

MINUTES
BOARD OF TRUSTEES
VILLAGE OF NORTH HILLS
Village Hall
One Shelter Rock Road
North Hills, New York
May 18, 2022
7:30 pm

PRESENT: Mayor Marvin Natiss
Deputy Mayor Dennis Sgambati
Trustees Elliott Arnold, Gail Cohen and Phyllis Lentini
Marianne C. Lobaccaro, Village Administrator
Peter Cinquemani, Superintendent of Building Department
A. Thomas Levin, Village Attorney
By: Brian S. Stolar

Mayor Natiss called the meeting to order at 7:30 pm.

Mayor Natiss announced that the next regular meeting date for the Board of Trustees will be June 15, 2022 at 7:30 pm.

The minutes of the April 20, 2022 meetings were approved on motion by Trustee Cohen, seconded by Trustee Arnold and adopted unanimously. The approved minutes are on file in the village office.

The Village Administrator read the Treasurer's Report for April 2022, which was approved unanimously on motion by Deputy Mayor Sgambati, seconded by Trustee Lentini.

On motion by Deputy Mayor Sgambati, seconded by Trustee Lentini and adopted unanimously, the Board approved a refund of the unused portion of a deposit in the sum of \$1,278.50, to be paid to Geeta Varma, as identified in the May 9, 2022 memorandum from the Village Administrator, a copy of which is on file in the Village office.

On motion by Trustee Cohen, seconded by Trustee Arnold and adopted unanimously, the Board approved the budgetary fund transfers requested in the May 12,

2022 memorandum from the Village Administrator, a copy of which is on file in the Village office.

On motion by Trustee Arnold, seconded by Trustee Lentini and adopted unanimously, the Board approved payment of the claims on General Fund Warrant 05/22. A copy of the Warrant is attached to these minutes.

The Board discussed Case No. 21-08bt, Residences at North Hills Homeowners for permission to convert a portion of the premises into a business use. The Board confirmed that all application fees have been paid. On motion made by Deputy Mayor Sgambati, seconded by Trustee Lentini and adopted unanimously, the Board scheduled a public hearing to be held on June 15, 2022, at 7:30pm.

The Board reviewed the Village Administrator's May 3, 2022 memorandum regarding the proposed tax rate(s) for the 2022/2023 fiscal year. On motion by Deputy Mayor Sgambati, seconded by Trustee Arnold and adopted unanimously, the Board set the following tax rates, and authorized the issuance of the corresponding tax warrant pursuant to Real Property Tax Law §1426:

Class 1 - \$0.2272 per \$100 assessed value
Class 2 - \$0.0117 per \$100 assessed value
Class 3 - \$0.0164 per \$100 assessed value
Class 4 - \$0.0208 per \$100 assessed value
Roslyn Fire Companies contract area - \$30.1366977 per \$100 assessed value.

The Board discussed Case No. 18-01bt, Buckley Country Day School, 2 IU Willets Road, North Hills, New York, for site plan and special permit amendments, accessory use permits, and variances required for the proposed construction of a 2 story addition to the

existing school building, and installation of new perimeter fencing, as shown on the plans submitted to the Village, at premises designated as Section 8, Block A, Lots 170, 173, and 725-727 on the Nassau County Land and Tax Map. A public hearing had been held and concluded with respect to the application. On motion duly made by Trustee Lentini, seconded by Trustee Cohen, the Board unanimously adopted the following decision to approve the portion of the application relating to the construction of the addition to the existing building, and to schedule a determination with respect to the remaining portion of the application.

***RESOLUTION WITH RESPECT TO THE APPLICATION OF
BUCKLEY COUNTRY DAY SCHOOL (CASE 18-01bt)
FOR BUILDING INFILL AND PERIMETER FENCING***

WHEREAS, the Board of Trustees of the Village of North Hills (“Board”) acting as Lead Agency, previously reviewed an Environmental Assessment Form (EAF) submitted in support of a bifurcated portion of the application of Buckley Country Day School (Case 18-01bt) for amendment of an existing special permit and site plan with respect to an infill addition to an existing building and for perimeter fencing; and

WHEREAS, the Board heretofore had issued a Positive Declaration pursuant to the State Environmental Quality Review Act (SEQRA) with respect to the full application submitted as Case 18-01bt); and

WHEREAS, at the request of the applicant, the Board thereafter consented to the bifurcation of that application, to consider only that portion (“the Project”) of the application which seeks permission to add an infill addition to an existing building, and to add perimeter fencing, and to hold the remainder of that application in abeyance; and

WHEREAS, the Board heretofore duly adopted a resolution concluding that

the bifurcation of the application did not constitute an impermissible segmentation of the application, and that the bifurcated portion of the application should proceed for further review, including review of environmental impact; and

WHEREAS, upon further review of the bifurcated portion of the application, the Board issued a Negative Declaration pursuant to SEQRA); and

*WHEREAS, the Nassau County Planning Commission has issued a recommendation that the Board take such action with respect to the bifurcated portion of the application as the Board deems appropriate; and
WHEREAS, the Board has held numerous public hearings with respect to the original application and the bifurcated portion of that application, the hearings and submissions with respect to the bifurcated portion of the application are complete, and the hearings with respect to the bifurcated portion of the application have been closed; and*

WHEREAS, the Board has considered the EAF, the various comments made at the public hearings, the authorized submissions after the close of the public hearing, and the comments and recommendations of its consultant VHB Engineering, Surveying, Landscape Architecture & Geology P.C. ("VHB"); and

NOW, THEREFORE, IT IS

RESOLVED, that with respect to the portion of the bifurcated application as pertains to the building infill, the Board finds and concludes as follows:

- 1. In considering this application, the Board is mindful that the applicant is an educational entity operating an educational use, and that zoning and planning laws must be interpreted and applied differently with respect to such entities and uses.*
- 2. While objections were raised to the proposed building infill on various grounds, including concerns that such additional interior space might allow for increased enrollment at the school, and*

arguments that the school did not demonstrate a need for such an addition, applicable law makes clear that the school is not required to make such a showing with respect to an addition proposed for its educational purposes.

- 3. The school demonstrated a reasonable basis for its proposed building enlargement, which clearly will be used as part of the educational mission of the school.*
- 4. The proposed addition is not out of character with the neighborhood nor the community. As an infill to an existing building, and located within an existing interior courtyard, it will have minimal visibility from locations off the site.*
- 5. The height of the proposed addition exceeds that permitted by Code, and requires a variance. However, the portion of the height which exceeds Code is lower than the height of the existing building, and is in character with the area, and this variance is granted. The Board concludes that no variance for floor area ratio is required, in that there is an existing variance for FAR of 10.6% and the FAR with the addition is only 7.49%. Further, while a side yard variance was originally determined to be required, subsequent review by the Building Department concluded that no such variance was needed.*
- 6. Accordingly, with the foregoing relief, the proposed addition is zoning compliant, provided that additional parking is provided on site as set forth hereinafter.*
- 7. The present school enrollment is substantially less than presently authorized by the terms of its special permit. The school represented at the hearing that the building infill addition would not generate any increased enrollment, in that the facility would permit re-allocation of various classrooms and facilities for existing students without an enlargement of enrollment.*

8. *Accordingly, subject to the terms and conditions herein set forth hereinafter, the portion of this application which seeks amendment of the existing approved special permit and site plan is GRANTED.*
9. *The conditions upon which such approval is granted are as follows:*
 - (a) *No construction of the building infill addition shall take place until all required fees and deposits have been paid, and all required building permits have been issued;*
 - (b) *All construction shall take place in accordance and compliance with the laws and regulations of each governmental entity having jurisdiction;*
 - (c) *The additional building space afforded by the new construction shall not be used as the basis for an increase in the enrollment at the school;*
 - (d) *All construction shall be in accordance with the plans submitted to the Board, as last revised, except as otherwise provided herein;*
 - (e) *Prior to issuance of any building permit, the applicant shall submit a final site plan, which shall be subject to approval by the Village Building Department, consistent with the plans reviewed by the Board and approved herein, and which shall include parking spaces in number and location fully compliant with the Village Code, including parking spaces previously required and any additional spaces required by the infill building addition. All new parking spaces shall be located within existing paved areas and shall meet the Village's parking configuration requirements set forth in Village Code §215-35(F) and any other applicable governmental parking space requirements;*

- (f) *Prior to issuance of any building permit, the applicant shall demonstrate to the satisfaction of the Village Building Department that additional stormwater management structures (e.g. drywells, etc.) shall be installed to accommodate any additional runoff volume from the proposed increase in impervious surfaces, and any and all such stormwater management structures shall be shown on the final site plan;*
- (g) *Prior to issuance of any building permit, the applicant shall provide a construction schedule satisfactory to the Building Department, and a plan satisfactory to the Building Department showing locations on site for storage of equipment and building materials, and other items to be stored on site, such that any such storage is visible from neighboring properties to the minimum extent necessary. The Building Department may require reasonable screening of such storage areas.*
- (h) *All permits for the proposed construction shall be issued within one year from the date of this determination, and all construction shall be completed within one year from the date of permit issuance. These time periods may be extended by the Board of Trustees for good cause shown, and no public hearing shall be required with respect to any such extension application (although the Board may hold such public hearing in its discretion);*
- (i) *Until such time as a certificate of occupancy or completion is issued for the infill addition, the applicant shall coordinate construction traffic on I.U. Willets Road with buses and other vehicles which use that road such that traffic congestion and noise are avoided to the maximum extent feasible. In furtherance of this requirement, the applicant shall comply with reasonable directions from the Building Department;*

(j) In the event of material default in compliance with any condition of this resolution, the Board of Trustees, after reasonable notice to the applicant and an opportunity for the applicant to be heard, may modify, rescind or revoke any condition of this resolution, and/or may impose reasonable penalties and/or additional or other conditions,

And it is further

RESOLVED, that a determination with respect to the remaining portion of the bifurcated application, with respect to proposed perimeter fencing, shall continue to be reserved and held in abeyance pending further information to be provided to the Board with respect to any agreement between the school and its neighbors as to boundary line(s), provided, however, that in the event no such completed agreement is provided to the Board at least seven (7) days prior to its next regular monthly meeting, the Board may proceed to make a determination with respect to such remaining portion of the application.

The Board discussed the May 3, 2022 memorandum of the Superintendent of Building Department regarding new building department software and hardware. After such discussion, on motion by Deputy Mayor Sgambati, seconded by Trustee Arnold and adopted unanimously, the Board authorized the Superintendent of Building Department to further discuss the costs of the hardware and software programs with OpenGov. Inc. and have the Village Attorney review any proposed agreement(s).

The Board discussed the Village Administrator's May 3, 2002 memorandum regarding Positive Pay, a service provided by TD Bank as a fraud detection system. On motion by Trustee Cohen, seconded by Trustee Lentini and adopted unanimously, the Board authorized the Village Administrator to obtain the Positive Pay service at a cost not

to exceed \$110 per month.

The Board discussed the May 3, 2022 memorandum from the Village Administrator regarding old escrow deposits presently held by the Village. On motion by Deputy Mayor Sgambati, seconded by Trustee Lentini and adopted unanimously (with Mayor Natiss and Trustee Cohen abstaining), the Board authorized (a) the return of a deposit in the sum of \$500 to the Links at North Hills, and (b) submission of a letter to the New York State Office of the State Comptroller Office of Unclaimed Funds regarding the other deposits listed in the May 3 memorandum.

The Board discussed the May 3, 2022 memorandum from the Village Administrator regarding the Resident Notification System.

The Board discussed an April 25, 2022 letter request submitted by Edward Butt, RA, for a renewal of permit #4370, for premises located at 7 Stonehill Drive North, for a period of 3 months. The Superintendent of Building Department informed the Board that he understands the work to be completed and merely requires a final inspection and issuance of a certificate of occupancy. On motion by Deputy Mayor Sgambati, seconded by Trustee Arnold and adopted unanimously, the Board approved the permit renewal for a period of 3 months after its expiration date, subject to payment of a \$150 fee for such renewal.

Shirley Bruno, the Village representative to the Great Neck/North Shore Cable Commission, reported to the Board regarding negotiations and public access.

The Board discussed the most recent report on usage of the Village shuttle. The

Board deferred taking any action until it reviews additional recent usage prior to the next Board meeting.

The Board reviewed the May 16, 2022 Superintendent of Building Department memorandum regarding the proposed purchase of a village vehicle. The Board previously authorized the Village Administrator to submit a request to Nassau BOCES that the existing BOCES contract for the purchase of vehicles be amended to include the Village in the list of entities authorized to purchase from authorized vehicle vendors. As provided in the May 16 memorandum, the Superintendent of Building Department identified a 2022 1500 Tradesman Crew Cab, 4x4, for purchase by the Village pursuant to the Nassau BOCES contract. On motion made by Deputy Mayor Sgambati, seconded by Trustee Lentini and adopted unanimously the Board authorized the purchase of a 2022 1500 Tradesman Crew Cab, 4x4, under the Nassau BOCES contract, for a price not to exceed \$52,290 and authorized the Village to accept purchase incentives that reduce the total purchase price.

Residents informed the Board of their interest in a dog park in the Village.

There being no further business, on motion by Trustee Cohen, seconded by Trustee Lentini, and adopted unanimously, the meeting was adjourned at 9:15 pm.

THE ABOVE MINUTES WERE FILED IN THE VILLAGE
OFFICE OF THE VILLAGE OF NORTH HILLS AT:

TIME: _____ AM/PM

DATE: _____, 2022.

PERSON FILING: _____

(Print full name of filer)