

**MINUTES OF THE 1057th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
September 22, 2014
Adopted November 3, 2014**

The 1057th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 8:15 p.m. on September 22, 2014, at the Village Hall of the Village of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

PRESENT: Michael C. Kalnick, Mayor
Sheldon Kwiat, Trustee
David Harounian, Trustee
Ron Horowitz, Trustee
Hooshang Nematzadeh, Trustee

ALSO PRESENT: Gomie Persaud, Village Clerk-Treasurer
Kathleen Conroy, Village Deputy Clerk-Treasurer
Stephen G. Limmer, Esq., Ackerman, Levine, Cullen,
Brickman & Limmer, LLP, General Counsel
Richard Schilt, Building Inspector
George Banville, Lieutenant
James Moran, Police Sergeant
Michael Moorehead, Superintendent of Public Works

Mayor Michael C. Kalnick opened the public hearing on the application of **George Xu**, as owner, pursuant to Article VIII, **Off-Shore Structures**, of Chapter 161, Zoning, of the Code of the Village of Kings Point, for a permit to install a 4-foot wide 300-foot long pier, with a 3-foot wide 24-foot ramp, an 8-foot wide 30-foot long float, a 5-foot wide 10-foot long Jet Ski float, four float poles, four 12-inch diameter mooring poles, and one 16,000 lb. boat lift with four lift poles, at the premises known as **382 East Shore Road**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 172, Lot 30. The proposed dock will not have any storage lockers or solid canopies. Everyone present was given an opportunity to be heard on the application. Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-96**, the Board unanimously adopted the following resolution:

Whereas, George Xu, as owner, has applied to the Board for a permit to install a 4-foot wide 300-foot long pier, with a 3-foot wide 24-foot ramp, an 8-foot wide 30-foot long float, a 5-foot wide 10-foot long Jet Ski float, four float poles, four 12-inch diameter mooring poles, and one 16,000 lb. boat lift, at the premises known as 382 East Shore Road, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 172, Lot 30; and

Whereas, the Board has made the following findings of fact:

1. Based upon a review of Part 1 of the SEAF submitted by the applicant and the other documents and testimony presented with regard to the application, including, but not limited to the written

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comments of the Village's consulting engineers, the proposed action will not result in any significant adverse environmental impacts.

2. The proposed pier, ramp, float, Jet Ski float, poles, and boat lift conform to the requirements of the Village Code.
3. The applicant is not seeking any storage lockers or solid canopies.
4. The dock will not unreasonably impede, obstruct, or interfere with navigation, the rights of adjoining property owners, the public use of or passage along the foreshore or the waterway, or significantly damage the environment.

Now, therefore, based upon the foregoing findings:

1. The Mayor is authorized to complete Part 2 of the SEAF, answering "no, or small impact may occur" to questions 1 through 11, and checking the box indicating that the Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts; and
2. The application is granted on the condition that the off-shore structures are constructed and maintained substantially in accordance with drawings A2 and A3 submitted by the owner, prepared by Gray Architectural Services, P.C.; Applicant: George Xu, 382 East Shore Rd Kings Pont, NY 11024, County of Nassau, Section 1, Block 172, Lot 30, Flood Zone; last revision 3-19-14.

A copy of the application is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the application of **Bob Zar**, as owner, pursuant to Article VIII, **Off-Shore Structures**, of Chapter 161, Zoning, of the Code of the Village of Kings Point, for a modification of a previously approved permit, which, by Resolution # 2013-38, approved a proposed 200-foot by 4-foot catwalk, with one jet ski lift, one 20,000 lb. boat lift, a 30-foot by 3-foot ramp, and a 20-foot by 6-foot float at the seaward end, at the premises known as **38 Shore Drive**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 175, Lot 86, to permit him to install the 8-foot wide 20-foot long float in a "T" configuration, instead of the previously approved configuration in-line with the pier. Everyone present was given an opportunity to be heard on the application. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2014-97**, the Board unanimously adopted the following resolution:

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Whereas, Bob Zar, as owner, has made application to this Board, pursuant to Article VIII, Off-Shore Structures, of Chapter 161, Zoning, of the Code of the Village of Kings Point, for a modification of a previously approved permit, which approved a proposed 200-foot by 4-foot catwalk, with one jet ski lift, one 20,000 lb. boat lift, a 30-foot by 3-foot ramp, and a 20-foot by 6-foot float at the seaward end, at the premises known as 38 Shore Drive, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 175, Lot 86, to permit him to install the 8-foot wide 20-foot long float in a “T” configuration, instead of the previously approved configuration in-line with the pier; and

Whereas, the Board has made the following findings of fact:

1. Installing the 8-foot wide 20-foot long float in a “T” configuration will conform to the requirements of the Village Code.
2. Installing the float in a “T” configuration will not have a significant adverse aesthetic impact.
3. The Board affirmatively finds that installing the float in a “T” configuration will not unreasonably impede, obstruct, or interfere with navigation, the rights of adjoining property owners, the public use of or passage along the foreshore or the waterway, or significantly damage the environment.

Now, therefore, based upon the foregoing findings, the application is granted to the extent of permitting the applicant to install the float in a “T” configuration, instead of in-line with the pier, on the condition that the off-shore structures are constructed substantially in accordance with the plans submitted by the owner, prepared by Land Use Ecological Services, Inc.; titled “Proposed Recreational Dock Facility”; prepared for Bob Zar at 38 Shore Drive, Kings Point, NY 11024; tax map# Sect: 1 Blk: 42 Lot: 124; dated Feb 05, 2009, last revised 05-20-13.

A copy of the application is on file with the Village Clerk.

The Board discussed with **Mike Nassimi**, his request, as owner, to **repair an existing dock at 102 Kings Point Road**. The Board informed Mr. Nassimi that, based upon the information it had received from the Village’s Building Inspector and the Village’s Consulting Engineer, the remnants of what had been a dock were in such disrepair and deterioration that they could not be used and so the Board had to treat the application as one for a new dock, which, in the opinion of the Board, was required to be placed in accordance with the Village Code requirements, which would place it more central to the middle of the property, not as close to the northerly property line as the previous dock. Mr. Nassimi contended that his experts had informed him that the remnants of the dock could be used and, in fact, it would be a “repair”. It was suggested by the Board that if

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Mr. Nassimi wanted to pursue his request, he should have his professionals speak directly to the Building Inspector. The application was tabled until the next meeting. A copy of the application is on file with the Village Clerk.

The Mayor and Board of Trustees discussed the application of the **North Shore Hebrew Academy** to amend its previously approved special exception permit to permit it to install a proposed six foot high **security fence** around its school located at **16 Cherry Lane**, Kings Point, NY 11024. Building Inspector Richard Schilt reported that based on his review of the application, some additional screening will be required once the fence is installed. The architect was informed that he has to apply on behalf of his client to the Board of Zoning Appeals and the Architectural Review Board. Upon motion by Trustee David Harounian, seconded by Trustee Ron Horowitz, by resolution # **2014-98**, the Board unanimously approved the application of North Shore Hebrew Academy to amend its previously approved special exception permit to permit it to install a proposed six foot high security fence around its school located at 16 Cherry Lane upon the following conditions:

1. The fence shall be a black aluminum fence as detailed and in the locations shown on the plan submitted by the applicant, prepared by Bahary Architecture; Project Name: "Proposed New Fence & Landscaping, North Shore Hebrew Academy, 16 Cherry Lane, Great Neck, NY"; Job No. 1331; dated 3/11/14, last revised by revision No. 1, dated 09.03.14.
2. Such additional landscaping as may be required by the Committee of Architectural Review shall be planted before a certificate of occupancy or compliance is issued.
3. The fence shall not be erected until such variances as may be determined to be required by the Building Department have been obtained.

A copy of the application is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of the application pursuant to Article VIII, **Off-Shore Structures**, of Chapter 161, Zoning, of the Code of the Village of Kings Point, by **Nader Ohebshalom**, as owner, for a permit to install a 4-foot wide 175-foot long pier, with a 3-foot wide 30-foot long aluminum ramp, an 8-foot wide 20-foot long float, in line with the pier, a Jet Ski lift float, and a 20,000 pound boat lift, at the premises known as **9 Gatsby Lane**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 175, Lot 86. The Building Inspector, Richard Schilt, reported that he has reviewed the application and that the Village Engineers made some recommendations to the applicant's engineer; but have not yet received a response. The application was tabled pending the response of the applicant's engineer. A copy of the application is on file with the Village Clerk.

The Board reviewed the revised plans for the **Kennilworth Gate House Project** submitted by **Kennilwood Home Owners' Association, Inc.** The Board found the revised plans attached to the letter from Sahn Ward Coschignano & Baker, PLLC, to

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Mayor Michael C. Kalnick, dated August 7, 2014, acceptable, and directed General Counsel, Stephen Limmer, to draft a proposed local law that would permit gatehouses on private roads to communities such as Kennilworth, as conditionally permitted accessory uses to such communities. A copy of the letter is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-99**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of July 17, 2014.

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-100**, the Board unanimously accepted the **Building Department reports** for the period of July 2014, showing the total fees deposited of **\$14,600.00** into the General Fund and **\$5,200.00** into the Trust Fund, and for the period of August 2014, showing the total fees collected of **\$37,655.00** into the General Fund and **\$13,800.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-101**, the Board unanimously accepted the **Village Justice Court reports** for the period of July 2014, showing the total fines and surcharges collected of **\$19,573.00**, and for the period of August 2014, showing the total fines and **surcharges** collected of **\$24,229.00**. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-102**, the Board unanimously approved the payment of **audited claims** as follows:

A. General Fund:	\$1, 361,078.82
B. Trust Fund:	\$ 10,000.00
C. Capital Fund:	\$ 45,809.33

Copies of the abstracts of claims are on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2014-103**, the Board unanimously approved the following Resolution and certification:

BE IT RESOLVED, that the Village of Kings Point hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

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Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials					
Clerk-Treasurer	Gomie Persaud	7	7/07/2014	N	23.00
Deputy Clerk-Treasurer	Kathleen Conroy	7	7/07/2014	N	27.21
Supt. of Public Works	Michael Moorehead	8	7/07/2014	N	25.25
Court Clerk	Rosemarie Onorato	7	7/07/2014	N	21.36
Building Inspector	Richard Schilt	7	7/07/2014	N	25.33
Building Inspector	Chris Aiossa	7	7/07/2014	N	24.66
Secretary to BZA	Xiomara Mignott	7	7/07/2014	N	22.04
Secretary to BOT	Matilde Velez	7	7/07/2014	N	20.92
Elected Officials - None					

On this _____ day of _____, 2014

September 22, 2014
(Signature of clerk)

Date enacted:

I, Gomie Persaud, clerk of the governing board of the Village of Kings Point, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 22th day of September, 2014 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board consists of five (5) members, and that all members were present at such meeting and that five (5) of such members voted in favor of the above resolution.

Upon motion of Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2014-104**, the Board unanimously approved the renewal of the contract for the fire alarm system for one year with **Simplex Grinnell** in the amount of **\$5,000.00**, in

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accordance with its proposal dated September 22, 2014. A copy of the proposal is on file with the Village Clerk.

Trustee Hooshang Nematzadeh introduced **Bill No. 7C of 2014**, a proposed local law clarifying the provisions in Chapter 9, Defense and Indemnification, of the Code of the Village of Kings Point. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by Resolution # **2014-105**, the Board authorized General Counsel to prepare and publish all of the required legal notices for a public hearing on Monday, November 3, 2014, at 8:15 p.m. A copy of the Bill is on file with the Village Clerk.

Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-106**, the Board unanimously approved the appointment of Haberman Associates, Inc., Real Estate Appraisers & Consultants as the Village Assessors in accordance with its proposal by letter dated July 17, 2014. A copy of the letter is on file with the Village Clerk.

Village Engineers, Dvirka & Bartilucci Engineers, by letter dated September 18, 2014, reported on the bids the Village received for the **2014 Roadway Improvements Program**, which was held on September 12, 2014, as follows:

SUMMARY OF BIDS

201 Roadway Improvements Program

Bid Date: September 12, 2014

Bidder	Bid Security	Total Bid Price
John McGowan & Sons, Inc.	10% Bid Bond	\$ 755,993.00
Roadwork Ahead, Inc.	10% Bid Bond	\$ 795,360.00
Tri State Paving, LLC	10% Bid Bond	\$ 795,750.00
Galvin Brothers, Inc.	10% Bid Bond	\$ 874,352.50
J. Anthony Enterprises, Inc.	10% Bid Bond	\$1,164,125.00

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2014-107**, at the recommendation of the Village Engineers, Dvirka & Bartilucci Engineers, after reviewing the references, bid documents, and recent projects of similar size and scope of work, that the Village award the contract to the lowest

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responsible bidder, John McGowan & Sons, Inc. in the amount of **\$755,993.00**. Copies of the letter and bids are on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud advised the Board of the bid opening that had been held on August 18, 2014, with regard to the bids for the **Tree Trimming and Related Services Contract as follows:**

SUMMARY OF BIDS

Tree Trimming and Related Services

Bid Date: August 18, 2014

Item #1	Price for one year (10/01/14– 09/30/15)
Item #2	Price for one year (10/01/15 – 09/30/16) at Village’s option
Item #3	Price for one year (10/01/16 – 9/30/17) at Village’s option

Vendor	Item #1	Item #2	Item #3
Harder Service, Inc.	\$29,367.00	\$35,265.00	\$37,495.00
Conserv-A-Tree	\$89,800.00	\$89,800.00	\$89,800.00

Copies of the bids are on file with the Village Clerk.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by resolution # **2014-108** the Board unanimously awarded the **Trim Trimming and Related Services Contract** for the period of October 1, 2014 through September 30,2015 with two (2) one-year options to be exercised at the discretion of the Board, to Harder Service, Inc., as the lowest responsible bidder.

Village Clerk-Treasurer Gomie Persaud reported on the proposed **lease agreement with the Water Authority of Great Neck North to facilitate the Kings Point Police Department’s placement of a cell telephone antenna** upon the Water Authority of Great Neck North’s elevated water tank. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by Resolution # **2014-109** the Board authorized the Deputy Mayor David Harounian to sign the lease agreement with the Water Authority of Great Neck North to facilitate the Kings Point Police Department’s placement of a cell telephone antenna upon the Water Authority of Great Neck North’s elevated water tank. The Deputy Mayor was authorized to sign the lease agreement because the Mayor also serves as Chairperson of the Water Authority. Trustees David Harounian, Ron Horowitz, Sheldon Kwiat, and Hooshang Nematzadeh voted in favor of the resolution. Mayor Michael C. Kalnick, announcing and explaining his conflict as Chairperson of the Authority, recused himself from the deliberations and the vote. A copy of the agreement is on file with the Village Clerk.

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Village Clerk-Treasurer Gomie Persaud reported that the Village Applied for **grant money from the County of Nassau to plant news trees** to replace those that had been destroyed by Super-storm Sandy. The following resolution was moved by Trustee Ron Horowitz, seconded by Trustee David Harounian by resolution # **2014-110** and unanimously approved the following resolution authorizing the Village to enter into an inter-municipal agreement with the County of Nassau to receive funding for the purchase of trees to be planted along village streets that were destroyed by Super-storm Sandy.

WHEREAS, the Village of Kings Point desires to enter into an inter-municipal agreement with the County of Nassau as authorized by Article 5-G of the General Municipal Law of the State of New York, to purchase and plant trees along village streets that were destroyed by Super-storm Sandy; and

WHEREAS, pursuant to said agreement, the County will provide funding to reimburse the Village of Kings Point in the amount of \$40,000.00 for the purchase of trees for said project;

NOW, THEREFORE, be it

RESOLVED, by the Board of Trustees of the Village of Kings Point, that the Village Clerk be and hereby is authorized to enter into an inter-municipal cooperation agreement with the County of Nassau for the above said project; and be it further

RESOLVED, that the Board of Trustees adopts this resolution making a SEQRA environmental determination that the proposed Inter-Municipal Agreement and project will not have a significant effect on the environment and issues a negative declaration.

Mayor Kalnick asked Lieutenant George Banville and Superintend of Public Works Michael Moorehead for their findings regarding the request from Samuel Namdar, who resides at 22 Spring Lane, received on July 10, 2014, requesting 4-way stop signs at the intersection of Woodcrest Road and Shady Brook Road and an additional stop sign at Woodcrest Road and Spring Lane. Based upon said reports, upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by Resolution # **2014-111** the Board **authorized the installation of stop signs** at the following locations:

1. The southeast corner at the intersection Shady Brook Road and Rogers Road for northbound traffic on Shady Brook Road.
2. The southwest corner at the intersection Shady Brook Road and Woodcrest Road for southeastbound traffic on Shady Brook Road.
3. The northwest corner at the intersection Shady Brook Road and Dogwood Road for southwestbound traffic on Dogwood Road.

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4. The northeast corner at the intersection Woodcrest Road and Dogwood Road for northwestbound traffic on Woodcrest Road.
5. The southeast corner at the intersection Woodcrest Road and Dogwood Road for northeastbound traffic on Woodcrest Road.
6. The southwest corner at the intersection Dogwood and Remsen Road for eastbound traffic on Dogwood Road.
7. The southwest corner at the intersection Woodcrest Road and Remsen Road for east bound traffic on Woodcrest Road.
8. The northeast corner at the intersection Woodcrest Road and Spring Lane for westbound traffic on Woodcrest Road.

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees would be on November 3, 2014, commencing at 8:15 p.m. at the Village Hall.

There being no further business to come before the Board, the Mayor adjourned the meeting at 9:45 p.m.

Gomie Persaud
Village Clerk/Treasurer