

**MINUTES OF THE 1070th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
November 23, 2015
Adopted on January 14, 2016**

The 1070th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 8:20 p.m. on November 23, 2015, at the Village Hall of the Village of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

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

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

Mayor Michael C. Kalnick opened the public hearing on Bill No. 4C of 2015, a local law regarding driveway widths in the Village of Kings Point. Mayor Michael C. Kalnick asked if anyone wished to be heard with regard to Bill No. 4C of 2015. At the request of the Board a minor change was made to Bill No. 4C of 2015 and the modified bill was titled **Bill No. 4D of 2015**. No one from the public asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by Resolution # **2015-100**, the Board unanimously adopted Bill No. 4D of 2015, a local law regarding driveway widths, as Local Law 4 of 2015. A copy of the Law is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2015-101**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of October 15, 2015.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2015-102**, the Board unanimously accepted the **Building Department report** for the period of October 2015, showing the total fees deposited of **\$64,630.00** into the General Fund and **\$11,505.40** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

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BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
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Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2015-103**, the Board unanimously accepted the **Village Justice Court report** for the period of October 2015, showing the total fees and surcharges deposited of **\$13,924.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2015-104**, the Board unanimously approved the payment of **audited claims** as follows:

- | | |
|-------------------------|------------------------|
| a. General Fund: | \$ 2,061,997.87 |
| b. Trust Fund: | \$ 4,753.28 |
| c. Capital Fund: | \$ 772,773.49 |

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

Trustee David Harounian introduced **Bill No. 5 of 2015**, a local law amending § 161-35 of the Code of the Village of Kings Point with regard fences and driveway gates. Mayor Michael C. Kalnick authorized the Village's General Counsel to publish notice and set Bill No. 5 of 2015 down for a public hearing on January 14, 2016, at 8:15 p.m.

Mayor Michael C. Kalnick advised the Board that the consideration of the revised drawings regarding the Gatehouse for Kennilwood Association would be adjourned pending the Association providing some additional documentation.

The Board discussed the application of **Albert Gorjian**, 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 65-foot long by 5-foot wide open grate fixed catwalk with a 15.6-foot long access staircase at its seaward end, with mounts for two kayaks, at the premises known as **6 Shore Drive**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 42, Lot 134. The proposed catwalk will not have a boat lift, jet ski lift, storage lockers, or solid canopies. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2015-105**, the Board unanimously adopted the following resolution:

Whereas, **Albert Gorjian**, as owner, has applied to the Board for a permit to install a 65-foot long by 5-foot wide open grate fixed

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catwalk with a 15.6-foot long access staircase at its seaward end, with mounts for two kayaks, at the premises known as **6 Shore Road**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 42, Lot 134; and

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

1. Based upon a review of the EAF submitted by the applicant and the other documents and testimony presented with regard to the application, the proposed action will not result in any significant adverse environmental impacts.
2. The proposed catwalk and access staircase conform to the requirements of the Village Code.
3. The applicant is not seeking any boat lift, Jet Ski lift, storage lockers, or solid canopies.
4. The premises only have 136.77 feet of shoreline frontage, instead of the minimum 150 feet required.
5. Based upon the design and size of the proposed off-shore structure, the criteria set forth in §161-50.10 of the Village Code, and the *de minimis*, if any, adverse impact the proposed off-shore structure would have upon the adjacent properties, a waiver of the 150-foot shoreline requirement should be granted.
6. 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:

- A. This Board finds that based upon the EAF and the information and analysis above, the proposed action will not result in any significant adverse environmental impacts.
- B. This Board grants a 13.23-foot waiver from the 150-foot minimum shoreline requirement.

**MINUTES OF THE 1070th MEETING OF THE
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- C. The Board grants the application on the condition that the off-shore structures are constructed and maintained substantially in accordance with drawing # 1 of 2, Site Plan, and drawing 2 of 2, Cross Sections & Details, submitted by the owner, prepared by KD Engineering:

Titled:

Proposed Dock
Gorjian Residence
6 Shore Road Kings
Point, NY 11024

Dated: June 2015

Last Revised: Rev. No. 1, dated 10/21/15

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

Village Clerk Gomie Persaud reported that Compu Phones came to install the telephones in the Village Hall and found that the Police Department needed different phones from the ones that were originally quoted at the last Board of Trustees meeting. Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2015-106**, the Board unanimously approved the revised amount of \$15,045.00 for the purchase of 12 additional phones with additional features from Compu Phone for the Police Department.

Village Counsel, Stephen Limmer, informed the Mayor and Board of Trustees that the Village Assessor Tom Donato sent an e-mail dated October 13, 2015, regarding the tax certiorari proceeding of 566 East Shore Road, Kings Point, recommending a cash refund of \$20,000.00 for the settlement of the tax years 2009 through 2015 and recommended that the village approve the settlement.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by resolution # **2015-107**, the Board unanimously adopted the following resolution:

WHEREAS, there is now pending in the Supreme Court, Nassau County, a proceeding by the owner of certain property within the Village of Kings Point to reduce the assessed valuation placed on its property for Village tax purposes; and

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WHEREAS the General Counsel to the Village recommends that said proceeding be settled in accordance with a written memorandum to this Board dated October 13, 2015.

NOW, THEREFORE, the General Counsel is hereby authorized to settle the following tax certiorari proceeding on the basis indicated.

566 East Shore Road LLC
Address: 566 East Shore Road, Kings Point
Section 1, Block 177, Lot 53

Tax Year	Present Assessment	Proposed Assessment	Reduction	Total Tax Rate	Refund Lump Sum Settlement
2009/10	\$43,500				
2010/11	\$43,500				\$20,000 with 3 year moratorium
2011/12	\$43,500				
2012/13	\$43,500				
2013/14	\$43,500				
2014/15	\$43,500				
2015/16		\$33,500			

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees would be January 14, 2016.

There being no further business to come before the Board, the Mayor adjourned the meeting at 8:48 p.m.

Gomie Persaud
Village Clerk-Treasurer