

MINUTES
BOARD OF TRUSTEES
VILLAGE OF NORTH HILLS
Village Hall
One Shelter Rock Road
North Hills, New York
August 21, 2024
7:30 pm

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

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 September 18, 2024 at 7:30 pm.

Mayor Natiss announced that Deputy Village Clerk Wendy Russo has received certification as a Registered Municipal Clerk. Congratulations were extended by all members of the Board.

On motion by Trustee Cohen, seconded by Trustee Arnold and adopted unanimously, the Board approved the July 17, 2024 minutes for filing.

The Village Administrator read the Treasurer's Report for July 2024, which was approved unanimously on motion by Deputy Mayor Sgambati, seconded by Trustee Lentini.

On motion by Trustee Lentini, seconded by Trustee Arnold and adopted unanimously, the Board approved the budgetary transfers as requested in the August 13, 2024 memorandum from the Village Administrator.

On motion by Trustee Arnold, seconded by Trustee Cohen and adopted unanimously, the Board approved payment of the claims on General Fund Warrant 08/24. A copy of the approved Warrant is attached to these minutes.

On motion by Mayor Natiss, seconded by Deputy Mayor Sgambati and adopted unanimously, the convened in executive session at 7:43 pm to obtain legal advice, and to deliberate with respect to a decision in Case 24-04bt. The Board returned to public session at 7:52 pm on motion by Mayor Natiss, seconded by Deputy Mayor Sgambati.

On motion by Trustee Cohen, seconded by Trustee Lentini and adopted unanimously, the Board issued the following decision in Case 24-04bt:

DECISION - Case 24-04BT. Application of DT-XCIII-IS LLC, One Vanderbilt Avenue, Suite 3400, New York, New York, New York, 10017, for premises known as 3400 New Hyde Park Road, North Hills, New York 11040, also known as Section 8, Block A, Lot 880 on the Nassau County Land and Tax Map.

WHEREAS, the Board of Trustees of the Village of North Hills has duly held a public hearing with respect to Case 24-04BT, the application of DT-XCIII-IS LLC, One Vanderbilt Avenue, Suite 3400, New York, New York, New York, 10017, to further amend a previous amended site plan approval for parking lot renovations and repairs at premises known as 3400 New Hyde Park Road, North Hills, New York 11040, also known as Section 8, Block A, Lot 880 on the Nassau County Land and Tax Map, and

WHEREAS, in prior proceedings, most recently in October, 2021, the Board of Trustees approved an amendment to the site plan for the property, subject to certain conditions, among which were the requirement for the applicant to obtain permits, and complete work, within specified periods of time, and

WHEREAS, due to conditions and circumstances beyond the control of the applicant, the applicant was unable to obtain the necessary permits within the time required, and now wishes to reinstate the approval granted in October, 2021, and

WHEREAS, upon further consideration of the plans so approved in October, 2021, the applicant also proposes to amend the said plans, to delete certain features therefrom, to enhance the use of the premises, and in particular the parking lot at the premises, and

WHEREAS, after hearing all interested persons, the Board of Trustees heretofore closed the public hearing for this application, reserved decision, and has discussed this matter, and

WHEREAS, pursuant to General Municipal Law §239-m, the Nassau County Planning Commission has recommended that the Board of Trustees take such action as it deems appropriate, the Commission having no recommended changes or amendments,

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees finds and determines that the proposed action is a Type II Action pursuant to the State Environmental Quality Review Act, which requires no environmental impact review, and it is further

RESOLVED, that the Board of Trustees hereby further finds as follows:

- 1. the proposed site plan amendments are an improvement to the previously approved plans, and, together with compliance with the conditions herein imposed are consistent with the public health, safety and welfare of the Village, and will be compatible with the character of the neighborhood and surrounding properties;*
- 2. the improvements proposed in the site plan amendments under consideration will improve the use of the existing parking lot at the premises, and the drainage conditions at the subject property;*
- 3. regrettably, recent incidents at the property have demonstrated uses of the property by third parties not authorized by the property owner, during hours in which the business at the property is not operating, but which are harmful and disturbing to occupancies of adjoining property, and constitute a nuisance, which incidents demonstrate a need to impose reasonable conditions upon the use of the parking lot at the premises in order to enhance security, and prevent intrusions on the peace and good order of the neighborhood;*
- 4. the applicant has proposed reasonable measures to address those unauthorized uses, and enhance security at the property, which measures the Board concludes are likely to address the current issues regarding the off-hours use of the parking lot;*
- 5. accordingly, as a condition of the relief herein approved (but not as a pre-condition to the issuance of permits), prior to issuance of any certificate of occupancy or completion, the applicant shall initiate, install and maintain security measures in accordance with a security plan approved by the Village Building Department, such plan to be consistent with various emails and accompanying documentation from applicant's attorney to the Village or Village officials subsequent to the close of the public hearing. Such security plan shall include, at a minimum, security*

procedures, including video surveillance, to be maintained at all times between the hours of 8 pm and the following 8 am on weekdays, and at all times on weekends and holidays. Such security plan shall be in form and substance reasonably satisfactory to the Building Department. In addition, on or before September 10, 2024, applicant shall install conspicuously placed signage to inform persons entering the subject property from off-site that the premises are under video surveillance. The form and content of such signage shall be subject to the reasonable approval of the Building Department. Any certificate or occupancy or completion for the premises issued with respect to the improvements shown on the amended plan shall include a condition that such security measures, or other measures reasonably approved by the Building Department, shall be implemented and enforced by the present and future owners and occupants of the premises.

- 6. applicant shall obtain all required permits for the work shown in the plans submitted with this application within ninety days of the date of adoption of this resolution, and complete such work and obtain any required certificate of occupancy or completion within six months after the date of permit issuance.*
- 7. any time periods in which applicant is required to complete any act as specified in this resolution may be extended upon letter application to the Board of Trustees, and without public hearing, unless the Board of Trustees determines that a public hearing should be held before granting such extension;*
- 8. all work and improvements performed at the premises pursuant to this resolution shall strictly comply with the approved plans, except that the Superintendent of Building Department may approve minor variations in such plans for good cause shown,*

And it is further

RESOLVED, that upon the foregoing terms and conditions, the application is APPROVED.

The Board discussed a pending proposal to approve participation in NY CLASS.

Mayor Natiss moved the following resolution, which was seconded by Deputy Mayor Sgambati and adopted unanimously:

Municipal Cooperation Resolution – NY CLASS

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o”) empowers municipal corporations [defined in Article 5-G, Section 119-n to include

school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis;

WHEREAS, the Incorporated Village of North Hills wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS, the Incorporated Village of North Hills wishes to assure the safety and liquidity needs of their funds;

Now, therefore, it is hereby

RESOLVED, That the Village Treasurer Of the Incorporated Village of North Hills is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Agreement, as Amended and Restated as of March 28, 2019, and it is further

RESOLVED, that, until further notice, the Village Treasurer of the Village of North Hills is hereby designated as the Contact Person for the Village of North Hills with respect to the NY CLASS program.

The Board reviewed the most recent report on usage of the Village shuttle service. The Board noted that the service continues to increase, and continues to be a service available and useful to all Village residents. The Board will continue to review usage.

Mayor Natiss appointed Eric B. Lee as Associate Village Justice, for the balance of the official year, effective upon filing the required oath of office and all other required documentation. The appointment was approved, and compensation set at \$600.00 per court session, on motion by Deputy Mayor Sgambati, seconded by Trustee Lentini and

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adopted unanimously.

There being no further business, on motion by Trustee Cohen, seconded by Deputy

Mayor Sgambati and adopted unanimously, the meeting was adjourned at 8:00 pm.

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

TIME: _____ AM/PM

DATE: _____, 2024.

PERSON FILING: _____

(Print full name of filer)

DRAFT