shall waive the

application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

**Section 10. Penalties for Offenses**

A. Any person, firm, association, corporation, business or entity shall construct, erect, enlarge, or alter any building or structure, in violation or the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law, shall be guilty of a violation and subject to a fine or not less than \$500.00 nor more than \$1,000. Each day that the violation continues shall be a separate offense.

**Section 11. Effect**

A. This law shall take effect immediately.

**PUBLIC COMMENT:**

- Elizabeth Clarke – 20 Dunes Lane favors the moratorium
- Joshua Brookstein, Esq. of Sahn, Ward, 333 Earle Ovington Blvd., Suite 601, Uniondale, NY 11553 – Objected to the moratorium felt that the public needed more time to study the proposed moratorium.
- Kevin Boroumand, a builder in Manorhaven would like more time to study the moratorium.

- *Trustee Shahipour moved to present the Local Law; seconded by Trustee Farina.*

*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*

*LOCAL LAW 13 – 2022 carried*

**LOCAL LAW #14 - 2022 - A TEMPORARY VILLAGE WIDE MORATORIUM ON THE INSTALLATION OF FREE-STANDING OR GROUND-MOUNTED CELL NODE INSTALLATION SYSTEMS WITHIN THE INCORPORATED VILLAGE OF MANORHAVEN WITH REGARD TO C-1 COMMERCIAL, E-1 ENTERPRISE, R-3 RESIDENTIAL, R-4 RESIDENTIAL, MP-1 MARINE PRESERVATION AND MR MARINE RECREATION, ALONG WITH ENTERPRISE DISTRICT (E-1) AND COMMERCIAL-2 ZONE (C-2), AND ALL RESIDENTIAL AREAS.**

BE IT ENACTED by the Board of the Incorporated Village of Manorhaven as follows:

**Section 1: Title.**

A. This Local Law shall be known and cited as Incorporated Village of Manorhaven Local Law No. \_\_\_\_ 2022 entitled “A Temporary Incorporated Village of Town-Wide Moratorium of Construction and Implementation of the Cell Node Installation System.”

**Section 2: Legislative Findings and Intent.**

A. It is the intention of the Incorporated Village of Manorhaven in enacting this Local Law to temporarily suspend the construction and implementation of the Cell Node Installation Systems, as defined in Section 9 herein, by the imposition of a temporary moratorium, for such installations for a period of six (6) months from the effective date of this Local Law. Provision is made in this Local Law to allow for extension of the 180-day moratorium if necessary.

B. The purpose of this temporary moratorium is to enable the Incorporated Village of Manorhaven to temporarily halt the construction and implementation of Cell Node Installation Systems, for a reasonable period of time to enable the Incorporated Village of Manorhaven to adopt appropriate regulations of the Installation of Freestanding or Ground-Mounted Cell Nodes, which are not currently regulated in the Incorporated Village of Manorhaven Zoning Code.

C. In recent years, the construction and implementation of Cell Node Installation Systems on commercial and residential properties have proliferated and become widespread due to various tax incentives and leasing and provider options. Cell Node Installation is promoted by New York State and the Federal Government.

D. The Cell Node Installation System has become, or will become, a typical accessory use for residential and commercial properties but not specifically regulated by the Incorporated Village of Manorhaven. With mobile data traffic expected to double annually, small cell base stations are set to play an important role in expanding the capacity of wireless networks. Small cells provide flexibility and increased QoS capabilities at an attractive cost. Implementing a small cell infrastructure is also more environmentally friendly as it will reduce the number of cell towers (maybe even eventually eliminate them) and it provides a cleaner signal with less power. This aspect to be reviewed and investigated. However, what matters to wireless network operators and subscribers alike is the actual performance of a wireless network. Hence, network-level performance is the real measure with link-level performance being an upper-bound that’s only reached in ideal scenarios seldom present in a real deployment. Small cell base stations provide higher capacity than

macro cells because of the deployment scenario. Because these base stations are mounted low above ground, they are less susceptible to interference. This translates directly into higher capacity. Higher signal quality leads to better throughput because it allows the system to use a more spectrally efficient transmission scheme where more bits can be transmitted at the same time. Therefore, the areas where users can transmit and receive at higher data rate are larger in a small cell than a macro cell. This is significant because it leads directly to a large increase in overall capacity: the capacity of small cell base station is about 89 per cent higher than that of a macro cell. Thus, it is common to deploy compact base stations at relatively low height (e.g. 10-15 meters) to cover a limited area (e.g. 100 meter) to provide capacity to a hot spot or coverage in a dead zone. Macro base stations on the other hand are mounted higher at 30-45 meters, for example, and used to provide wider coverage (e.g. 500 meters or more). Small cell base stations provide

higher capacity than macro cells because of the deployment scenario. Because these base stations are mounted low above ground, they are less susceptible to interference. This translates directly into higher capacity. Higher signal quality leads to better throughput because it allows the system to use a more spectrally efficient transmission scheme where more bits can be transmitted at the same time.

Therefore, the areas where users can transmit and receive at higher data rate are larger in a small cell than a macro cell. This is significant because it leads directly to a large increase in overall capacity: the capacity of small cell base station is about 89 per cent higher than that of a macro cell.

E. The Incorporated Village of Manorhaven recognizes Cell Node Installation Systems has many benefits for the property owner and the community in general but wise regulation regarding the placement of ground mounted panels are required.

F. The temporary moratorium is being limited to Cell Node Installation Systems.

G. During the period of this temporary moratorium, the Mayor and the Village Board intends to suspend land use regulations in the Village Code which conflict with the effect and intent of this Local Law.

H. In order to allow the Mayor and this Board to investigate and review the recommendations of the Village Building Department, the New York State, Federal Government, the studies performed, land use and environmental experts, to determine whether any changes in the present zoning regulations are needed to protect the waterfront and landlocked areas and the Villages' infrastructure, preserve the beauty of the Village, prevent the environmental contamination and overload of its sewer system, road and traffic impact, water usage, ability to sustain the wide range of building currently permitted in all of the districts of the Incorporated Village of Manorhaven, including but not limited to the Enterprise District (E-1), the other residential districts and areas as well, and to enact any needed amendments to the Incorporated Village of Manorhaven's zoning regulations, this Board has determined that it is necessary to enact a six (6) month moratorium on (1) all subdivisions of real property, (2) all Special Permit applications and approvals, (3) all site plan approvals, (4) the issuance of demolition and/or building permits, for all real property described above.

### **Section 3. Scope of Moratorium.**

A. This Moratorium shall be in effect for the period of six (6) months from the enactment of this local law.

B. The real property subject ("Subject Properties") to this moratorium will be the entire Enterprise District (E-1); the parcel in the Commercial -2 zone known as Shore Road, Port Washington, New York 11050, section 4, block 123, lots 44C and 49; the Thypin Property known as 5 Sagamore Hill Drive, Port Washington, New York 11050, section 4, block L, LOT 153; all properties located within all residential districts as well.

C. No person, firm, association, corporation, business or entity shall subdivide any real property that is located within the Subject Properties.

D. Neither the Building Department, the Board of Zoning Appeals, nor the Planning Board of the Incorporated Village of Manorhaven shall process any applications for the subdivision of real property within the Subject Properties.

E. No special permit application or approval, site plan approval, demolition permit, building permit may be granted for any real property within the Subject Properties. Nor shall any applications for approval of permits for such real property be processed.

F. The provision of this Local Law shall apply to all private and public lands within the Incorporated Village of Manorhaven. Section 4. Review and Approval Prohibited. The Village, the Mayor and any Board or Department thereof shall not accept as complete any new application any new application as described herein, nor shall it continue to process any such application under the moratorium during the period set forth herein.

### **Section 5. Statutory Authority and Supersession**

A. This Local Law is adopted pursuant to Village Law, Municipal Law Home Rule Law and State Environmental Quality Review Act and its implementing regulations and expressly supersedes those provisions of the Village Code and New York State Law which would have required the Incorporated Village of Manorhaven or any Board thereof, to accept, process, and approve applications involving subdivisions, special permits, site plans and demolition /building permits, within statutory time periods during the moratorium period.

### **Section 6. SEQRA**

A. The Mayor and the Board of Trustees have determined that pursuant to 6 NYCRR 617.5 (c) of the SEQRA regulations this action of the Incorporated Village of Manorhaven is "routine or continuing agency administration and management, not including new programs or major reordering or priorities" within the meaning of 6 NYCRR 617.5( c ) (20); the "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action "within the meaning of 6 NYCRR 617.5 ( c ) (27); and a moratorium on land development and construction within the meaning of 6 NYCRR 617.5 ( c ) (3) and therefore, the proposed action of the Incorporated Village of Manorhaven in this matter is a Type II action and requires no further action pursuant to SEQRA.

### **Section 7. Severability**

A. If any clause, sentence, paragraph, subdivision, section, or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional, or otherwise invalidated, such judgment shall not effect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

### **Section 8. Variances**

A. In the event of extraordinary hardship as a result of this Local Law, an application for relief from this Local Law may be made to the Village's Zoning Board of Appeals pursuant to Village Code Section 7-712-b (2) for a use variance.

### **Section 9. Definitions**

A. Cell Node Installations Systems. A Cell Node Installation System is a Cell Node System that is either affixed or attached to a structure or a freestanding or a ground-mounted system that is directly installed in or on the ground and/or may also be attached or affixed to an existing structure.

**Section 10. Hardship**

A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board of the incorporated Village of Manorhaven in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium by this Local Law.

**B. Procedure.**

1. Upon submission of a written application to the Village Clerk by the property owner seeking a waiver from this Local Law, the Village Mayor and Board of Trustees shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' notice in the official newspaper of the Village. Notice of said Public Hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.
2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard and the Village Mayor and Board of Trustees shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.
3. If the Mayor and the Village Board of Trustees determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Mayor and the Village Board of Trustees shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

**Section 11. Penalties for Offenses**

A. Any person, firm, association, corporation, business or entity shall construct, erect, enlarge, or alter any building or structure, in violation or the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law, shall be guilty of a violation and subject to a fine or not less than \$500.00 nor more than \$1,000. Each day that the violation continues shall be a separate offense.

**Section 12. Effect**

A. This law shall take effect immediately.

**PUBLIC COMMENT:**

- Elizabeth Clarke – 20 Dunes Lane inquired who wanted to install cell nodes, The Mayor explained the Village’s position on them as well as the sentiments of our neighboring Village administrations.

- *Deputy Mayor Costa moved to present the Local Law; seconded by Trustee Ildefonso.*

*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*

*LOCAL LAW 14 – 2022 carried*

**LOCAL LAW #15 - 2022 - AMENDING AND SUPERSEDING THE APPLICATION OF THE VILLAGE OF MANORHAVEN LOCAL LAW No. 9-1984, TO ADDRESS THE ADDING AND REMOVAL OF HANDICAPPED SIGNS WITHIN THE VILLAGE PURSUANT TO CHAPTER 147-52**

**Be it enacted by the Village of Manorhaven, of the Town of North Hempstead, County of Nassau, as follows:**

**Section 1: Authority**

This Local Law is enacted pursuant to the Authority of Chapter 365 of the Laws of 1976, and Municipal Home Rule Law Section 10, authorizing the Village to adopt a local law which amends or supersedes any provision of the Village Law in relation to the property, affairs, or government, terms of office of the Village, or in relation to any of the other enumerated subject matters in such section 10, unless there is a legislative restriction on such amendment or supersession.

**Section 2: Purpose**

In order to permit the Mayor and Board of Trustees to transact business in the best interests of the residents of the Incorporated Village of Manorhaven to remove and install handicapped signs within the Village of Manorhaven to assist the handicapped persons and grant them greater access to the Incorporated Village of Manorhaven and place all individuals on an even playing field within the Village and encourage their active participation within Village functions, daily life functions and community affairs. All the listing set forth within § 147-52 remain intact, and the section is amended to add two (2) additional street addresses where handicapped signs are added and one is removed.

**Section 3: Amendment § 147-52. Schedule XVI: Handicapped Parking.**

In accordance with the provisions of § 147-22.1, the stopping, standing or parking of a vehicle in 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:

Name of Street	Side	Location
78 Hickory Road		In front of No. 78
9 Marwood Road South		In front of No. 9

**Removed from § 147-52 Schedule XVI: Handicapped Parking is the following:**

Name of Street	Side	Location
49 Sagamore Hill Drive	West	In front of No. 49

**Section 4:** Should any section or provision of this Local Law be declared by any Court to be unconstitutional or invalid, such declaration shall not affect the validity of this local law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 5:** Any portions or ordinances, resolutions or regulations heretofore adopted in conflict with this Local Law are hereby repealed.

**Section 6:** This Local Law shall become effective immediately upon filing in the Office of the Secretary of State.

**PUBLIC COMMENT:** None

- *Trustee Farina moved to present the Local Law; seconded by Trustee Shahipour*

*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*

*LOCAL LAW 15 – 2022 carried*

**LOCAL LAW #16 - 2022 - AMENDING AND SUPERSEDING THE VILLAGE OF MANORHAVEN LOCAL LAW NO. 11-01-2016, TO SPECIFY THE TREES THAT SHALL BE REMOVED AND THOSE THAT WILL BE REPLANTED IN THEIR PLACE WITHIN THE VILLAGE OF MANORHAVEN**

Be it enacted by the Village of Manorhaven, of the Town of North Hempstead, County of Nassau, as follows:

**Section 1: Authority**

This Local Law is enacted pursuant to the Authority of Chapter 365 of the Laws of 1976, and Municipal Home Rule Law Section 10, authorizing the Village to adopt a local law which amends or supersedes any provision of the Village Law in relation to the property, affairs, or government, terms of office of the Village, or in relation to any of the other enumerated subject matters in such section 10, unless there is a legislative restriction on such amendment or supersession.

**Section 2: Purpose**

In order to permit the Mayor and Board of Trustees to transact business in the best interests of the residents of the Incorporated Village of Manorhaven to maintain and preserve the pristine nature of the Village to protect the wildlife and to safeguard the environment from pollutants, as trees serve a crucial role in offering a wildlife habitat as well as a source of replenishing and recycling the ambient air, it is deemed advantageous to remove dead and decaying trees from areas of the Incorporated Village of Manorhaven and replenish the areas with fast growing young trees.

**Section 3: Amendment**

Section 143-7-B “Public Property” of the Code of the Incorporated Village of Manorhaven is hereby amended and superseded in its application to the Incorporated Village of Manorhaven by deleting the entirety of Section 143-7-B and replacing it with the following:

**B. Public Property.**

1. Except when authorized by the Mayor in the case of an emergency, no tree on Village property shall be taken down without the consent of the Board of Trustees. With regard to such trees, no such consent shall be given until notice of the intent to remove any such tree has been filed with the clerk, whereupon a application fee shall be paid. Upon payment in full of the necessary fee, and approval of the application and issuance of the permit, the applicant will be provided with a listing of the Village approved replacement trees.

2. No tree removal shall be undertaken on Saturday, Sundays, or legal holidays.

**Section 4:** Should any section or provision of this Local Law be declared by any Court to be unconstitutional or invalid, such declaration shall not affect the validity of this local law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 5:** Any portions or ordinances, resolutions or regulations heretofore adopted in conflict with this Local Law are hereby repealed.

**Section 6:** This Local Law shall become effective immediately upon filing in the Office of the Secretary of State.

**PUBLIC COMMENT:**

- Elizabeth Clarke – 20 Dunes Lane had questions about replacement trees.

They were answered by Deputy Mayor Costa and Trustee Farina which included reading the list of wire-friendly trees.

- Anne Tomlinson – 11 Dunes Lane asked who will maintain trees.

CLERK NOTE: Local Law Chapter 143, Section 8 – Maintenance, states “the owner or person in control of real property shall also keep trees on his or her property or in the right of way adjoining his or her property trimmed so that overhanging limbs and vegetation do not endanger an adjoining property owner’s home or accessory structures.”

- Trustee Shahipour moved to present the Local Law; seconded by Deputy Mayor Costa.

BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.

LOCAL LAW 13 – 2022 carried

**ADJOURNMENT**: 6:47 p.m.

Mayor Popeleski moved to close the Public Hearing and move into the General Session at 6:47 p.m.; seconded by Trustee Farina; unanimously carried.

Manorhaven, NY  
Sharon Natalie Abramski, MMC, RMC  
Village Clerk-Treasurer  
October 26, 2022

**VILLAGE OF MANORHAVEN  
BOARD OF TRUSTEES GENERAL MEETING  
AGENDA – 10/26/2022- 6:30 p.m.**

**CALL TO ORDER:** 6:48 p.m.

**MAYOR COMMENTS:**

- The Board, Clerk and Mayor have made it a point to attend several of the public events and ribbon cuttings in Port Washington to show our support for the greater community.
- The Fall Newsletter should be delivered to doors sometime next week. Since our alternate street parking is coming to an end and winter is around the corner, please be sure that everyone is signed up for CODE RED.
- Visit the website and click on the link to register to receive snow emergency information.  
Fire Prevention month is coming to an end. The Mayor reminded everyone that now is great time to change batteries in CO2 and smoke detectors.

**REPORTS:**

- Justice Court
  - Building Department
  - Police Department
- Deputy Mayor Costa moved to accept the reports; seconded by Trustee Farina; unanimously carried.*

**MINUTES:**

- Draft Minutes of the September 28,2022, BOT Meeting
  - Draft Minutes of the October 12, 2022, Work Session
- Trustee Farina moved to accept the reports; seconded by Trustee Ildefonso; unanimously carried.*

**ABSTRACT OF CLAIMS:**

- General Fund, 9/28/2022 through 10/25/2022
- Deputy Mayor Costa moved to accept the reports; seconded by Trustee Shahipour; unanimously carried.*

**EXECUTIVE SESSION:**

- Deputy Mayor Costa moved to enter Executive Session at 6:54 p.m.; seconded by Trustee Farina, unanimously carried.
- Deputy Mayor Costa moved to end the Executive Session, seconded by Trustee Farina, unanimously carried.
- Trustee Farina moved to return to the General Session at 7:45 p.m.; seconded by Trustee Shahipour; unanimously carried.

**MOTIONS BEFORE THE BOARD:**

**Motion #27- P2022 – Motion to Purchase a 2023 White Trailblazer** – Said vehicle will be purchased on State Contract from Van Bortel Chevrolet, Inc., 1338 W. Main Street, in Macedon, NY 14502 at a purchase price of \$27,670, which includes delivery of the vehicle.

*- Trustee Shahipour moved to accept the reports; seconded by Trustee Farina; unanimously carried.*

**Motion #28 - P2022 – Motion to appoint PT Code Enforcement Officer Terrance Daly** – for 10 to 12 hours per week on shifts that will rotate between 9 p.m. to 6 a.m. on weekdays, weekends, and holidays at an hourly rate of \$50.

*- Mayor Popeleski moved to accept the reports; seconded by Trustee Ildefonso; unanimously carried.*

**Motion #29 - P2022 – Motion the Village Clerk to Advertise for Bids** for a certified public accountant firm specializing in municipal government audits, to conduct annual examinations and to render opinions on the annual financial statements of the Village and the Village Justice Court for the period ending May 31, 2022.

*- Trustee Shahipour moved to accept the reports; seconded by Deputy Mayor Costa; unanimously carried.*

**Motion #30 - P2022 (A - D) – Motion to remove trees as follows:**

**A. – Motion to Allow the Removal of a Tree** – 19 Boxwood Road, owner Anthony Soldano seeks a tree removal permit to remove one dead tree from the property.

- Trustee Mayor Popeleski moved to accept the reports; seconded by Trustee Ildefonso; unanimously carried.
- Tree must be replaced.

**B. – Motion to Allow the Removal of a Tree** – 54 Sagamore Hill Drive, owner Zhuleta Sopotli seeks a tree removal permit to remove three dead or damaged trees from the property.

- Deputy Mayor Costa moved to accept the reports; seconded by Trustee Shahipour; unanimously carried.
- Two trees must be replaced.

**C. – Motion to Allow the Removal of a Tree** – 69 Inwood Road, owner Joanne and Paolo Parziale seek a tree removal permit to remove a decaying tree from the property.

- Deputy Mayor Costa moved to accept the reports; seconded by Trustee Ildefonso; unanimously carried.
- No replacement tree is needed.

**D. – Motion to Allow the Removal of a Tree** – 141 Manorhaven Blvd., owner Anthony Ressa seeks a tree permit to remove an oversized tree and replace it with a wire friendly tree.

- Deputy Mayor Costa moved to accept the reports; seconded by Trustee Farina; unanimously carried.
- One tree must be replaced.

**RESOLUTIONS BEFORE THE BOARD:**

**RESOLUTION #13 - P2022 – A RESOLUTION DIRECTING THE INDEMNIFICATION OF BILL ROGEL WITH REGARD TO LAWSUIT COMMENCED BY BROOKE BALTERMAN AND SCOTT BALTERMAN REGARDING 55 SINTSINK DRIVE WEST, PORT WASHINGTON, NEW YORK**

**WHEREAS**, it appears that Brooke Balterman and Scott Balterman have commenced an Article 78 Proceeding against the Incorporated Village of Manorhaven against Bill Rogel with regard to the issuance of a permit and are also seeking attorney fees along with and other related relief; and

**WHEREAS**, it is in the best interest of the Incorporated Village of Manorhaven to indemnify and hold Bill Rogel harmless in his capacity as an Employee of the Incorporated Village of Manorhaven, and defend him appropriately, and especially where the Baltermans have failed to name necessary parties to the action and where the Incorporated Village of Manorhaven has now unnecessarily incurred legal fees defending this baseless proceeding it is necessary to protect the taxpayers and aggressively defend their interests; and so to do so, it is

**RESOLVED** that the Mayor and the Board of Trustees of the Village of Manorhaven is hereby authorized and directed to indemnify and hold Bill Rogel harmless with regard to the pending Article 78 proceeding and to aggressively defend against the Article 78 proceeding and seek appropriate relief against the Petitioners as required by law, including but not limited to reasonable attorney's fees, costs and disbursements included therein.

- Mayor Popeleski moved to present the resolution; seconded by Trustee Shahipour.

**BOARD POLL:** Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.

- Resolution carried.

**RESOLUTION #14 - P2022 – A RESOLUTION AWARDING THE CONTRACT FOR THE MANORHAVEN SANITARY SEWER REHABILITATION OF JUNIPER AND HICKORY ROADS**

**WHEREAS**, the Village of Manorhaven solicited closed bids for the sanitary sewer rehabilitation of Hickory and Juniper Roads on October 13, 2022 at 10 a.m., receiving four bids; and

**WHEREAS**, the lowest responsible bid in the amount of \$161,888 was presented by National Water Main Cleaning Co., a reputable Long Island contractor in the business with a history of satisfactory work; and

**THEREFORE BE IT RESOLVED**, that after careful consideration of the Board, National Water Main Cleaning

Co. is hereby awarded said Contract in the amount of \$161,888 with the Village of Manorhaven.  
**BE IT FURTHER RESOLVED** that the provisions of this Resolution shall take effect immediately.

*- Mayor Popeleski moved to present the resolution; seconded by Trustee Shahipour.*  
*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*  
*- Resolution carried.*

**RESOLUTION #15 - P2022 – AWARDING A RESOLUTION REGARDING FISCAL YEAR 2022-2023 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 2022-2023, it is necessary to make supplemental appropriations to fund road improvement expenditures and a vehicle purchase; and

**NOW, 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 2022-2023 Budget by making the following transfers effective immediately:

**Revenue Items:**

4100 FEDERAL AID ARPA \$189,558

**Expenditure Items:**

5110202 ROAD IMPROVEMENTS \$161,888

3620200 VEHICLES \$27,670

*- Deputy Mayor Costa moved to present the resolution; seconded by Trustee Ildefonso.*  
*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*  
*- Resolution carried.*

**RESOLUTION #16 - P2022 – A RESOLUTION DIRECTING THE APPOINTMENT OF ALEX SKLAVOS AS ATTORNEY FOR THE BOARD OF ETHICS**

**WHEREAS** it appears that the Incorporated Village of Manorhaven is in the need of hiring an attorney for the Board of Ethics of the Incorporated Village of Manorhaven, and therefore require this to be undertaken by a qualified individual with the requisite experience; and

**WHEREAS** it is in the best interest of the Incorporated Village of Manorhaven to appoint Alex Sklavos, Esq., as the Attorney as the best qualified individual with the requisite experience, so to do, it is **RESOLVED** that the Mayor and the Board of Trustees of the Village of Manorhaven is hereby authorized and directed to retain Alex Sklavos, Esq., as Attorney for the Board of Ethics of the Incorporated Village of Manorhaven who is the best qualified individual with the requisite experience in the field, and who has been given this opportunity after reviewing the file and determining that this is the proper procedural avenue to follow.

*- Mayor Popeleski moved to present the resolution; seconded by Trustee Farina.*  
*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*  
*- Resolution carried.*

**RESOLUTION #17 - P2022 – RESOLUTION DIRECTING THE HIRING OF A PART-TIME BUILDING CONSULTANT**

**WHEREAS** it appears that the Village of Manorhaven is desirous of hiring a part-time Building Consultant and require this to be undertaken by a qualified individual with the requisite experience; and

**WHEREAS** it is in the best interest of the Village of Manorhaven to hire Dennis Formigia of Construction Consultants of LI, Inc., who is best qualified with requisite experience, and so to do, it is

**RESOLVED** that the Mayor and the Board of Trustees of the Village of Manorhaven is hereby authorized and directed to hire Dennis Formigia of Construction Consultants of LI, Inc. who is the bet qualified individual with requisite experience who has been given this

opportunity after reviewing the file and determining that this is the proper procedural avenue to follow.

- *Deputy Mayor Costa moved to present the resolution; seconded by Trustee Shahipour.*

*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*

- *Resolution carried.*

**RESOLUTION #18 - P2022 – RESOLUTION TO INCREASE THE FEE OF SEASONAL (November 15 through April 15) FLOAT PERMIT FEES AND TO LIMIT FLOAT STORAGE**

**WHEREAS**, according to Chapter 151. Waterways, Article IV. Municipal Docks, Section 21 – B, the Board of Trustees may set winter storage permit procedures and fees via resolution, and

**WHEREAS**, according to the same, the Board of Trustees may limit the space available for the seasonal storage of floats within the Village portion of Sheets Creek.

**THEREFORE**, be it resolved that the Board of Trustees shall increase the seasonal “winter” permit fees to \$750 per float; and

**BE IT FURTHER RESOLVED** that the number of spaces shall be limited to six spaces or floats for a total of six seasonal permits, which shall take effect immediately upon acceptance by the Board of Trustees.

- *Mayor Popeleski moved to present the resolution; seconded by Trustee Ildefonso.*

*BOARD POLL: Trustee Harry Farina, Aye; Trustee Monica Ildefonso, Aye; Trustee Khristine Shahipour, Aye; Deputy Mayor Vincent Costa, Aye; Mayor John Popeleski, Aye.*

- *Resolution carried.*

**NEW BUSINESS:** DPW has been planting trees

**PUBLIC COMMENT:**

- Elizabeth Clarke – 20 Dunes Lane – Congrats to the Board, commented on low attendance at meeting; speed bumps on Dunes Lane needs to be addressed; requested “No Parking This Side” be replaced on her street (street sweeper can’t clean both sides); requested that a yellow curb be painted at all fire hydrants; asked why the increase in BZA and Planning Boards, complimented Clerk and Deputy on performance.
- Barbara Thermos – 11 The Crow’s Nest – Questioned work was being done on 59 Orchard Beach Blvd.; reported a trespassing problem with kids and overabundance of pigeons on that property. (Elizabeth Clarke told history of the property.)
- Michael Boroumand – Defended his property; explained roof and damaged sheetrock was being repaired. Stated building next store had extended balconies too close. Supervisor Rogel knew of the repairs that took place.
- Anne Tomlinson – 11 Dunes Lane – Would like to see STOP painted on roadways and more blinking STOP signs; Light at Police Station out (has been reported to Nassau County); Animals are living in 13 Dunes Lane and possible infestation of mice; noted that the survey she had done shows the fence is on her property.

**UPCOMING MEETINGS AND EVENTS:**

- Planning Board, Tuesday, November 7 at 6:30 p.m.
- Toys for Tots Collection from Monday, November 7 through December 9 at Village Hall
- Election Day, Tuesday, November 8, our offices will be closed
- Veteran’s Day, Friday, November 11, our offices will be closed
- Court, Tuesday, November 15 at 6:00 p.m.
- Work Session, Wednesday, November 16, at 6:00 p.m.
- BZA, Tuesday, November 9 at 6:30 p.m.
- Thanksgiving, November 25 - 26, our offices will be closed. (Village wide trash pick-up Friday, 11/26)
- BOT Public Hearing and General Session, Wednesday, November 30, at 6:30 p.m.
- Tree and Menorah Lighting – Friday, December 9, at 6:30 p.m.
- Holiday House Decorating Contest in Manorhaven. – Winner announced on 12/14

**ADJOURNMENT:**

*Deputy Mayor Costa moved to adjourn the General Meeting; seconded by Trustee Farina at 8:32 p.m. unanimously carried.*

Manorhaven, NY  
Sharon Natalie Abramski, MMC, RMC  
Village Clerk-Treasurer  
October 26, 2022