

1 Revised Draft

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3 Minutes of the Video Conference Meeting of the Board of Trustees of the Village of Great Neck  
4 Estates held on Tuesday, November 17, 2020 at 7:00 pm.

5

6 The Village Administrator called the roll;

7

8 Present by video conference:

9

Mayor William D. Warner

10

Deputy Mayor Jeffrey Farkas

11

Trustee Lanny Oppenheim

12

Trustee Howard S Hershenhorn

13

Trustee Ira D. Ganzfried

14

A. Thomas Levin, Esq., Village Attorney

15

Kathleen L Santelli, Village Administrator

16

17 Mayor Warner called the meeting to order at 7:01 p.m. Trustee Hershenhorn was not present at  
18 the start of the meeting.

19 The Village Administrator confirmed that notice of this meeting had been posted on the Village  
20 website, Village Hall and all other customary posting sites on November 10, 2020. The public is  
21 not permitted to attend in person; the public is permitted to observe and hear the meeting remotely  
22 on Zoom, as described in the meeting notice. The public portion of the meeting was recorded, and  
23 a transcription will be prepared as required by law.

24 **The Village Administrator read the following announcement with regard to conduct of the**  
25 **meeting:**

26 The public portions of this meeting are being recorded and a transcription will be provided at a  
27 later date.

28

29 The public has the opportunity to hear and observe this meeting live at the Zoom meeting address,  
30 and to participate in any public hearings which may be held at this meeting.

31

32 Please be advised that in accordance with the Open Meetings Law, any interested person may  
33 comment on public hearing items prior to or during the public hearing, or on any other matter  
34 at any time during the meeting, by email to [admin@vgne.com](mailto:admin@vgne.com) or by using the Chat feature on  
35 Zoom.

36

37 Trustee Hershenhorn joined the meeting at 7:06 pm

38 **BUILDING DEPARTMENT**

39 Mayor Warner stated that the Report of Building Department activity for the period August 2020-  
40 October 2020 had been distributed to the Board and is available on the Village website. On motion

41 offered by Mayor Warner, seconded by Trustee Hershenhorn, and duly adopted by unanimous  
42 vote, the Board accepted the October 2020 Building Department report. The report is on file in  
43 the Village Office.

44 ARCHITECTURAL REVIEW BOARD

45 On motion of Trustee Ganzfried, seconded by Trustee Hershenhorn, and duly adopted by  
46 unanimous vote, the Board the Board affirmed the recommendations of the ARB for approval of  
47 the following applications:

48           Glenn Zuckerman, 7 Hillcrest Dr, Swimming Pool  
49           Castro-Tie, 77 Bayview Ave, façade reno & additions  
50

51 PUBLIC WORKS DEPARTMENT

52 Mayor Warner stated that the report of Public Works activity for the month of October 2020 had  
53 been distributed to the Board and is available on the website. On motion of Mayor Warner,  
54 seconded by Trustee Oppenheim, and duly adopted by unanimous vote, the Board accepted the  
55 October 2020 Public Works Department report. The report is on file in the Village Office.

56 POLICE DEPARTMENT

57 Chief Ricardo Moreno and Sergeant Shannon Noor were present by video conference.

58 Mayor Warner announced that he had appointed Charles Powell as a Police Officer of the Village,  
59 effective November 3, 2020. On motion of Trustee Oppenheim, seconded by Trustee  
60 Hershenhorn, and duly adopted by unanimous ratified Mayor Warner's appointment of Police  
61 Officer Charles Powell at a salary of \$56,091, effective November 3, 2020.

62 Mayor Warner discussed recent suspicious nighttime activity investigated by newly appointed  
63 Detective Amatulli, which had resulted in an arrest. Trustee Hershenhorn commended Mayor  
64 Warner for the reminder sent to the residents and suggested a follow-up Swift Reach call.

65 The Board discussed the status of the License Plate Reader grant which is to be coordinated with  
66 Nassau County.

67 Mayor Warner stated that the report of Police activity for the month of October 2020 had been  
68 distributed to the Board and is available on the website. On motion offered by Trustee  
69 Hershenhorn, seconded by Trustee Ganzfried, and duly adopted by unanimous vote, the Board  
70 accepted the October 2020 Police Department report. The report is on file in the Village office.

71 PARK-POOL-TENNIS

72 Mayor Warner reported that he and Trustee Ganzfried had met with Recreation Attendants  
73 Michelle Sorise and Dennis Mooney and were informed by them that they do not intend to return  
74 to Village employment for the summer of 2021. They have offered to assist the Village in briefing  
75 their replacements.

76 Idling Vehicles

77 Mayor Warner reported that he had received a call from resident, Dr. Brady, regarding vehicles in  
78 the park that are idling their engines while waiting for their children to exit the tennis facility.  
79 Supt. Garvey was requested to investigate such signage.

80 ENVIRONMENTAL COMMISSION – No report

81 CABLE COMMISSION – No Report

82 CIVIC ASSOCIATION

83 A motion was offered by Trustee Oppenheim, seconded by Trustee Hershenhorn, and duly adopted  
84 by unanimous vote, to pay \$880 to the Civic Association for the Village’s share of co-sponsorship  
85 of the Labor Day musician at the Park.

86 MAYOR’S REPORT

87 McKinley Rose LLC – request to authorize demolition permit (hearing closed)

88 Daniel Baker, Esq. and John Johns were present by videoconference.

89 Mayor Warner offered the following resolution, which was seconded by Deputy Mayor Farkas,  
90 and duly adopted by unanimous vote,

91 WHEREAS, by previous legislation and various approval resolutions, the Board of  
92 Trustees of the Village of Great Neck Estates (acting in its capacity as the Planning Board for the  
93 Village) has granted an incentive zoning permit, and site plan approval for development of the  
94 property located at 212-230 Middle Neck Road (now known as 218 Middle Neck Road), Great  
95 Neck Estates (Section 2, Block 6, Lot 254 on the Nassau County Land and Tax Map), which  
96 approvals are presently held by McKinley Rose, LLC, 445 Northern Boulevard, Suite 1, Great  
97 Neck, New York 11021, for an use of the aforesaid property for a condominium development  
98 (subdivision) for forty (40) residential condominium units and common area; and

99 WHEREAS, pursuant to the current approvals for such development and use, McKinley  
100 Rose LLC is required to to complete certain actions within stated periods of time; and

101 WHEREAS, McKinley Rose, LLC has applied to the Board of Trustees for a amendment  
102 to the existing approvals to waive the otherwise applicable requirements for obtaining demolition  
103 permits for the property, in order to permit demolition to proceed expeditiously and in advance of  
104 obtaining building permit(s) for the proposed new construction; and

105 WHEREAS, the Board of Trustees, as Lead Agency pursuant to the State Environmental  
106 Quality Review Act (SEQRA), has heretofore classified the proposed action and an Unlisted  
107 Action, and adopted a Negative Declaration; and

108 WHEREAS, the Board of Trustees duly held a public hearing with respect to the said  
109 waiver request on November 9, 2020, at which time all persons interested were heard or given an  
110 opportunity to be heard; and

111 WHEREAS, the Board of Trustees has given due consideration to the application, and finds  
112 and concludes that the requested relief would result in no substantive or material change in the use  
113 of the subject property, and would affect only the timing of the issuance of various permits for the  
114 previously authorized work;

115 NOW, THEREFORE, BE IT

116 RESOLVED, that the Board of Trustees hereby finds and concludes that the proposed  
117 action now under consideration is a Type II Matter pursuant to SEQRA, which requires no  
118 additional environmental impact review; and it is further

119 RESOLVED, that the Board of Trustees hereby waives the otherwise applicable  
120 requirements for issuance of demolition permits simultaneously with or after issuance of building  
121 permits, to allow the issuance of demolition permits upon submission of all required  
122 documentation other than a building permit, subject to the conditions that

- 123 1. Prior to issuance of any such demolition permit the applicant shall deposit with the Village  
124 Treasurer adequate security by surety bond in form approved by the Village Attorney, or a  
125 cash deposit, in the principal sum of \$200,000 to secure the timely completion of  
126 demolition and either (a) commencement of construction, or (b) filling, grading and  
127 seeding the property to the satisfaction of the Village Building Department, all on or before  
128 six months from the issuance of the demolition permit (or such longer period of time as  
129 may be authorized by the Board of Trustees without requiring a public hearing).
- 130 2. Except as otherwise provided in this resolution, any covenants and restrictions previously  
131 required by prior approvals for this project, recorded or to be recorded in the Office of the  
132 Nassau County Clerk, shall, to the extent necessary by the relief granted herein, be  
133 executed, amended and recorded at the sole expense of the Applicant in form approved by  
134 the Village Attorney, prior to issuance of any building permit for this project.
- 135 3. The Applicant and its successors in interest shall comply with all representations made at  
136 the hearings held before the Board of Trustees except to the extent that any such  
137 representation shall be in conflict with a condition of this approval. In the event of such  
138 conflict, the conditions of this approval shall prevail.
- 139 4. In even the Village is required to institute legal proceedings to enforce any provision of this  
140 approval and is successful in whole or in part in any such proceedings, the Applicant shall  
141 be responsible to pay or reimburse the Village's reasonable expenses (including attorneys'  
142 fees) for such proceedings.
- 143 5. The Village Building Department shall have authority to issue reasonable requirements for  
144 security of the site during construction, at the sole expense of the Applicant, including  
145 reasonable requirements for construction fencing, including around the perimeter of the  
146 site, at the Applicant's sole expense during demolition and construction.
- 147 6. Nothing in this resolution shall be construed as a limitation on the regulatory or legislative  
148 authority or jurisdiction of the Village of Great Neck Estates.
- 149 7. In all other respects, the terms and conditions of the existing approvals, as previously  
150 amended, shall remain in full force and effect.

151

152 Proposed Bill GNE 2020C in relation to noise from operation of equipment

153 Mayor Warner stated that that the Board had closed the public hearing held on November 9, 2020.  
154 The Board discussed the proposed local law. On motion offered by Deputy Mayor Farkas,  
155 seconded by Trustee Hershenhorn, and duly adopted by unanimous vote, Bill GNE 2020C.1 was  
156 substituted for Bill GNE 2020C.

157 SEQRA Determination

158 The following motion was offered by Mayor Warner, seconded by Trustee Oppenheim, and duly  
159 adopted by unanimous vote,

160 RESOLVED, that the Board of Trustees (“Board”) hereby finds and concludes that

161 (a) the proposed action is an Unlisted Action as defined in the State Environmental  
162 Quality Review Act and its implementing regulations;

163 (b) the Board is the Lead Agency with respect to environmental impact review of this  
164 proposed action;

165 (c) the Board has considered the following factors in respect to its review of the  
166 environmental impacts of the proposed action, as well as its previous environmental impact review  
167 determinations with respect to the proposed project, and makes the following findings and conclusions:

168 (i) the proposed action, with the various conditions proposed by the applicant and  
169 as may be proposed by the Board in making its determination with respect to the application, would not  
170 result in any substantial adverse change in existing air quality, ground or surface water quality or quantity,  
171 traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial  
172 increase in the potential for erosion, flooding, leaching or drainage problems;

173 (ii) the proposed action would not result in the removal or destruction of large  
174 quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory  
175 fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or  
176 endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts  
177 to natural resources;

178 (iii) the proposed action would not impair the environmental characteristics of any  
179 Critical Environmental Area;

180 (iv) the proposed action would not conflict with the community’s current plans or  
181 goals as official approved or adopted;

182 (v) the proposed action would not impair the character or quality of important  
183 historical, archeological, architectural or aesthetic resources or of existing community or neighborhood  
184 character;

185 (vi) the proposed action would not result in a major change in the use of either the  
186 quantity or type of energy;

187 (vii) the proposed action would not create a hazard to human health;

188 (viii) the proposed action would not create a substantial change in the use, or  
189 intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to  
190 support existing uses;

191 (ix) the proposed action would not encourage or attract large numbers of persons to  
192 any place for more than a few days, compared to the number who would come to such place without such  
193 action;

194 (x) the proposed action would not create changes in two or more elements of the  
195 environment, no one of which would have a significant impact on the environment, but when taken  
196 considered together would result in a substantial adverse impact on the environment;

197 (xi) the proposed action would not create substantial adverse impacts when  
198 considered cumulatively with any other actions, proposed or in process;

199 (xii) the proposed action would not result in substantial adverse impact with respect  
200 to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality  
201 or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and  
202 the immediate neighborhood in particular;

203 (d) the proposed action would not have a significant adverse environmental impact;

204 and;

205 (e) no further environmental review is required with respect to the proposed action.  
206

207 Mayor Warner certified that there is a need to proceed to adopt this proposed law without the  
208 Board having the final text for the required statutory period. On motion of Deputy Mayor Farkas,  
209 seconded by Trustee Ganzfried, and adopted by unanimous vote, the Board adopted Proposed Bill  
210 GNE 2020C.1 as Local Law 3-2020, and directed the Village Administrator to file the law with  
211 the Secretary of State and forward the law to General Code for inclusion in the Village Code.

212 Authorize the Mayor to sign SOA for Foreperson Diane Campbell

213 Mayor Warner stated that Supt Garvey had recommended Diane Campbell be appointed to fill the  
214 vacancy as Public Works Foreman resulting from the death of the late Carlos Onofre, and that the  
215 collective bargaining unit had consented. On motion offered by Trustee Hershenhorn, seconded  
216 by Trustee Ganzfried, and duly adopted by unanimous vote, the Board authorized Mayor Warner  
217 to sign the Stipulation of Agreement for the appointment of Diane Campbell for the in-house  
218 position of Foreperson at a \$5,000 stipend in addition to salary, effective November 18, 2020.

219 Authorize Pool Generator & Pad Purchase & Installation

220 Mayor Warner stated that the Village had requested proposals for installation of a three-phase  
221 generator & pad for the pool facility which experienced equipment failure and damage during the  
222 power outages from Storm Isaias. Mayor Warner indicated that this improvement would provide  
223 a convenience to residents for charging electronics, shower facilities, etc. who may also be  
224 experiencing outages. The Board reviewed the two proposals received. A motion was offered by  
225 Trustee Hershenhorn, seconded by Trustee Ganzfried, and duly adopted by a unanimous vote, to  
226 accept the proposal from Jhacs Electric, Inc. for the purchase and installation of a 32kw Generac  
227 Generator and concrete pad, including labor, services and materials at a cost not to exceed \$36,600,  
228 to be paid from the Community Amenity Fund

229 Mayor Warner stated that the Village had requested proposals for annual cesspool services, and  
230 one proposal had been received. A motion was offered by Deputy Mayor Farkas, seconded by  
231 Trustee Oppenheim, and duly adopted by a unanimous vote, to accept the proposal of City Wide

**Commented [ATL1]:** The way this was written could permit argument that her salary was increased such that she would continue to receive reevfe the increase even if she were no longer Forman. Also – we suggest that the Village use a gender-neutral title for this position.

232 Sewer & Drain Corp. for various cesspool services for the period December 1, 2020 through and  
233 including November 30, 2021.

234 Accept Justice Court Audit f/y/e 5/31/20

235 A motion was offered by Trustee Ganzfried, seconded by Trustee Oppenheim, and duly adopted  
236 by unanimous vote, to accept the Justice Court Audit for the fiscal year ending 5/31/20, and to  
237 direct the Village Administrator to forward a copy of the resolution and audit to the NYS Unified  
238 Court System as required by the Uniform Justice Court Act. .

239 Authorize Mayor to sign nCourt LLC for electronic payment processing

240 Village Justice Burstein was present by videoconference to explain the benefits of the proposed  
241 online payment program with nCourt, at no cost to the Village. All fees and costs are paid by the  
242 defendants in Vehicle and Traffic Law matters. Village Justice Burstein stated that Justice  
243 Schaefer was in agreement, and that they expect this system will enhance the efficiency of  
244 operations in the Court and result in more revenue.

245 A motion was offered by Deputy Mayor Farkas, seconded by Trustee Oppenheim, and duly  
246 adopted by unanimous vote to authorize the Mayor to sign the agreement with nCourt LLC for an  
247 electronic payment processing program for violations of the Vehicle and Traffic Law..

248 Authorize Repair of the Village Hall portico

249 Deputy Mayor Farkas reported that the Village had received two proposals for repair of the Village  
250 Hall entrance. On motion of Mayor Warner, seconded by Trustee Oppenheim, and duly adopted  
251 by unanimous vote, the Board authorized an expenditure to F. Romano Contracting Inc. not to  
252 exceed \$6,000 for repair of the Village Hall portico and column.

253 CLERK-TREASURER

254 The Administrator stated that the financial report for the month of October 2020 had been  
255 submitted to the Board and is on file and available for inspection at the Village Office. On motion  
256 offered by Deputy Mayor Farkas, seconded by Trustee Ganzfried, and duly adopted by unanimous  
257 vote, the Board accepted the October 2020 report.

258 MINUTES

259 The Administrator stated that draft minutes of the October 12, 2020 meeting had been reviewed  
260 by the Village Attorney. On motion offered by Mayor Warner, seconded by Deputy Mayor Farkas,  
261 and duly adopted by unanimous vote, the Board approved the minutes of October 12, 2020 as  
262 amended and presented to the Board.

263 The approved minutes are posted on the website and are on file in the Village office.

264 ABSTRACTS

265 On motion offered by Trustee Ganzfried, seconded by Trustee Oppenheim, and duly adopted by  
266 unanimous vote, the Board ratified the payment of claims on General Abstract #202016 in the  
267 amount of \$8,676.52 for contractual bills, and approved payment of claims on General Abstract  
268 #202017 in the amount of \$338,761.76 for October bills and Trust Abstract T302 in the amount of  
269 \$200 for refund of retirement loans.

270 There being no further business, on motion offered by Trustee Hershenhorn, seconded by Trustee  
271 Oppenheim, and duly adopted by unanimous vote, the meeting was adjourned at 8:02 pm.

272 Respectfully submitted,

273 Kathleen L Santelli  
274 Village Administrator