

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

The regular meeting of the Board of Trustees of the Incorporated Village of Farmingdale was held at Village Hall, 361 Main Street, Farmingdale, New York at 8:00 p.m. on Monday, May 6, 2013.

Present: Mayor Ralph Ekstrand
Deputy Mayor Patricia Christiansen
Trustee William Barrett
Trustee Cheryl Parisi
Trustee Thomas Ryan
Attorney Claudio DeBellis
Administrator/Clerk/Treasurer Brian Harty
Deputy Clerk/Treasurer Barbara Kelly
Superintendent of Buildings Steve Fellman
Public Works Superintendent Andy Fisch

Mayor Ekstrand opened the meeting at 8:00 PM with the pledge of allegiance.

ANNOUNCEMENTS ó Mayor Ekstrand made the following announcements:

- Next Board meeting with public comment period will be held Monday, June 3, 2013 at 8:00 pm: Board of Trustees Work Sessions begin at 7:00 pm on 5/13 and 5/20.
- The DMP IC has created a flier called "What's Up Downtown" listing upcoming events taking place in the Village such as:
 - o Farmer's Market every Sunday starting May 12th
 - o Memorial Day Parade ó May 27th
 - o Spring Main Street Fair-Sunday, June 2nd ó Rain date June 9th
 - o FBHS Annual Strawberry Festival - Sunday, June 2nd
 - o Farmingdale Restaurant Week - June 3rd -9th
 - o Car Shows ó June 28th, July 26th, August 23rd
 - o Live Downtown-Sundays - July 14th and August 11th
 - o Movie Nights on the Green ó July & August
 - o Village POPS ó Wednesday nights starting June 26th

CONTINUED PUBLIC HEARING PROPOSED AMENDMENT SPECIAL PERMIT RSM LOUNGES, INC 356 CONKLIN STREET (MAURICE DESIGNS, INC) ó Mayor Ekstrand stated that the public hearing was closed on April 1, 2013. Attorney DeBellis read the resolution.

Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, the following was **RESOLVED (#2013-292)**,

WHEREAS, Maurice Designs, Inc., (MD, Inc.), 126 Old East Neck Road, Melville, New York, is the tenant of the property located at 356-358 Conklin Street, Farmingdale, New York said property identified in the Nassau County Tax Maps as Section 49; Block 97-1; Lot 48

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

(öPropertyö); and

WHEREAS, the Property was located in the Business öDö District of the Village of Farmingdale; and

WHEREAS, in December, 2010, MD, Inc.ö predecessor in interest applied, pursuant to section 105-79 (K) of the Code of the Incorporated Village of Farmingdale, for a special permit to create a smoking lounge with limited retail sales; and

WHEREAS, the Board of Trustees determined in accordance with section 105-79 (K) that the proposed use on the Property was of the same general character as the uses specifically permitted in the Business öDö District; and

WHEREAS, the Board of Trustees considered the request of MD, Inc.ö predecessor in interest, held a public hearing on June 6, 2011 and granted the special permit subject to the following conditions:

1. A building permit issued by the Building Department pursuant to all Village and State regulations;
2. In accordance with §105-112 of the Zoning Code of the Village of Farmingdale, Applicant shall pay to the Village \$4,000.00 (Four Thousand Dollars) prior to the issuance of any building permit and no later than 30 days after the date of this decision. Applicant shall also make an additional three (3) payments to the Village of an additional \$2,000.00 (Two Thousand Dollars); payments to be made yearly on the anniversary date of the first, \$4,000.00 (Four Thousand Dollar) payment;
3. No live entertainment or cabaret use;
4. No alcohol shall be furnished or sold;
5. No cooking shall be performed on premises.
6. Drinks shall be limited to sodas, smoothies, coffee or tea and other similar items.
7. Only those 19 years of age and older to be admitted.
8. Applicant shall install at its own cost and expense a filtration system which shall prevent the release of any and all odor or smoke from the property. The adequacy of such filtration system to be determined at the sole discretion of the Board of Trustees;

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

9. Applicant shall not operate the smoking lounge with limited retail sales after 3:00 a.m.

WHEREAS, February 21, 2013 MD, Inc. submitted an application to amend the June 6, 2011 Special Permit; and

WHEREAS, MD, Inc. sought to amend the June 6, 2011 Special permit to prohibit entry or admission of any patrons under the age of twenty-one (21) into the premises and to eliminate the prohibition of furnishing alcohol on site; and

WHEREAS, the Board of Trustees, on Monday, April 1, 2013, held a public hearing to consider the application to amend of MD, Inc.; and

NOW, THEREFORE BE IT DECIDED, that in accordance with Articles XVII, XVII and XII of the Zoning Code of the Village of Farmingdale, the Board of Trustees amends the special permit to allow MD, Inc. to operate a smoke lounge with limited retail sales, in accordance with the following:

1. Compliance with all building department requirements, including building permits, if any; and
2. Compliance with the payments required in the June, 2011 grant; and
3. No live entertainment or cabaret use; and
4. Alcohol permitted to be furnished or sold, provided MD., Inc. has obtained the required NYS approvals, including, but not limited to, a NYS liquor license; and
5. No cooking shall be performed on premises; and
6. Only those 21 years of age and older to be admitted; and
7. MD, Inc. shall install, at its own cost and expense a filtration system which shall prevent the release of any and all odor or smoke from the property. The adequacy of such filtration system to be determined at the sole discretion of the Board of Trustees; and
8. MD, Inc. shall not operate the smoking lounge with limited retail sales after 3:00 a.m.; and
9. MD, Inc. shall reimburse the Village for all consultant fees incurred by the Village in connection with the Special Permit for the smoke lounge with limited retail sales.

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

DULY RESOLVED, by the Board of Trustees, as of this, the 6th day of May, 2013.

The following vote was recorded in connection with this matter:

Mayor Ralph Ekstrand	aye
Deputy Mayor Patricia A. Christiansen	nay
Trustee William Barrett	aye
Trustee Cheryl Parisi	aye
Trustee Thomas Ryan	aye

CONTINUED PUBLIC HEARING SPECIAL USE PERMIT/INCENTIVE BONUS 776 & 780 FULTON STREET (ROBERT LEE) ó Mayor Ekstrand stated that the public hearing was closed on April 1, 2013 and the final plans were approved by Planning Board. Attorney DeBellis explained the stipulations in the resolution in regard to affordable housing and possible penalties if that component of the resolution is not met.

Mr. Lee inquired about the possibility of extending Special Use permit for 2 years due to timing of DOT approvals on curb cuts on the state road.

Mr. Diurno requested it be on record that building would be following all fire regulations.

Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, the following was unanimously **RESOLVED (#2013-293)**,

WHEREAS, The Incorporated Village of Farmingdale (öVILLAGEö) is a municipal corporation duly organized under the laws of the State of New York; and

WHEREAS, Robert A. Lee, Jr., (öR. LEEö) 2686 Middle Country Road, Lake Grove, N.Y., is the owner of 766-780 Fulton Street, Farmingdale, NY, also known as Section 49, Block 166, Lot 56 and 57 (öPROPERTYö); and

WHEREAS, the PROPERTY is located within the Business öDö Zoning District of the VILLAGE; and

WHEREAS, R.LEE, proposes to construct a new 3 ½ story building with 24 residential units on the PROPERTY (öR. LEE DEVELOPMENTö); and

WHEREAS, the VILLAGE has jurisdiction over the R.LEE DEVELOPMENT and the PROPERTY; and

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

WHEREAS, the R.LEE DEVELOPMENT is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review Act, (öSEQRAö); and

WHEREAS, at the April 1, 2013 public hearing, the VILLAGE, pursuant to SEQRA, declared itself lead agency and classified the R.LEE DEVELOPMENT as an unlisted action and issued a negative declaration pursuant to SEQRA; and

WHEREAS, in accordance with General Municipal Law Section 239-m, the R.LEE DEVELOPMENT was referred to the Nassau County Planning Commission for review; and

WHEREAS, in connection with the R.LEE DEVELOPMENT, R.LEE applied for a building permit, which application was denied on the grounds the proposed development did not comply with the requirements of the Business öDö Zoning District, of the Zoning Code of the Inc. Village of Farmingdale and R.LEE was referred to the Board of Trustees in accordance with Section 105-79:

1. Section 105-79 (O) of Permitted Uses ö multifamily dwellings subject to a Special Permit from the Board of Trustees.
2. Section 105-79 (P) Development Incentive Bonuses ö The Board of Trustees may, at its discretion, award the incentive bonuses by varying the required density and building heights; and

WHEREAS, R.LEE, in accordance with Section 105-79 (O) has applied for a special permit for multifamily dwellings; and

WHEREAS, R.LEE, in accordance with Section 105-79 (P) has applied for incentive bonuses to allow the construction of thirty (30) units per acre; and

WHEREAS, R.LEE has also applied for site plan approval in accordance with Article XXVII of the Zoning Code of the Inc. Village of Farmingdale; and

WHEREAS, Article XII, Section 105-79 (P), of the Zoning Code of the Inc. Village of Farmingdale allows the VILLAGE Board of Trustees, following a public hearing, to modify the requirements of Article XII and award incentive bonuses to applicants who provide or make provision for amenities and facilities; and

WHEREAS, Section 105-79 (R), of the Zoning Code of the Inc. Village of Farmingdale requires, in exchange for any density bonuses, that

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

R.LEE set aside not less than ten percent (10%) of all multi-family or mixed-use units as workforce or affordable housing units; and

WHEREAS, Article XVII, Section 105-112, of the Zoning Code of the Inc. Village of Farmingdale allows the VILLAGE Board of Trustees, following a public hearing, to modify the parking requirements set forth in the code in exchange for the payment of a sum determined by the Board of Trustees to be a sufficient substitute value for the deficiency in parking spaces; and

WHEREAS, R.LEE proposes, in response to the parking deficiencies, to restrict the residency of the R.LEE DEVELOPMENT in accordance with the residency requirements of the Senior Housing District, Section 105-33 and agrees to filing covenants and restrictions setting forth same; and

WHEREAS, R.LEE has submitted, in connection with its application for Site Plan, Special Permit and Incentive Bonuses approval, the following:

Plans prepared by Thomas D. Blore dated June 28, 2012, last revised April 1, 2013:

- a. Architectural Site Plan (ASP-1)
- b. Foundation/Basement Plan (A-1)
- c. First Floor Plan (A-2)
- d. Second Floor Plan (A-3)
- e. Third Floor Plan (A-4)
- f. Left Floor Plan (A-5)
- g. Building Section/Street and Rear and Side Elevations (A-6)
- h. Street Elevation (A-7)
- i. Side Elevations (A-8)

WHEREAS, R.LEE has proposed the following amenities and facilities to the VILLAGE in exchange for the requested incentive bonuses:

Make development incentive, and parking deficiency, payments as follows:

- a. Beginning on May 6, 2014 and continuing yearly on each anniversary date until May 6, 2022, R.LEE shall pay the VILLAGE nine thousand dollars (\$9,000.00); and

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

- b. Beginning on May 6, 2023 and continuing on the anniversary date, until May 6, 2032, R.LEE shall pay the VILLAGE two-thousand five hundred dollars (\$2,500.00); and
- c. Beginning on May 6, 2033, and continuing each year for all time on the anniversary date of the first payment, R.LEE shall pay the VILLAGE two thousand dollars (\$2,000.00).

WHEREAS, R.LEE has offered, in accordance with Section 105-79(R), of the Zoning Code of the Incorporated Village of Farmingdale, in exchange for the density bonuses to set aside not less than ten percent (10%) of all on the PROPERTY or, in the alternative, upon the property located within the Incorporated Village of Farmingdale located at 137-145 Main Street; and

WHEREAS, R.LEE has offered the amenities set forth herein in exchange for the incentives and to account for the parking deficiencies of R.LEE DEVELOPMENT; and

WHEREAS, the VILLAGE has considered the plans of Thomas D. Blore dated June 28, 2012, last revised April 1, 2013; and

WHEREAS, in connection with its site plan approval application, R.LEE appeared before the VILLAGE Planning Board on April 23, 2013; and

WHEREAS, on April 23, 2013 the VILLAGE Planning Board recommended approval of R.LEE DEVELOPMENT site plan; and

WHEREAS, the Board of Trustees hereby adopts and incorporates the decision and recommendation of the Planning Board; and

WHEREAS, the Nassau County Planning Commission has, following its review, by resolution dated, May 2, 2013, deferred to the VILLAGE to take any action it deems appropriate in connection with the R.LEE development; and

WHEREAS, in accordance with Article XII, Section 105-79(P)(10), and Article XXVII, Section 105-192, of the Zoning Code of the Inc. Village of Farmingdale, on April 1, 2013 and May 6, 2013, the VILLAGE held public hearings in connection with R.LEE'S request for site plan, special permit and incentive bonuses approval at the Village Hall in Farmingdale; and

WHEREAS, at the public hearings R.LEE presented witnesses who testified on R.LEE'S behalf; and

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

WHEREAS, at the public hearings members of the public were given the opportunity to speak and did speak regarding the applications; and

NOW, THEREFORE BE IT DECIDED, that in accordance with Article XII, and Article XXVII of the Zoning Code of the Inc. Village of Farmingdale, the Board of Trustees grants Site Plan, Special Permit and incentive bonuses approval subject to the following:

1. All construction shall comply with Plans prepared by Thomas D. Blore dated June 28, 2012, last revised April 1, 2013:
 - a. Architectural Site Plan (ASP-1)
 - b. Foundation/Basement Plan (A-1)
 - c. First Floor Plan (A-2)
 - d. Second Floor Plan (A-3)
 - e. Third Floor Plan (A-4)
 - f. Left Floor Plan (A-5)
 - g. Building Section/Street and Rear and Side Elevations (A-6)
 - h. Street Elevation (A-7)
 - i. Side Elevations (A-8)

2. In exchange for the VILLAGE's modification of the requirements of Article XII of the Zoning Code of the Inc. Village of Farmingdale, and the VILLAGE's grant of incentive bonuses permitting R.LEE to develop, and in exchange for the modification of the parking requirements, pursuant to Article XVII, Section 105-112, of the Code of the Incorporated Village of Farmingdale, R.LEE shall:
 - a. Make payments as follows:
 1. Beginning on May 6, 2014 and continuing yearly on each anniversary date until May 6, 2022, R.LEE shall pay the VILLAGE nine thousand dollars (\$9,000.00); and
 2. Beginning on May 6, 2023 and continuing on the anniversary date, until May 6, 2032, R.LEE shall pay the VILLAGE two-thousand five hundred dollars (\$2,500.00); and
 3. Beginning on May 6, 2033, and continuing each year for all time on the anniversary date of the

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

first payment, R.LEE shall pay the VILLAGE two thousand dollars (\$2,000.00); and

- b. Set aside not less than ten percent (10%) of all units as workforce or affordable housing on the PROPERTY or on the property located at 137-145 Main Street. R.LEE shall, upon the request of the VILLAGE, furnish documentation satisfactory to the VILLAGE that it has complied with this mandate. In the event that R.LEE fails to provide the required set aside by May 6, 2014 then in that event R.LEE shall pay to the VILLAGE an amount equal to the two hundred percent (200%) of the area median income (A.M.I) for each required workforce/affordable housing unit; and
- c. File in the office of the Nassau County Clerk a Declaration of Covenants and Restrictions restricting the residency of the PROPERTY in accordance with the Senior Housing District, Section 105-33; and
- d. Submit final detailed site engineering drawings which demonstrate compliance with all municipal standards and which are otherwise satisfactory to the VILLAGE. No building permit shall be issued until all required engineering drawings have been approved, in writing, by the VILLAGE engineers; and
- e. Provide, and be responsible, for all costs associated with private carting for the R.LEE DEVELOPMENT; and
- f. Shall not install any satellite or cell phone antennas upon the PROPERTY without the prior written approval of the VILLAGE Board of Trustees. R.LEE relinquishes any rights R.LEE has or may have to the installation of, or the remuneration for, satellite or cell phone antennas upon the PROPERTY. The VILLAGE, in its sole discretion, may by written approval of the Board of Trustees grant R.LEE the right to install such antennas. In the event that any such antennas are installed upon the PROPERTY without the prior written approval of the VILLAGE, R.LEE agrees to pay the VILLAGE, a fine, of two

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

hundred fifty dollars (\$250.00) per day for each day that the installation exists without the proper written approval or a per day dollar amount which is equal to two (2) times the daily rental fee any third party has agreed to pay R.LEE, whichever is greater; and

- g. Shall defend and promptly indemnify and hold harmless the VILLAGE from, against, for, and in respect of and pay any and all Losses, suffered or incurred by the VILLAGE which may arise out of or result from the R.LEE DEVELOPMENT, other than those which are the result of the negligence of the VILLAGE; and
- h. Shall procure and maintain insurance coverage, in accordance with the limits set forth in Exhibit 1, for any and all Losses, suffered or incurred by the VILLAGE which may arise out of or result from the R.LEE DEVELOPMENT; and
- i. Shall reimburse the VILLAGE for all expert or consultant fees incurred by the VILLAGE in connection with the R.LEE DEVELOPMENT and otherwise comply with Section 105-79(V) of the Code of the Incorporated Village of Farmingdale.
- j. Otherwise comply with all Federal, State, or local law and any directives of the Building Department of the Inc. Village of Farmingdale.

This approval is granted by a vote as follows:

Mayor Ralph Ekstrand	aye
Deputy Mayor Patricia A. Christiansen	aye
Trustee William Barrett	aye
Trustee Cheryl Parisi	aye
Trustee Thomas Ryan	aye

CONTINUED PUBLIC HEARING CHANGE OF ZONE RESIDENCE B TO INDUSTRIAL I - PRINCE STREET (WALTER GIGLIO) – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-294), to open the public hearing.

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

Walter Giglio wants to ease residents' concerns about property. Mr. Barry Nelson (Real Estate Appraiser) spoke on behalf of applicant and presented exhibits 1-24, annexed to these minutes.

Upon a motion made by Deputy Mayor Christiansen and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2013-295), to qualify Mr. Barry Nelson as an expert in Real Estate Appraisals, credentials annexed to these minutes.

Mr. Nelson explained the property location, in regard to railroad and surrounding industrial properties. Based on his findings, the property is not viable as a residential property.

Mayor Ekstrand asked for comments from the public:

- Mr. Diurno stated that an expert rendered his opinion and that he was hired by applicant.
- Mr. Funston, 1 Prince St., inquired about hours of operation. Mr. Giglio responded the hours of operation will be 7:30 a.m. to 6:00 p.m.

Mayor Ekstrand explained that site plan review would discuss all specifics of application.

- Mr. Funston, 1 Prince St., inquired about Nassau County Planning Board's decision. Attorney DeBellis stated that a copy of decision could be made available.
- Mr. Gosline inquired if there was going to be a hazardous waste condition on property. Mr. Giglio stated that there would be no hazard.
- Mr. Funston stated that this property at one time was zoned industrial and then changed to residential.

There being no further comments and upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-296), to close the public hearing.

Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED, to move to Executive Session to discuss change of zone and legal questions.

Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED, to reconvene the meeting.

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

Trustee Barrett asked Mr. Nelson what impact the change of zone would have on residents. Mr. Nelson stated that placing buildings on the south side of the property with a landscape buffer and fence between this property and the neighbors would have no impact on residential properties. He also stated there would be no reduction of property value due to change of zone.

Mr. Funston asked that a letter from area residents be read aloud during meeting. Trustee Parisi read the letter ó which is annexed to April 1, 2013 minutes.

Upon a motion made by Trustee Ryan and seconded by Deputy Mayor Christiansen, the following was unanimously **RESOLVED (#2013-297)**,

WHEREAS, The Incorporated Village of Farmingdale (öVILLAGEö) is a municipal corporation duly organized under the laws of the State of New York; and

WHEREAS, The VILLAGE is authorized in accordance with Village Law §7-708 to amend zoning regulations, restrictions and boundaries; and

WHEREAS, TJR Development (öTJRö) is the owner of the property at Prince Street, and also known as Section 49, Block 87, Lot 87 (öPropertyö);

WHEREAS, the Property is located within the Residence B District of the VILLAGE; and

WHEREAS, TJR has submitted a petition for a change of zone for the Property from the Residence B District to the Industrial District (öACTIONö); and

WHEREAS, the ACTION is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review Act, (öSEQRAö); and

WHEREAS, at the April 1, 2013 public hearing, the VILLAGE, pursuant to SEQRA, declared itself lead agency and classified the proposed development as an unlisted action and issued a negative declaration pursuant to SEQRA; and

WHEREAS, The VILLAGE has reviewed TJR's application and has undertaken a study of the area surrounding the Property; and

WHEREAS, The VILLAGE has held public hearings on February 4th, April 1st, and May 6th, 2013; and

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

WHEREAS, at the public hearings TJR presented witnesses who testified on TJR's behalf; and

WHEREAS, there was testimony at the public hearing that there was no interest in the development of residences on the PROPERTY; and

WHEREAS, Barry Nelson a licensed real estate appraiser and broker testified at the public hearing on behalf of TJR; and

WHEREAS, provided photographs, tax maps and other documentation at the hearing (Exhibits 1-24);

WHEREAS, The VILLAGE Board of Trustees is familiar with the property and its surroundings, an area which is predominantly industrial; and

WHEREAS, the PROPERTY is located on a street where all the parcels, except for the PROPERTY and one other, are not residential; and

WHEREAS, the PROPERTY has never been used a residential parcel; and

WHEREAS, the PROPERTY is located adjacent to the Long Island Rail Road tracks; and

WHEREAS, TJR has offered to place upon and file with the office of the Nassau County Clerk a covenant and restriction prohibiting any adult uses upon the PROPERTY; and

WHEREAS, Mr. Nelson provided expert testimony that there would be no adverse impact (financial or otherwise) upon the sole existing residence on Prince Street or any of the other residences in the area; and

WHEREAS, Mr. Nelson provided expert testimony that the PROPERTY was not suitable for residential development; and

WHEREAS, Mr. Nelson provided expert testimony that the PROPERTY would offer a poor quality of life and would be undesirable; and

WHEREAS, at the public hearings members of the public were given the opportunity to speak and did speak regarding the ACTION; and

WHEREAS, in accordance with General Municipal Law the ACTION was referred to the Nassau County Planning Commission for review; and

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

WHEREAS, the Nassau County Planning Commission has, following its review, by resolution dated May 2, 2013, deferred to the VILLAGE to take any action it deems appropriate in connection with the ACTION; and

WHEREAS, The VILLAGE Board of Trustees, has determined that it is in the best interests of the VILLAGE to rezone the PROPERTY as requested based upon its personal knowledge of the area and the evidence presented at the public hearings; and

NOW, THEREFORE, BE IT ENACTED, that the PROPERTY shall be rezoned from the Residential B District to the Industrial District and the Zoning District Map of the VILLAGE shall be amended to reflect this change of zone in accordance with the map attached hereto and made a part hereof. The rezone shall be subject to a covenant & restriction that there shall be no adult use on the PROPERTY, said covenant & restriction shall be filed in the office of the Nassau County Clerk.

This approval is granted by a vote as follows:

Mayor Ralph Ekstrand	aye
Deputy Mayor Patricia A. Christiansen	aye
Trustee William Barrett	aye
Trustee Cheryl Parisi	aye
Trustee Thomas Ryan	aye

Mr. Diurno asked if the Village is subject to an Article 78 Hearing. Attorney DeBellis responded that it is.

Attorney DeBellis requested that Exhibits 1-24 be annexed to these minutes.

PUBLIC HEARING ON PROPOSED CHANGE OF ZONE BUSINESS D TO DOWNTOWN MIXED USE 285 EASTERN PARKWAY (STALLER) - Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2013-298), to open the public hearing.

Anthony Guardino of Farrell Fritz presented the application. He concluded that subject property, as well as other surrounding properties should be rezoned to Downtown Mixed Use.

Eric Zamft of VHB studied the area and the impact that a zone change would have on the Village.

The Mayor asked for comments from the public:

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

- Mr. Diurno stated his lack of understanding as to why Village is considering a change of zone to this area and not focusing on downtown Main Street. He also stated his opinion that this application be denied.
- Mr. Rich Gosline stated that Village needs Transit Oriented Development (TOD).
- Mr. Chuck Gosline stated that he agrees that Village needs TOD and stated his disappointment with applicant as a landlord.
- Former Mayor Starkie cautioned the Board that a TOD change of zone, rather than DMU, would benefit the Village more. He also stated that he believes applicant should make application for Main Street property first.
- Mr. Orobono agreed with tonight's comments and feels that it does not make sense for Village to re-zone one parcel at a time.
- Mr. Carosella inquired about traffic impact including Bartone buildings.
- Mr. Wilson stated his desire to see Main Street developed before this area which he believes is not within walking distance of downtown.

Deputy Mayor Christiansen stated that the property was originally in DMU and was re-zoned because Village did not want retail so far from downtown.

Mr. Guardino stated that this application is for a TOD and that it would not be a Mixed Use development. Applicant is asking for a Special Permit to not include retail and build only a residential building. The applicant's plan is to do both applications together. However, this application required this additional step to re-zone.

- Former Mayor Starkie questioned Board's decision to consider this application. Attorney DeBellis stated that the Village has had a study done with VHB to support the change of zone.
- Mr. Wilson asked the Board if they are worried about an Article 78 hearing.
- Mr. Diurno stated his opinion that the Village should follow the Master Plan.

Mr. Guardino stated that the Board's decision in this matter is a legislative act, and unless the Board had no basis to make a decision or there had been a procedural error, an Article 78 hearing would not apply.

Mayor Ekstrand suggested the possibility that the eastern side of DMU zone could be without retail.

Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED, to move to Executive Session to discuss legal issues to be applied on the change of zone.

Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

RESOLVED, to reconvene the meeting.

Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously.

RESOLVED (#2013-299), to close the public hearing.

Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, the following was unanimously **RESOLVED (#2013-300)**,

WHEREAS, SPA 79 M.L.P. (SPA) has applied for a change of zone from the Business D District to the Downtown-Mixed Use District for the 20,000 sq. ft. parcel located at 285 Eastern Parkway, Farmingdale, NY, identified on the Nassau County Land and Tax Maps as, Section 49, Block 57, Lot 110 (SPA PROPERTY); and

WHEREAS, One Atlantic Avenue, Farmingdale, N.Y. (Section 49; Block 297; Lot 1; Residence B-B); 265 Eastern Parkway, Farmingdale, N.Y. (Section 49; Block 297; Lot 2; Business D); and 269 Eastern Parkway, Farmingdale, N.Y. (Section 49; Block 297; Lots 3 and 4; Business D) (NEIGHBORING PROPERTIES) are located in the immediate vicinity of the SPA PROPERTY; and

WHEREAS, The Board of Trustees of the Incorporated Village of Farmingdale, (VILLAGE BOARD), upon its own initiative, wishes to change the zone, expanding D-MU District to include the NEIGHBORING PROPERTIES; and

WHEREAS, SPA proposes to a new 3 1/2 story, 49,721 s/f multiple dwelling with 27 apartments with 30 car parking on the SPA PROPERTY (SPA DEVELOPMENT); and

WHEREAS, the change of zone of the SPA PROPERTY and the NEIGHBORING PROPERTIES, and the SPA DEVELOPMENT (ACTION) is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review Act, (SEQRA); and

WHEREAS, the VILLAGE BOARD wishes to comply with its obligations under SEQRA; and

WHEREAS, the VILLAGE BOARD wishes to declare itself Lead Agency pursuant to SEQRA; and

WHEREAS, the VILLAGE BOARD has reviewed the Short Environmental Assessment Form and the Downtown Farmingdale D-MU District Extension Study, dated April, 2013, prepared for the ACTION, wishes to classify the ACTION as an unlisted action with no significant,

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

adverse environmental impacts and wishes to issue a negative declaration and notice of determination of non-significance; and

NOW THEREFORE BE IT RESOLVED;

The VILLAGE BOARD:

1. declares itself the Lead Agency pursuant to SEQRA;
2. classifies this action as an unlisted action with no significant, adverse environmental impacts and issues a negative declaration and notice of determination of non-significance.

The following vote was recorded in connection with this matter:

Mayor Ralph Ekstrand	aye
Deputy Mayor Patricia A. Christiansen	aye
Trustee William Barrett	aye
Trustee Cheryl Parisi	aye
Trustee Thomas Ryan	aye

PUBLIC HEARING 2012/2013 (MS4) STORM WATER MANAGEMENT REPORT -
Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2013-301), to open the public hearing.

Mayor Ekstrand asked for public comment.

There being no comment and upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2013-302), to close the public hearing.

Upon a motion made by Trustee Ryan and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2013-303), to authorize Administrator Harty to sign the final 2012/2013 (MS4) Storm Water Management Report as presented by H2M.

PUBLIC HEARING DATES ó Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2103-304), to set the following public hearings:

- Proposed LL7-2013óAmending Section 19-5/Driver Responsibility Fee on June 3, 2013 at 8:00 p.m.

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

- Proposed Special Use permit for 285 Eastern Parkway on June 3, 2013 at 8:00 p.m. Mayor Ekstrand also mentioned Public Hearing for Special Use permit, Parking/Loading Relief, Incentive Bonus for 231-245 Main Street (Staller) that was adjourned at April 1st, 2013 Meeting will be held June 3, 2013 at 8:00 p.m.
- Proposed change of zone from Residence B-B to Downtown Mixed Use for 1 Atlantic Avenue on June 3, 2013 at 8:00 p.m.

ABSTRACT ó Upon a motion made by Trustee Barrett and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2103-305), that the Abstract of Audited Vouchers #1053 dated May 6, 2013 be approved for payment with the exception of adjusting check #2013.

WIRE TRANSFERS - Upon a motion made by Trustee Ryan and seconded by Trustee Parisi, it was unanimously,

RESOLVED (#2013-306), to approve the wire transfers made in April as annexed to these minutes.

MINUTES – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-307), to approve the minutes of 4/1/13 Public Meeting and Work Sessions of 4/1/13, 4/8/13, 4/15/13 and 4/22/13.

WATER RELEVY – Upon a motion made by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2013-308), to authorize the re-levy of unpaid water accounts to the 2013/2014 tax roll as follows:

- Water \$ 54,408.76
- Sprinklers \$ 550.00
- Surcharge \$ 23,750.00
- Penalty \$ 7,892.53
- Total \$ 86,601.29

TAX WARRANT – Upon a motion made by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2013-309), to approve the signing of the 2013/2014 Tax Warrant.

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

AUDIT SERVICES – Upon a motion made by Trustee Ryan and seconded by Trustee Parisi, it was,

RESOLVED (#2013-310), to approve hiring of Nawrocki Smith as the lowest responsible bidder for 2012/2013 auditing services for a fee of \$17,000.00.

LOT #1 PARKING – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was,

RESOLVED (#2013-311), to approve change of parking restriction in Lot#1 from 3 hours to 2 hours Monday through Friday from 6:00 a.m. to 6:00 p.m.

USE OF VILLAGE PROPERTY – Upon a motion made by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

RESOLVED, to allow the following use of Village property:

- The Farmingdale Fire Department would like to host the Memorial Day Parade on Monday, May 27, 2013 starting at 10:00 a.m. It will assemble on Thomas Powell Blvd. and on Yoakum St. It will proceed south on Main St. to the viewing stand in front of Village Hall.
- The Long Island Ladies Soccer League is requesting use of Court room on Tuesday, May 14, 2013 from 7:00 to 10:00 p.m. for their annual meeting.
- Peanuts Nursery School is requesting use of Gergras Park for their Annual Peanuts Picnic on Thursday, May 30, 2013 (Rain Date Friday, May 31, 2013) between the hours of 12:00 and 2:00 p.m.
- Towne House West Owners Inc. is requesting use of Court room on Saturday, June 8, 2013 from 10:00 a.m. to 12:00 noon for their annual shareholder's meeting.
- The Greater Farmingdale Community Land Trust has requested to use the Court room to hold its annual meeting on Tuesday, June 11, 2013 from 6:30 to 8:30 p.m.
- Runner's Edge would like to hold a blood drive on Saturday, August 17, 2013 utilizing the Bloodmobile parked behind 242 Main Street (Lot 1). The drive will run from 10:00 a.m. to 4:00 p.m., with the bus arriving at 9:00 a.m. and leaving by 5:00 p.m.

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, May 6, 2013

INC. VILLAGE OF FARMINGDALE

- A Taste of Long Island is requesting to include live music from 12:00 noon to 3:00 p.m. to their previously approved permit for Farmer's Market in Lot #7 on Sundays May 12, 2013 and May 19, 2013 for a two week trial period.

BUILDING PERMITS – The Board of Trustees accepted the listing of the following building permits issued since the last meeting:

LOCATION	TYPE OF CONSTRUCTION/COMMENTS	ARB
Dorsey 27 Duane St. RO 13-5	New gas service.	N/A
Lydia's Place 625 Fulton St. SP 13-4	Erect free standing sign.	X
7-Eleven 725 Fulton St. SWP 13-3	Replace five flags and apron on Main St. side of property.	N/A
Pabst 183 Staples St. SWP 13-4	Replace 11 flags in front of dwelling.	N/A
Ryan 148 Prospect St. FP 13-10	Install 6" PVC fencing on side and rear property lines.	N/A
Weigand 49 Sullivan Rd. DB 13-18	Repair garage wall.	N/A
Jurlina 43 Maple St. PP 13-8	Oil to gas conversion.	N/A
Crisera 12 Duane St. DB 13-19	Maintain outdoor bar and generator. ZBA approved.	N/A
NYS Epilepsy Center 394 Main St. SWP 13-5	Replace 31 l/f of sidewalk.	N/A
Pavlock 6 Roxbury St. DB 13-20	Maintain rear deck.	N/A
Pierce 22 Clinton Ave. DB 13-21	Repair kitchen area, add second floor dormer.	N/A
Fleckenstein 92 Jerome Dr. DB 13-22	Repair fire damage.	N/A
Kennedy 6 Ridge Rd. DB 13-23	Construct 14' x 15' bathroom addition.	N/A
Camargo 7 Linden St. DB 13-24	Maintain converted garage and shed.	N/A
Peteani 150 Oakview Ave. FP 13-11	Install 20' of PVC fencing with gate.	N/A

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

Romeo 30 Paine Ave. FP 13-12	Replace fence on side and rear property lines.	N/A
Aldrich Management 189 Main St. DB 13-25	Convert store to 12 seat restaurant.	N/A

TAXI PERMITS ó Upon a motion by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED, to issue 4 taxi permits.

BLOCK PARTY PERMITS ó Upon a motion made by Trustee Parisi and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2013-312), to approve the following block party requests:

- Joseph D'Onofrio, 48 Maple Street, June 29th from 12:00 p.m. ó 10:00 p.m. closing Maple Street from Clinton Avenue to Harrison Place.
- Lisa Stanton, 320 Staples Street, July 20th from 12:00 p.m. ó 11:00 p.m. closing Staples Street from Van Cott Avenue to Clinton Avenue.

OUTDOOR DINING PERMITS - Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-313), to approve the following Outdoor Dining Applications:

- Ubaldo's - 346 Main Street.
- Paninis R Us ó 257 Main Street.

CHERRY STREET – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, the following was unanimously **RESOLVED (#2013-314)**,

WHEREAS, Susan Bieber and Gary Haberman are the owners of 100 Cherry Street, Farmingdale, New York, located on the corner of Cherry Street and Wesche Drive, said property being known on the Nassau County Tax Maps as Section 49; Block 106; Lots 136, 137, and 148; and

WHEREAS, the Incorporated Village of Farmingdale (öVillageö) is the owner of a certain parcel of property adjacent to Wesche Drive, said

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

property being more fully described in the legal description and survey attached hereto as Exhibit A (öPropertyö); and

WHEREAS, Susan Bieber and Gary Haberman wish to purchase the Property from the Village; and

WHEREAS, the Mayor and Board of Trustees of the Village (öVillage Boardö) have undertaken a review and analysis of the Property and its proposed sale, all collectively known as the öActionö; and

WHEREAS, the Action will require a subdivision of property; and

WHEREAS, the Village Board wishes to refer the Action to the Planning Board for subdivision review; and

WHEREAS, the Action was referred to the Nassau County Planning Commission ö(NCPCö); and

WHEREAS, the NCPC determined that it did not have jurisdiction over the Action; and

WHEREAS, the Action is subject to review under 6 NYCRR Part 617, the New York State Environmental Quality Review Act, (SEQRA); and

WHEREAS, the Village Board wishes to comply with its obligations under SEQRA; and

WHEREAS, pursuant to SEQRA the Village Board desires to declare itself Lead Agency; and

WHEREAS, the Village Board, pursuant to SEQRA has determined that the Action is an unlisted action not subject to coordinated review;

WHEREAS, the Village Board has determined that the Action will not result in any significant adverse environmental impacts and desires to issue a negative declaration and notice of determination of non-significance in connection with the Action;

WHEREAS, the Village Board and the Superintendent of Public Works have determined that the Property is no longer necessary for public use; and

NOW THEREFORE BE IT RESOLVED:

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

The Village Board:

1. Declares itself Lead Agency under SEQRA; and
2. Classifies the Action as an unlisted Action with no significant, adverse environmental impacts; and
3. Issues a negative declaration and notice of determination of non-significance; and
4. Declares that the Property is no longer needed for a public use and refers the Action to the Planning Board for subdivision review.

The following vote was recorded in connection with this matter:

Mayor Ralph Ekstrand	aye
Deputy Mayor Patricia A. Christiansen	aye
Trustee William Barrett	aye
Trustee Cheryl Parisi	aye
Trustee Thomas Ryan	aye

BEAUTIFICATION ó Deputy Mayor Christiansen stated that the Committee will be planting on May 18th and May 25th and that they are still in need of volunteers.

OLD BUSINESS ó Trustee Parisi discussed the study on a left-turn lane at Main Street and Conklin Street being done by Nelson and Pope Engineers.

CORRESPONDENCE – None

GOOD AND WELFARE

- Former Mayor Starkie inquired about Water Department information. Mayor Ekstrand explained that there will be a public work session on May 20, 2013 where a public discussion on water will take place.

EXECUTIVE SESSION, upon a motion duly made and seconded, it was unanimously,

RESOLVED, to move to Executive Session to discuss personnel and legal matters.

Upon a motion duly made and seconded, it was unanimously,

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, May 6, 2013
INC. VILLAGE OF FARMINGDALE

RESOLVED, to reconvene the meeting.

There being no further work, the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Brian P. Harty, Village Clerk-Treasurer