

**MINUTES OF THE 1083<sup>rd</sup> MEETING  
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT  
January 5, 2017  
Adopted February 2, 2017**

The 1083<sup>rd</sup> 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 January 5, 2017, 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., McLaughlin & Stern LLP,  
General Counsel  
Michael Moorehead, Superintendent of Public Works  
Richard Schilt, Building Inspector  
George Banville, Police Commissioner

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2017-1**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of December 8, 2016.

Mayor Michael C. Kalnick opened the public hearing to inform the public and to review the public use to be served by a proposed public project and the impact on the environment and residents of the locality where the project will be constructed. The project is the creation of East Shore Park, for the benefit of the residents of the Village, to be located along the east side of East Shore Road in the Village, upon presently vacant properties. Mayor Michael C. Kalnick asked if anyone wished to be heard with regard to the project. After everyone in attendance was given an opportunity to be heard, the Mayor closed the public hearing. No written statements or other documents concerning the project were submitted before or during the public hearing. A transcript of the public hearing is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the Board would adjourn for advice of counsel and then resume the meeting. The Board returned from its advice of counsel and resumed the meeting.

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2017-2**, the Board unanimously adopted the following Determination and Findings:

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**ACQUISITION OF WATERFRONT PROPERTIES  
ALONG EAST SHORE ROAD IN  
THE VILLAGE OF KINGS POINT  
TO CREATE A PASSIVE PARK  
TO BE KNOWN AS “EAST SHORE PARK”**

**DETERMINATION AND FINDINGS**

Pursuant to §204 of Article 2 of the New York State Eminent Domain Procedure Law, upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat by resolution # **2017-02**, the Board unanimously adopted the following as its Determination and Findings with regard to the acquisition of the Subject Properties, as defined below, for the creation of a passive park for the residents of the Village of Kings Point, to be known as the “East Shore Park”:

WHEREAS, the Board of Trustees (the “Board”) of the Village of Kings Point (the “Village”) is cognizant of the New York State Coastal Management Program (NYS CMP) policies pertaining to public waterfront access.<sup>1</sup> Specifically, the purpose of NYS CMP Policy No. 19 is to:

Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

And, moreover, NYS CMP Policy No. 20, which specifically addresses providing public access for passive uses to shoreline areas where little or no such access exists:

Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses...In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access

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<sup>1</sup>New York State Department of State. 2001. *State Coastal Policies*. Excerpted from the State of New York Coastal Management Program and Final Environmental Impact Statement.

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would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing and hunting.

And, with respect to the Long Island Sound coastline in particular, the Long Island Sound Coastal Management Program (LIS CMP) outlines a number of policies pertaining to developed, natural, public, and working coastal areas of Long Island Sound.<sup>2</sup> Similar to the NYS CMP policies regarding public waterfront access, the intent of LIS CMP Policy No. 9 is to:

Provide for public access to, and recreational use of, coastal waters, public lands and public resources of the Long Island Sound coastal area...the Long Island Sound shoreline is one of the most densely populated coastal regions along the eastern seaboard, yet physical and visual access to coastal lands and waters is limited for the general public... Existing public access and opportunities for recreation are inadequate to meet the needs of the residents of the Sound, let alone residents of the state. Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide and increase public access throughout the Sound.

And

WHEREAS, in furtherance of those policies, the Board desires to create a passive waterfront park along Manhasset Bay for the benefit of all of the residents of the Village to increase the level and types of access to public water-related resources, for such activities as walking along the beach front, bird watching, photography, and nature study; and

WHEREAS, there are presently vacant properties along the East Side of East Shore Road adjoining the waterfront of Manhasset Bay that would be an appropriate location to establish that waterfront park; and

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<sup>2</sup>New York State Department of State, Division of Coastal Resources and Waterfront Revitalizations. 1999. *Long Island Sound Coastal Management Program*. Available online at: <http://www.dos.ny.gov/opd/programs/WFRevitalization/longisland.html#lis>. Accessed March 15, 2016.

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WHEREAS, this Board finds that it would be in the best interests of the residents of the Village if the Village acquires those vacant properties by agreement or condemnation in accordance with the Eminent Domain Procedure Law; and

WHEREAS, the locations of those properties were identified and provided to VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), the Village's planner and environmental consultant with regard to this project: and

WHEREAS, VHB has prepared a Full Environmental Assessment Form and Ecological Assessment, and in its conclusions to its Ecological Assessment, it stated:

The Village is proposing to dedicate a 1.57± acre upland portion of a 6.642± acre property located along East Shore Road and Manhasset Bay as passive waterfront parkland for the residents of the Village. The Village owns some of that property and would seek to acquire the remaining property through agreement or eminent domain. If acquired by the Village, the East Shore Road property would be dedicated as parkland for the residents of Kings Point and, subject to NYSDEC approval, the Village would trim or remove some of the existing upland vegetation and plant new, native vegetation, in order to make the property easier for the public to traverse and to allow a better view of Manhasset Bay. These alterations would also result in overall improvements to the vegetative species diversity and the wildlife habitat quality of the East Shore Property. Any such alterations would be subject to NYSDEC review and approval as part of the tidal wetlands permit process. No structures or impervious surfaces would be constructed. Based on the foregoing, no significant adverse ecological impacts to the East Shore Road Property are anticipated as a result of the proposed waterfront parkland dedication.

As detailed in this EAF, the East Shore Road Property supports ECNYS Low Salt Marsh, High Salt Marsh and Successional Southern Hardwoods ecological communities. It is noteworthy that these three ecological communities, and access to marine shoreline areas, do not occur at Kings Point Park. Accordingly, the proposed dedication of the East Shore Road Property as parkland represents the addition of additional upland and wetland habitat types that would be available for public use.

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The proposed dedication by the Village would provide public waterfront access to an underutilized portion of the Manhasset Bay shoreline area where none currently exists. This proposed access would facilitate various passive uses by the public such as walking, bird watching, photography, fishing, nature study, etc. As such, the proposed dedication would be in accordance with NYS CMP and LIS CMP policies pertaining to public waterfront access, by providing public access for passive pursuits to a portion of the Manhasset Bay shoreline area where none currently exists.

Based upon the clearly enunciated New York State policies for providing public access to the foreshore of water bodies (including express reference to the Long Island Sound coastline), as set forth in the NYS CMP and LIS CMP, the advantages of turning the privately owned East Shore Road Property into a 1.57± acre passive public park that will be accessible to all Village residents clearly outweigh the negligible, if any, adverse environmental impacts of reinstating the previous Department of Public Work's use of 1.565 acres along Kings Point road that was recently held to be parkland.

Based on the applicable NYS regulations, an NYSDEC Tidal Wetlands Permit would be required for trimming or clearing of existing upland vegetation and planting of native vegetation for the proposed action. A USACE permit would not be required for the proposed waterfront parkland dedication as currently proposed.

In summary, by providing the Village of Kings Point residents with public access to the Manhasset Bay waterfront, the proposed use will be in furtherance of the New York State Coastal Management Program policies pertaining to providing public access to the State's waterfront and of the Long Island Sound Coastal Management Program policies pertaining to providing public access to the coastal areas of the Long Island Sound. Moreover, the proposed action would improve the overall ecological value of the East Shore Road property through trimming and removal of existing, predominantly non-native/invasive vegetation and planting of native vegetation, while providing significant benefits to the residents of the Village.

And

WHEREAS, this Board has duly held a public hearing on January 5, 2017, pursuant to Article 2 of the New York State

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Eminent Domain Procedure Law, in order to inform the public and to review the public use to be served by a proposed public project and the impact on the environment and residents of the locality where such project will be constructed; and

WHEREAS, previous to the hearing, pursuant to Article 2 of the New York State Eminent Domain Procedure Law, a legal notice of said hearing was provided which stated, in substance: that the proposed project is the creation of East Shore Park, to be located along the east side of East Shore Road in the Village of Kings Point upon presently vacant properties; the proposed properties to be acquired and the assessment record billing owners of said properties; there are no proposed alternate locations; at said hearing all parties in interest will be given an opportunity to be heard; that those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at such hearing; and that in the event that anyone needs a special accommodation for a disability such person is requested to contact the Village Clerk at least five days before the hearing; and

WHEREAS, said legal notice was published in two successive weeks, on December 14, 2016 and December 21, 2016, in the Great Neck Record, a weekly newspaper that is the Official Newspaper of the Village and in five consecutive days, December 19, 20, 21, 22, 23, 2016, in Newsday, a daily newspaper of general circulation within the Village; and

WHEREAS, said legal notice was mailed by certified mail return receipt requested on December 13, 2016, to each of the assessment billing owners of the properties to be condemned, as shown on the Village records, and on December 15, 2016, to all others who were identified by First American Title Insurance Company as having an ownership in any of the properties to be condemned who were not shown as an assessment billing owner on the Village records; and

WHEREAS, at said hearing, all persons in attendance were given a reasonable opportunity to present an oral or written statement and to submit other documents concerning the public project;

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NOW THEREFORE, BE IT RESOLVED AS FOLLOWS,

1. The acquisition of the following vacant properties (the “subject properties”) located along the waterfront of Manhasset Bay on the east side of East Shore Road, to create a waterfront passive park for the residents of the Village will not result in any significant adverse impacts on the environment and the residents of the locality; and: the subject properties are shown on the Nassau County Land and Tax Map as:

a. Section 1, Block 172, Lots 35, 36A, 36B, 37A, 37B, 39C, 39D, 40A, 40B, 41A, 41B, 42A, 42B, 43A, and 43B; and

b. Section 1, Block 184, Lots 3A, 3B, 4, 6, 7, 8, 9, 10, 12A, 12B, 13, and 14.

2. The Village shall create a passive waterfront park along Manhasset Bay for the benefit of all of the residents of the Village to increase the level and types of access to public water-related resources, for such activities as walking along the beach front, bird watching, photography, and nature study, to be named: East Shore Park.

3. East Shore Park shall be established on the subject properties and the property presently owned by the Village shown on the Nassau County Land and Tax Map as Section 1, Block 184, Lots 1A, 1B, 2A, 2B, 5, 11A, and 11B.

The firm of McLaughlin & Stern, LLP, is authorized to take all actions and proceedings necessary or reasonable to enable the Village to acquire

1. the subject properties by negotiation or condemnation pursuant to Article 2 of the New York State Eminent Domain Procedure Law.

2. The Village Clerk is directed to keep a record of the public hearing including all written statements and other documents concerning the public project submitted at the hearing.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2017-3**, the Board unanimously accepted the **Building Department report** for the period of December 2016, showing the total fees deposited of

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**\$185,285.00** into the General Fund and **\$5,200.00** into the Trust 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 # **2017-4**, the Board unanimously accepted the **Village Justice Court report** for the period of December 2016, showing the total fees and surcharges deposited of **\$9,227.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2017-5**, the Board unanimously approved the payment of **audited claims** as follows:

- a. General Fund:                   \$ 260,561.38**
- b. Trust Fund:                     \$ 56,000.00**

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

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-6** the following resolution was unanimously adopted:

**WHEREAS**, the return of unpaid taxes for the fiscal year beginning June 1, 2016 , as certified by the Village Clerk-Treasurer was submitted to the Board as follows:

<u><b>ASSESSED TO</b></u>	<u><b>BLOCK</b></u>	<u><b>LOT</b></u>	<u><b>AMOUNT OF TAXES</b></u>
Babazadeh, Sharon (6 Channel Drive)	42	53	\$ 7,113.91
Kassover, Nathan (5 Shore Drive)	45	51	\$17,933.48
Grace Harbor Assoc. Inc. (Remsen Rd. Vacant)	63	10	\$ 827.36
Grace Harbor Assoc. Inc. (Harbor Way)	63	37D	\$ 1,021.90

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County of Nassau (450 E. Shore Road Vacant)	63	68	\$ 89.44
Grace Harbor Assoc. Inc. (Harbor Way Vacant)	63	120	\$ 391.32
Bregman, Dmirtij (39 Remsen Road)	66	14	\$14,132.12
Grace Harbor Assoc. Inc. (Vacant)	75	3	\$ 44.72
Khalily, Edna (415 East Shore Road)	77	137	\$ 8,497.16
Hassid, Babak (28 Forest Row)	81	174	\$ 4.92
Mahfar, Ben (41 North Road )	81	179	\$ 1,797.82
Shavolian, Dan & Haifa (One Beech Lane)	132	403	\$12,969.35
Ardito, Anita (21 Elmridge Road)	134	3	\$ 7,602.72
Abizadeh, Farzin & Lena (9 Gay Drive )	139	5	\$ 4,561.63
Mokhtar, Ben (23 Gay Drive)	139	15 B	\$ 491.94
Aryeh, Hezghia (172 Kings Point Rd Vacant)	140	22	\$ 241.50
Aryeh, Hezghia (172 Kings Point Rd Vacant)	140	24	\$ 55.90
Aryeh, Hezghia	140	26	\$ 174.41

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(172 Kings Point Road)

Angelev LLC (3 Lighthouse Road)	148	2	\$17,074.82
County of Nassau (Wildwood Road Vacant)	148	97	\$ 5,165.39
County of Nassau (Drainage Easement–Kings Point Rd)	148	99	\$ 1,686.01
Kahen, Jon & Cherie (2 Martin Court)	150	2	\$ 8,944.38
Rad, Sandy & Jacob (12 Martin Court)	150	7	\$ 8,273.55
196 West Shore Road, LLC (196 West Shore)	151	7	\$ 7,021.34
Dayani, Nadar & Farsima (23 Fir Drive)	152	16	\$18,783.20
Lauria, Toni (Vacant)	153	20	\$ 313.05
County of Nassau (Vacant)	153	29	\$ 368.95
County of Nassau (Vacant)	153	30	\$ 324.23
County of Nassau (Vacant)	153	31	\$ 357.78
County of Nassau (Vacant)	153	32	\$ 4.47
37 Broadlawn LLC (37 Broadlawn Avenue)	164	14	\$ 9,794.10

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County of Nassau (Vacant)	165	8	\$ 431.57
County of Nassau (Vacant) Cow Lane	165	16	\$29,333.09
County of Nassau (Vacant Sinclair Drive)	169	16	\$ 8.95
Banilevi, Malekeh (420 East Shore Road)	172	18	\$ 15,026.56
Engle, Alan & Linda (East Shore Road Vacant)	172	42A	\$ 357.78
Siuni, Kourosch (6 Steven Lane)	174	5	\$19,424.96
Malik, Hosneara & Mohamed (26 Cricket Lane)	175	56	\$27,727.58
Movtady, RT, Shidrokh (23 Harbour Road)	177	62	\$ 9,481.04
Arabian, Saeed & Nadia (5 Harbour Road)	177	68	\$ 12,320.43
Peykar, Alexander & Mina (7 Turtle Cove Lane)	178	10	\$ 18,769.78
Sivan, Avi & Regina (3 White Pine Lane)	179	23	\$ 13,014.07
County of Nassau (Vacant)	182	54	\$ 26.83
Gross, Walter & Barbra (335 East Shore Road Vacant)	184	7	\$ 13.42
Neman, Dan (24 Westbrook Road)	195	7	\$ 7,452.91

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Kohan, Maurice (4 Wildwood Drive)	195	18	\$11,717.14
County of Nassau (Eagle Point Drive Vacant)	196	10	\$ 259.38
Herbil Holding Co. (Vacant)	200	7	\$ 55.90
Levy, Joseph & Joyce (51 Flower Lane)	201	63	\$ 9,261.91
<b>Total</b>			<b>\$330,746.17</b>

**WHEREAS**, it is the intention of the Board of Trustees of the Village of Kings Point to conduct a tax sale for the unpaid taxes for the year 2016, pursuant to authority granted by Article 14 of the Real Property Tax Law of the State of New York; and,

**WHEREAS**, the Village Clerk-Treasurer of the Village of Kings Point delivered to this Board the account of all taxes that remain unpaid that she has been unable to collect for the year 2016, together with a description of the lands on which said taxes are unpaid:

**NOW, THEREFORE, BE IT RESOLVED that this Board has examined said account, and compared it with the original tax roll, and hereby certifies it to be correct.**

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2017-7** the Board unanimously adopted the following resolution:

**WHEREAS**, the Village Clerk-Treasurer on the 5<sup>th</sup> day of January, 2017, did return and file an account of unpaid taxes to this Board for the year 2016, and

**WHEREAS**, the Board of Trustees met at the Village Hall of the Village of Kings Point on the 5<sup>th</sup> day of January, 2017, and did examine such account and did compare it with the original tax roll and did, therefore, certify that they found it to be correct,

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**AND WHEREAS**, from the account of unpaid taxes returned by the Clerk-Treasurer of the Village of Kings Point, New York, to this Board for the year 2016, the following taxes still remain due and unpaid after diligent efforts have been made to collect same, to wit:

<b><u>ASSESSED TO</u></b>	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>AMOUNT OF TAXES</u></b>
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<b>Total</b>			<b>\$330,746.17</b>

**NOW, THEREFORE**, this Board, pursuant to Article 14 of the Real Property Tax Law of the State of New York, determines to collect the amount of such unpaid taxes levied or assessed for the year 2016 by a tax sale in the manner, form, and requirements as provided and

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prescribed by said Article 14 of the Real Property Tax Law, that a copy of this resolution, certified by the Clerk, shall be transmitted forthwith to the Treasurer of the Village with the account, affidavit, and certificate of such unpaid taxes, and that the Clerk is authorized and directed to cause to be published in the official paper of the Village, once each week for three consecutive weeks, a list as shown in the tax roll, with the amount of the tax, fees, interest, and charges thereon, excepting therefrom such parcels of property on which the Village holds and owns one or more unredeemed certificates of tax sale; and also a notice that the said real estate will, on a day subsequent to the expiration of said three weeks to be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge the tax, fees, interest, and charges aforesaid, which may be due thereon at the time of such sale, and that the said Village Treasurer, at the time and place specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as set forth above, and continue the same from day to day until the sale is completed. That such real estate shall be sold subject to any unpaid assessments thereon levied by the Village of Kings Point and also subject to all claims the Village, county, or state may have thereon for taxes, liens, or encumbrances;

**AND BE IT FURTHER RESOLVED**, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for an amount sufficient to pay the said tax, fees, interest, and charges, the said premises shall be deemed to have been sold to and purchased by the Village of Kings Point, New York.

The Village Clerk-Treasurer, Gomie Persaud, has advised that the **tax sale referred to in the aforementioned resolution will be held on March 06, 2017, at 11:00 a.m.**, at the Village Hall, 32 Steppingstone Lane, Kings Point, New York, and that publication of the list of properties to be sold would commence on or about February 16, 2017.

Superintendent Michael Moorehead reported with regard to maintaining compliance with the Federal and State **Phase II Storm Water Management regulations**, with particular emphasis on complying with the reporting requirements in the new General Permit GP-0-10-002, and preparing the Village for possible regulatory audits or program inspections. The Village is required to submit an annual report and municipal compliance certification on the stormwater

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management program by June 1, 2017. The Village is required to post the report on the Village website by May of 2017 and to make the annual report available for the public and receive public comments.

Based upon the recommendation of Superintendent Michael Moorehead, upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2017-8**, the Board unanimously authorized D&B Engineers and Architects P.C. (“D&B”), to assist Superintendent Michael Moorehead in preparing the annual report for the **Phase II Stormwater Management Plan** and to assist with the Permit Compliance Annual Report for the Village of Kings Point, in accordance with its letter dated January 4, 2017 for Task 1, at a cost not to exceed **\$3,800.00** and Task 2, at a cost of not to exceed **\$1,500.00**, if needed. The Village will not need or be engaging D&B for Task 3, in said letter. A copy of said letter is on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-9**, the Board unanimously approved the proposal **for legal services, from McLaughlin & Stern, LLP**, for the period of **June 1, 2017 through May 31, 2018**, in accordance with the letter from Stephen G. Limmer, Partner, dated December 29, 2016. A copy of said letter is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh seconded by Trustee David Harounian, by resolution # **2017-10**, the Board unanimously set February 21, 2017, as **Grievance Day**, when, between the hours of 12:00 noon and 4:00 p.m., it will sit as the Board of Review for the purpose of hearing complaints in relation to the tentative assessment roll of all real property within the Village. Complaints must be filed with the Village Clerk-Treasurer at the Village Hall, on or before February 21, 2017, a written statement, under oath, on forms specified, must set forth the bases upon which the assessment complained is alleged to be incorrect.

Upon motion by Trustee David Harounian, seconded by Trustee Ron Horowitz, by resolution # **2017-11**, the Board unanimously adopted the following resolution:

**Resolved** that, in accordance with the provisions of the Election Law of the State of New York, the 2017 Annual Village Election in the Village of Kings Point shall be held on June 20, 2017; and be it further

**Resolved** that the offices to be filled at said election and the terms thereof are as follows:

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**Village Justice, four years  
Trustee, two years  
Trustee, two years;**

And; be it further

**Resolved** that the legal notice proposed by the Village Clerk for the Annual election be published in the *Great Neck Record*. A copy of said notice is on file with the Village Clerk.

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2017-12**, the Board unanimously adopted the following resolution:

**RESOLVED** that pursuant to the provisions of the Election Law of the State of New York, the Village Clerk is hereby, directed to publish notice concerning the election district for the village election, to be held in the Village of Kings Point on June 20, 2017. Notice shall be published after the last day for filing nominating petitions for said election, but not less than ten days prior to the date of said election. Said notice shall contain the following information:

1. The street address of the polling place for the Village Election, to wit: 32 Steppingstone Lane, Kings Point, New York.
2. The date and hours, during which the polling place will be open, which hours shall be 12:00 noon until 9:00 p.m.
3. The names and addresses of all those who have been duly nominated for Village office, and the terms of the office for which they have been nominated.

Mayor Michael C. Kalnick reported on the Village Justice Court Audit for the period of June 1, 2015, through May 31, 2016. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2017-13** the Board unanimously acknowledged that the required **audit of the Village Justice Court for the period of June 1, 2015, through May 31, 2016**, was conducted and authorized the Village Clerk to send a copy of the Village Justice Court Audit along with this resolution to Joan Casazza, Internal Control Liaison, NYS office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033. A copy of the audit is on file with the Village Clerk.

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Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2017-14** the Board unanimously approved the list of **Budgetary Transfers for the fiscal budget from June 1, 2015– May 31, 2016**. The list is on file in the Village Clerk's office.

The Board discussed the application of **Ray Yadidi**, 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: (i) construct a 150-foot long by 4-foot wide fixed timber pier, with a 30-foot long by 3-foot wide ramp, and a 12-foot long by 12-foot wide float at the end; (ii) install a 20,000-pound boat lift; and (iii) a PWC lift, at the premises known as **42D Pond Road**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 175, Lot 24, which only has 84.34 feet of shore line frontage, instead of the required 150 feet, and which would be only 38 feet from each of the adjoining properties, instead of the required 60 feet.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2017-15** the Board unanimously adopted the following resolution:

Whereas, **Ray Yadidi**, as owner, has applied 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 permit to: (i) construct a 150-foot long by 4-foot wide fixed timber pier, with a 30-foot long by 3-foot wide ramp, and a 12-foot long by 12-foot wide float at the end; (ii) install a 20,000-pound boat lift; and (iii) a PWC lift, at the premises known as **42D Pond Road**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 175, Lot 24, which only has 84.34 feet of shore line frontage, instead of the required 150 feet, and which would be only 38 feet from each of the adjoining properties, instead of the required 60 feet; and  
Whereas, the Board has made the following findings of fact:

1. Based upon a review of the SEAF 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. Although the subject premises only have 84.34 feet of shore line frontage, instead of the required 150 feet, and the proposed pier will be only 38 feet from each of the adjoining properties, instead of the required 60 feet, because of the

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contour of the shoreline along and in close proximity to the subject premises, and the lack of any existing or, to this Board's knowledge, presently proposed off-shore structures in close proximity to the location of the proposed pier, based upon the length and design of the proposed pier, when reviewing the provisions of § 161-50.10, waivers, of the Village Code, it is found that waivers from the requirements as to the minimum shore line frontage and the minimum set-back from the adjoining properties will not adversely affect the neighboring properties, and should be granted.

3. The pier 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. The Board authorizes the Mayor 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 this 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.
- B. The Board grants the application on the condition that the off-shore structures are constructed and maintained substantially in accordance with the following drawings submitted by the applicant as part of his application prepared by KD Engineering, entitled:

Proposed Dock

Yadidi Residence

42 Point Road Kings Point, NY 11024

Dated November, 2016, showing no revisions:

- i. Drawing # 1 of 2, Dock Site Plan & Notes
- ii. Drawing # 2 of 2, Cross Sections & Details

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

Gomie Persaud, Village Clerk/Treasurer, advised the Board that the New York State Department of Labor recommended that the Village revise its Workplace Violence Policy based on the template that was provided by the department. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2017-16**, the Board unanimously adopted the following resolution:

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**Workplace Violence Prevention Policy Statement**

The Village of Kings Point is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Workplace Violence is defined as any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to: an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without his or her consent that entails some injury; stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Acts of violence against Village of Kings Point employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that is designed to identify the workplace violence hazards our employees could be exposed to. Authorized Employee Representative(s) will, at a minimum, be involved in:

- The evaluation of the physical environment;
- The development of the Workplace Violence Prevention Program; and
- The review of workplace violence incident reports at least annually to identify trends in the types of incidents in the workplace and review of the effectiveness of the mitigating actions taken.

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All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

All Village of Kings Point personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: Gomie Persaud

Title: Village Clerk

Phone#: (516) 504-1000 ext. 100

E-mail: GPersaud@villageofkingspoint.org

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees would be February 2, 2017.

There being no further business to come before the Board, the Mayor adjourned the meeting at 10:30 p.m.

Gomie Persaud  
Village Clerk/Treasurer