

REGULAR MEETING OF THE BOARD OF TRUSTEES
Monday, August 5, 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, August 5, 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
Superintendent of Buildings Steve Fellman
Public Works Superintendent Andy Fisch

Absent: Deputy Clerk/Treasurer Barbara Kelly

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

ANNOUNCEMENTS – Mayor Ekstrand made the following announcements:

- Next Board meeting with public comment period will be held Tuesday, September 3, 2013 at 8:00 pm: Board of Trustees Work Sessions begin at 7:00 pm on Monday, August 12, August 19, and August 26, 2013.
- Budget adjustments for 2013/2014 budget relating to the Village insurance policy will be resolved on 8/19/13.

PUBLIC HEARING 231-245 MAIN STREET (STALLER) – Mayor Ekstrand stated that the public hearing was closed on June 3, 2013 and it was resolved to send the plans to Planning and Architectural Review Board for comment and review. The Board received and considered the proposals and the project will proceed. Upon a motion duly made and seconded, the following was **RESOLVED**,

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

WHEREAS, SPA 79 E.L.P., LLC (“SPA”) is the owner of the property located at 231-245 Main Street, Farmingdale, NY, designated on the Nassau County Land and Tax Maps as Section 49, Block 76, Lots 20 and 42 (“PROPERTY”); and

WHEREAS, SPA proposes to construct a new 3 ½ story mixed use building consisting of 3,075 s/f of retail space and 26 apartments with 34 car parking on the PROPERTY (“ACTION”); and

WHEREAS, the PROPERTY is located within the D-MU Zoning District of the Village; and

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WHEREAS, the VILLAGE has jurisdiction over the development of the SPA PROPERTY; and

WHEREAS, the ACTION requires a special permit, site plan and incentive bonus approvals; and

WHEREAS, SPA has applied for a special permit, site plan approval and development incentive bonuses in connection with 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, at its May 6, 2013 public hearing The Board of Trustees for the Incorporated Village of Farmingdale (“VILLAGE BOARD”) declared itself Lead Agency pursuant to SEQRA, declared the ACTION to be an unlisted action with no significant, adverse environmental impacts and issued a negative declaration and notice of determination of non-significance; and

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

WHEREAS, in connection with the ACTION, SPA applied for a building permit, which application was denied on the grounds the proposed development did not comply with the requirements of the D-MU Zoning District, Article XIV of the Zoning Code of the Inc. Village of Farmingdale as follows:

- 105-94(A)3(b) – A Special Use Permit is required for the apartment units.

- 105-96 – Density – The site is .44 acres. The permitted density is 40 units/acre or 17.6. Your proposal is for 26 units or 59 units/acre. Development incentive bonus required by BOT.

- 105-96 – Height – Maximum building height is 36 feet. Development incentive bonus required for proposed 45 feet height.

- 105-96 – Floor Area Ratio – Maximum floor area ratio is 2. Development incentive bonus required for proposed F.A.R. of 2.05.

- 105-97 – Parking – Parking required is 52.4 spaces as follows:

Retail – 3.075 s/f divided by 200	15.4
22 one bedroom units x 1.5	33.0
4 two bedroom units x 2	<u>4.0</u>
Total required	52.4
Total provided	<u>37.0</u>
Variance required	15.4

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105-110 – Off Street Loading – At least one loading space is required and no loading space is provided.

WHEREAS, SPA has applied for special permit for the apartment units in accordance with Article XIV, and site plan approval in accordance with Article XXVII of the Zoning Code of the Inc. Village of Farmingdale; and

WHEREAS, Article XIV, Section 105-98, of the Zoning Code of the Inc. Village of Farmingdale allows the VILLAGE Board of Trustees to modify the requirements of Article XIV and award incentive bonuses to applicants who provide or make provision for amenities and facilities; and

WHEREAS, Section 105-99, of the Zoning Code of the Inc. Village of Farmingdale requires, in exchange for any density bonuses granted pursuant to §105-98, that SPA set aside not less than ten percent (10%) of all multi-family or mixed-use units in any D-MU development to be designated as workforce or affordable housing; 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, the VILLAGE, pursuant to its Downtown Master Plan, desires to redevelop, revitalize and beautify the VILLAGE; and

WHEREAS, SPA has applied for modification of the requirements Article XVII, Section 105-112, and Article XIV, Section 105-98, of the Zoning Code of the Inc. Village of Farmingdale; and

WHEREAS, SPA has submitted, in connection with its application for Site Plan, Special Permit and Incentive Bonuses approval, the Plans prepared by GRCH Architecture, P.C. dated August 21, 2012, last revised January 30, 2013; and

WHEREAS, SPA has proposed the following amenities and facilities to the VILLAGE:

- a. Make development incentive payments as follows:
Nine Thousand Dollars (\$9,000) on or before January 15, 2015 (“Initial Development Incentive Bonus Payment”); and Nine Thousand Dollars (\$9,000) in years 2016 through and including 2024, on the anniversary date of the Initial Development Incentive Bonus Payment; and

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- b. To set aside not less than ten percent (10%) of all multi-family or mixed-use units in connection with the ACTION for the development workforce or affordable housing; and
- c. In lieu of the two (2) deficient parking spaces pay, in accordance with Article XVII, Section 105-112, Ten Thousand Dollars (\$10,000).
- d. Provide any sound mitigation required by the VILLAGE; and

WHEREAS, SPA appeared before the VILLAGE Planning Board, which recommended approval of the application without condition; and

WHEREAS, the Nassau County Planning Commission has, following its review, by resolution dated, May 30, 2013, deferred to the VILLAGE to take any action it deems appropriate in connection with the ACTION; and

WHEREAS, in accordance with Article XIV, Section 105-104, and Article XXVII, Section 105-192, of the Zoning Code of the Inc. Village of Farmingdale, on June 3, 2013, the VILLAGE held a public hearing in connection with SPA's request for site plan, special permit and incentive bonuses approval at the Village Hall in Farmingdale; and

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

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 XIV, and Article XXVII of the Zoning Code of the Inc. Village of Farmingdale, The VILLAGE BOARD grants special permit, site plan approval and development incentive bonuses approval and authorizes the issuance of a building permit provided that the following conditions are met:

- 1. All construction shall comply with:
 - a. Plans prepared by GRCH Architecture, P.C. dated August 21, 2012, last revised January 30, 2013; and
- 2. SPA shall:
 - a. Make development incentive payments as follows:
Nine Thousand Dollars (\$9,000) on or before January 15, 2015 ("Initial Development Incentive Bonus Payment"); and Nine Thousand Dollars

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(\$9,000) in years 2016 through and including 2024, on the anniversary date of the Initial Development Incentive Bonus Payment.

- b. Set aside not less than ten percent (10%) of all units developed in connection with the ACTION as workforce or affordable housing; and
 - c. In lieu of the two (2) deficient parking spaces pay, in accordance with Article XVII, Section 105-112, Ten Thousand Dollars (\$10,000); and
 - d. Provide any sound mitigation required by the VILLAGE; and
3. Additionally, SPA shall:
- a. Submit, final detailed site engineering drawings which demonstrate compliance with all municipal standards, which comply with the Code of the Village of Farmingdale and which are otherwise satisfactory to the VILLAGE. To the extent that the approved plans are in conflict with the code, the code shall govern. No building permit shall be issued until all required engineering drawings have been approved, in writing, by the VILLAGE engineers and the Superintendent of Buildings of the VILLAGE; and
 - b. not install any satellite or cell phone antennas upon the SPA PROPERTY without the prior written approval of the VILLAGE Board of Trustees. SPA relinquishes any rights SPA has or may have to the installation of, or the remuneration for, satellite or cell phone antennas upon the SPA PROPERTY. The VILLAGE, in its sole discretion, may by written approval of the Board of Trustees grant SPA the right to install such antennas. In the event that any such antennas are installed upon the SPA PROPERTY without the prior written approval of the VILLAGE, SPA agrees to pay the VILLAGE, a fine, of two hundred fifty dollars (\$250.00) per day for each day that the installation exist 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 SPA, whichever is greater; and
 - c. defend and promptly indemnify and hold harmless the VILLAGE from, against, for, and in respect of and pay any and all Losses,

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suffered or incurred by the VILLAGE which may arise out of or result from or are in any way related to the development of the PROPERTY; and

- d. procure and maintain insurance coverage, in accordance with the limits set forth in Exhibit 1, annexed hereto and made a part hereof, during the development of the PROPERTY. The insurance requirements herein are minimum requirements and in no way limit the indemnity obligations contained herein. The VILLAGE in no way warrants that the minimum limits contained herein are sufficient to protect SPA from liabilities that might arise from the development of the PROPERTY and SPA is free to purchase additional insurance; and
 - e. Reimburse the VILLAGE for all expert or consultant fees incurred by the VILLAGE in connection with the ACTION and otherwise comply with Section 105-103 of the Code of the Incorporated Village of Farmingdale. No building permit shall be issued until all such fees have been paid by SPA. In the event that a building permit is issued prior to the reimbursement of such fees, the building permit and this special permit shall be immediately revoked if SPA fails to reimburse the VILLAGE for such expenses within five (5) days of the request for same; and
 - f. Otherwise comply with all Federal, State, or local law and any directives of the Building Department of the Inc. Village of Farmingdale.
4. The noncompliance with any of the terms or conditions of this decision shall result in the immediate revocation of the building permit and special permit unless the Board of Trustees determines, for good cause, that revocation is not in the best interests of the VILLAGE.

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

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CONTINUED PUBLIC HEARING PROPOSED SPECIAL USE PERMIT - 285 EASTERN PARKWAY (STALLER) – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-370), to continue the public hearing.

Rachel Scelfo, Attorney for Mr. Staller, stated that plans were presented at the June 3, 2013 Public Hearing and were subsequently sent to Planning and Architectural Review Board for comment and review. Issues with parking were addressed and a revised plan was presented consisting of 55 parking spaces (36 on site and 19 around building). There will be 4 parallel parking spaces on Eastern Parkway next to an adjusted curb line within the Village right of way and no variance is required.

Sean Mulryan, of Mulryan Engineering, P.C. presented a traffic study, annexed to these minutes, stating that a transit oriented development would have no negative impact on traffic flow.

Trustee Barrett inquired if the parking spaces in rear of building were included in the total number. Building Superintendent Fellman further explained the parking areas.

Trustee Ryan stated that the changes to the site plan were made to meet Village code.

Deputy Mayor Christiansen explained that the builder is leasing land from the Village to accommodate rear parking for an annual fee.

Attorney Scelfo stated that the developer has presented its plans to the necessary Boards for comment and review and has made the recommended changes to comply with the Village's requirements.

Mayor Ekstrand asked for public comment.

A discussion began on the following topics:

- Mr. Callahan, Oakview Ave., requested to view the plans on the Village web site and had questions about the project's height. He also asked for reiteration on the curb cut and landscaping around building.
- Mr. Dorfmeister, Staples St., asked if consideration was taken for visitor parking. He also asked if Village could add parking signs on Oakview Ave. for those residents. Mr. Dorfmeister also suggested a portable microphone for public hearings.
- Mr. Doyle, Oakview Ave., asked if the public would have any vote on this matter. Attorney DeBellis explained that the Board is voting on this matter.
- Mr. Pearson, Staples St., asked if a study was done in regard to financial benefits to the Village. Attorney Scelfo explained the revenue from parking and disposable income this project would generate.
- Mr. Diurno, Fairview Rd., discussed traffic concerns on Secatogue Ave. and proposed the idea of making it a four - lane road. He also asked the Board if they considered the look of the building.

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- Mrs. LiCausi, Main St., discussed parking issues on Main St. and her fear of overcrowding in apartments. Attorney DeBellis stated that the Village will have a partnership with Staller in regard to annual inspections.
- Mr. Orobona, Eastern Parkway, discussed parking concerns in regard to tenants leasing parking spaces. He also asked about height of building.
- An Oakview Ave. resident asked if the Village was going to have consent from the landlord to annually inspect rentals. She also suggested extending the turning lane on Hempstead Tpke.
- Mr. Sobol, Oakview Ave., discussed Village's policy on Downtown Mixed Use development and his fear of too much development on a residential street. He thanked Mr. Staller for wanting to develop and renovate the Village but expressed concerns about a lack of landscaping. Mr. Sobol is concerned about this over-development.
- Mrs. Sobol, Oakview Ave., is concerned that this is a mis-use of DMU and expressed that 60 units per acre is too dense. She expressed that although the neighboring areas want to see some development, but would like it in a neighborhood friendly way.
- Mr. and Mrs. Robinson, Staples St., discussed concerns about traffic and parking issues.
- Mr. Carosella, Sherman Rd., discussed parking issues and curb cut on Eastern Parkway.
- Mr. Ezzo, Prospect St., voiced his opinion about the quality of life declining in the Village. He also inquired if our wells can accommodate the demands of this development. Mayor Ekstrand stated that our wells can accommodate new development. Mr. Ezzo asked how this development is going to help the Village.
- Mrs. Donahue, Sullivan Rd., stated her dislike for the look of the building.
- A Village resident inquired about an increase of LIRR service to the Village and the strain on the school district from this development. Mayor Ekstrand stated that transit oriented development puts minimal strain on the district.
- Mrs. Callahan, Oakview Ave., inquired if there was going to be further consideration given to this decision tonight. She expressed concerns about traffic and contamination.
- George Starkie, Doud St., discussed the recent change of DMU zone, building height, and a parking lot/traffic study.
- Mr. Wilson, Normandy Dr., stated that school district can accommodate any burden. He asked the architect to describe the materials being used in the construction. He expressed his dislike for the look of the building.

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

RESOLVED (#2013-371), to close the public hearing.

Upon a motion made by Trustee Ryan and seconded by Deputy Mayor Christiansen, the following was, **RESOLVED (#2013-372)**,

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

WHEREAS, SPA 79 M.L.P (“SPA”) is the owner of the property located at 285 Eastern Parkway, Farmingdale, NY, and also known as, and designated on the Nassau County Land and Tax Maps, Section 49, Block 57, Lot 110 (“PROPERTY”); and

WHEREAS, SPA proposes to construct a new 3 ½ story residential building consisting of 27 apartments with 55 car parking PROPERTY (“ACTION”); and

WHEREAS, the PROPERTY is located within the D-MU Zoning District of the VILLAGE; and

WHEREAS, the VILLAGE has jurisdiction over the development of the PROPERTY; and

WHEREAS, the ACTION requires a special permit, site plan and incentive bonus approvals; and

WHEREAS, SPA has applied for a special permit, site plan and development incentive bonuses approval in connection with 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, at its May 6, 2013 public hearing The Board of Trustees for the Incorporated Village of Farmingdale (“VILLAGE BOARD”) declared itself Lead Agency pursuant to SEQRA, declared the ACTION to be an unlisted action with no significant, adverse environmental impacts and issued a negative declaration and notice of determination of non-significance; and

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

WHEREAS, in connection with the ACTION, SPA applied for a building permit, which application was denied on the grounds the proposed development did not comply with the requirements of the D-MU Zoning District, Article XIV of the Zoning Code of the Inc. Village of Farmingdale as follows:

105-94 A (1) – Permitted uses – Residential units not permitted on first floor.

105-94 A (3) – Multi-family units require a Special Use permit on second and third floor.

105-96- 1 – Maximum floor area ratio is 2.0 and the proposed F.A.R. is 2.06.

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- 105-96- 3 – Maximum unit density is 40 per acre and the proposed design is 60 units per acre.
- 105-96-4 – Maximum building height is 36 feet and 45 feet is proposed.
- 105-97 C – Loading requirements – At least one loading space is required and there are no proposed loading spaces.
- 105-98 – Development incentive bonuses- Applicant must address the items listed in this code section.

WHEREAS, SPA proposed 55 parking spaces for off street parking where 52 spaces where required;

WHEREAS, 25 of the 55 parking spaces proposed by SPA were not entirely situated upon the PROPERTY; and

WHEREAS, SPA has applied for special permit for the apartment units in accordance with Article XIV, and site plan approval in accordance with Article XXVII of the Zoning Code of the Inc. Village of Farmingdale; and

WHEREAS, Article XIV, Section 105-98, of the Zoning Code of the Inc. Village of Farmingdale allows the VILLAGE Board of Trustees to modify the requirements of Article XIV and award incentive bonuses to applicants who provide or make provision for amenities and facilities; and

WHEREAS, the VILLAGE, pursuant to its Downtown Master Plan, desires to redevelop, revitalize and beautify the VILLAGE; and

WHEREAS, SPA has applied for modification of the requirements Article XVII, Section 105-112, and Article XIV, Section 105-98, of the Zoning Code of the Inc. Village of Farmingdale; and

WHEREAS, SPA has submitted, in connection with its application for Site Plan, Special Permit and Incentive Bonuses approval, the plans prepared by of GRCH Architecture, P.C. dated September 12, 2012 last revised July 17, 2013; and

WHEREAS, SPA has proposed the following amenities and facilities to the VILLAGE:

- a. Make development incentive payments as follows:
 - Nine Thousand Dollars (\$9,000) on or before January 15, 2015 (“Initial Development Incentive Bonus Payment”); and
 - Nine Thousand Dollars (\$9,000) in years 2016 through and including 2024, on the anniversary date of the Initial Development Incentive Bonus Payment; and

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- b. To set aside not less than ten percent (10%) of all multi-family or mixed-use units in connection with the ACTION for the development workforce or affordable housing; and
- c. Enter into a long term agreement with the VILLAGE upon terms acceptable to the VILLAGE for the use of twenty-five (25) parking spaces, said agreement to require, at a minimum, SPA to pay one hundred forty dollars (\$140.00) per parking space per quarter plus an annual 3% increase. SPA agrees that upon the expiration of the agreement, any approvals granted hereunder would automatically cease and the approvals immediately revoked unless SPA enters into a substitute agreement for twenty-five (25) parking spaces, or SPA establishes to the Village's satisfaction the existence of twenty-five (25) alternative or substitute parking spaces; and
- d. Provide sound proofing at the property satisfactory to the VILLAGE

WHEREAS, in connection with its application, SPA appeared before the VILLAGE Planning Board on July 23, 2013; and

WHEREAS, the Planning Board recommended approval provided that the use of BBQ, smokers, or other similar devices and the hanging of any materials or items, including, but not limited to, clothing, banners, signs, etc. on or from balconies or terraces, be prohibited; and provided that residents be prohibited from leasing units without a parking space (residents must be required to lease parking space with unit to avoid residents parking in areas other than on site); and

WHEREAS, the Nassau County Planning Commission has, following its review, by resolution dated, May 30, 2013, deferred to the VILLAGE to take any action it deems appropriate in connection with the ACTION; and

WHEREAS, in accordance with Article XIV, Section 105-104, and Article XXVII, Section 105-192, of the Zoning Code of the Inc. Village of Farmingdale, on June 3, 2013, and August 5, 2013, the VILLAGE held public hearings in connection with SPA's request for site plan, special permit and incentive bonuses approval at the Village Hall in Farmingdale; and

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

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

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WHEREAS, at the August 5, 2013 public hearing, SPA submitted the traffic engineering report prepared by Sean P. Mulryan, P.E. of Mulryan Engineering, P.C. (dated August 5, 2013); and

NOW, THEREFORE BE IT DECIDED, that in accordance with Article XIV, and Article XXVII of the Zoning Code of the Inc. Village of Farmingdale, The VILLAGE BOARD grants special permit, site plan approval and development incentive bonuses approval and authorizes the issuance of a building permit provided that the following conditions are met:

1. All construction shall comply with:
 - b. Plans prepared by GRCH Architecture, P.C. dated September 12, 2012, last revised August 5, 2013; and

5. SPA shall:
 - a. Make development incentive payments as follows: Nine Thousand Dollars (\$9,000) on or before January 15, 2015 (“Initial Development Incentive Bonus Payment”); and Nine Thousand Dollars (\$9,000) in years 2016 through and including 2024, on the anniversary date of the Initial Development Incentive Bonus Payment; and
 - b. Set aside not less than ten percent (10%) of all units as workforce or affordable housing on the PROPERTY, furnish documentation satisfactory to the VILLAGE that it has complied with this mandate; and
 - c. Enter into a long term agreement with the VILLAGE upon terms acceptable to the VILLAGE for the use of twenty-five (25) parking spaces, said agreement to require, at a minimum, SPA to pay one hundred forty dollars (\$140.00) per parking space per quarter plus an annual 3% increase. Upon the expiration of the agreement, the approvals granted hereunder shall automatically cease and the approvals immediately revoked unless SPA has entered into a substitute agreement for twenty-five (25) parking spaces, or SPA can establish to the Village’s satisfaction the existence of twenty-five (25) alternative or substitute parking spaces.
 - d. Provide sound proofing at the PROPERTY satisfactory to the VILLAGE.

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6. Additionally, SPA shall:
- a. Submit, final detailed site engineering drawings which demonstrate compliance with all municipal standards, which comply with the Code of the Village of Farmingdale and which are otherwise satisfactory to the VILLAGE. To the extent that the approved plans are in conflict with the code, the code shall govern. No building permit shall be issued until all required engineering drawings have been approved, in writing, by the VILLAGE engineers and the Superintendent of Buildings of the VILLAGE; and
 - b. Not install any satellite or cell phone antennas upon the PROPERTY without the prior written approval of the VILLAGE Board of Trustees. SPA relinquishes any rights SPA 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 SPA 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, SPA agrees to pay the VILLAGE, a fine, of two hundred fifty dollars (\$250.00) per day for each day that the installation exist 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 SPA, whichever is greater; and
 - c. 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 or are in any way related to the development of the PROPERTY; and
 - d. Procure and maintain insurance coverage, in accordance with the limits set forth in Exhibit 1, annexed hereto and made a part hereof, during the development of the PROPERTY. The insurance requirements herein are minimum requirements and in no way limit the indemnity obligations contained herein. The VILLAGE in no way warrants that the minimum limits contained herein are sufficient to protect SPA from liabilities that might arise from the

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development of the PROPERTY and SPA is free to purchase additional insurance; and

- e. Reimburse the VILLAGE for all expert or consultant fees incurred by the VILLAGE in connection with the ACTION and otherwise comply with Section 105-103 of the Code of the Incorporated Village of Farmingdale. No building permit shall be issued until all such fees have been paid by SPA. In the event that a building permit is issued prior to the reimbursement of such fees, the building permit and this special permit shall be immediately revoked if SPA fails to reimburse the VILLAGE for such expenses within five (5) days of the request for same; and
 - f. Prohibit on balconies or terraces of the buildings the use of BBQ, smokers, or other similar devices; and the hanging of any materials or items, including, but not limited to, clothing, banners, signs, etc.; and SPA shall prohibit all residents from leasing units without a parking space (residents must be required to lease parking space with unit to avoid residents parking in areas other than on site); and
 - g. Otherwise comply with all Federal, State, or local law and any directives of the Building Department of the Inc. Village of Farmingdale.
7. The noncompliance with any of the terms or conditions of this decision shall result in the immediate revocation of the building permit and special permit unless the Board of Trustees determines, for good cause, that revocation is not in the best interests of the VILLAGE.

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

CONTINUED PUBLIC HEARING PROPOSED SPECIAL USE PERMIT ADDITIONAL SEATING AND PARKING – 189 MAIN STREET (VIETNAMESE RESTAURANT) - Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-373), to continue the public hearing.

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Mayor Ekstrand explained that the hearing is continued to consider the parking requirement portion of their application and asked for public comment.

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

RESOLVED (#2013-374), to close the public hearing.

Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, the following was **RESOLVED (#2013-375)**,

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

WHEREAS, Huy Bui (“APPLICANT”) is the tenant of the property located at 189 Main Street, Farmingdale New York, 11735, said parcel being known on the Nassau County Tax Maps as Section 49; Block 76; Lot 37 (“PROPERTY”).

WHEREAS, the PROPERTY is located within the Downtown Mixed Use (“D-MU”) Zoning District of the VILLAGE; and

WHEREAS, APPLICANT desires to add 17 additional seats to the restaurant on the PROPERTY (“ACTION”) and has applied for a building permit in connection with 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 Board of Trustees for the Incorporated Village of Farmingdale (“VILLAGE BOARD”) has declared itself Lead Agency pursuant to SEQRA, declared the ACTION to be an unlisted action with no significant, adverse environmental impacts and issued a negative declaration and notice of determination of non-significance; and

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

WHEREAS, the building permit application was denied on the grounds the proposed development did not comply with the requirements of the D-MU Zoning District, Article XIV of the Zoning Code of the Inc. Village of Farmingdale as follows:

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1. 105-94 Permitted Uses by Special Permit – restaurants with more than 12 seats requires BOT approval. Your proposal is for a total of 29 seats.

2. 105-97 Off Street Parking:

Parking required: 1 space/3 seats	9.6
1 space/3' bar	0
1 space/200 s.f.	3.6
(rest. is 721 s.f.)	
Total	13.2
credit for existing store @1/200	3.6
Short fall	9.6 spaces

BOT may waive 90% of spaces or 8.6. Applicant must purchase one (1) space for \$5,000.

WHEREAS, Article XIV, 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 requirements of Article XIV and provide relief from Section 105-97 by waiving up to 90 percent of the required off street parking spaces provided that the applicant makes a payment in lieu thereof to Village Capital Reserve Fund; and

WHEREAS, APPLICANT has applied for a special use permit to operate the expanded restaurant pursuant to Article XIV, Section 105-94 A(1) and for relief from Section 105-97 pursuant to Section 105-112; and

WHEREAS, In accordance with the Zoning Code of the Inc. Village of Farmingdale, the Board of Trustees, on July 1, 2013 and August 5, 2013, held a public hearing in connection with the ACTION; and

WHEREAS, at the public hearing APPLICANT appeared on his behalf; and

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

NOW, THEREFORE BE IT DECIDED, the Board of Trustees grants the Special Permit provided that the following conditions are satisfied:

8. Payment in the amount of Five Thousand Dollars (\$5,000) is made to the Parking Lot Reserve Fund of the Inc. Village of Farmingdale. Payments shall be made as follows: One Thousand Six Hundred Sixty Seven Dollars (\$1,667) upon the adoption of this special use permit; One Thousand Six Hundred Sixty Seven Dollars (\$1,667) on or before September 3, 2014; and One Thousand Six Hundred Sixty Six Dollars (\$1,666) on or before September 3, 2015; and

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9. The Nassau County Planning Commission approves the ACTION or there is full compliance with any requirements imposed by the Nassau County Planning Commission; and
10. The VILLAGE is reimbursed for all expert or consultant fees incurred by it connection with the ACTION and there is full compliance with Section 105-103 of the Code of the Incorporated Village of Farmingdale. No building permit shall be issued until all such expenses have been reimbursed. In the event that a building permit is issued prior to the reimbursement of such fees, the building permit and this special permit shall be immediately revoked if reimbursement to the VILLAGE for such expenses is not made within five (5) days of the request for same; and
11. There is full compliance with the plans prepared by Eugene Gendron, Architect, dated April 21, 2013 and all Federal, State, or local law and any directives of the Building Department of the Inc. Village of Farmingdale.
12. The noncompliance with any of the terms or conditions of this decision shall result in the immediate revocation of the building permit and special permit unless the Board of Trustees determines, for good cause, that revocation is not in the best interests of the VILLAGE.

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

GOOD & WELFARE

- Mrs. LiCausi, Main St., asked if cars are being ticketed on Main Street. She also inquired about Main Street Lee property.
- Mr. Orobona, Eastern Pkwy., discussed parking issues in residential neighborhoods
- Mr. Wilson, Normandy Dr., asked about water department projects. Mayor Ekstrand stated that the Village has asked H2M to prepare specs to bid on projects and upgrades and that the Village will have a Work Session as soon as specs for bids are complete. Questions were raised in regard to financing these projects.
- Mr. Schatz, Staples St., discussed proposed group home. Mayor Ekstrand explained the organization, Options for Community Living, as well as the Padavan Law.
- Rich Gosline inquired about Hubbard property. Mayor Ekstrand stated that the developer has paid all fees and renewed all permits. He stated that the project has gone to Nassau County Planning. H2M has prepared plans to install water mains.

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SITE PLAN APPROVAL 150 MAIN STREET (7-11) – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, the following was unanimously, **RESOLVED (#2013-376)**,

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

WHEREAS, 7-Eleven c/o High Point Engineering (“APPLICANT”) desires to make various improvements to the property located at 150 Main Street, Farmingdale New York, 11735, (“ACTION”), said parcel being known on the Nassau County Tax Maps as Section 49; Block 67; Lot 221 (“PROPERTY”), said improvements as specified in plans of High Point Engineering SP 1, dated November 2, 2012; and

WHEREAS, APPLICANT has submitted a building permit application in connection with the ACTION; and

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

WHEREAS, APPLICANT required and has submitted an application for Site Plan Approval on August 5, 2013 in connection with 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 Board of Trustees for the Incorporated Village of Farmingdale (“VILLAGE BOARD”) has declared itself Lead Agency pursuant to SEQRA, declared the ACTION to be an unlisted action with no significant, adverse environmental impacts and issued a negative declaration and notice of determination of non-significance; and

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

WHEREAS, the building permit application was denied on the grounds the proposed development did not comply with the requirements of the D-MU Zoning District, Article XIV of the Zoning Code of the Inc. Village of Farmingdale as follows:

105-128 – Fences between residential and business properties; enclosing attractive nuisances; guidelines for granting permits. The Board of Trustees may permit the erection of a fence exceeding four feet in height, or a fence commonly known as a “close-board fence,” along or near the boundary line between premises in a residential zone and premises being used for business purposes.

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WHEREAS, In accordance with the Zoning Code of the Inc. Village of Farmingdale, the Board of Trustees, on August 5, 2013 held a public hearing in connection with the ACTION; and

WHEREAS, at the public hearing APPLICANT appeared on his behalf; and

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

NOW, THEREFORE BE IT DECIDED, the Board of Trustees grants Site Plan approval provided that the following conditions are satisfied:

1. Dumpsters shall be screened and located to the north west portion of the property, as per drawing F 1 dated July 25, 2013; and
2. A PVC fence (8 feet in height) shall be installed upon the property (location to be satisfactory to the building department); and
3. Arborvitae (in heights satisfactory to the building department) shall be installed and maintained in the area of the dumpsters (location to be approved by the building department); and
4. The Nassau County Planning Commission approves the ACTION or there is full compliance with any requirements imposed by the Nassau County Planning Commission; and
5. The VILLAGE is reimbursed for all expert or consultant fees incurred by it connection with the ACTION and there is full compliance with Section 105-103 of the Code of the Incorporated Village of Farmingdale. No building permit shall be issued until all such expenses have been reimbursed. In the event that a building permit is issued prior to the reimbursement of such fees, the building permit and this special permit shall be immediately revoked if reimbursement to the VILLAGE for such expenses is not made within five (5) days of the request for same; and
6. There is full compliance with the plans prepared by High Point Engineering, dated November 2, 2012 and all Federal, State, or local law and any directives of the Building Department of the Inc. Village of Farmingdale.
7. The noncompliance with any of the terms or conditions of this decision shall result in the immediate revocation of the building permit and site plan

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approval unless the Board of Trustees determines, for good cause, that revocation is not in the best interests of the VILLAGE.

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

PUBLIC HEARING PROPOSED SPECIAL USE PERMIT OFFICE SPACE ON FIRST FLOOR – 222-224 MAIN STREET (ALLSTATE) – Mayor Ekstrand stated that the public hearing has been adjourned to August 19, 2013 at 8:00 p.m. due to a publication error.

PUBLIC HEARING PROPOSED LOCAL LAW 10-2013 AMENDING CHAPTER 105 ARTICLE XIII BUSINESS DD DISTRICT – Mayor Ekstrand stated that the public hearing has been adjourned to September 3, 2013 at 8:00 p.m. for further study and review.

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

RESOLVED (#2103-377), to set the following public hearings:

- Proposed Special Use permit for interior alterations and change of tenancy for 195 Main Street for September 3, 2013 at 8:00 p.m. (Blue Hawaiian)
- Proposed amendment to Special Use permit for Gasoline Service Stations and Public Garages for 511 Fulton Street for September 3, 2013 at 8:00 p.m. (Service Station)
- Proposed amendment to Special Use permit for Gasoline Service Stations and Public Garages and Front Yard Setback for 356 Fulton Street for September 3, 2013 at 8:00 p.m. (Service Station)

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

RESOLVED (#2103-378), that the Abstract of Audited Vouchers #1056 dated August 5, 2013 be approved for payment pending checks held.

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

RESOLVED (#2013-379), to approve the wire transfers made since the prior meeting, as annexed to these minutes.

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

RESOLVED (#2013-380), to approve the minutes of 7/1/13 Public Meeting and Work Sessions of 7/8/13, 7/15/13 and 7/22/13.

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

RESOLVED, to allow the following use of Village property:

- The Women’s Club of Farmingdale is requesting use of the court room on the following Thursdays in 2013: 9/19, 10/17, 11/21 and the following Thursdays in 2014: 1/16, 2/20, 3/20, 4/17, 5/15, 9/18, 10/16, 11/20. The room would be used from 10:00 a.m. to 1:00 p.m.
- The Junior League of the Women’s Club of Farmingdale is requesting use of the court room on the following Fridays: 9/6, 10/11, 11/8. The room would be used from 7:30 p.m. to 9:30 p.m.
- The Farmingdale Hawks Youth Football League is requesting to hold their kick-off parade on Saturday, September 14, 2013 from 2:30 p.m. to 4:00 p.m. The parade will step off from Howitt parking lot with a left on Cherry Street to a right on Grant Avenue. It will proceed up to Main Street and make a left continuing on crossing Rt. 109 to a right on Motor Avenue. The parade will end at Allen Park.
- XCON Productions (David Meade) requested use of the court room for filming of a TV episode on Monday, August 5, 2013 from 6:00 a.m. to 7:00 p.m. The permit fee is \$750.00 plus additional personnel expenses accrued.

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

Hafner 344 Staples St. SWP 13-7	Replace approx. 5 sidewalk flags.	N/A
Sacco of F'dale 480 Main St. DB 13-37	Install 300' subsurface pvc piping to remediation system. NYS DEC.	N/A
Main 217 St. LLC 217 Main St. DB 13-38	Increase occupancy load of pub from 75 to 97 persons.	N/A
Zimmer 600 Fulton St. #42 DB 13-39	Renovate second floor bathroom.	N/A
Nawabi 425 Main St. DB 13-40	Permanent repair of roof trusses.	N/A

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Bartone Properties 120 Secatogue Ave. DB 13-42	Phase I – 3 ½ story mixed use building.	X
Happ 44 Jefferson Rd. SWP 13-8	Replace 8 sidewalk flags.	N/A
Masterson 48 Jefferson Rd. SWP 13-9	Replace 8 sidewalk flags.	N/A
Lieberz 38 Quaker Ln. FP 13-18	Install 6' stockade fence	N/A
Bruzzesse 205 Main St. PP 13-15	Emergency repair of sewer pipe.	N/A
Krieger 32 Rose St. DB 13-43	Kitchen and bathroom renovation.	N/A
SPA 79 281 Main St. DB 13-44	Interior alterations to create oil and vinegar specialty store.	N/A
VOF 315 Eastern Pkwy. DB 13-45	Replace existing antennas with updated units.	N/A
Ryan 108 Cherry St. DB 13-46	Construct 10'x16' shed.	N/A
Occhipinti 210 Prospect St. PP 13-16	Run 15 ft. of 1 ¼" gas line for pool heater.	N/A
2166 Dean LLC 462 Secatogue Ave. PP 13-17	Install hot water heater.	N/A
Marchant 25 Waverly Pl. CC 13-03	Widen apron approx. 15'.	N/A
Buekelear 10 Sullivan Rd. DB 13-47	Erect 18'x17' deck	N/A
Mucaria 245 Cherry St. FP 13-19	Replace fencing around property with 6' pvc.	N/A
Madden 29 Manetto Rd. FP 13-20	Maintain 5' white pvc fencing along rear and side property lines w/gate in front.	N/A
Bruzzese 205 Main St. DB 13-48	Stucco over brick façade.	X
Ruckdeschel 1 William St. SWP 13-11	Replace sidewalk in front of house.	N/A
Staller 281 Main St. PP 13-18	Install water closet, lavatory, slopsink, handsink, and 3 compartment sink.	N/A
White 51 Columbia St. DB 13-49	Replace fire damaged garage with 28'x35' two car detached garage. ZBA approved 7/11/13.	N/A
St. Luke's 170 Conklin St. DB 13-50	Interior alterations to bank building for church offices.	N/A

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Lyons 14 Paine Ave. FP 13-21	Erect 6' PVC fencing on northeast side of house.	N/A
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TAXI PERMITS – Upon a motion by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED, to issue 6 taxi permits.

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

RESOLVED (#2013-381), to approve the following tax certiorari’s:

- Capital One, N.A., Sec 49, B1 97-01, Lot 519, 312 Conklin Street, for tax years 2009/10 through and including 2013/14, as per amendment noted, for a total refund of \$6,100 with a reduction in assessed value to \$1,000,000. If assessment remains at the reduced value for tax years 2014/15 – 2016/17, no Article 7 proceedings will be filed.
- MMR Care Corp., Sec 48, B1 446, Lots 24-30, 223, 225 and Sec 48, B1 447, Lots 303-305, 530 & 574 Fulton Street, for tax years 2010/11 through and including 2013/14 for a refund of \$20,500, reducing 2013/14 assessment from \$2,730,000 to \$2,050,000. If assessment remains at \$2,050,000 in 2014/15, no Article 7 proceedings will be filed.

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

RESOLVED (#2013-382), to declare Farmingdale Board of Trustees as Lead Agency in a SEQRA filing in the matter of Damas B LLC (7-11) located at 150 Main Street.

SITE PLAN APPROVAL PRINCE STREET (ISA REALTY) – Upon a motion made by Trustee Parisi and seconded by Deputy Mayor Christiansen, it was unanimously,

RESOLVED (#2013-383), to approve the site plan for Prince Street (ISA Realty) upon Planning Board’s recommendations.

2014/2015 TAX ASSESSMENT ROLL – Upon a motion made by Trustee Parisi and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-384), to approve the hiring of Michael Haberman Associates, Inc. to complete all the necessary analysis and deliver the updated tentative 2014/2015 tax assessment roll for a fee of \$20,000.00, including \$2,000.00 to recalculate the adjusted base proportions.

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BOND ISSUANCE COMPLIANCE – Upon a motion made by Trustee Barrett and seconded by Trustee Ryan, it was unanimously,

RESOLVED (#2013-385), to adopt post issuance compliance procedures for bond issuance, as per recommendation from bond counsel, as annexed to these minutes.

RESERVE FOR BOND INDEBTEDNESS – Upon a motion made by Trustee Ryan and seconded by Trustee Barrett, it was unanimously,

RESOLVED (#2013-386), to move \$41,761.72 for the premium paid above par from fund balance to the Reserve for Bond Indebtedness.

BEAUTIFICATION – Deputy Mayor Christiansen stated that the plant food is working well and she is receiving many compliments on the look of Main Street.

OLD BUSINESS – Trustee Barrett discussed crack sealing in Lots 1 and 3 and Superintendent Fisch reported that 14 stumps have been completed with stump grinder.

CORRESPONDENCE – Mayor Ekstrand read a thank you letter from the Women’s Club.

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,

RESOLVED, to reconvene the meeting.

There being no further work, the meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Brian P. Harty, Village Clerk-Treasurer