

Town Board Meeting – August 5, 2021

Item

Page #

<p><u>Public Hearings:</u></p> <p>1. A RESOLUTION AND ORDER AFTER PUBLIC HEARING HELD ON AUGUST 5, 2021, FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE PORT WASHINGTON WATER DISTRICT, PURSUANT TO SECTION 202-B OF THE TOWN LAW.</p>	<p>9</p>
<p>2. A BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED AUGUST 5, 2021, APPROPRIATING \$37,799,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE PORT WASHINGTON WATER DISTRICT, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$37,799,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.</p>	<p>9</p>
<p>3. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 42 OF THE TOWN CODE ENTITLED "PUBLIC WATERWAYS; STRUCTURES."</p>	<p>15</p>
<p>4. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."</p>	<p>27</p>
<p>5. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."</p>	<p>31</p>
<p>6. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING SCHEDULE XXVII OF THE UNIFORM TRAFFIC CODE ENTITLED "SNOW EMERGENCY ROUTES."</p>	<p>73</p>
<p>7. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF ROSLYN SHG 5 LLC FOR A CHANGE OF ZONE FROM "RESIDENCE-C" TO "PARKING" FOR THE PREMISES LOCATED AT 21 LOCUST STREET, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 56, LOT 118.</p>	<p>80</p>

Town Board Meeting – August 5, 2021

Item

Page #

<p>8. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF SFR REALTY FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 653-697 HILLSIDE AVENUE, NEW HYDE PARK AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 8, BLOCK K-9, LOT 44.</p>	<p>88</p>
<p>9. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF SHORE OAKS, LLC C/O ILIAS THEODOROPOULOS FOR AN APPEAL FROM A DISAPPROVAL BY THE COMMISSIONER OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT OF A STRUCTURE (DOCK) APPLICATION PURSUANT TO CHAPTER 42 OF THE TOWN CODE FOR THE PROPERTY LOCATED AT 22 SHORE DRIVE, PLANDOME, NEW YORK 11030 AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 3, BLOCK 182, LOTS 7 AND 9.</p>	<p>89</p>
<p>10. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF CAROLYN BICHOUPAN FOR AN APPEAL FROM A DISAPPROVAL BY THE COMMISSIONER OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT OF A STRUCTURE (DOCK) APPLICATION PURSUANT TO CHAPTER 42 OF THE TOWN CODE FOR THE PROPERTY LOCATED AT 4 WATERS EDGE, PORT WASHINGTON, NEW YORK 11050 AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK C, LOT 444.</p>	<p>102</p>
<p>11. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ROSLYN AVENUE IN CARLE PLACE, NEW YORK.</p>	<p>102</p>
<p>12. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING MANHASSET AVENUE IN MANHASSET, NEW YORK.</p>	<p>107</p>
<p>13. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ELM STREET IN PORT WASHINGTON, NEW YORK.</p>	<p>110</p>
<p>14. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING REVERE ROAD IN PORT WASHINGTON, NEW YORK.</p>	<p>112</p>

Town Board Meeting – August 5, 2021

Item

Page #

15. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING PLANDOME ROAD IN MANHASSET, NEW YORK.	114
16. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING HIGHFIELD AVENUE IN PORT WASHINGTON, NEW YORK.	117
<u>Resolutions:</u>	
17. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF R-5 ASSOCIATES FOR A WAIVER FROM ZONING REQUIREMENTS PURSUANT TO SECTION 70-164 OF THE TOWN CODE FOR THE PREMISES LOCATED AT 13 HARBOR PARK DRIVE, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 6, BLOCK 86, LOT 7.	121
18. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ALLENWOOD ROAD IN GREAT NECK, NEW YORK.	124
19. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING FIRST AVENUE IN GARDEN CITY PARK, NEW YORK.	126
20. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING WALDO AVENUE IN GREENVALE, NEW YORK.	129
21. A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.	132
22. A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS PURSUANT TO TOWN LAW SECTION 112.	135

Town Board Meeting – August 5, 2021

Item

Page #

<p>23. A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE AND THE TAKING OF RELATED ACTION.</p>	<p>138</p>
<p>24. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR DOOR REPAIRS, MAINTENANCE AND REPLACEMENT (TNH022R-2021).</p>	<p>141</p>
<p>25. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR AN AERIAL LIFT (TNH262-2021).</p>	<p>144</p>
<p>26. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR TAX FORMS AND ENVELOPES (TNH081-2021).</p>	<p>147</p>
<p>27. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PORT WASHINGTON PUBLIC LIBRARY FOR THE USE OF MANORHAVEN BEACH PARK, PORT WASHINGTON.</p>	<p>150</p>
<p>28. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WATER KING INC. FOR THE INSTALLATION OF A LAWN SPRINKLER SYSTEM AT MANHASSET VALLEY PARK, MANHASSET.</p>	<p>153</p>
<p>29. A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH BANCKER CONSTRUCTION CORP. FOR THE USE OF MANHASSET VALLEY PARK, MANHASSET.</p>	<p>156</p>
<p>30. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PARKWAY PEST SERVICES FOR EXTERMINATING SERVICES AT HARBOR LINKS GOLF COURSE.</p>	<p>159</p>
<p>31. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH GLOBAL FUELING SYSTEMS INC. FOR FUEL MONITORING SERVICES.</p>	<p>162</p>

Town Board Meeting – August 5, 2021

Item

Page #

32. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY AND THE COMMUNITY DEVELOPMENT CORPORATION OF LONG ISLAND RELATED TO COMMUNITY OUTREACH FOR THE EMERGENCY RENTAL ASSISTANCE PROGRAM.	165
33. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH H&L CONTRACTING LLC FOR DREDGING OF THE BOAT RAMP CHANNEL AT MANORHAVEN BEACH PARK, PORT WASHINGTON, NY. DPW PROJECT NO. 15-19R.	168
34. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH H2M ARCHITECTS AND ENGINEERS IN CONNECTION WITH THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER, NEW CASSEL.	171
35. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ATLAS DIRECT MAIL FOR PRINTING AND MAILING (TNH023-2018).	174
36. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH WILLIAMS SCOTSMAN FOR THE RENTAL OF AN OFFICE TRAILER AT THE WESTBURY YARD.	177
37. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH RED VISION SYSTEMS, LLC D/B/A AS "MUNITRAX" FOR ONLINE CREDIT CARD SERVICES.	180
38. A RESOLUTION RATIFYING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH FORTE PAYMENT SYSTEMS TO TEMPORARILY REDUCE ECHECK TRANSACTION FEES.	183
39. A RESOLUTION AUTHORIZING THE PURCHASE FROM MICROFORCE INC. OF ANNUAL SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT FOR THE MICROSOFT DYNAMICS SYSTEM FOR THE OFFICE OF THE RECEIVER OF TAXES.	186

Town Board Meeting – August 5, 2021

Item

Page #

40. A RESOLUTION AUTHORIZING THE PURCHASE FROM ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. OF ANNUAL SOFTWARE MAINTENANCE FOR THE TOWN'S GIS SOFTWARE.	188
41. A RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT 365 SUBSCRIPTIONS FROM DELL MARKETING, LP.	190
42. A RESOLUTION AUTHORIZING PAYMENT TO MOSQUITO HUNTERS LLC. FOR MOSQUITO SPRAYING AT HARBOR HILLS.	193
43. A RESOLUTION AUTHORIZING PAYMENT TO COUNTY-WIDE CONCESSIONS, INC. FOR THE PROVISION OF ICE CREAM TRUCKS AT TOWN EVENTS.	196
44. A RESOLUTION AUTHORIZING PAYMENT TO E3 CREATIVE RESOURCE GROUP INC. FOR FM TRANSMITTING SERVICES AT NORTH HEMPSTEAD BEACH PARK.	199
45. A RESOLUTION AUTHORIZING A CHANGE OF ADDRESS FOR THE PREMISES IDENTIFIED AS SECTION 7, BLOCK 164, LOT 9 ON THE NASSAU COUNTY LAND AND TAX MAP FROM 40 FIELD LANE, ROSLYN HEIGHTS, NEW YORK TO 39 HILL LANE, ROSLYN HEIGHTS, NEW YORK.	202
46. A RESOLUTION AUTHORIZING CERTAIN SUPERVISORY ARRANGEMENTS CONCERNING PERSONNEL OF VARIOUS DEPARTMENTS IN ACCORDANCE WITH CHAPTER 16B OF THE TOWN CODE.	205
47. A RESOLUTION AMENDING RESOLUTION NO. 384-2021, ADOPTED JULY 8, 2021, RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH N&P ENGINEERING, ARCHITECTURE AND LAND SURVEYING, PLLC IN CONNECTION WITH MILL POND IN PORT WASHINGTON.	208

Town Board Meeting – August 5, 2021

Item

Page #

48. A RESOLUTION AMENDING RESOLUTION NO. 396-2021, ADOPTED JULY 8, 2021, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH N&P ENGINEERING, ARCHITECTURE AND LAND SURVEYING, PLLC (AKA NELSON & POPE) FOR ENGINEERING SERVICES RELATED TO NEW ELECTRIC SERVICES AT MICHAEL J. TULLY PARK, NEW HYDE PARK, NY, DPW PROJECT NO. 19-06.	211
49. A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE LIQUOR AUTHORITY FOR THE TOWN'S 2021 FALL FESTIVAL EVENT TO BE HELD AT NORTH HEMPSTEAD BEACH PARK.	214
50. A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD WATERFRONT ADVISORY COMMISSION BY-LAWS.	217
51. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS CAPITAL PROJECTS RESERVE FUNDS.	221
52. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND, HIGHWAY FUND AND PART TOWN FUND'S EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUNDS.	224
53. A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.	227
54. A RESOLUTION APPROVING THE ACTION OF THE FIRE-MEDIC CO., NO. 1, PORT WASHINGTON, NEW YORK, IN REMOVING FROM MEMBERSHIP WILLIAM VISKUP AND MELINA LANGADAKIS AND CHANGING AISHI MADAN FROM ACTIVE TO EXEMPT STATUS.	230
55. A RESOLUTION APPROVING THE ACTION OF THE ATLANTIC HOOK & LADDER CO. NO. 1, PORT WASHINGTON, NEW YORK, IN REMOVING JASON SAUNDERS FROM MEMBERSHIP.	232

Town Board Meeting – August 5, 2021

Item

Page #

<p>56. A RESOLUTION APPROVING THE ACTION OF THE FLOWER HILL HOSE COMPANY, NO. 1, PORT WASHINGTON, NEW YORK, IN ELECTING TO MEMBERSHIP LEONEL GALVEZ AND NOLA SMITH.</p>	<p>234</p>
<p><u>Added Starters:</u></p> <p>57. A RESOLUTION AUTHORIZING THE PURCHASE OF A 911 MEMORIAL PLAQUE FROM WEMCO CASTING, LLC.</p>	<p>236</p>

**TOWN OF NORTH HEMPSTEAD
TOWN BOARD PUBLIC HEARING**

Town Hall
220 Plandome Road
Manhasset, New York 11030
August 5, 2021 7:00 P.M.

COUNCIL MEMBERS PRESENT:

JUDI BOSWORTH - Supervisor
PETER J. ZUCKERMAN - District Councilman 2
ANGELO P. FERRARA - District Councilman 3
LEE R. SEEMAN - District 5 Councilwoman
MARIANN DALIMONTE - District 6 Councilwoman

ALSO PRESENT:

WAYNE H. WINK, JR. - Town Clerk
MICHAEL A. LEVINE - Planning Commissioner
LEONARD G. KAPSALIS, ESQ. - Town Attorney

PROCEEDINGS

SUPERVISOR BOSWORTH: Good evening, everyone. Thank you for joining us. I'd like to ask you all please to rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

SUPERVISOR BOSWORTH: Thank you. Mr. Wink, if you'd please call the meeting to order.

MR. WINK: Town of North Hempstead board meeting for Thursday, August 5th, 2021.
Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Here.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Here

MR. WINK: Councilwoman Lurvey. (No response)

MR. WINK: Councilwoman Russell. (No response)

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Here.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Here.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Here. So before we begin this evening's meeting, I would like to extend our deepest sympathies for the families and friends of Michael and James Farrell and Ryan Kiess. These three young Manhasset residents were tragically killed in an accident last month on Montauk which left Brianna, Ryan's girlfriend in critical condition and also took the life of their Uber driver, Farhan Zahid. Michael, James and Ryan were childhood friends and beloved members of the Manhasset community, the North Hempstead community, and they're dearly missed. Our hearts go out to all who knew them and who are mourning during this very difficult time. Please join me in a moment of silence as we remember these three young men who passed away and send strength to Brianna as she fights to recover.

(Moment of silence.)

SUPERVISOR BOSWORTH: Thank you. So following our Town Board preliminary hearing we will open the meeting with thirty minutes of public comments on any matters not having to do with items on the agenda. And I know I have to remember to talk directly into the microphone because masks have a way of masking the sound. So, Mr. Wink, so do we have any comments?

MR. WINK: We do. First one is Pete Gaffney.

SUPERVISOR BOSWORTH: So as Mr. Gaffney walks up, I do want to thank you all for being here and also for wearing masks. It is important that we follow these procedures in these difficult times.

(Whereupon, the following was off the record.)

SUPERVISOR BOSWORTH: Mr. Wink, if you'd please begin today's agenda.

MR. WINK: Public hearing item 1, a resolution and order after public hearing held on August 5th, 2021 for the increase and improvement of facilities of the Port Washington Water District, pursuant to Section 202-B of the Town Law. With your permission, I'm going to call item number 2 for a bond resolution.

SUPERVISOR BOSWORTH: Yes.

MR. WINK: Item 2, A bond resolution of the town of North Hempstead, New York, adopted August 5th, 2021, appropriating \$37,799,000 for the increase and improvement of facilities of the Port Washington Water District, in said town, and authorizing the issuance of \$37,799,000 serial bonds of said town to finance said appropriation.

MR. MERKLIN: Good evening, everyone. Can you hear me?

SUPERVISOR BOSWORTH: Yup.

MR. MERKLIN: My name is Bill Merklin. I'm with the D&B Engineers and Architects. We're representing the Port Washington Water District on this bond issue as well as helping them with the many projects that are included.

SUPERVISOR BOSWORTH: So I'd just like to point out that since Councilwoman Dalimonte represents Port Washington, she's going to be leading this hearing.

COUNCILWOMAN DALIMONTE: Thank you.

MR. MERKLIN: Thank you. So the first thing I want to say is that this is the second of two bond issues. We did one in 2019 and this'll be the second one for a series of projects that have been planned for some time. As you were talking about your capital plan, the Water District also has a capital plan. We did have community information meetings via Zoom on June 3rd of 2021 at 2 p.m. and 7 p.m. We also had a public hearing of -- also via Zoom that was on June 9th at 7 p.m. All of these meetings were notified to the public through a series of methods. One was a postcard that was mailed out on May 24th of 2021. It was also posted on the district website on the same day and on May 26th, it was printed in a legal ad in the Port Washington news. So this meeting is the -- hopefully the final meeting which is the Town public hearing. So a lot of these projects are driven by some recent regulations that were implemented by the New York State Department of Health. They were implemented in August of 2020 and they created maximum contaminant levels for three emergency contaminants, PFOA and PFOS. PFOA and PFOS are part of a larger group of contaminants known as PFAS. There's a thousand of them, but they've regulated just these two. These regulations have impacted some of the Port Washington Water District supply wells at various concentrations and the District has started planning for that and is -- has also implemented conservation requirements and made some operational changes in an effort to minimize the amount of water that's pumped from the wells that are impacted by these contaminants. So many of the projects are driven by these contaminants, but also some of them are just to replace aging infrastructure. So I have on the poster board here the table that shows a list of projects. I'll go through them quickly. The Morely Park AOP treatment, AOP stands for advanced oxidation process. This is a treatment facility that will remove 1,4-dioxane but we're also doing some much needed improvements on that facility as it's getting pretty old. The total cost is \$10,577,000. I should clarify that that's the total cost included in this bond. The actual project cost is higher and it will be funded partially by a grant, which I'll get to in a minute. Sandy Hollow station, we're going to be doing some improvements on the wells and the other buildings that are located at that site, \$4,677,000.

Stony town station, we're also doing an AOP, which is one quarter oxane treatment, and nitrate treatment at that well. That's well number ten on Stony Town Road, \$5,077,000. That one's also partially funded by some grant money. We're going to do Soundview Drive water main replacement, part two. So we -- in the previous bond issue, we did half of this work. We're now doing the other half. There's also water main improvements at various other locations, Cow Neck Road, and then other locations where we're replacing underside water mains. This is important because it improves fire flow and pressure and also will improve water quality. We're doing an analysis of a 24-inch pipe that brings the water up from the Moreley Station into the Water District service area. This is an old concrete pipe and we want to take a look at it and make sure that we know what its condition is and then we'll address any issues that we find subsequently. Pleasant Avenue is another water main project. At the Sandy Hollow station, there's also a ground level storage tank and we're going to do some improvements on that tank, \$543,000. SCADA system improvements, SCADA is an acronym for supervisory control and data acquisition. I'm sorry. \$210,000. This is the computer system that the Water District uses to control and monitor all of their remote sites, so their existing system is aging and it's time to upgrade it. The rest of the course are related to bonding and legal costs. So the total is \$37,779,000 and as I mentioned previously, the District was awarded a grant from the Water Infrastructure Improvement Act, also known as WIIA, in the amount of \$18,076,600. So that money is being applied to three projects, two of which are in this bond: Morely Park and Stony Town. The other one was in the previous bond, Hewlett Station. And so the dollars that we're including in this bond issue are less by that \$18 million because we have that money. In addition, the District is engaged in some lawsuits against the manufacturers of the chemicals contaminating these wells. If they are successful in those lawsuits, it would further reduce the amount of money that's actually borrowed. So technically we're requesting authorization to borrow this \$3 7 million dollars, but if we can get money from a lawsuit, we'll actually borrow less. And then if there's any other grant opportunities, the District has every intention of going after them. And the same thing, if we get those grants, we would reduce the total cost.

COUNCILWOMAN DALIMONTE: I just have one question. If you do get additional grants, how do you plan on informing the residents?

MR. MERKLIN: That's a good question. Maybe if -- one of the commissioners might want to answer it.

SUPERVISOR BOSWORTH: I'll like to say good evening to the commissioners.

MS. GERMAIN: Good evening. Mindy Germain, Commissioner of the Port Washington Water District. We have several outlets to alert our customers. We have an email portal that we are actually growing right now. We always notify our elected officials and we're so grateful that you've been actually very helpful in getting the word to the District. We have press releases in the newspaper, we have some social media and we can do mailings. So we have lots of tools in the toolbox for public outreach.

COUNCILWOMAN DALIMONTE: I do think that's very important, if you do get additional grants, that the community knows that you were fighting to reduce this cost.

MS. GERMAIN: Yes, and that question did come up in one of our public information sessions and we did make a commitment to keep everyone informed.

COUNCILWOMAN DALIMONTE: Thank you.

SUPERVISOR BOSWORTH: Councilwoman, I guess that would be a good thing for your newsletter.

COUNCILWOMAN DALIMONTE: Absolutely.

MR. MERKLIN: So the last thing just to mention is we included a table here that shows approximately what this bond issue might cost a typical resident in the community. It's based on your home value. This makes a bunch of assumptions. One is that it would -- that the cost would be paid entirely through taxes. That decision has not been made yet. It's possible that some portion of it could also be paid through water rates. It also assumes that a 20-year bond will be brought out and it makes an assumption with respect to the interest rate of that bond, which obviously is -- you can't predict it. So, just for example if you had a \$500,000 home, you'd be paying \$356.09 a year for 20 years for the bond to pay for this. I guess the one other thing I will say is I'll answer any questions you have, but if anybody has a question afterwards, you can reach out to Italo Vacchio, the superintendent of the Water District and he's here in the audience and he'd be happy to answer anybody's questions at any time.

COUNCILWOMAN DALIMONTE: Is your presentation finished?

MR. MERKLIN: Yes.

COUNCILWOMAN DALIMONTE: Okay. Mr. Wink, do we have any cards?

MR. WINK: I have no cards on this side.

COUNCILWOMAN DALIMONTE: Okay. I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 416 - 2021

A RESOLUTION AND ORDER AFTER PUBLIC HEARING HELD ON AUGUST 5, 2021, FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE PORT WASHINGTON WATER DISTRICT, PURSUANT TO SECTION 202-B OF THE TOWN LAW.

WHEREAS, a map, plan and report have been prepared by D&B Engineers and Architects, P.C., engineers duly licensed by the State of New York (herein called the "Engineers"), for the increase and improvement of facilities of the Port Washington Water District (herein called the "District"), in the Town of North Hempstead, New York (the "Town"), consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to enhance District infrastructure, including: (i) Morley Park Station Advance Oxidation Process (AOP) Treatment System and related improvements (Phase II); (ii) Well 2 improvements, acquisition and installation of a generator, building improvements, and electrical system upgrades at Sandy Hollow Station; (iii) Stonytown Station Combined AOP and Nitrate Treatment System and related improvements (Phase II), (iv) Soundview Drive water main replacement (Phase II); (v) Cow Neck Road water main replacement; (vi) replacement of undersized water mains; (vii) 24-inch pre-stressed concrete cylinder pipe transmission main study; (viii) Pleasant Avenue water main replacement; (ix); Sandy Hollow Station tank improvements, and (x) Supervisory Control and Data Acquisition system improvements, including any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection with the foregoing, all as further described in detail in the map, plan and report prepared by D&B Engineers and Architects, P.C, at the estimated total cost of \$37,799,000; and

WHEREAS, the District expects to receive grant funds from New York State to fund a portion of the cost of the Project and any grant funds received by the District for the Project are expected to be applied to the cost of said Project and the principal amount of bonds or notes issued shall be reduced by the amount of such other funds so appropriated and expended; and

WHEREAS, such map, plan and report and an estimate of cost have been filed with the Town Board, and the Town Board thereafter adopted a Resolution on June 16, 2021 describing in general terms the proposed increase and improvement of facilities of the District, specifying the estimated cost thereof, and stating that the Town Board would meet via video conferencing to hear all persons interested in said increase and improvement of facilities on July 8, 2021, at 7:00 o'clock P.M. (Prevailing Time); and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, a Notice of such public hearing was also mailed by first class mail to each owner of taxable real property in the District; and

WHEREAS, due to the termination of New York State's COVID-19 state of emergency, all meetings and public hearings of the Town Board of the Town must be held in-person at Town Hall, located at 220 Plandome Road, Manhasset, New York 11030 and due to the change in format from virtual to in-person attendance, the public hearing scheduled for July 8, 2021 relating to the increase and improvement of facilities of the Port Washington Water District, was continued to August 5, 2021; and

WHEREAS, a Notice relating to the continuation of the public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the date thereof, at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 220 Plandome Road, Manhasset, New York, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities of the District; and

WHEREAS, any public comment that was previously offered on July 8, 2021 and included in the hearing record will remain part of the record; and

WHEREAS, the Board of Commissioners of the District, as lead agency, has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and the District has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), constituting Article 8 of the Environmental Conservation Law and the applicable documentation thereof has been filed in the office of the Town Clerk;

NOW, THEREFORE, on the basis of the information given at such hearing, it is hereby **DETERMINED**, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$37,799,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the District and the Engineers shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities of the District and, with the assistance of the Town Attorney or the Attorney for the District, shall prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$37,799,000 serial bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; in addition, water meters have been installed and charges derived from such meters shall continue to be imposed and collected and the amounts derived therefrom shall be budgeted and used to pay principal and interest on the bonds or notes issued; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Nassau County within ten (10) days after adoption hereof.

DATED: AUGUST 5, 2021


TOWN BOARD OF THE TOWN OF
NORTH HEMPSTEAD

CERTIFICATE

I, Wayne H. Wink, Jr., Town Clerk of the Town of North Hempstead, in the County of Nassau, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing with the original thereof filed in my office on the 11 day of August, 2021, and the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 11 day of August, 2021.

(SEAL)


Town Clerk

MR. WINK: That's as to item 1. Item 2, Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye. So just before we go forward, I would just -- thank you for the presentation and thank you, Paul and the commissioners. I know how hard you've worked to put this together so that the community understands what these improvements are for and, you know, another great effort to make sure that our drinking water stays drinkable and safe. So we all I know appreciate that.

COUNCILWOMAN DALIMONTE: Yeah and I'd like to also add it's been a pleasure working with the Water District and the commissioners. It really has because they sent me all the wording. I've informed over 2,500 residents in Port. You took the questions if there were questions. I just have to say it was the pleasure working with you guys. Thank you.

MR. GERMAIN: Thank you. I know the Board really takes it very seriously to communicate with the public and it's nice to hear that. Thank you.

COUNCILWOMAN DALIMONTE: Yes. Thank you.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 417 - 2021

A BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED AUGUST 5, 2021, APPROPRIATING \$37,799,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE PORT WASHINGTON WATER DISTRICT, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$37,799,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

WHEREAS, following preparation of a map, plan and report for the increase and improvement of facilities of the Port Washington Water District (the "District"), consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to enhance District infrastructure, including: (i) Morley Park Station Advance Oxidation Process (AOP) Treatment System and related improvements (Phase II); (ii) Well 2 improvements, acquisition and installation of a generator, building improvements, and electrical system upgrades at Sandy Hollow Station; (iii) Stonytown Station Combined AOP and Nitrate Treatment System and related improvements (Phase II), (iv) Soundview Drive water main replacement (Phase II); (v) Cow Neck Road water main replacement; (vi) replacement of undersized water mains; (vii) 24-inch pre-stressed concrete cylinder pipe transmission main study; (viii) Pleasant Avenue water main replacement; (ix) Sandy Hollow Station tank improvements, and (x) Supervisory Control and Data Acquisition system improvements, including any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection with the foregoing, all as further described in detail in the map, plan and report dated May 2021, prepared by D&B Engineers and Architects, P.C., engineers duly licensed by the State of New York (herein called "Engineer"), on behalf of the District, in the Town of North Hempstead (herein called the "Town"), in the County of Nassau, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved; Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD, IN THE COUNTY OF NASSAU, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Town Board) **AS FOLLOWS:**

Section 1. The Town hereby appropriates the amount of \$37,799,000 for the increase and improvement of facilities of the District as described in the above Recital, all in accordance with the map, plan and report prepared by D&B Engineers and Architects, P.C, engineers duly licensed by the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$37,799,000. The plan of financing includes the issuance of not to exceed \$37,799,000 bonds of the Town to finance said appropriation, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges, to pay the principal of and interest on said bonds as the same shall become due and payable. Water meters have been installed and charges derived from such meters shall continue to be imposed and collected and the amounts derived therefrom may be budgeted and used to pay principal and interest on said bonds when issued. The District expects to receive grant funds from New York State to fund a portion of the cost of the Project, and any grant funds received by the District for the Project are expected to be

applied to the cost of said Project and the principal amount of bonds or notes issued shall be reduced by the amount of such other funds so appropriated and expended.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$37,799,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said \$37,799,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and the powers and duties relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

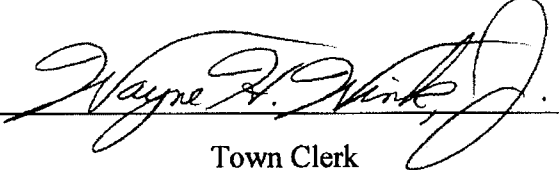
Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "Port Washington News," one newspaper having general circulation in the Town and hereby designated the official newspapers of the Town for such publication.

* * *

CERTIFICATE

I, Wayne H. Wink, Jr., Town Clerk of the Town of North Hempstead, in the County of Nassau, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on August 5, 2021 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 11 day of August, 2021.


Town Clerk

(SEAL)

(NOTICE AND SUMMARY OF BOND RESOLUTION FOR PUBLICATION)**NOTICE**

The resolution, a summary of which is published herewith, has been adopted on August 5, 2021, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of North Hempstead, in the County of Nassau, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Wayne H. Wink, Jr.
Town Clerk

BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED AUGUST 5, 2021, APPROPRIATING \$37,799,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE PORT WASHINGTON WATER DISTRICT, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$37,799,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

The object or purpose for which bonds are authorized is various improvements to the facilities of the District, consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to enhance District infrastructure, including: (i) Morley Park Station Advance Oxidation Process (AOP) Treatment System and related improvements (Phase II); (ii) Well 2 improvements, acquisition and installation of a generator, building improvements, and electrical system upgrades at Sandy Hollow Station; (iii) Stonytown Station Combined AOP and Nitrate Treatment System and related improvements (Phase II), (iv) Soundview Drive water main replacement (Phase II); (v) Cow Neck Road water main replacement; (vi) replacement of undersized water mains; (vii) 24-inch pre-stressed concrete cylinder pipe transmission main study; (viii) Pleasant Avenue water main replacement; (ix); Sandy Hollow Station tank improvements, and (x) Supervisory Control and Data Acquisition system improvements, including any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection with the foregoing.

The maximum amount of obligations authorized to be issued is \$37,799,000. Grant funds are expected to be received from New York State to fund a portion of the cost of the Project.

The period of probable usefulness is forty (40) years.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 220 Plandome Road, Manhasset, New York.

Dated: August 5, 2021

Manhasset, New York

installations, appurtenances, accessories and related engineering and other costs in connection with the foregoing, at an estimated total cost of \$37,779,000. The District expects to receive grant funds from New York State to fund a portion of the cost of the Project. At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: July 9, 2021

Manhasset, New York
**BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK
7-21-2021-IT-
#225872-PORT**

**LEGAL NOTICE
NOTICE OF CONTINUATION
OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that due to the termination of New York State's COVID-19 state of emergency, all meetings and public hearings of the Town Board of the Town of North Hempstead, in the County of Nassau, State of New York, will be held in-person at Town Hall, located at 220 Plandome Road, Manhasset, New York 11030. Due to the change in format from virtual to in-person attendance, the public hearing scheduled for July 8, 2021 relating to the increase and improvement of facilities of the Port Washington Water District, as further described below, has been continued to August 5, 2021 at 7:00 P.M. On August 5, 2021, the Town Board will meet for purposes of conducting the hearing and members of the public in attendance will have an opportunity to provide comments. There will be no Zoom Meeting option for the public hearing. Any public comment that was previously offered and included in the hearing record will remain part of the record. Please be advised that all visitors at indoor Town facilities are required to wear a mask.

On August 5, 2021 at 7:00 P.M. (Prevailing Time), or as soon thereafter as this matter can be heard, the Town Board shall meet to consider any and all comments in relation to the increase and improvement of facilities of the Port Washington Water District (the "District"), consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to enhance District infrastructure, including: (i) Morley Park Station Advance Oxidation Process (AOP) Treatment System and related improvements (Phase II); (ii) Well 2 improvements, acquisition and installation of a generator, building improvements, and electrical system upgrades at Sandy Hollow Station; (iii) Stonytown Station Combined AOP and Nitrate Treatment System and related improvements (Phase II); (iv) Soundview Drive water main replacement (Phase II); (v) Cow Neck Road water main replacement; (vi) replacement of undersized water mains; (vii) 24-inch pre-stressed concrete cylinder pipe transmission main study; (viii) Pleasant Avenue water main replacement; (ix) Sandy Hollow Station tank improvements, and (x) Supervisory Control and Data Acquisition system improvements (collectively, the "Project"), including any and all necessary furnishings, equipment, machinery, apparatus,

Affidavit of Publication

County of Nassau SS
State of New York,

Darrie A. Dolan, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of The PORT WASHINGTON NEWS a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz: _____ July 21, 2021

Darrie A. Dolan
Sworn to me this 21 day of

July-2021

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

LEGAL NOTICE NOTICE

The resolution, a summary of which is published herewith, has been adopted on August 5, 2021, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of North Hempstead, in the County of Nassau, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in vio-

lation of the provisions of the constitution.

Wayne H. Wink, Jr.
Town Clerk
BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED AUGUST 5, 2021, APPROPRIATING \$37,799,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE PORT WASHINGTON WATER DISTRICT, IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$37,799,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

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The maximum amount of obligations authorized to be issued is \$37,799,000. Grant funds are expected to be received from New York State to fund a portion of the cost of the Project.

The period of probable usefulness is forty (40) years.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 220 Plandome Road, Manhasset, New York.

Dated: August 5, 2021
Manhasset, New York

8-18-2021-IT-
#226329-PORT

Affidavit of Publication

County of Nassau SS
State of New York,

Darrie A. Dolan, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of

The PORT WASHINGTON NEWS
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz:

August 18, 2021

Darrie A Dolan

Sworn to me this 18 day of
August-2021

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

MR. WINK: Item 3, a public hearing to consider the adoption of a local law amending Chapter 42 of the town code entitled "Public waterways; structures."

COUNCILWOMAN DALIMONTE: Mr. Wink, do we have any cards on this?

MR. WINK: I have no cards on this item.

COUNCILWOMAN DALIMONTE: I would like to -- sorry. I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 418 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 42 OF THE TOWN CODE ENTITLED "PUBLIC WATERWAYS; STRUCTURES."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 42 of the Town Code entitled "Public Waterways; Structures" in order to update and clarify the requirements for obtaining a structure permit; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 5th day of August, 2021 concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearing on August 5, 2021 with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt said proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 14 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 14 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 42 OF THE TOWN CODE
ENTITLED "PUBLIC WATERWAYS; STRUCTURES"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent

The Board finds that it is in the best interest of the residents of the Town of North Hempstead to make amendments to Chapter 42 of the Town Code entitled "Public Waterways; Structures" in order to update and clarify the requirements for obtaining a structure permit.

Section 2.

Section 42-6 of the Town Code are hereby amended as follows:

§42-6. Application for structure permits, perimeter structure reconfiguration permits and renewals.

A. Every person who shall apply for a permit or renewal permit to construct, maintain, erect, enlarge, install, alter or improve, or cause the same to be done, a structure regulated by this chapter shall file a verified application in duplicate on forms to be provided by the Town Clerk and developed by the Building Department and shall pay the fee provided for in § 42-15 hereof.

(1) The application form shall require the applicant to state, at a minimum:

(a) The applicant's name and address.

(b) The applicant's status as owner of the upland immediately abutting the mean high-water mark at the place where such structure is proposed to be constructed or maintained.

(c) The manner in which such upland is zoned.

(d) The exact use to which the applicant intends to put such upland after the permit is issued.

(e) The exact use to which the applicant intends to put such structure after the permit is issued, or present use thereof if an existing structure.

(f) The length and width of the proposed or existing structure.

(g) The estimated cost of the proposed or existing structure.

(h) A general description of any other structures proposed to be erected or maintained on such structure.

(2) The application form shall be accompanied by a minimum of five copies of:

(a) a scale drawing depicting the locations and dimensions of all proposed structures; and

(b) a site plan and aerial view with a radius of 500 feet from the point of construction on the upland property showing all proposed structures.

(3) All application documents shall also be submitted in electronic format.

~~[(2)]~~ **(4)** The Town Clerk may accept copies of applications submitted to the Army Corps of Engineers and the New York State Department of Environmental Conservation to the extent such applications provide the required information.

B. In the case of applications for structures in waterways adjacent to upland residential uses, the Town Clerk, after consultation with the Commissioner of Building, may waive any application requirements that are deemed unnecessary for review of the application.

C. Insurance. Each application for a permit as authorized under the provisions of this chapter, other than a structure permit for residential uses, shall be accompanied by proof of existing insurance, with the Town added as an additional insured, evidencing protection to the public from bodily injury or property damage sustained as a result of the use of such structure. Such policy shall contain coverage equal to or exceeding those limits to be set by a resolution adopted by the Town Board, with 30 days' notice of cancellation to be afforded to the Town Clerk.

D. Each application for a permit as authorized under the provisions of this chapter shall be accompanied by a sworn, notarized agreement signed by the applicant which releases the Town from any obligation to repair the structure if it is damaged by any act or omission of the Town and defends, indemnifies and holds harmless the Town from any liability arising from the structure.

E. In the case of applications for new structures in waterways adjacent to upland multifamily residential uses, marine or nonmarine commercial uses and yacht clubs, the applicant, in addition to the application required in § 42-6A, must file an environmental assessment form designated by the Commissioner of Planning, as well as any additional information required by the Building Department.

F. Permits issued hereunder shall be transferable. Within six months of the transfer of title to a structure or adjacent upland property for which a permit has been issued, the new owner shall file a change of name with the Town Clerk. Failure to file the change of name within this period shall result in automatic termination of the permit. In the event that a change of name is not timely filed, a new permit application must be submitted to the Town Clerk by the new owner(s) of the upland tract adjacent to the structure.

Section 3.

Section 42-7 of the Town Code are hereby amended as follows:

§42-7. Permit Procedure

Upon receipt of an application prepared in accordance with §42-6 hereof, the Town Clerk shall determine if said application is complete and, if so, shall process the application according to the following procedures.

A. Residential structure permits.

(1) For applications for a structure permit for residential use, the Town Clerk shall transfer a copy of all the application materials to the Building Department, which shall examine said application for compliance with this chapter and the laws, ordinances, regulations or specifications governing such structures. The Building Department shall approve the application if the application and the proposed structure comply with all requirements of this chapter. The Building Department's decision shall be transmitted the Town Clerk, who shall in turn inform the applicant by mail.

(2) Upon approval by the Building Department, the Town Clerk shall issue the original or renewal permit, provided that all requirements have been satisfied. **Upon issuance of the permit, notice shall be sent to the Department of Public Safety/Bay Constable.** The Building Department may impose such conditions upon the issuance of a permit which may be reasonable and necessary to carry out the purposes of this chapter [~~including the condition that an applicant post a bond adequate to ensure faithful performance of authorized construction~~]. Should the Building Department disapprove the application, the Town Clerk shall not issue a permit, and the applicant may seek a permit from the Town Board pursuant to §42-11.

B. Multifamily residential, marine commercial, nonmarine commercial, yacht club structure permits, or perimeter structure reconfiguration permits.

(1) For applications for a structure permit for multifamily residential, marine commercial, nonmarine commercial, yacht club use or for a perimeter structure reconfiguration permit, the Town Clerk shall transfer a copy of all application materials **electronically** to the Commissioner of Building[s] **Safety, Inspection and Enforcement, the Commissioner of Planning and Environmental Protection and the Department of Public Safety/Bay Constable,** who shall examine the application for compliance with this chapter and the laws, ordinances, regulations or specifications governing such structures. [~~Upon completion of such review, the Commissioner of Buildings shall transfer the application to the Commissioner of Planning, with a statement as to whether the application complies with the requirements of this chapter. The Commissioner of Planning shall review the application and issue an advisory report to the Town Board.~~] **A copy of the application shall also electronically be transferred to the Town Board liaison for the Waterfront Advisory Commission who shall forward the application the Chair of the Town's Waterfront Advisory Commission.**

(2) Upon the completion of such review, the Commissioner of Building Safety, Inspection and Enforcement, the Commissioner of Planning and Environmental Protection and the Department of Public Safety/Bay Constable shall transfer their recommendations to the Town Clerk. The Waterfront Advisory Commission shall consider the application and recommendations at a duly-called meeting of the Commission and, afterwards, forward its recommendations to the Town Board liaison for the Waterfront Advisory Commission.

(3). No less than ten days prior to the meeting of the Waterfront Advisory Commission, the applicant shall place a buoy or other marker in the location that corresponds to the end of the proposed dock or pier.

~~[(2-)]~~**(4.) The Town Clerk shall request that** the Town Board [shall] schedule a public hearing on the application following receipt of the [~~advisory report~~] **recommendations** from the Commissioner of Planning **and Environmental Protection and the Department of Public Safety/Bay Constable.** [~~And the Town Clerk shall publish notice of the hearing in accordance with §70-240A of the Town Code. After a public hearing is scheduled, the Commissioner of Planning shall forward a copy of the application to the Chair of the Town's Waterfront Advisory Commission.~~]

~~[(3-)]~~**(5.) The Town Clerk shall publish notice of the hearing in accordance with §42-11 of the Town Code.** Before the application is heard by the Town Board, the applicant must provide notice of the public hearing to property owners within a radius of 500 feet of the upland property affected by the application, in the manner provided in ~~§[70-240]~~ **42-11** of the Town Code, and must file an affidavit as to the mailing of such notices as required by that section.

~~[(4-)]~~**(6.)** The Town Board shall review the application under the standards set forth in this chapter and shall approve or disapprove the application. The Town Board may consider any recommendation and supporting information submitted by the Town's Waterfront Advisory Commission, **the Commissioner of Planning and Environmental Protection, the Department of Public Safety/Bay Constable and the Commissioner of Building Safety, Inspection and Enforcement.** The Town Board may impose such conditions, upon the issuance of a permit, which may be reasonable and necessary to carry out the purposes of this chapter, including the condition that an applicant post a bond adequate to ensure faithful performance of authorized construction.

~~[(5-)]~~**(7.)** Upon approval of the Town Board, the Town Clerk shall issue the appropriate permit. **The Commissioner of Building Safety, Inspection and Enforcement shall forward a copy of final plans stamped and approved by the Town Board and Department of Building Safety, Inspection and Enforcement.**

- C. No permit shall be issued pursuant to either §42-7A or §42-7B until the applicant has submitted proof of issuance of permits by the United States Army Corps of Engineers and the New York State Department of Environmental Conservation, if

the same are required, or letters of nonjurisdiction.

Section 4.

Section 42-9 of the Town Code is hereby amended as follows:

§42-9. Standards

No structure shall be constructed, erected, enlarged, installed, altered or improved unless it shall comply with the following standards:

A. General standards.

(1) No structure shall be permitted if, in the judgment of the Commissioner of Planning, the **Department of Public Safety/Bay Constable** [~~Director of Harbor and Marine Enforcement~~], or the Town Board, it would unreasonably impede, obstruct or interfere with navigation, the rights of adjoining owners, the public use of or passage along the foreshore or the waterway, or harmfully affect the environment.

(2) Except as provided under § 42-9C(1), no structure, vessel or combination thereof shall be permitted to project into the waterway a distance greater than required to reach navigable water depth, or to a length exceeding 150 feet, whichever is less.

(3) No structure or vessels shall extend within a distance of 50 feet of any federal, state or Town designated channel, vessel accessway, fairway or anchorage, except where a legally existing marine commercial use or yacht club can establish that the existence of such structures or placement of such vessels will not impede the safety of marine traffic in the designated channel, vessel accessway, fairway or anchorage and that such structures or placement of such vessels existed in their present form as of October 1, 1991.

(4) Notwithstanding the fact that a proposed residential structure shall not comply with this chapter in any respect, the Town Board may, in accordance with the procedures in § 42-11, direct that such permit be issued if it shall find that compliance with this chapter in such respect will create practical difficulties or unnecessary hardships or if it shall find that the proposed structure is in the public interest.

B. Structures in waterways.

(1) All structures shall be constructed in accordance with generally accepted engineering and design standards.

(2) All fixed docks shall provide:

(a) An avenue for clear passage in the land area crossed by the dock at mean low tide. Such an avenue shall be created by providing an area below the dock with a clearance of at least six feet, by providing a means of access across the main body of the dock itself, or by providing a clearly marked path across the upland immediately adjacent to the dock, which will serve the same purpose.

(b) A minimum of three feet and a maximum of eight feet above mean high water as defined by the Datum Plane and a maximum freeway clearance of two feet, except as provided for in § 42-9B(2)(a).

(3) The location, design and use of any structure in the waterway shall be compatible with this chapter and with the zoning regulations of the upland jurisdiction, as well as with all other applicable public health laws and other applicable requirements, and shall conform to generally accepted standards of construction for the prevention of fire hazards.

(4) No structure in a waterway shall be permitted unless it shall be water dependent and, except in the case of bulkheads, used solely for the purpose of gaining access to a waterway for commerce, navigation, fishing or recreation.

(5) Any structure within a waterway utilized in connection with adjacent premises shall be the minimum necessary to meet the upland use.

(6) With respect to residential or multifamily residential permits, no structure or vessel slip shall be hired out or used on a seasonal or permanent basis for dockage use by persons not actually residing at the premises. Such use of a vessel slip shall constitute a violation of this chapter concurrently with any violation of the Town's Zoning Ordinance[1] also created thereby.

(7) Except as provided under § 42-9C, there shall be no more than one dock or floating dock per lot or lot group with less than 100 feet of shoreline frontage. One additional dock or floating dock shall be allowed for each additional 100 feet of shoreline frontage. Docks and floats shall be straight, E- , F- , L- , T- or U-shaped and shall extend at right angles to the shoreline where practicable.

(8) Except as provided under § 42-9C, the number of slips permitted shall not be greater than two per upland single-family residential parcel.

(9) No slip, dock, float, vessel or combination thereof shall encroach upon the portion of the waterway adjacent to the 15-foot side yards on either side of the uplands boundary as it extends offshore.

(10) Except as provided under § 42-9C, docks for all purposes are limited to a maximum width of six feet, **except for floats which are limited to a maximum width of eight feet** for a residential structure permit and 10 feet for all other permits.

(11) The top horizontal board (wale) of any bulkhead installed pursuant to this chapter shall be at a minimum level necessary to meet the purpose for which the bulkhead is being constructed and shall in any event not be higher than six feet above mean high water as defined in the datum plane unless a certified engineering report is submitted showing that a height in excess of six feet is required for public safety reasons. All bulkheads shall also comply with generally accepted standards of marine construction.

(12) All structures shall be composed only of materials which, in the judgment of the Commissioner of Planning, will have no adverse effects on the environment or water quality.

(13) Lighting on any structure must be of a type, which will not be confused with navigation lighting, must meet United States Coast Guard standards and must not produce offensive glare when viewed from land or water.

(14) All fixed structures protruding from the mean high water line to the mean low water lines shall provide for an alternate route of travel along the shoreline over or around said structure.

C. Additional provisions for structures adjacent to multifamily residential, marine commercial, nonmarine commercial and yacht club uses.

(1) The Town Board may permit a specific number, configuration, width and length of docks, floats or slips other than what would be allowed under § 42-9B, where the applicant can demonstrate that the proposed design or additional number of docks, floats or slips is needed to accommodate the associated use.

(2) The permissible number, configuration and width of docks, floats and slips shall be determined by considering the location, limiting natural features of the site, demonstrated need for such structures, effect on navigation, infringement on public lands and compliance with the other sections of this chapter. No structure, vessel or combination thereof shall unreasonably impede the public's use, benefit or enjoyment of publicly owned shorefront and underwater lands. Where, in the judgment of the Town Board, impairment of the public's use and enjoyment of such publicly owned areas cannot be avoided, the upland owner may be required to afford to the public a reasonable and convenient means of access over or around the structure.

(3) Any new docking facilities, slips or moorings, or expansion or increase in existing docking facilities, slips or moorings, for marine commercial, multifamily residential and yacht club uses shall be required to:

(a) Demonstrate that sufficient marine sanitation pumpout capacity exists or that a satisfactory alternative approved by the Town Board is available, so as to accomplish the removal of sanitary wastes from all vessels associated with the use; and

(b) Provide for the collection and proper disposal of solid waste (garbage, trash, etc.), grease, oil and gasoline.

(4) In areas adjacent to multifamily residential or nonmarine commercial uses, in no case shall more than one dock be permitted per 100 feet of shoreline frontage.

(5) Any use permitted to dispense gasoline, diesel fuel, mixed fuels, engine oils and similar supplies shall show compliance with all federal and state laws dealing with oil spill prevention.

(6) In addition to the requirements specified under this section, the following shall apply for docks, floats or slips adjacent to nonmarine commercial uses:

(a) The docks or slips are limited to short-term transient use (no more than 48 hours) and shall be designated as the same, except for vessels owned by the adjacent upland owner.

(b) The area associated with the dock or slip may be used only as a means of vessel access to the upland use or for public access. The area shall not be used for any activity or use which is not water dependent.

Section 5.

Section 42-11 of the Town Code is hereby amended as follows:

§42-11. Review of denials of residential structure permits

A. The Town Board may review any determination of the Building Department disapproving an application pursuant to §42-7A. A majority vote of the members shall be necessary to reverse or modify the determination of the Building Department. [~~The Town Board may consider any recommendation and supporting information submitted by the Town's Waterfront Advisory Commissions during the public comment period.~~]

B. Such review must be requested by the applicant within 30 days of its receipt of notification of the disapproval by the Building Department, on a form to be supplied by the Town Clerk.

C. Once the applicant has requested review of the permit application, the Town Clerk shall electronically transfer a copy of the application to:

(1) The Commissioner of Planning and Environmental Protection, and the Department of Public Safety/Bay Constable, who shall examine the application for compliance with this chapter and the laws, ordinances, regulations or specifications governing such structures; and

(2) The Town Board liaison for the Waterfront Advisory Commission who shall forward the application to the Chair of the Town's Waterfront Advisory Commission; and

(3) The Commissioner of Building Safety, Inspection and Enforcement who shall verify that the application submitted to the Town Clerk's Office matches the application made to the Department of Building Safety, Inspection and Enforcement.

D. Upon the completion of such review, the Commissioner of Planning and Environmental Protection and the Department of Public Safety/Bay Constable shall transfer their recommendations to the Town Clerk. The Waterfront Advisory Commission shall consider the application at a duly-called meeting of the Commission and, afterwards, forward its recommendations to the Town Board liaison for the Waterfront Advisory Commission.

E. No less than ten days prior to the meeting of the Waterfront Advisory Commission, the applicant shall place a buoy or other marker in the location that corresponds to the end of the proposed dock or pier.

F. The Town Clerk shall request that the Town Board schedule a public hearing on the application following receipt of recommendations from Commissioner of Planning and Environmental Protection and the Department of Public Safety/Bay Constable.

~~[C.]~~**G. The Town Clerk shall publish notice of the hearing in accordance with §42-11 of the Town Code.** ~~[The Town Board shall hold a hearing on the review of the determination, and public notice thereof shall be given by publication in the official newspaper at least 10 but no more than 20 days prior to such hearing.]~~ The applicant shall be required to send notice by certified mail to owners of all property within a radius of 500 feet of the upland property, at least 10 days prior to the hearing, advising of the application and the hearing date, and must file with the Town Attorney, prior to the hearing date, an affidavit of mailing of the notice as required by this section. ~~[After the hearing is scheduled, the Commissioner of Planning shall forward a copy of the application to the Chair of the Town's Waterfront Advisory Commission.]~~

~~[D.]~~**H.** If the record shall indicate to the satisfaction of the Town Board that strict application of the provisions of this chapter is not necessary to maintain safe navigability of the waterway or to prevent undue interference with the right of the public to use the waterfront or the littoral rights of adjacent waterfront property owners, taking into account the shape and contour of the waterway and topography of the vicinity, and if the record further indicates that the proposed development conforms to all other local, state and federal regulations relating thereto, then the Town Board may vary or modify the application of such provisions so that the spirit of this chapter shall be observed.

~~[E.]~~**I.** Upon the Town Board's reversal or modification of a determination ~~[by]~~ of the ~~[Building Department]~~ **Commissioner of Building Safety, Inspection and Enforcement**, the Town Clerk shall issue the appropriate permit. **The Commissioner of Building Safety, Inspection and Enforcement shall forward a copy of final plans stamped and approved by the Town Board and Department of Building Safety, Inspection and Enforcement. If the Town Board affirms the determination of the Commissioner of Building Safety, Inspection and Enforcement, the Town Clerk shall so inform the applicant.**

Section 6.

This Local Law shall take effect immediately upon filing with the Secretary of State.

and; be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of said Local Law with the Secretary of State, and to publish a notice of adoption of said Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 5, 2021, Local Law No. of 2021 was adopted. The local law amends Chapter 42 of the Town Code entitled "Public Waterways; Structures" in order to update and clarify the requirements for obtaining a structure permit.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 19rd day of July, 2021, he posted the attached Notice of Hearing to consider the adoption of a local law amending CHAPTER 42 OF THE TOWN CODE ENTITLED "PUBLIC WATERWAYS; STRUCTURES, at the following locations:

Town Clerk Bulletin Board

Manhasset Post Office

Great Neck Post Office

Port Washington Post Office

Greenvale Post Office

Roslyn Heights Post Office

Albertson Post Office

Carle Place Post Office

Westbury Post Office

New Hyde Park Post Office


Henry Krukowski

Sworn to me this

20th day of July, 2021


Notary Public

Brandon K Gimpelman
Notary Public, State of New York
No. 01G10371819
Qualified in Nassau County
Commission expires March 5, 2022

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021667450

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Friday

July 23, 2021

Nassau

By: _____

Clara Woodin

Clara Woodin

Print Name: _____

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
26 Day of July, 2021.

[Signature]
Notary Public

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6186020
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Legal Notice # 21667450
NOTICE OF HEARING
PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 5th day of August, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Chapter 42 of the Town Code entitled "Public Waterways Structures" in order to update and clarify the requirements for obtaining a structure permit. PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.
PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be posted on the Town's website and be on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.
Dated: Manhasset, New York
July 8, 2021
BY ORDER OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021667450

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMPSTEAD
220 PLANDOME RD.
MANHASSET, NY 11030-2327

STATE OF NEW YORK)
:SS.:
COUNTY OF ERIE)

Legal Notice No. 0021670657

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Monday August 09, 2021 Nassau

By: *Clara Woodin*
Clara Woodin

Print Name: _____
Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
9 Day of August, 2021.

Sarah Perez
Notary Public

Sarah Perez
Notary Public - State of New York
No. 01PE6397402
Qualified in Erie County
Commission Expires 09/03/2023

Ad Content

**Legal Notice # 21670657
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 3, 2021, Local Law No. 14 of 2021 was adopted. The local law amends Chapter 42 of the Town Code entitled "Public Waterways Structures" in order to update and clarify the requirements for obtaining a structure permit.

Dated: Manhasset, New York

August 3, 2021

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

NEWSDAY PROOF

Ad Number: 0021670657

Advertiser: TOWN OF NORTH HEMPSTEAD

MR. WINK: Item 4, a public hearing to consider the adoption of a local law amending Chapter 70 of the town code entitled "Zoning."

SUPERVISOR BOSWORTH: So the purpose of the proposed local law is to clarify the applicability of the rebuttal presumption relative to certain signs, posters, stickers and advertising devices within the town. Mr. Wink, are there any comments?

MR. WINK: I have no requests to comment on this item.

SUPERVISOR BOSWORTH: I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 419 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled "Zoning" in order to clarify the applicability of the rebuttable presumption relative to certain signs, posters, stickers and advertising devices in the Town; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on August 5, 2021, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on August 5, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 15 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 15 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE
ENTITLED "ZONING"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 70 of the Town Code entitled "Zoning" in order to clarify the applicability of the rebuttable presumption relative to certain signs, posters, stickers and advertising devices in the Town.

Section 2.

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-197.1 Rebuttable Presumption.

It shall be presumed that any person, business or entity identified on any sign, poster, sticker or advertising device regulated under this ~~[section]~~ **chapter**, or the owner, agent, registrant, manager, business, entity or person in charge of any telephone number, website, entity, business or address identified on any sign, poster, sticker or advertising device regulated under ~~[§ 70-197]~~ **this chapter**, is responsible for the placement of that sign, poster, ~~[or]~~ sticker **or advertising device**. This presumption shall be rebuttable.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 5, 2021 at Town Hall, 220 Plandome Road,

Manhasset, New York, Local Law No. ___ of 2021 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to clarify the applicability of the rebuttable presumption relative to certain signs, posters, stickers and advertising devices in the Town.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021667403

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Friday

July 23, 2021

Nassau

By: *Clara Woodin*
Clara Woodin

Print Name: _____

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
26 Day of July, 2021.

[Signature]
Notary Public

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA8188020
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Legal Notice #: 21667403
NOTICE OF HEARING
PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 5th day of August, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to clarify the applicability of the rebuttable presumption relative to certain signs, posters, stickers and advertising devices in the Town.
PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.
PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be posted on the Town's website and be on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.
Dated: Manhasset, New York
July 8, 2021
BY ORDER OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD,
WAYNE H. WINK, JR.
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021667403

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

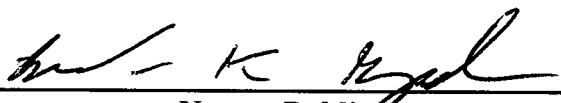
Henry Krukowski, being duly sworn, deposes and says that on the 24th day of August, 2021, he posted the attached Notice of Adoption of a Local Law amending Chapter 70, at the following locations:

Town Clerk Bulletin Board


Henry Krukowski

Sworn to me this

24th day of August, 2021


Notary Public

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMPSTEAD
220 PLANDOME RD.
MANHASSET, NY 11030-2327

STATE OF NEW YORK)

Legal Notice No. 0021670658

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Monday August 09, 2021 Nassau

By: Ciara Woodin

Ciara Woodin

Print Name: _____

Authorized Designee of Newsday LLC, Publisher of Newsday

Sarah Perez
Notary Public

SWORN to before me this
9 Day of August, 2021.

Sarah Perez
Notary Public - State of New York
No. 01PE6397402
Qualified in Erie County
Commission Expires 09/03/2023

Ad Content

Legal Notice # 21670658
NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 5, 2021 at Town Hall, 220 Plandome Road, Manhasset, New York, Local Law No. 15 of 2021 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to clarify the applicability of the rebuttable presumption relative to certain signs, posters, stickers and advertising devices in the Town.

Dated: Manhasset, New York
August 5, 2021

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021670658

Advertiser: TOWN OF NORTH HEMPSTEAD

MR. WINK: Item 5, a public hearing to consider the adoption of a local law amending Chapter 70 of the town code entitled "Zoning."

SUPERVISOR BOSWORTH: This proposed local law will continue the Town's efforts to streamline Building Department and related regulations. It will clarify procedural requirements, eliminate duplicative and conflicting provisions and update certain outdated and obsolete provisions to reduce the need for obtaining certain common but minor variances. The changes relate to lot worth requirements, accessory structures and off-street parking requirements. And I know that, Angelo, you particularly have been so involved with this as have all the members of the Board. Mr. Wink, are there any comments?

MR. WINK: I have no comments on this item.

SUPERVISOR BOSWORTH: I'd like to close the public hearing and offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 420 - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW
AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."**

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled "Zoning" in order to clarify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated and obsolete provisions and reduce the need to obtain certain common but minor variances; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on August 5, 2021, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on August 5, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as

such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 16 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 16 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE
ENTITLED "ZONING"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent

The Board finds that it is in the best interest of the residents of the Town of North Hempstead to make amendments to Chapter 70 of the Town Code entitled "Zoning" in order to clarify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated and obsolete provisions and reduce the need to obtain certain common but minor variances.

Section 2.

Section 70-7.1 of Chapter 70 of the Town Code is hereby amended as follows:

- A. No dwelling or other building shall be constructed on a lot unless it has a minimum lot width of 125 feet at the required front setback line. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.
- B. ~~[The minimum lot width shall be the same as the average lot width of existing lots within 350 feet on each side of the lot within the same blockfront(s) and district. For lots within 350 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.]~~
- C. ~~[For corner lots, the minimum lot width shall be calculated separately for each blockfront, and the greater of the two shall prevail.]~~
- D. ~~[The minimum lot width shall be the greater of A or B above, but in no case shall the width of a lot be required to exceed 200 feet.]~~

Section 3.

Section 70-10 of Chapter 70 of the Town Code is hereby amended as follows:

- A. There shall be a front yard, the depth of which shall be not less than 40 feet from the front property line.
- B. On a corner lot a front yard shall be required on each street. The front yard on the narrower street frontage shall be not less than 40 feet in depth and the other front yard shall be not less than 35 feet in depth, and, if the street frontages are equal, a minimum front yard of 40 feet shall be required on each street front.

C. The minimum front yard depth **for detached dwellings** shall be the same as the average front yard depth of the existing primary buildings **used as dwellings** within 350 feet on each side of the lot on the same side of the street and within the same zoning district, or 40 feet, whichever is greater. No front yard shall be required to have a depth greater than 60 feet. On a lot with multiple street fronts, the average front yard setback shall only apply to the primary front yard.

Section 4.

Section 70-17.1 of Chapter 70 of the Town Code is hereby amended as follows:

A. No dwelling or other building shall be constructed on a lot unless it has a minimum lot width of 100 feet at the required front setback line. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.

~~B. [The minimum lot width shall be the same as the average lot width of existing lots within 300 feet on each side of the lot within the same blockfront(s) and district. For lots within 300 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.]~~

~~C. [For corner lots, the minimum lot width shall be calculated separately for each blockfront, and the greater of the two shall prevail]~~

~~D. [The minimum lot width shall be the greater of A or B above, but in no case shall the width of a lot be required to exceed 115 feet.]~~

Section 5.

Section 70-19 of Chapter 70 of the Town Code is hereby amended as follows:

A. No dwelling shall be erected unless it has a habitable floor area on the first floor of at least 1,400 square feet.

B. The gross floor area shall not exceed 31% of the lot area.

C. The gross floor area (**residential**) on a lot shall not exceed 5,200 square feet.

D. In no case shall the limitations of this section prohibit a dwelling of less than 3,060 square feet on a lot held in single and separate ownership as of December 31, 1999, so long as the building conforms to all other restrictions of this chapter.

Section 6.

Section 70-20 of Chapter 70 of the Town Code is hereby amended as follows:

A. There shall be a front yard, the depth of which shall be not less than 35 feet from the front property line.

B. On a corner lot, a front yard shall be required on each street. The front yard on the narrower street frontage shall be not less than 35 feet in depth, and the other front yard shall be not less than 30 feet in depth, and, if the street frontages are equal, a minimum front yard of 35 feet shall be required on each street front.

C. The minimum front yard depth **for detached dwellings** shall be the same as the average front yard depth of the existing primary buildings **used as dwellings** within 300 feet on each side of the lot on the same side of the street and within the same zoning district, or 35 feet, whichever is greater. No front yard shall be required to have a depth greater than 50 feet. On a lot with multiple street fronts, the average front yard setback shall only apply to the primary front yard.

Section 7.

Section 70-27.1 of Chapter 70 of the Town Code is hereby amended as follows:

- A. No dwelling or other building shall be constructed on a lot unless it has a minimum lot width of 65 feet at the required front setback line. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.
- B. ~~[The minimum lot width shall be the same as the average lot width of existing lots within 200 feet on each side of the lot within the same blockfront(s) and district. For lots within 200 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.]~~
- C. ~~[For corner lots, the minimum lot width shall be calculated separately for each blockfront, and the greater of the two shall prevail.]~~
- D. ~~[The minimum lot width shall be the greater of A or B above, but in no case shall the width of a lot be required to exceed 100 feet.]~~

Section 8.

Section 70-29 of Chapter 70 of the Town Code is hereby amended as follows:

- A. No dwelling shall be erected unless it has a habitable floor area of at least 1,200 square feet.
- B. The gross floor area shall not exceed 36% of the lot area.
- C. The gross floor area **(residential)** on a lot shall not exceed 4,000 square feet ~~[unless it has a lot area greater than 14,000 square feet and the minimum side yard is increased to 15 feet.]~~
 - ~~_____ (1) For lots greater than 14,000 square feet, development exceeding 4,000 square feet of gross floor area **(residential)** shall comply with the regulations of Article III, R-AA.~~
- D. In no case shall the limitations of this section prohibit a dwelling of less than 2,700 square feet on a lot held in single and separate ownership as of December 31, 1999, so long as the building conforms to all other restrictions of this chapter.

Section 9.

Section 70-30 of Chapter 70 of the Town Code is hereby amended as follows:

- A. Unless the main building on the lot is controlled by § 70-30C, there shall be a front yard, the depth of which shall be not less than 35 feet from the front property line. ~~[Amended 1-3-2006 by L.L. No. 1-2006]~~
- B. On a corner lot, a front yard shall be required on each street and, unless the building is controlled by § 70-30C, the front yard on the narrower street frontage shall be not less than 35 feet in depth and the other front yard shall be not less than 30 feet in depth: and if the street frontages are equal, a minimum front yard of 35 feet shall be required on each street front.
- C. The minimum front yard depth **for detached dwellings** shall be the same as the average front yard depth of the existing primary buildings **used as dwellings** within 200 feet on each side of the lot on the same side of the street and within the same zoning district, or 35 feet, whichever is greater. No front yard shall be required to have a depth greater than 50 feet. On a lot with multiple street fronts, the average front yard setback shall only apply to the primary front yard.

Section 10.

Section 70-37.1 of Chapter 70 of the Town Code is hereby amended as follows:

- A. No dwelling or other building shall be constructed on a lot unless it has a minimum lot width of 50 feet at the required front setback line. A minimum lot width of 40 feet shall be maintained at all points between the property line at the street and the front setback line.
- B. ~~[The minimum lot width shall be the same as the average lot width of existing residential lots within 200 feet on each side of the lot within the same blockfront(s) and district. For lots within 200 feet of an intersection, the blockfront(s) shall be assumed to continue across the intersection, excluding the width of the intersection.]~~
- C. ~~[For corner lots, the minimum lot width shall be calculated separately for each blockfront, and the greater of the two shall prevail.]~~
- D. ~~[The minimum lot width shall be the greater of A or B above, but in no case shall the width of a lot be required to exceed 100 feet.]~~

Section 11.

Section 70-39 of Chapter 70 of the Town Code is hereby amended as follows:

- A. No dwelling shall be erected unless it has a habitable floor area of at least 1,000 square feet.
- B. The gross floor area shall not exceed 45% of the lot area.
- C. The gross floor area **(residential)** on a lot shall not exceed 3,400 square feet ~~[unless the lot area is greater than 8,500 square feet and the minimum side yard is increased to 10 feet.]~~
- _____ (1) For lots greater than 8,500 square feet, development exceeding 3,400 square feet of gross floor area **(residential)** shall comply with the regulations of Article IV, R-A.
- D. In no case shall the limitations of this section prohibit a dwelling of less than 2,500 square feet on a lot held in single and separate ownership as of December 31, 1999, so long as the building conforms to all other restrictions of this chapter.

Section 12.

Section 70-40 of Chapter 70 of the Town Code is hereby amended as follows:

- A. Unless the main building on the lot is controlled by § 70-40C, there shall be a front yard, the depth of which shall be not less than 30 feet from the front property line.
- B. On a corner lot, a front yard shall be required on each street and, unless the building is controlled by § 70-40C, the front yard on the narrower street frontage shall be not less than 30 feet in depth and the other front yard shall be not less than 25 feet in depth; and if the street frontages are equal, a minimum front yard of 30 feet shall be required on each street front.
- C. The minimum front yard depth **for detached dwellings** shall be the same as the average front yard depth of the existing primary buildings **used as dwellings** within 200 feet on each side of the lot on the same side of the street and within the same zoning district, or 30 feet, whichever is greater. No front yard shall be required to have a depth greater than 45 feet. On a lot with multiple street fronts, the average front yard setback shall only apply to the primary front yard.

Section 13.

Section 70-47.1 of Chapter 70 of the Town Code is hereby amended as follows:

- A. No single-family dwelling shall be constructed on a lot unless it has a minimum lot width of 40 feet at the required front setback line. A minimum lot width of 35 feet shall be maintained at all points between the property line at the street and the front setback line.
- B. No two-family dwelling shall be constructed on a lot unless it has a minimum lot width of 80 feet at the required front setback line. A minimum lot width of 50 feet shall be maintained at all points between the property line at the street and the front setback line.
- C. No other main building permitted as set forth in § 70-44 and not used for residence purposes shall be constructed on a lot unless it has a minimum lot width of 50 feet.
- D. ~~[The minimum lot width shall be the same as the average lot width of existing lots within 200 feet on each side of the lot within the same blockfront(s) and district, or the minimum required in A, B or C above as applicable, whichever is greater. For lots within 200 feet of an intersection, the blockfront shall be assumed to continue across the intersection, excluding the width of the intersection.]~~
- E. ~~[For corner lots, the minimum lot width shall be calculated separately for each blockfront, and the greater of the two shall prevail.]~~
- F. ~~[Where a blockfront consists of a mix of single family and two family dwellings, conforming lots containing two family dwellings shall be counted as two single family lots to determine the average lot width.]~~
- G. ~~[No single family lot shall be required to exceed 80 feet in lot width, nor shall any other lot be required to exceed 160 feet in lot width.]~~

Section 14.

Section 70-49 of Chapter 70 of the Town Code is hereby amended as follows:

- A. No single-family dwelling shall be erected unless it has a habitable floor area of at least 900 square feet. No two-family dwelling shall be erected unless it has a habitable floor area of at least 900 square feet for each family.
- B. The gross floor area shall not exceed 50% of the lot area.
- C. The gross floor area **(residential)** on a lot shall not exceed 2,800 square feet ~~[unless it has a lot area greater than 6,000 square feet and the minimum side yard is increased to seven feet.]~~
- _____ (1) For lots greater than 6,000 square feet, development exceeding 2,800 square feet of gross floor area **(residential)** shall comply with the regulations of Article V, R-B.
- D. In no case shall the limitations of this section prohibit a dwelling of less than 2,250 square feet on a lot held in single and separate ownership as of December 31, 1999, so long as the building conforms to all other restrictions of this chapter.

Section 15.

Section 70-50 of Chapter 70 of the Town Code is hereby amended as follows:

- A. Unless the main building on the lot is controlled by § 70-50C, there shall be a front yard, the depth of which shall be not less than 25 feet from the front property line. [Amended 1-3-2006 by L.L. No. 1-2006]

B. On a corner lot, a front yard shall be required on each street and, unless the building is controlled by § 70-50C, the front yard on the narrower street frontage shall be not less than 25 feet in depth and the other front yard shall be not less than 20 feet in depth; and if the street frontages are equal, a minimum front yard of 25 feet shall be required on each street front.

C. The minimum front yard depth **for detached dwellings** shall be the same as the average front yard depth of the existing primary buildings **used as dwellings** within 200 feet on each side of the lot on the same side of the street and within the same zoning district, or 25 feet, whichever is greater. No front yard shall be required to have a depth greater than 40 feet. On a lot with multiple street fronts, the average front yard setback shall only apply to the primary front yard.

Section 16.

Subsection C of Section 70-100.2 of Chapter 70 of the Town Code is hereby amended as follows:

C. ~~[(Reserved)]~~ **Accessory Porches, Porticos, Terraces, and Decks.**

(1) Accessory porches, porticos, terraces, and decks shall comply with all height, setback, skyplane, and other area requirements for a dwelling or other main building of the zoning district in which they are located and with §70-101B, when they are located directly adjacent to the dwelling or main building, regardless of whether they are physically and/or structurally attached to the dwelling or main building.

(2) Accessory porches, porticos, terraces, and decks shall comply with all setback requirements for a pool in §70-102C when directly adjacent to and/or accessing a pool and when not also adjacent to a dwelling or other main building.

(3) Accessory porches, porticos, terraces, and decks which are entirely physically and visually detached and remotely located from the dwelling or main building shall be controlled by the requirements of accessory buildings and structures found in §70-100.1.

(4) All accessory porches, porticos, terraces, and decks located to the rear of the rear building line, combined with all other accessory structures, shall not exceed 40% of the rear yard, and all accessory porches, porticos, terraces, and decks forward of the front building line shall be considered as part of the front yard and shall be counted in the maximum front yard coverage as limited by the requirements for the zoning district in which they are located.

(5) Accessory terraces and decks that are 8 inches or less above finished grade shall not be controlled by subsection (1) or (2) above, shall not be restricted in location to the rear yard, and shall not be counted towards maximum coverage of the rear yard by structures. They shall be counted towards the maximum front yard coverage when located in the front yard. Terraces and decks that are 8 inches or less above finished grade must be provided with minimum 3 foot setbacks to any property line regardless of location. This code shall not restrict patios, walkways, driveways, and other flatwork entirely flush with grade so long as all storm water can be controlled, contained, and provided with retention on site.

Section 17.

Subsection D of Section 70-100.2 of Chapter 70 of the Town Code is hereby amended as follows:

D. Stationary outdoor fireplaces, **fire pits, barbeques, or any other sources of exterior flame**, shall be at least 10 feet distant from side and rear property lines and shall not exceed five feet in height.

Section 18.

Subsection G of Section 70-100.2 of Chapter 70 of the Town Code is hereby amended as follows:

G. Portable sheds shall not exceed [~~400~~] **144** square feet and shall be located only in the rear

Section 19.

Subsection G of Section 70-101 of Chapter 70 of the Town Code is hereby amended as follows:

G. Steps **and required landings** extending into a minimum yard will not be considered an encroachment into such yard, provided that such steps do not exceed in height the first floor level of the building, and provided further that such steps are necessary to provide access to a walk, porch, terrace or vestibule. **For the purposes of this section, a required landing shall not exceed 5 feet in the direction of travel, and shall not exceed a width that provides greater than 1 foot on either side of the entrance opening in an exterior wall, or shall not exceed 5 feet in width when not serving as a platform for an entrance into a dwelling/building.**

Section 20.

Section 70-103 of Chapter 70 of the Town Code is hereby amended to add Subsection T to follow Subsection S as follows:

T. The off-street parking spaces required by this article are to be available at all times for customers, clients, constituents, patrons, visitors, employees, residents, and guests of the primary use of the main building(s) situated on the site. Commercial Parking Lots must also comply with the definition of "parking space" contained in §70-231 of this chapter and the requirements of this article, but no on-site parking spaces required under this article may be used as a portion of a commercial parking lot. Parking spaces for the parking of commercial vehicles or storage of vehicles for other purposes shall not be controlled by the provision of this article other than §70-103C and §70-103M, and shall be considered 'storage' in regard to the requirements thereof. Exterior storage of vehicles shall only be allowed where specifically indicated as a permitted or conditional use in the zoning district in which they are to be located and must comply with the requirements of §70-212B.

(1) Accessory storage of up to two commercial vehicles customarily incidental to the permitted use of the main building(s) shall be permitted as an accessory use in any business or industrial district, but may not utilize the parking spaces required by this article.

Section 21.

Section 70-202.2 of Chapter 70 of the Town Code is hereby amended as follows:

A. General requirements. All construction in which there will be an increase in impervious surface area in excess of [~~250~~] **5% of the lot area or 750** square

feet, **whichever is less**, requires on-site retention of 2 1/2 inches of rainfall.

(1) Drainage and erosion control plans must be prepared by a professional engineer, registered architect or registered landscape architect and shall be submitted to the Building Department at the time of application for a building permit.

(2) Plans shall include separate methods of erosion control and stormwater retention for the period during construction, and shall ensure that erosion control and stormwater retention are provided for within the boundaries of any site that is under construction. Such methods shall be implemented and maintained throughout the course of construction to its completion, and shall also provide for the maintenance of erosion control and stormwater retention after construction.

(3) Erosion control and stormwater management plans shall indicate all existing vegetation, vegetation proposed to be removed and proposed plantings. No vegetation that contributes to the control of erosion and water on the site may be removed without compensatory site work.

B. Period during construction.

(1) Plans shall be provided for erosion control and stormwater retention for the period during construction. Methods for control may include, but are not limited to, hay bales, swales, berms, contour modification, landscaping, silt fences, rain barrels and drywells.

[Amended 5-13-2014 by L.L. No. 7-2014]

(2) The Building Inspector may require a field inspection prior to commencement of construction to review the erosion control/stormwater management plan.

(3) New drywells; temporary grates.

(a) Where new drywells or other stormwater retention facilities are part of the site work, they shall be installed prior to clearing other areas of the site for new construction.

(b) Temporary grates or weighted silt fences with adequate sieve size to permit water percolation and retention of sediment shall be installed on all drywells during construction. Sediment shall be removed from the silt fence as necessary and disposed of in the proper manner. Upon completion of construction, the drywells shall be cleaned out and approved by the Building Inspector, at which time the permanent grates shall be installed.

(4) If conditions warrant, the Building Commissioner shall have the authority to request additional information or modifications to the plans at any time during construction to further evaluate erosion control/stormwater management.

C. Permanent erosion control and stormwater management.

(1) New site development must provide for permanent erosion control and stormwater containment on site. Plans shall be submitted in accordance with Subsection A of this section.

(2) Methods for control may include, but are not limited to, swales, berms, contour modification, landscaping, rain barrels and drywells.

[Amended 5-13-2014 by L.L. No. 7-2014]

(3) Where existing site conditions do not **or proposed conditions would not** control erosion and contain stormwater **on site**, the Building Commissioner [~~may~~] **shall** require corrective site work.

(4) No more than one rain barrel of up to 60 gallons may be connected to each roof

leader for the purpose of satisfying the requirements of Subsection A of this section.
[Added 5-13-2014 by L.L. No. 7-2014]

(5) When used for stormwater retention on the site, the location of drywells shall be located in accordance with Nassau County drainage standards, except that on lots of insufficient size, distances that are required to be a minimum of 20 feet shall be permitted to be reduced to 10 feet, and further reductions may be permitted only when a NYS Licensed Architect or Engineer submits a letter which certifies that that reduced distance separations will have no impact on the adjacent structure, surrounding properties, existing water and sanitation facilities, and the public right-of-way.

D. ~~[Waiver provisions. A waiver of these requirements may be granted by the Building Commissioner.]~~

~~[(1) — A request for waiver must be accompanied by a letter from a professional engineer, registered architect or registered landscape architect certifying that the grading and soil conditions existing and/or proposed on the site will be adequate to control all runoff.]~~

~~[(2) — A waiver may be granted if satisfactory evidence is submitted to prove that compliance would endanger mature trees and other mature vegetative growth. This request must include a statement by a professional engineer, registered architect, or registered landscape architect that mitigation is not necessary or that other appropriate measures are being taken to retain water and erosion on site.]~~

~~[(3) — No waiver may be granted for any site where existing or proposed grades exceed 15% or for new impervious areas in excess of 500 square feet.]~~

Section 22.

Subsection G of Section 70-203 of Chapter 70 of the Town Code is hereby amended as follows:

G. Where a parking district, business district or industrial district is within 15 feet of any residence district or where such district is within 15 feet of land owned and maintained by the ~~[Long Island State Park Commission]~~ **New York State Office of Parks, Recreation and Historic Preservation** as a state park or **the New York State Department of Transportation** as a parkway, there shall be provided a landscaped area of at least 15 feet in depth adjoining such district or districts or such park or parkway. Such landscaped area shall be located within ~~[such parking district, business district, or industrial district and not within the adjacent residence district]~~ **the same lot or site as the primary building(s) or use(s) in the parking, business, or industrial district and shall be located along the property line(s) abutting the adjacent properties or land containing the residential district, park, or parkway. A buffer is not required to be located through a property so as to bifurcate it.** Such landscaping shall consist of trees and shrubs which shall be so located and of sufficient density to effectively screen the parking, business and industrial districts from any **adjacent properties in a** residence district or from land owned and maintained by the ~~[Long Island State Park Commission]~~ **New York State Office of Parks, Recreation and Historic Preservation or the New York State Department of Transportation.** Said screening shall be subject to the approval of the Building Official. Any site plan required under this local law shall designate the trees and/or shrubs

intended to be planted and the location thereof. Landscaped area shall consist of a staggered double row planting strip seven feet on center to be planted with coniferous material of six-foot height. The provisions of this section shall not apply where the parking, business and industrial districts and any residence district or the land owned and maintained by ~~the [Long Island State Park Commission]~~ **New York State Office of Parks, Recreation and Historic Preservation or the New York State Department of Transportation** are separated by a street, road or highway.

Section 23.

Subsection O of Section 70-203 of Chapter 70 of the Town Code is hereby amended as follows:

O. No building or premises shall be used or occupied hereafter as a public garage, motor vehicle repair shop or service station for supplying to motor vehicles or other similar operated means of transportation gasoline or other oil or liquid that will generate an inflammable vapor at ordinary temperatures, unless it is used in connection with a building occupied exclusively as a public garage, motor vehicle repair shop, service station or automobile showroom or has been heretofore legally used for such purpose and except those used or occupied pursuant to a valid permit issued in compliance with ~~§70-203O~~ **§70-203P**.

Section 24.

Subsection P of Section 70-203 of Chapter 70 of the Town Code is hereby amended as follows:

P. No permits for the construction or **substantial** alteration of gasoline service stations shall be issued without first obtaining approval from the Town Board after a public hearing.

(5) For purposes of this section, a substantial alteration shall mean the construction of a new building or building addition of greater than 750 square feet, the addition, removal or relocation of pump islands, the construction of a canopy (excluding the replacement of a canopy of the same dimensions), addition or expansion of a convenience store or the addition, removal or relocation of access/egress points, entrance/exit driveways or curb cuts.

Section 25.

Subsection X of Section 70-203 of Chapter 70 of the Town Code is hereby amended as follows:

X. Electric vehicle charging stations shall be permitted in all commercial districts, subject to the following:

(1) Each electric vehicle charging station shall include vehicle impact protection (bollards) or a similar structure.

(2) ~~A maximum of two parking spaces that are designated for the exclusive use of electric charging and the sale of electricity may be counted towards the off-street parking requirements specified in § 70-103.~~ **The greater of two spaces or ten percent of the total provided parking may be designated for the exclusive use as electric vehicle charging and the sale of electricity and counted towards the off-street parking requirements specified in § 70-103. When a charging station is incapable**

or prohibited from charging vehicles from multiple vehicle manufacturers, those designated charging spaces, effected by this limitation will not be counted towards the off street parking requirement specified in §70-103.

(3) Components for electric vehicle charging stations may encroach up to 36 inches into a required setback or buffer

Section 26.

Subsection A of Section 70-215 of Chapter 70 of the Town Code is hereby amended as follows:

A. ~~[Unprotected metal buildings and all buildings of frame construction shall be prohibited in any business or industrial district, except that buildings of frame construction existing in a business or industrial district at the date of this section, as amended, may be used in such business or industrial district, provided that such buildings conform, or are altered to conform, to the provisions of the New York State Building Code applicable to the use to which they are to be devoted and provided that they conform to all applicable fire codes and all other provisions of this chapter.]~~ **Construction that does not conform with the requirement of the Town of North Hempstead Building Code or NYS Uniform Fire Prevention and Building Code in effect at the time of construction, extension, or alteration or the requirements of the current NYS Property Maintenance and NYS Fire Codes applicable to existing buildings shall be prohibited in all use districts.**

Section 27.

Subsection A of Section 70-219 of Chapter 70 of the Town Code is hereby amended as follows:

A. When site plan review required; procedure. No permit shall be issued for a site greater than 25,000 square feet in any zone other than Residence Open Space, Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, or Hospital District until a site plan, as specified in this section, has been approved by the Town Board, if any one or more of the following criteria are met:

(1) The site upon which the work is proposed involves one or more of the following:
(a) The construction of a new building or structure or addition to an existing structure of greater than 750 square feet of floor area.

(b) The change in use of an existing building or buildings on a site in a manner which will:

[1] Increase the number of required off-street parking spaces for the site pursuant to § 70-103 of this chapter by more than 33%; or

[2] Add at least 10,000 square feet of retail; or

[3] Add at least 10,000 square feet of public assembly use at the site.

(c) The alteration of an existing single retail use greater than 20,000 square feet at the site so as to create three or more retail or public assembly uses.

(d) The alteration of an existing single retail space greater than 20,000 square feet to permit shared occupancy by more than two tenants.

(e) A change in access to the site or a change in the circulation within the site which affects at least 20% of the paved area. A change in the number of site access/egress points, entrance/exit drives or curb cuts or a relocation of an

existing access point by more than 20 feet.**Section 28.**

Subsection G of Section 70-219 of Chapter 70 of the Town Code is hereby amended as follows:

G. No certificate of occupancy **or certificate of completion** shall be issued until all site work authorized or required by the Town Board is completed and approved by the Commissioner of Buildings and any conditions imposed by the Town Board are complied with. **Once a certificate of occupancy or certificate of completion has been issued pursuant to a Building Permit to develop the property in accordance with the plans for which such approval by the Town Board has been granted, no further adjustments or modifications to the site shall be permitted with the exception of interior alterations that would not trigger a site plan pursuant to §70-219A(1), unless either the modified site plan has been approved as a minor modification in accordance with §70-219I of the modified site plan has been approved by the Town Board in accordance with this section.**

Section 29.

Section 70-219.1 of Chapter 70 of the Town Code is hereby amended as follows:

§ 70-219.1 Time limitations.

[Added 2-28-2019 by L.L. No. 5-2019]

A. Change of zone. Whenever a change of zone has been granted pursuant to §70-238B, failure to obtain, as applicable, a variance, **conditional/special use approval**, site plan approval, special use permit, or building permit (whichever action occurs first) to develop the rezoned property in accordance with the petition and site plan made a part thereof within three years after the granting of the petition shall be deemed an abandonment of the project, and the rezoned property shall revert to the zoning classification which applied at the time of the change of zone, except that the Town Board may, on petition or on its own motion, by resolution after a public hearing, extend such rezoning for additional periods of one year on finding that the conditions and circumstances essential to the original enactment have not changed. No extension of a rezoning may be granted for greater than one year, and any extension of a rezoning granted for greater than one year shall be void and of no effect. **In the case where a variance or conditional/special use approval has been granted by the Board of Zoning Appeals, or a special permit or site plan approval has been granted by the Town Board subsequent to a change of zone granted by the Town Board, the change of zone shall lapse and be of no further force and effect at any such time that the variance, conditional/special use approval, special permit, or site plan approval has lapsed or expired.**

B. Variances **and conditional/special use approvals** by the Board of Zoning Appeals.

(1) Any variance **or conditional/special use** granted by the Board of Zoning and Appeals shall lapse and be of no further force and effect after three years from the date of decision if the applicant has not obtained, as applicable, site plan approval, a special use permit or a building permit (whichever action occurs first) to develop the property that is the subject of the application for a variance in accordance with the plans for which such variance was granted, unless an extension of time has

been granted by the Board pursuant to this section. **In the case where a special permit or site plan approval has been granted by the Town Board subsequent to a variance or conditional/special use approval granted by the Board of Zoning and Appeals, the variance or conditional/special use approval shall lapse and be of no further force and effect at any such time that the special permit or site plan approval has lapsed or expired.**

(2) Upon request of the applicant, the Board may extend a variance for not more than one year per application, up to a maximum of three one-year extensions. The applicant seeking a variance extension shall submit a written request to the Board, together with any supporting documentation. Such request shall be filed prior to the expiration date of the variance or previous variance extension. Failure to file a timely request shall result in a lapse of variance.

(3) Requests for a variance extension shall be considered by the Board without a public hearing. The applicant must demonstrate by substantial evidence that there have been diligent efforts to pursue the necessary permits for construction, that there has been no substantial change in facts as presented in the original variance application or the conditions of approval, and that specified circumstances or conditions necessitate the extension. In the absence of such evidence, requests for a variance extension shall be denied.

(4) Fees for variance extension requests shall be set according to the amounts indicated in the Town of North Hempstead Fee Schedule.

C. Special permits. Whenever a special exception has been granted pursuant to **this section §70-240** or a permit pursuant to [~~§70-203O~~] **§70-203P, §70-203T, or §70-203U**, failure to obtain, as applicable, site plan approval or a building permit to develop the property in accordance with the application and site plan made a part thereof within three years after the granting of the special permit shall be deemed an abandonment of the project, except that the Town Board may, on petition or on its own motion, by resolution, extend such special permit for additional periods of six months on finding that the conditions and circumstances essential to the original grant have not changed. **In the case where a site plan approval has been approved by the Town Board subsequent to or concurrently with a special permit, the special permit shall lapse and be of no further force and effect at any such time that the site plan approval has lapsed or expired.**

D. Site plan review. Whenever a site plan has been approved pursuant to § 70-219 of the Town Code, failure to obtain a building permit to develop the property in accordance with the application and site plan within three years after the adoption date of the resolution approving the site plan shall be deemed an abandonment of the site plan and the approval of the site plan will be deemed to have lapsed, except that the Town Board may, by resolution and prior to the date the approval shall lapse, extend such site plan approval for additional periods of one year on finding that the conditions and circumstances essential to the original grant have not changed; provided, however, that the Town Board may not grant more than three one-year extensions.

Notwithstanding the above, in the event that a building permit to develop the property in accordance with the application and site plan is timely obtained, and the building permit subsequently expires without being extended pursuant to the provisions of § 2-11 of the Town Code or has been subsequently revoked pursuant to § 2-14 of the Town Code,

the site plan shall be deemed abandoned and the approval of the site plan will be deemed to have lapsed, except as the site plan is extended as described above.

E. Expiration of Change of Zone, Approvals by the Board of Zoning Appeals, Special Permits, and Site Plan Approvals upon expiration of a Building Permit. Notwithstanding any expiration specified in this section, any change of zone, variance, conditional or special use approval, special permit, or site plan approval shall lapse and be of no further force and effect upon the expiration of the first Building Permit term under the limits of §2-11A, if no substantial construction has taken place in accordance with the plans for which such change of zone, variance, conditional or special use, special permit, or site plan approval was granted, unless an extension of time has been granted by the Board of Zoning Appeals or Town Board in accordance with this section.

Section 30.

Subsection C of Section 70-227 of Chapter 70 of the Town Code is hereby amended as follows:

C. Submission Requirements.

(1) All applications to the Board of Zoning and Appeals shall be accompanied by the notice of disapproval issued by the Building Department, an application form with related attachments and ~~[five]~~ **four** copies of each of the following:

(a) For applications for new one- and two-family residential structures~~[, and additions or alterations of one- and two-family residential structures or construction of fences, sheds or other accessory structures]:~~

[1]. Title page, which shall include the following:

[a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;

[b] Zoning/site data analysis which shall include zoning district; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas, lot coverage, building height, and a depiction of the required sky exposure plane;

[c] Name and address of the applicant, and the name and address of the owner of the site, if different, from the applicant;

[d] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans;

[e] Area map of the subject property and all properties within a radius of 300 feet of any contiguous property owned by the applicant. The area map must be accurately drawn to scale and shall include the names of property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius;

[2]. Survey of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 or larger, showing at a minimum:

- [a] The locations of all existing buildings, driveways, patios, fences and accessory structures;
- [b] The locations of property lines with bearings and distances clearly marked;
- [c] The locations of all monuments, stakes or other permanent boundary markers;
- [d] Underground and overhead utilities;
- [e] The locations of all easements, if applicable;

[3]. Proposed site or plot plan, showing the location of all proposed buildings, accessory structures, driveways or other paved areas;

[4]. Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, mezzanines and attics, and labeling of all interior spaces with their uses;

[5]. Building elevations and section, which shall include the following:

- [a] Existing and proposed grades in Nassau County Vertical Datum;
- [b] Finished floor elevations for each level;
- [c] Building height elevation(s);
- [d] Building/site section(s);
- [e] Proposed finish materials for all exterior surfaces;

[6]. Short environmental assessment form;

[7]. Disclosure affidavit from applicant;

(b) For additions or alterations of one- and two-family residential structures or construction of fences, sheds or other accessory structures:

[1]. Title page, which shall include the following:

- [a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;

[b] Zoning/site data analysis which shall include zoning district; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas, lot coverage, building height, and a depiction of the required sky exposure plane;

[c] Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant;

[d] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape and/or land planner involved in preparing the plans.

[2]. Survey or plot plan of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 feet or larger, showing at a minimum the locations of all existing buildings, driveways, patios fences and accessory structures;

[3]. Proposed site plan, showing the location of all proposed buildings, fences, accessory structures, driveways or other paved areas;

[4]. Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, mezzanines and attics, and labeling of all interior spaces with their uses;

[5]. Building elevations, if applicable, which shall include the following:

[a] Existing and proposed grades;

[b] Finished floor elevations for each level;

[c] Building height elevation(s);

[d] Proposed finish materials for all exterior surfaces.

[6]. Details or specifications of any fencing material, if applicable.

(c) For applications for new multiple residence, commercial or other nonresidential structures:

[1]. Title page, which shall include the following:

[a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;

[b] Zoning/Site data analysis which shall include zoning district information; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas by use,

lot coverage, building height, parking; and the quantities of pervious and impervious surfaces. All zoning calculations shall be based on gross floor areas as required in this chapter;

[c] Names of the appropriate water and sewer districts;

[d] Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant. If the applicant or owner is a corporation or partnership, the names of all principals shall be included;

[e] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans;

[f] Area map of the subject site and all properties within radius of 300 feet of any contiguous property owned by the applicant. The area map must be accurately drawn to scale and shall include all proposed principal and accessory buildings, the names of abutting property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius.

[2]. Survey of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 feet or larger, showing at a minimum:

[a] The locations of all existing buildings, driveways, patios, fences and accessory structures;

[b] The locations of property lines, with bearings and distances clearly marked;

[c] The locations of all monuments, stakes or other permanent boundary markers;

[d] Underground and overhead utilities;

[e] The locations of all easements, if applicable.

[3]. Schematic site plan, which shall include the following:

[a] Location and arrangement of all buildings and structures;

[b] All proposed parking and loading facilities, access aisles, and all pavement markings, fully dimensioned;

[c] Adjacent roadways indicating traffic flow directions and showing vehicular access and circulation to and from the site, including intersections, road widths, pavement surfaces, dividers, traffic controls, and street lighting;

[d] Any proposed right-of-way improvements or road widening;

[e] Arrangement of pedestrian traffic access and circulation, including, but not limited to, walkway structures, and handicapped accessibility;

[f] Location and type of equipment provided for storage and disposal of garbage and refuse; if the application is for a restaurant, delicatessen, retail grocery or other food-related use, the plan must show the location of the required interior refrigerated refuse locker.

[4]. Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, lobbies, mezzanines and attics, and labeling of all interior spaces with their uses; seating diagrams and emergency egress plans are required for all places of assembly.

[5]. Building elevations and sections, which shall include the following:

[a] Existing and proposed grades in Nassau County Vertical Datum;

[b] Finished floor elevations for each level;

[c] Building height elevation(s);

[d] Building/Site section(s) as required to adequately analyze the site development;

[e] Proposed finish materials for all exterior surfaces;

[f] Scale drawings indicating the design, color and material of all signs, accompanied by an explanation of the lighting mechanism.

[6]. Perspective drawing(s) of all principal buildings;

[7]. Schematic landscape, grading, drainage and lighting plans;

[8]. Full environmental assessment form in the format required by the State Environmental Quality Review Act;

[9]. Traffic **and parking** analysis, including capacity and level-of-service for the nearest signalized intersection(s) **to be submitted to the office of the Board of Zoning Appeals no later than the filing deadline of the hearing on which the application is to be heard**;

[10]. Disclosure affidavit from applicant.

(d) For additions or alterations of multiple residence, commercial or other

nonresidential structures or variances for nonresidential uses:

[1]. Title page, which shall include the following:

- [a] Key map showing clearly and accurately the location of the property in relation to the neighboring streets;
- [b] Zoning/Site data analysis which shall include zoning district information; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas by use, lot coverage, building height, parking; and the quantities of pervious and impervious surfaces. All zoning calculations shall be based on gross floor areas as required in this chapter;
- [c] Names of the appropriate water and sewer districts;
- [d] Name and address of the applicant, and the name and address of the owner of the site, if different from the applicant. If the applicant or owner is a corporation or partnership, the names of all principals shall be included;
- [e] Name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans;
- [f] Area map of the subject site and all properties within radius of 300 feet of any contiguous property owned by the applicant. The area map must be accurately drawn to scale and shall include all proposed principal and accessory buildings, the names of abutting property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius.

[2]. Survey of existing conditions, prepared by a New York State licensed land surveyor at a scale of one inch equals 40 feet or larger, showing at a minimum:

- [a] The locations of all existing buildings, driveways, patios, fences and accessory structures;
- [b] The locations of property lines, with bearings and distances clearly marked;
- [c] The locations of all monuments, stakes or other permanent boundary markers;
- [d] Underground and overhead utilities;
- [e] The locations of all easements, if applicable.

[3]. Schematic site plan, which shall include the following:

- [a] Location and arrangement of all buildings and structures;

[b] All proposed parking and loading facilities, access aisles, and all pavement markings, fully dimensioned;

[c] Adjacent roadways indicating traffic flow directions and showing vehicular access and circulation to and from the site, including intersections, road widths, pavement surfaces, dividers, traffic controls, and street lighting;

[d] Any proposed right-of-way improvements or road widening;

[e] Arrangement of pedestrian traffic access and circulation, including, but not limited to, walkway structures, and handicapped accessibility;

[f] Location and type of equipment provided for storage and disposal of garbage and refuse; if the application is for a restaurant, delicatessen, retail grocery or other food-related use, the plan must show the location of the required interior refrigerated refuse locker.

[4]. Floor plans, fully dimensioned, of each level, which shall include, but not be limited to, basements, cellars, lobbies, mezzanines and attics, and labeling of all interior spaces with their uses; seating diagrams and emergency egress plans are required for all places of assembly.

[5]. Building elevations and sections, which shall include the following:

[a] Existing and proposed grades in Nassau County Vertical Datum;

[b] Finished floor elevations for each level;

[c] Building height elevation(s);

[d] Building/Site section(s) as required to adequately analyze the site development;

[e] Proposed finish materials for all exterior surfaces;

[f] Scale drawings indicating the design, color and material of all signs, accompanied by an explanation of the lighting mechanism.

[6]. Perspective drawing(s) of all principal buildings;

[7]. Schematic landscape, grading, drainage and lighting plans;

[8]. Full environmental assessment form in the format required by the State Environmental Quality Review Act;

[9]. ~~[Traffic analysis, including capacity and level of service for the nearest signalized intersection(s)]~~ **A trip generation and parking analysis, to be submitted to the office of the Board of Zoning Appeals no later than the filing deadline of the hearing on which the application is to be heard, including capacity and level-of-service analysis for the nearest signalized intersection(s) except for applications where one or more of the following conditions apply;**

- [a] A reduction in required parking from previous use or tenant;**
- [b] An increase of less than 2 parking spaces from the previous use or tenant;**
- [c] No variances for parking or loading;**

[10]. ~~[Disclosure affidavit from applicant]~~ **For applications projected to create 100 or more trips per hour by the most current Institute of Transportation Engineers Trip Generation Manual in the year of the application, a traffic analysis, including capacity and level-of-service for the nearest signalized intersection(s) shall be required, and submitted to the office of the Board of Zoning Appeals no later than the filing deadline of the hearing on which the application is to be heard.**

[11]. **A trip generation and parking analyses, to be submitted to the office of the Board of Zoning Appeals no later than the filing deadline of the hearing on which the application is to be heard, shall be required for all applications involving a variance from § 70-103;**

[12]. **Disclosure affidavit from applicant.**

(2) All plans and accompanying documents shall be prepared by the appropriate professional(s) licensed in the State of New York and shall be prepared at a scale sufficient to clearly present the required information for review.

Section 31.

Subsection D of Section 70-227 of Chapter 70 of the Town Code is hereby amended as follows:

D. Hearing and notice requirements.

(1) The Secretary to the Board of Zoning and Appeals shall publish notice of the public hearings for a variance, appeal for determination or conditional use permit in the local newspapers at least 10 days before the hearing date. The notice shall identify the property affected by stating the section, block, lot and street address and shall also state the date, time and place of the hearing.

(2) Before the application will be heard, the applicant must provide notice of the hearing of the property owners within a radius of 300 feet of the site, in a manner provided herein, and must file an affidavit as to the mailing of such notices with the Secretary to the Board of Zoning and Appeals not less than five days prior to the hearing. Not less than 10 nor more than 20 days before the hearing, the applicant shall

send, by first-class and by registered or certified mail, a notice to each affected owner identifying the subject property, stating the nature of the application and the date, time and place for the hearing. For application for additions and alterations to one- or two-family residential structures, **and sign variances** notice may be provided to only the adjoining property owners **and the owner of properties directly across the nearest right-of-way(s)**.

(3) Sign notice requirements for Board of Zoning and Appeal applications.

(a) For all commercial applications, with the exception of applications for signs, and for all applications for new homes and for subdivisions, the following requirements shall apply:

[1]. Sign notice shall be given by the property owner of the subject property by posting a sign stating the nature of the application, and the time, date, and place of the public hearing to be held by the Board of Zoning and Appeals on the property which is the subject of an application.

[2]. The sign shall be posted at least 10 days prior to the date of the public hearing to be held by the ~~Town Board~~ **Board of Zoning and Appeals**.

[3]. The sign shall be visible from adjacent rights-of-way, including waterways.

[4]. If the subject property is on more than one right-of-way, a sign shall be posted facing each right-of-way.

[5]. If the sign is destroyed or removed from the property, the owner of the subject property shall be responsible for replacing it.

[6]. The sign shall be no less than 34 feet **inches** by 48 feet **inches** in size.

[7]. Five days prior to the public hearing, the owner of the subject property shall execute and submit to the ~~Department of Planning~~ **Secretary to the Board of Zoning and Appeals** an affidavit of proof of the positing of the public notice sign(s) according to this section. If the owner of the subject property fails to submit the affidavit, the public hearing will be postponed until after the affidavit has been supplied.

[8]. Section 227D(3)(a) shall apply to all Board of Zoning Appeals applications which have been adjourned

Section 32.

Section 70-231 of Chapter 70 of the Town Code is hereby amended as follows:

For the purpose of this chapter, the terms used herein are defined as follows:

ABATTOIR

A slaughterhouse for the slaughtering of livestock other than poultry.

ACCESSORY APARTMENT

A separate space within a one-family dwelling, or a structure on property on which exists a one-family dwelling, which is wholly or partly used or arranged, designed or intended to be occupied or used for living or sleeping by one or more human occupants.

ACCESSORY BUILDING OR USE

A subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use.

AFFORDABLE SENIOR CITIZEN FACILITY

A residential dwelling unit made available for sale or rent such that the shelter portion of the housing cost is below the market price of such units, to be determined as follows:

A. Units for rent. Rent shall not exceed 80% of the county median income, as determined by the United States Department of Housing and Urban Development (HUD), times 30%.

B. Units for sale. Sales price shall not exceed 45% of the average sales price of single-family homes in the county for the prior 12 months, and be for sale to households whose income is 80% of the county median income as determined by HUD.

AGRICULTURE

The cultivation of the soil for food products or other useful or valuable growths, crops or products of the field or garden, tillage or husbandry, but shall not include dairying, raising of livestock, fowls or birds where the same is carried on as a gainful operation.

ALL-SUITE HOTEL

A commercial building primarily for transient guests and having one or more of the following: lounge, meeting/conference room, dining room and kitchen for the serving of food to be consumed primarily in said dining room. All guest rooms shall contain a sitting room, separate bedroom and the provision of limited kitchen facilities.

ALTERATION

As applied to a building or structure, the change or rearrangement of the structural parts or any enlargement, whether by extending on any side or by increasing in height, or the moving from one location to another. It does not include ordinary repairs to buildings or structures.

AMUSEMENT ARCADE

Any premises where three or more amusement devices are available for operation.

AMUSEMENT DEVICE

Any coin- or token-operated machine, apparatus or contrivance which is used or which may be used as a game of skill or amusement wherein or whereby the player initiates, employs or directs any force or action to, or generated by, the machine, including, but not limited to billiard tables; casino-type games; computerized games; electronic bowling; electronic shuffleboard; pinball machines; shooting galleries; and skill boards. "Amusement devices," for the purpose of this chapter, shall not include bowling alleys and duckpin bowling alleys.

ATTIC

The space between the ceiling joists of the top story and the roof rafters. An attic shall not be used or occupied as living or sleeping quarters. There shall be no **new** fixed stair

to any [new] attic space nor operable windows. Attics shall not have finished floors or heating systems. Attics over one-story extensions shall count as additional gross floor area if the height from the joist to the underside of the ridge is greater than five feet. Horizontal access to attics shall be limited to nine square feet. Notwithstanding the foregoing, an attic may be permitted to be constructed as, or converted into, habitable or occupiable space where the requirements of the district would permit a full story; provided, however, that the attic shall be counted as gross floor area when used as habitable or occupiable space.

BAR AND GRILL

Any business use in which the primary service offered is the sale of alcoholic beverages for consumption on the premises, regardless of whether food is also served and entertainment of any type is offered.

BASEMENT

That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building.

BELOW-GRADE PARKING STRUCTURE

An accessory use in which the final paved surface is located more than 24 inches below the preexisting grade of a building site, and that provides for the parking of vehicles, including drive aisles, and which may include loading areas.

BILLBOARD or POSTER PANEL

A sign erected and maintained by an outdoor advertiser.

BLOCKFRONT

The street and the space surrounding it, including the buildings and open space fronting on both sides of the streets.

BOATEL

A hotel on a waterfront with docks for use by boaters.

BUILDING

A combination of materials other than a structure to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residence, business or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."

BUILDING DEPARTMENT

The Building Department of the Town of North Hempstead.

BUILDING HEIGHT

The vertical distance measured from the average level of the preexisting grade at the perimeter of the building to the highest point of the roof.

BUILDING OFFICIAL

The officer or other person specifically charged by the Town Board with the administration and enforcement of this chapter, or his duly authorized representative.

CARETAKER UNIT

An accessory living space within a historic building, structure or dwelling intended as a primary residence for the person or family responsible for the maintenance, upkeep and/or security of the building or site. Caretaker units may comprise up to 50% of the gross floor area of the building, and may have a separate entrance.

[Added 9-10-2013 by L.L. No. 4-2013]

CELLAR

That portion of a building with half or more of its floor-to-ceiling height below the average level of the adjoining ground. A "cellar" shall not be used or occupied [as-living] **for cooking** or sleeping quarters **but may be used as recreational space when in compliance with the requirements of the NYS Uniform Fire Prevention and Building Code.**

CHILD-CARE FACILITY

Any program or facility providing care for children for more than three hours but less than 24 hours per day per child on a regular basis away from the child's residence, in which care is provided by someone other than the parent, step-parent, guardian or other relative within the third degree of consanguinity of the parent or step-parent.

- A. This definition shall apply whether or not care is given for compensation.
- B. This definition shall include any facility that provides child-care services as defined in § 390 of the New York State Social Services Law.
- C. This definition shall not include child-care facilities located in private dwellings and multiple-dwelling units licensed and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.
- D. Medical care or delinquency correction may not be the principal use of the facility.
- E. Child-care facilities shall be licensed by and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.

CODE ENFORCEMENT OFFICER

The officer or other person specifically charged by the Town Board with the administration and enforcement of this chapter, or his duly authorized representative.
[Added 11-16-2010 by L.L. No. 15-2010]

COMMERCIAL PARKING LOT

Any lot or premises, other than one owned or maintained by the municipality, used for parking automobiles or other motor vehicles by the public upon the payment of a fee, whether or not such use is an accessory use.

CONCRETE RECYCLING OPERATION

A facility used for the collection and processing and/or crushing of uncontaminated concrete waste for conversion to recycled concrete aggregate.

[Added 8-9-2016 by L.L. No. 6-2016]

CONVENIENCE STORE

A retail sales area that offers for sale prepackaged food or beverages, and may allow for cooking and preparation of ready-to-serve food, for off-site consumption. A convenience store shall co-locate or coexist only with a gasoline service station or automobile service station, and only as approved by the Town Board.

[Amended 3-22-2016 by L.L. No. 3-2016]

CORNER LOT

A lot situated at the intersection or junction of two or more streets.

CORRAL

An outdoor accessory structure for the storage of shopping baskets, carts and wagons that is made available for use by the shopping public and for the secure storage of carts during hours when the business is closed.

[Added 3-8-2011 by L.L. No. 4-2011]

COURT

A required open and unoccupied space on the same lot and enclosed on at least three sides by walls of a building.[1]

DEPARTMENT OF HEALTH

The Department of Health of the County of Nassau and any other health board or department established pursuant to the laws of the State of New York and entrusted with the regulations, control and/or supervision of matters pertaining to and affecting the public health in the Town of North Hempstead.

DEPTH OF A LOT

The mean distance from the street line of the lot to its opposite rear line, measured along the side lines of the lot.

DISPLAY SURFACE

The total number of square feet of sign space on one side of a sign, exclusive of moldings.

DRIVE-THROUGH FACILITY

A business, establishment, building or other structure intended, in whole or in part, to accommodate in-vehicle customer service. Such facilities shall also include, but not be limited to, establishments such as drive-through oil change and/or car wash operations, which utilize a drive-through lane or lanes, but perform their services while customers wait outside their motor vehicles, and establishments that provide in-vehicle customer service via a freestanding box.

DWELLING

A building containing not more than two dwelling units occupied principally for residential uses.

DWELLING UNIT

A portion of a row dwelling housing not more than one family.

EAVE HEIGHT

The top of the uppermost wall plate **or other horizontal structural member providing bearing and anchorage for the roof rafters or roof trusses**, as measured from the average level of the preexisting grade at the perimeter of the building. **The top wall plate or other horizontal structural roof support member of decorative doghouse dormers that do not exceed 6 feet in width shall not be limited as an eave height.**

ELEEMOSYNARY

A not-for-profit organization, public or private, primarily engaged in charitable activities or primarily supported by charitable contributions.

ELECTRONIC CIGARETTE

A device containing a liquid or other substance that is vaporized and inhaled for the purpose of simulating the experience of smoking.

[Added 8-9-2016 by L.L. No. 7-2016; amended 11-20-2018 by L.L. No. 10-2018]

ELECTRIC VEHICLE CHARGING STATION

A system for the charging of an electric vehicle. Components typically include a charging kiosk and transformer.

[Added 5-13-2014 by L.L. No. 7-2014]

ERECTED

Includes constructed, reconstructed, altered, placed or moved.

EXISTING BUILDING

A building erected prior to the effective date of this chapter.

FAMILY

One individual or a collective group of individuals either:

A. Related to each other by blood, marriage or adoption who live together in the same dwelling unit, cook together and function as a single, stable housekeeping unit with common access to all rooms and facilities; or

B. Not related by blood, marriage or adoption but who together constitute the functional equivalent of a natural family, all living together in the same dwelling unit, cooking together and generally functioning as a single, stable housekeeping unit, all with common access to all rooms and facilities, with no member or members of such group subletting, subleasing or otherwise controlling any part of the dwelling separately from the others.

FOOD SERVICE

See definition of "restaurant" contained in this section.

FRONT OF BUILDING

On an interior lot, the exterior wall facing the street. The "front of a building" on a corner lot is the exterior wall where the main entrance is established.[2]

FRONT YARD

A yard across the full width of the lot extending from the front line of the building to the front line of the lot measured between the side property lines.

FRONT YARD, PRIMARY

The front yard with the narrower street frontage. For lots having equal street frontage, the primary front yard shall be the front yard where the main entrance is established.
[Added 7-10-2012 by L.L. No. 11-2012]

GASOLINE SERVICE STATION or AUTOMOBILE SERVICE STATION (used synonymously in this chapter)

The use of premises for the dispensing of motor fuels, lubricants and other materials used in the operation of motor or other vehicles and/or where minor repairs to motor or other vehicles are made.

GASOLINE SERVICE STATION/CONVENIENCE STORE

The co-location of a gasoline service station and a convenience store, only as approved by the Town Board. No use other than a convenience store may coexist or co-locate with a gasoline service station. A gasoline service station/convenience store contains a convenience store that offers for sale food or beverages, in conjunction with the sale of automotive fuel. Other prepackaged goods, household items, automotive fluids and wiper blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers and magazines may also be sold at a gasoline service station/convenience store.

[Amended 3-22-2016 by L.L. No. 3-2016]

GROSS FLOOR AREA (NONRESIDENTIAL)

The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines and attics over one-story extensions where the height from the joist to the underside of the ridge is greater than five feet, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured from the exterior faces of the walls of each such floor, including roofed porches having more than one wall. The "gross floor area" of accessory buildings shall include the floor area of

accessory buildings on the same lot, measured the same way. In computing the "gross floor area," there shall be excluded any floor area of a story whose ceiling is less than four feet above grade at the nearest building line and attic space having a headroom of less than seven feet, provided that those areas are nonhabitable and are used for storage or mechanical equipment.

[Amended 1-29-2019 by L.L. No. 3-2019]

GROSS FLOOR AREA (RESIDENTIAL)

The sum of the gross horizontal area of all floors or stories of a dwelling as measured to the outside face of the exterior wall inclusive of all exterior facing as well as attached garages, enclosed porches and roofed porches having more than 50% of the perimeter enclosed or screened, attics over one-story extensions where the height from the joist to the underside of the ridge is greater than five feet, all habitable and occupiable attics, and basement areas with ceiling heights in excess of seven feet or greater. Basement areas with a maximum ceiling height of eight feet shall not be included in the gross floor area in all residential building permit applications or amendments submitted prior to December 21, 2007. Attics that are nonhabitable and nonoccupiable and cellars shall be excluded from the gross floor area. The gross floor area of detached garages greater than 300 square feet shall be included in their entirety. Gross floor area in dwellings for areas exceeding 12 feet in height shall be counted at 2.0 times the actual floor area except in garages.

GROUND OR FIRST STORY

The lower story entirely above the average level of the ground surrounding a building.

GROUND SIGN and POLE SIGN

A "ground sign" is one securely fastened to the ground by means of two or more supporting posts. A "pole sign" is one attached to the upper part of a single pole securely fastened to the ground.

GROUP GARAGE

A building, one story in height, divided into separate units or with a common means of access, used for the storage of noncommercial automobiles, but not used for servicing or making repairs to automobiles.

HABITABLE FLOOR AREA IN A DWELLING

Rooms occupiable by one or more persons for living, eating and/or sleeping, but not including garages, attics, open porches or terraces, or rooms in cellars. On the first floor, it shall be construed to mean all finished floor area having a clear headroom of 7 1/2 feet or over, including stairwells; on all floors above the first, it shall include all finished or unfinished floor area having a clear headroom of 7 1/2 feet or over for a minimum horizontal measurement of six feet, including all floor area with a height of 5 1/2 feet or greater.

HALF STORY

A half story is that part of any building above a story and having at least two opposite exterior walls meeting a sloping roof at a level no higher above the floor than 1/2 the floor-to-ceiling height of the story below. **The exterior walls of decorative doghouse dormers not exceeding 6 feet in width shall be permitted to exceed the 1/2 floor-to-ceiling height limit on the low sides of a half story.**

HOTEL

A building or a group of buildings used primarily for providing short-term sleeping

accommodations for transient occupants in which ingress and egress to and from individual rooms is made through an inside lobby. Accommodations are offered to the general public on a daily rate and may include additional services, such as restaurants, meeting rooms and recreational facilities as an accessory use within a principal structure.

[Amended 10-22-2020 by L.L. No. 15-2020]

INDOOR SMOKING ESTABLISHMENT

Any facility or location whose business operation, whether as its principal or accessory use, includes the indoor smoking of tobacco in any form, electronic cigarettes, vapors, e-liquids, other legal marijuana derivatives or other substances. Smoking is the inhalation of the smoke of burning tobacco encased in cigarettes, pipes, cigars, and pipes commonly known as "hookah," "waterpipe," "shisha," and "narghile" or any similar device, or the inhalation of vapors produced by an electronic cigarette or other device.

[Added 8-9-2016 by L.L. No. 7-2016]

INDUSTRIAL PARK

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

INDUSTRY

The manufacturing, fabricating, finishing, assembly, treating or processing of articles to be sold at wholesale or retail on a scale exceeding a maximum of five horsepower and requiring more than five operators.

INTERIOR LOT

A lot other than a corner lot.

JUNKYARD

The use of any space, whether open or enclosed, for the collecting, handling, sale, discarding, wrecking, salvage, storage, keeping or abandonment of worn, salvaged, dismantled, used or discarded wastepaper, junk, rags, scrap, metals, materials, articles, equipment, machinery, vehicles inoperative or not intended to be repaired or any parts thereof.

LANDBANKED PARKING AREA

A designated area or areas on a plot specifically allocated and designed for parking but which is not immediately developed as such. The location of landbanked parking areas shall be in conformance with all restrictions relating to required parking and to any other restrictions specified within this chapter or by any decision of a board or commission having jurisdiction over a specific application.

LODGE

A building used by fraternal organizations.

LOT

Includes plot, tract, premises or parcel of land, with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purpose.

LOT AREA

The area of a lot measured within the boundaries thereof.

LOT COVERAGE

The area of the maximum horizontal cross section of the buildings on a lot, excluding

cornices, eaves, gutters or chimneys projecting not more than 24 inches, steps, one-story open porches, bay windows extending not more than one story and projecting not more than five feet, balconies and terraces.

MAIN BUILDING

The building which houses the principal purpose for the utilization of the lot, as permitted under this chapter.

MAINTAIN EXISTING

As used in the Building Department fee schedule established pursuant to § 2-28C, an application for a building permit for construction, changes, alterations, improvements or modifications which had been previously completed without the required permit(s) and inspections.

MARIJUANA

Shall have the same definition ascribed to "marihuana" in § 3302 of the New York Public Health Law.

[Added 11-20-2018 by L.L. No. 10-2018]

MARIJUANA PRODUCT

Marijuana and/or any material, substance or other thing derived (in any manner) from marijuana or which contains marijuana as a component part in any amount or concentration.

[Added 11-20-2018 by L.L. No. 10-2018]

MARIJUANA RETAIL STORE

A building, structure or premises engaged in the sale, use or distribution of marijuana and/or marijuana products for nonmedical use. A building, structure or premises shall be considered a marijuana retail store regardless of whether products in addition to marijuana products are offered for sale, use or distribution at the building, structure or premises and regardless of the amount of marijuana or marijuana products available for sale, use or distribution at the building, structure or premises in comparison to other products offered for sale, use or distribution at the building, structure or premises.

[Added 11-20-2018 by L.L. No. 10-2018]

MARINA

A dock or a commercial mooring area, operated for profit or to which public patronage is invited, providing mooring or docking facilities for boats or vessels.

MARINE

Of or pertaining to the open water, i.e., a bay, harbor, sound, river or lake.

MATERIAL CRUSHING

The crushing of stone, gravel, brick, concrete, slate, granite, sedimentary rock, igneous rock, metamorphic rock, asphalt, tile, adobe, clay, conglomerate rock or any similar material.

[Added 8-9-2016 by L.L. No. 6-2016]

MEDICAL MARIJUANA

Shall have the same definition ascribed to medical marihuana in § 3360 of the New York Public Health Law.

MEDICAL MARIJUANA DISPENSARY

A building, structure or premises authorized by the New York State Department of Health to dispense or distribute medical marijuana in accordance with Article 33 of the Public Health Law and Part 1004 of Title 10 of the New York Codes, Rules and

Regulations. **Medical Marijuana Dispensaries shall not be used as places of public assembly.**

MEDICAL OFFICE

The office of one or more professionals licensed by NYS to diagnose and/or treat ailments, illnesses, and conditions, whether physical or mental, and/or prescribe drugs in accordance with NYS Education Law. Such offices contain one or more of the following features; waiting room, reception, examination rooms, and with scheduling typically by appointments. This definition shall include but not be limited to the offices of; Physicians (M.D. or D.O.), Dentists (D.D.S.), Veterinarians (V.M.D.), Optometrists (O.D.), Physical Therapists (D.P.T.), and Psychiatrists & other Mental Health Practitioners (M.D. or D.O.). Medical offices shall also include facilities that dispense controlled substances pursuant to NYS Public Health Law beyond those that may be dispensed by a Pharmacist. Medical offices shall not be used as places of public assembly.

MIXED USE

The combination of retail or office use, accessible to the public, with residential use in the same structure.

MOTHER-DAUGHTER RESIDENCE

A. A one-family home or residence altered to include an apartment for which a conditional use permit shall have been duly approved by the Board of Zoning and Appeals pursuant to § 70-225B(6) and which complies with the following conditions:

- (1) The apartment is no larger than 700 gross square feet;
- (2) The cooking facilities in the apartment do not exceed 60 square feet;
- (3) The fee owner resides within the premises;
- (4) The apartment resident is either the parent or the child of the fee owner;
- (5) The premises do not have a separate entrance for the exclusive use of the apartment;
- (6) There is no exterior stairway to the second floor of the building;
- (7) The premises have only one set of stairs leading from any one floor to any other floor;
- (8) The premises are served by only one meter for each utility supplied; and
- (9) There is no exterior deck attached to any floor above ground level.

B. If any of the conditions listed above cease to exist, then the premises shall cease to be a mother-daughter residence, the conditional use permit shall expire immediately and the cooking facilities shall be removed in accordance with § 70-225B(6).

MOTOR VEHICLE REPAIR SHOP

A use or building or portion of a building in which mechanical, electrical or other similar power is used in the repair of motor vehicles or in which commercial motor vehicle repair work is done.

MULTIPLE-FAMILY DWELLING

A residence building accommodating three or more families living independently of each other and allowed to do their own cooking on the premises.

NEW CASSEL URBAN RENEWAL AREA

The area identified by the Town Board of the Town of North Hempstead for the undertaking of urban renewal activities pursuant to the New Cassel Urban Renewal

Plan.

NEW CASSEL URBAN RENEWAL OVERLAY DISTRICT or OVERLAY DISTRICT

The overlay district established pursuant to and governed by Article XXB of this chapter.

NEW CASSEL URBAN RENEWAL PLAN

The urban renewal plan, as same may be amended from time to time, formulated and considered in accordance with Article 15 of the General Municipal Law, and approved by the Town Board of the Town of North Hempstead at its meeting held on August 12, 2003, pursuant to Resolution No. 280-2003.

NEW CASSEL VISION PLAN

The document entitled "Seeking a Shared Vision for New Cassel-New Cassel Vision Plan," which was accepted by the Town Board of the Town of North Hempstead pursuant to Resolution No. 98-2003, adopted at its meeting held on March 11, 2003.

NONCONFORMING BUILDING

A building which lawfully existed prior to the enactment of this Code, or any amendment thereto, and which is maintained after the effective date thereof although it does not conform to the area and setback regulations of the district in which it is located (i.e., lot area, width or depth; front, side or rear yards; maximum height; lot coverage; etc.).

[Amended 7-10-2012 by L.L. No. 11-2012]

NONCONFORMING USE

A use, whether of a building or tract of land, or both, which lawfully existed prior to the enactment of this Code, or any amendment thereto, and which is maintained after the effective date thereof although it does not conform to the use regulations of the district in which it is located.

[Added 7-10-2012 by L.L. No. 11-2012]

NONPERMITTED SUBSTANTIAL AMENDMENT

As used in the Building Department fee schedule established pursuant to § 2-28C, where substantive changes, modifications, alterations or improvements were made to the work contemplated in the approved building permit and/or plans and specifications which accompanied same, and for which substantive changes, modifications, alterations or improvements were performed without the filing of a new building permit application.

NURSERY SCHOOL

A social and educational program, not located in a private residence, that provides care for three- to five-year olds, and often follows a school-year schedule. Care is restricted to a maximum of three hours per day per child.

NURSING HOME

A skilled nursing facility licensed by the State of New York to provide full-time convalescent or chronic health care under medical supervision to individuals of any age who are unable to fully care for themselves, but not including facilities for surgical care or institutions dedicated to the care and treatment of mental illness, alcoholism or narcotics addiction. No nursing home shall contain any uses other than those permitted pursuant to applicable regulations of the State of New York and the nursing home's operating certificate issued pursuant thereto.

OPEN PORCH

A roofed open structure projecting from the outside wall of a building without a window sash or any other form of enclosure.

OPEN SPACE

The area on a lot that is not covered by structures or paving for parking of automobiles and the access to that parking. Open space includes all landscaped area and patios on grade.

PARKING SPACE

The off-street paved or surfaced area available and usable for the parking of one motor vehicle, having dimensions of not less than 10 feet by 20 feet, exclusive of aisles, driveways, passageways and other necessary space appurtenant thereto and having direct usable access to a street. In satisfying the off-street parking requirements as set forth in § 70-103, for nonmedical office use and industrial use, up to but not exceeding 20% of the off-street parking spaces may have dimensions of not less than nine feet by 18 feet and shall be so designated. With respect to all other uses, all off-street parking spaces must have dimensions of not less than 10 feet by 20 feet. Whenever parking requirements are calculated on the basis of floor area or space, all calculations should be made using the gross floor area, as defined in § 70-231.

PERSON

Includes individual, firm, corporation, partnership, association or other agency of voluntary action.

PORTABLE SHED

A structure of no more than 144 square feet, with a maximum height of 10 feet, not having a firm attachment to the ground, for the storage of garden and recreational equipment.

[Amended 1-29-2019 by L.L. No. 3-2019]

PREEXISTING GRADE

The elevation of the land prior to commencement of any alteration, grading or construction at the premises.

PREMISES

Includes the land and all buildings or structures thereon.

PRIMARY BUILDING

The building which houses the principal purpose for the utilization of the lot, as permitted under this chapter, excluding any accessory building or permitted encroachments as defined in § 70-101.

[Added 7-10-2012 by L.L. No. 11-2012]

PRIVATE GARAGE

A detached accessory building or part of the main building used for the storage of not more than two noncommercial automobiles or one commercial vehicle and one noncommercial automobile, owned and used by the occupant of the plot on which the main building is erected and in which no business or service is conducted. Any such commercial vehicle must be kept within the garage at all times and shall not contain any flammable, combustible, explosive, toxic or offensive-smelling material. Such accessory structure shall not exceed 26 feet in width and 24 feet in depth, with garage doors not to exceed eight feet in height.

PROCESSING (OF YARD WASTE)

When specified in reference to yard waste, the term Processing shall mean the practice of removing easily discernable contaminants from incoming yard waste loads, prior to the transfer of yard waste to permitted composting centers or other types of permitted organic recycling facilities.

PROFESSIONAL OFFICE

An office maintained by a doctor, dentist, lawyer, teacher, artist, architect, engineer, accountant, ophthalmic dispenser or musician in the dwelling in which such person resides, provided that such office does not occupy more than 50% of the habitable floor space on the first floor or more than 25% of the habitable floor space of a one-story dwelling and not more than one assistant or employee is employed by such person, and further provided that there is no alteration or change to the exterior of such dwelling which modifies its residential character or use, or the use thereof has no feature which is offensive, annoying or harmful to public health, safety or general welfare by reason of noise, glare, vibration, odor, radiation, dust, fumes or undue traffic.

PUBLIC GARAGE

A use or building, or portion of a building, used for the commercial storage, rental and/or minor repair of motor vehicles.

PUBLIC HOUSING

A building, portion of a building or group of buildings that provides dwellings in a residential environment, subject to the regulations set forth in Article IX of this chapter, and which is owned or operated by one of the following:

[Added 6-29-2010 by L.L. No. 7-2010]

- A. The North Hempstead Housing Authority; or
- B. An entity that is working under contract with the North Hempstead Housing Authority; or
- C. A limited partnership whose general partner is the North Hempstead Housing Authority or an entity owned, operated and controlled by the North Hempstead Housing Authority.

REAR YARD

A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot, measured between the side property lines.

RESIDENCE UNIT

A portion of a residence building housing not more than two families and separated from another unit by a party wall. Such unit shall be considered a separate building.

RESTAURANT

A business engaged in the preparation and sale of food and beverages for consumption either on or off the premises that is not a retail food use.[3]

[Amended 3-20-2018 by L.L. No. 2-2018]

RETAIL FOOD USE

A retail establishment which cooks, prepares and sells ready-to-serve food and may offer for sale prepackaged food or beverages primarily for off-premises consumption, which may have no more than 12 seats.

[Added 3-20-2018 by L.L. No. 2-2018]

RETAINING WALLS

All walls and other structures of any construction which are intended to, or which in fact, retain or support adjoining earth or rock.

ROW DWELLING

A building consisting of noncommunicating one-family dwelling units, each having its own front and rear entrance. Where a row dwelling contains more than two dwelling units, the walls separating dwelling units shall be constructed and have fire-resistant

ratings as follows: The wall separating the second and third dwelling units shall be constructed of wire lath and cement plaster having a fire-resistant rating of not less than one hour. The wall separating the fourth and fifth dwelling units shall be of eight-inch masonry construction with a fire-resistance rating of not less than four hours. Similar construction of separating walls shall continue throughout the building, so that for a row dwelling containing the maximum of 16 families, there shall be four separating walls of wire lath and cement plaster and three separating walls of eight-inch masonry. The determination of the location of separating walls as required herein may be made from either the left or right exterior sidewalls of the building.

SANATORIUM

An institution other than one required to be licensed under the Mental Hygiene Law of the State of New York.

SENIOR ASSISTED-LIVING FACILITY

A building, portion of a building or group of buildings that provide dwellings in a residential environment where individual cooking facilities are limited to microwave ovens and/or cooktops, with assistance available by way of common meals, housekeeping and personal services. Occupancy is restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility.

SENIOR CITIZEN FACILITY

A facility intended to provide for the specialized living and/or daily caregiving needs of persons 62 years of age or older, including senior independent-living facilities, senior congregate-housing facilities, senior assisted-living facilities and senior day-care facilities, except as described in § 70-95.1C.

[Amended 10-21-2014 by L.L. No. 17-2014]

SENIOR CONGREGATE-LIVING FACILITY

A building, portion of a building or group of buildings containing three or more dwelling units where individual cooking facilities are limited to microwave ovens and/or cooktops, specially designed for use and occupancy by the elderly, including a common dining facility and other common amenities and whose occupancy is restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older.

SENIOR DAY-CARE FACILITY

A facility with limited operating hours where specialized caregiving and supervision are provided for three or more adults who may have difficulties with one or more essential activities of daily living, such as feeding or mobility, away from their own homes for less than 24 hours per day.

SENIOR INDEPENDENT-LIVING FACILITY

A building, portion of a building or group of buildings containing dwelling units with full kitchens specially designed for use and occupancy by the elderly which may have common amenities but no common dining and whose occupancy is restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older, except as described in § 70-95.1C.

[Amended 10-21-2014 by L.L. No. 17-2014]

SENIOR RESIDENCE DISTRICT (R-S)

A building or group of buildings that contain any combination of two or more residential

senior citizen facilities, nursing homes or senior day-care facilities on the same site restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older, not necessarily regulated under Article 46 of the New York State Public Health Law, except as described in § 70-95.1C.

[Amended 10-21-2014 by L.L. No. 17-2014]

SHOPPING CENTER

Any two or more contiguous retail stores, restaurants, shops for personal services and other places of business, originally planned and developed as a single unit, with adjoining off-street parking.

SIDE YARD

A yard between the side of the building and the corresponding side line of the lot and extending from the front lot line to the rear lot line in the case of a single building on the front portion of the lot. In the case of a rear building on the back portion of a lot, the side yard shall be the yard between the side of said rear building and the corresponding side line of the lot and extending from the front face of said rear building to the rear line of the lot.

SIGN

Includes every kind of billboard, signboard and other shape or device or display arranged, intended, designed or used as an advertisement, announcement or direction, including any text, symbol, marks, letters or figures painted on or incorporated in the composition of the exterior surface of a building or structure.

SINGLE-FAMILY DWELLING

A building designed for and occupied exclusively as a home or residence for not more than one family.

SKY EXPOSURE PLANE

A theoretical inclined plane through which no portion of a building, other than cornices or eaves projecting not more than 18 inches, gutters projecting not more than eight inches and chimneys, may penetrate. It begins at a lot line or other predetermined plane and rises over the zoning lot at a ratio of vertical distance to horizontal distance as set forth in the district regulations.

STORY

That part of any building between the surface of one floor, except a cellar or basement floor, and the surface of the next highest floor or, if there is no higher floor, then that part of the building between the surface of the highest floor and the ceiling above, except an attic ceiling.

STREET

Any public thoroughfare or space more than 20 feet in width which may or may not have been dedicated or deeded to the public for public use.

STREET FRONT

Any property line which abuts a street.

[Added 7-10-2012 by L.L. No. 11-2012]

STREET FRONTAGE

The distance between the boundary lines of a lot when measured along any property line abutting a public street.

STREET LINE

The line dividing a lot from a street.

STRUCTURE

A combination of materials, other than a building, to form a construction that is safe and stable, including, among others, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, commercial coal bins, display signs, fences, retaining walls, outdoor fireplaces, pools and pergolas. The term "structure" shall be construed as if followed by the words "or part thereof."

TELEPHONE EXCHANGE

A building erected or used exclusively as a central station where telephone lines meet and where connections are made between them and where no trucks or materials are stored.

TEMPORARY CARE FACILITY

A facility providing housing on a temporary basis to a limited population upon individual referral by a state or federal agency. Such facilities are staffed full time and may have full- or part-time medical staff on premises and often provide on-site counseling services. Such facilities are not acute care or nursing facilities.

[Added 1-24-2012 by L.L. No. 2-2012]

TERRACE

An open porch without a permanent roof.

TOWN OF NORTH HEMPSTEAD

Includes all areas of the Town unincorporated as a village on January 1, 1938, and all areas within the Town and within a village incorporated prior to January 1, 1938, which did not have a valid zoning ordinance on January 1, 1938.

TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY or AUTHORITY

The public benefit corporation duly organized and validly existing under Article VIII of the New York Public Authorities Law.

[Added 3-19-2019 by L.L. No. 6-2019]

TRAFFIC SEPARATOR

A structure of sufficient height and width to divide traffic flowing in opposite directions.

TRAILER or CAMP CAR

Any vehicle designed or equipped to be used or used for sleeping, living or eating, and designed to move or be moved from place to place on wheels, and to be propelled by its own power or drawn or propelled by another vehicle.

TRANSFER STATION

A solid waste management facility, other than a recyclables handling and recovery facility exclusively handling nonputrescible recyclables, that can have a combination of structures, machinery or devices, where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility. For the purposes of this Chapter 70, the definitions of "solid waste" and "solid waste management facility" shall be those which appear at Chapter 46 of this Code.

TWO-AND-ONE-HALF-STORY BUILDING

One where the provisions of the definition for "two-story building" are complied with and where the main eaves are below the midheight of the third story.

TWO-FAMILY ATTACHED RESIDENCE BUILDING

Residence units, as defined by this chapter, each arranged for two families, separated by an eight-inch masonry fire wall as a party wall.

TWO-FAMILY DETACHED DWELLING

A dwelling designed for and occupied exclusively as a home or residence for not more than two families.

TWO-STORY BUILDING

Any building where the area of the second floor is equal to at least 75% of the area of the first floor.

USED

Includes designed, intended or arranged to be used.

USES

The listed uses permitted in various districts. The listing of any uses as being permitted uses in any district shall be deemed to mean that such uses and no other shall be permitted in such district unless specifically permitted in this chapter. The listing of any use as being permitted in or as being excluded from a particular district shall be deemed to be an exclusion of such use from any more restricted district unless specifically permitted by this chapter. Each of the hereinafter-named districts shall be deemed to be more restricted than the districts which succeed it and less restricted than the districts which precede it: Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, Multiple Residence, Public Housing Residence, Golden Age Residence, Parking, Transportation, Business AA, Business A, Business B, Planned Industrial Park, Industrial A, Modified Planned Industrial Park, Service Commercial and Industrial B Districts.

VALET PARKING

A service providing for attendants to receive, park and deliver the automobiles of occupants, tenants, customers and visitors.

VEHICLE ENTRANCE DOOR

A structural opening in an exterior wall that has the lower sill flush or nearly flush to the driving surface and which has an unobstructed width of greater than 6 feet and unobstructed height of at least 7 feet. Obstructions that are non-structural in nature such as partial/low walls, false walls, or decorative pilasters/mullions shall not be considered as permanent obstructions for the purpose of this definition.

VEHICULAR STANDING SPACE

A space located within a drive-through lane, having dimensions set forth in § 70-203S, utilized for the temporary stopping or queuing of a vehicle accessing or waiting to access a drive-through facility.

WATER-DEPENDENT USE

An activity or use requiring direct access to water which can be conducted only on, in over or adjacent to Town waterways and which involves the use of waterways as an integral part of such activity.

WIDTH OF A LOT

The mean width measured at right angles to its depth.

YARD

An open and unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, except as otherwise provided in this chapter.

YARD WASTE

Wastes generated by a home or business owner, or landscaping company, including but not limited to leaves, grass clippings, shrubbery, trees, chipped wood, brush, mulch, and weeds.

[Added 3-19-2019 by L.L. No. 6-2019]

YARD WASTE ACCEPTANCE AND PROCESSING FACILITY

A facility in which the primary activity is the collection and processing of yard wastes for sorting and transfer to permitted composting centers or other types of permitted organic recycling facilities.

[Added 3-19-2019 by LL No. 6-2019]

[1] Editor's Note: The former definition of "delicatessen," which immediately followed, was repealed 3-20-2018 by L.L. No. 2-2018. See now the definition of "retail food use."

[2] Editor's Note: The former definition of "front street," which immediately followed, was repealed 7-10-2012 by L.L. No. 11-2012. See now the definition of "street front."

[3] Editor's Note: The former definition of "restaurant, fast food," which immediately followed, was repealed 3-20-2018 by L.L. No. 2-2018.

Section 33.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 5, 2021 at Town Hall, 220 Plandome Road, Manhasset, New York, Local Law No. __ of 2021 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to clarify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated and obsolete provisions and reduce the need to obtain certain common but minor variances.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell


STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 19rd day of July, 2021, he posted the attached Notice of Hearing to consider the adoption of a local law amending chapter 70 of the town code entitled zoning, at the following locations:

- Town Clerk Bulletin Board
- Manhasset Post Office
- Great Neck Post Office
- Port Washington Post Office
- Greenvale Post Office
- Roslyn Heights Post Office
- Albertson Post Office
- Carle Place Post Office
- Westbury Post Office
- New Hyde Park Post Office


Henry Krukowski

Sworn to me this
20th day of July, 2021


Notary Public
Brandon K Gimpelman
Notary Public, State of New York
No. 016371819
Qualified in Nassau County
Commission expires March 5, 2022

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021667448

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Friday

July 23, 2021

Nassau

By: _____

Clara Woodin

Clara Woodin

Print Name: _____

Authorized Designee of Newsday LLC, Publisher of Newsday

[Signature]

Notary Public

SWORN to before me this
26 Day of July, 2021.

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA8186920
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Legal Notice # 21667448
NOTICE OF HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 5th day of August, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to clarify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated and obsolete provisions and reduce the need to obtain certain common but minor variances.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be posted on the Town's website and be on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

Dated: Manhasset, New York
July 8, 2021

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021667448

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMPSTEAD
220 PLANDOME RD.
MANHASSET, NY 11030-2327

STATE OF NEW YORK)
:SS.:
COUNTY OF ERIE)

Legal Notice No. 0021670660

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Monday August 09, 2021 Nassau

By: Ciara Woodin

Print Name: Ciara Woodin

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
9 Day of August, 2021.

Sarah Perez
Notary Public

Sarah Perez
Notary Public - State of New York
No. 01PE6397402
Qualified in Erie County
Commission Expires 09/03/2023

Ad Content

Legal Notice # 21670660
NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 5, 2021 at Town Hall, 220 Plandome Road, Manhasset, New York, Local Law No. 16 of 2021 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to clarify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated and obsolete provisions and reduce the need to obtain certain common but minor variances.

Dated: Manhasset, New York
August 5, 2021

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021670660

Advertiser: TOWN OF NORTH HEMPSTEAD

MR. WINK: Item 6, a public hearing to consider the adoption of a local law amending schedule 27 of the uniform traffic code entitled "Snow Emergency Routes."

SUPERVISOR BOSWORTH: So I know it's very hot, but we are talking about snow emergency routes. Mr. Wink, are there any comments?

MR. WINK: I have no comments on this item.

SUPERVISOR BOSWORTH: I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 421 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING SCHEDULE XXVII OF THE UNIFORM TRAFFIC CODE ENTITLED "SNOW EMERGENCY ROUTES."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Schedule XXVII of the Uniform Traffic Code entitled "Snow Emergency Routes" in order to update the Snow Emergency Routes list contained in Section TC27-71; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 5th day of August, 2021 concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearing on August 5, 2021 with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt said proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 17 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 17 OF 2021**

**A LOCAL LAW AMENDING SCHEDULE XXVII OF THE
UNIFORM TRAFFIC CODE
OF THE TOWN OF NORTH HEMPSTEAD**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the residents of the Town of North Hempstead to make amendments to the Uniform Traffic Code by modifying Schedule XXVII entitled "Snow Emergency Routes" in order to modify parking restrictions.

Section 2.

Schedule TC27 of the Uniform Traffic Code is hereby amended as follows:

§ TC27-71 Schedule XXVII: Snow Emergency Routes.

As provided in § 28, no vehicle shall park on any of the following described streets during a snow emergency:

Name of Street	Side	Location
Bryant Avenue — FPC	North	From Hillside Boulevard, west to North Third Street
Bryant Avenue — FPC	North	From North Fifth Street, west to North Fourth Street
Bryant Avenue — FPC	North	From North First Street, west to a point 52 feet east of Cherry Lane
Bryant Avenue — FPC	North	From North Fourth Street, west to Hillside Boulevard
Bryant Avenue — FPC	North	From North Second Street, west to North First Street
Bryant Avenue — FPC	North	From North Sixth Street, west to North Fifth Street
Bryant Avenue — FPC	North	From North Third Street, west to North Second Street
Hillturn Lane — RHT	All	From Willis Avenue, west, then south, then east to Deepdale Parkway
Jefferson Avenue — RHT	East	From Powerhouse Road North, north to Warner Avenue
Jefferson Avenue — RHT	West	From Warner Avenue, south to Powerhouse Road North
Linden Street — RHT	Both	From Powerhouse Road North to its terminus
Mineola Avenue — RHT	West	From the Village of Roslyn line, south to Powerhouse Road North
Powerhouse Road South — RHT	South	From Willis Avenue, east to Roslyn Road
Villa Place — RHT	North	From Mineola Avenue, east to Madison Avenue
Villa Place — RHT	South	From Madison Place, west to Mineola

Villa Street	RHT	Both	Avenue Between Burnham Avenue and Mineola Avenue
Warner Avenue	RHT	North	From Railroad Avenue, west to Burnham Avenue
Warner Avenue	RHT	South	From Burnham Avenue, east to Mineola Avenue
Warner Avenue	RHT	South	From Burnham Avenue to Plympton- Avenue
Willis Avenue	RHT	West	From Powerhouse Road South, south to the southern end of Old Willis Avenue
Willow Street		Both	Between Burnham Avenue and St- Marks Place}

ALBERTSON

Name of Street
Albertson Ave
Center Street
line.

Description
Entire length of road
Herricks Road to Williston Park village

Dogwood Road
Foch Boulevard
Hillturn Lane
Lee Avenue
Oak Tree Court
Wheeler Avenue
IU Willets Road

Entire length of road
Entire length of road
Entire length of road
Entire length of road
Searingtown Road to McKinley Avenue
Oak Tree Court at Netz Place
McKinley Avenue to I.U. Willets Blvd.
Glen Cove Road to Oakridge Lane

CARLE PLACE

Name of Street
Ashbury Avenue
Broadway
Cherry Lane
Avenue
Jamaica Boulevard
Rushmore Avenue

Description
Entire length of road
Entire length of road
Old Country Road North to Asbury

Entire length of road
Entire length of road

FLORAL PARK CENTER

Name of Street
Bryant Avenue
Campbell Street
Cherry Lane

Description
Entire length of road
Lakeville Road to Patton Boulevard
Entire length of road

GARDEN CITY PARK

Name of Street
Central Avenue
Devonshire Drive
Fulton Avenue
Road

Description
Entire length of road
Entire length of road
Fifth Avenue to County Courthouse

Hilton Avenue
GREAT NECK

Name of Street

Clark Drive

East Mill Drive

Jayson Avenue

Nassau Road

Pembroke Avenue

Terrace Circle

Water Mill Lane

West Mill Drive

Westminster Road

Place

HERRICKS

Name of Street

East Herricks Road

Moore Street

Talbot Street

MANHASSET

Name of Street

Andrew Street

Maple Place

Maple Avenue

Orchard Street

Park Avenue

Plandome Road

Thompson Shore Road

Shore Road

MANHASSET HILLS

Name of Street

Old Courthouse Road

NEW CASSEL

Name of Street

Broadway

Cedar Road

Dryden Street

Grand Boulevard

Road

School Street

6th Street

Tennyson Avenue

Urban Avenue

Prospect Avenue

NEW HYDE PARK

Name of Street

Denton Avenue

Entire length of road

Description

Entire length of road

Entire length of road

Entire length of road

Entire length of road

Glenwood Street East to Aster Lane

Entire length of road

Entire length of road

Entire length of road

Northern Blvd south to Kensington

Description

Entire length of road

Entire length of road

Entire length of road

Description

Plandome Road to Onderdonk Avenue

Entire length of road

Northern Boulevard to Bayview Avenue

Entire length of road

Plandome Road to Locust Place

Northern Boulevard to Webster Avenue

Entire length of road

Maple Avenue to Bayview Avenue

Description

Entire length of road

Description

Entire length of road

Entire length of road

Entire length of road

Old Country Road to Brush Hollow

Old Country Road to Union Avenue

Entire length of road

Entire length road

Entire length of road

Brush Hollow Road to Cantiaque Lane

Description

Hillside Avenue North to Old

Courthouse Road
Evergreen Avenue
Kamda Boulevard
Lawrence Street
Leonard Boulevard
Meadow Farm Road
Moore Street
Old Courthouse Road
Talbot Street
PORT WASHINGTON

Denton Avenue West to end of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road

Name of Street
Avenue A
Bogart Avenue
Carlton Avenue
Franklin Avenue
Haven Avenue
Longview Road
Main Street
Road
Preston Street
Rockwood Avenue
Sandy Hollow Road
Second Avenue
South Bayles Avenue
Vanderventer Avenue
Webster Avenue
Willowdale Avenue

Description
 -
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Port Washington Boulevard to Luquer
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road

ROSLYN
Name of Street
Jefferson Avenue
Linden Street
Villa Street
Warner Avenue
Willow Street
Woodcut Lane
Garden Street
Lincoln Avenue
Locust Lane
Railroad Avenue
Hillturn Lane
 Section 3.

Description
 -
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Entire length of road
Willis Avenue to St. Marks Place
Warner Avenue to Roslyn Road
Roslyn Road to East Hills village line
Warner Avenue to Roslyn Road
Willis Avenue to Deepdale Parkway

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation

to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

This Local Law shall be effective upon filing with the Secretary of State.

and; be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of said Local Law with the Secretary of State, and to publish a notice of adoption of said Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 5, 2021, Local Law No. of 2021 was adopted. The local law Schedule XXVII of the Uniform Traffic Code entitled "Snow Emergency Routes" in order to update the Snow Emergency Routes list contained in Section TC27-71.

Dated: Manhasset, New York
August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York
August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021667452

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Friday

July 23, 2021

Nassau

By: Ciara Woodin

Ciara Woodin

Print Name: _____

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
26 Day of July, 2021.

[Signature]
Notary Public

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA8186820
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Legal Notice # 21667452
NOTICE OF HEARINGS
PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 5th day of August, 2021, at 7:00 p.m. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Schedule XXVIII of the Uniform Traffic Code of the Town of North Hempstead entitled "Snow Emergency Routes" in order to update the Snow Emergency Routes list contained in Section TC27-71 of the Town of North Hempstead Uniform Traffic Code.
PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.
PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be posted on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.
Dated: Manhasset, New York
July 8, 2021
BY ORDER OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021667452

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMPSTEAD
220 PLANDOME RD.
MANHASSET, NY 11030-2327

STATE OF NEW YORK)

Legal Notice No. 0021670661

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Monday August 09, 2021 Nassau

By: Ciara Woodin
Ciara Woodin

Print Name: _____
Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
9 Day of August, 2021.

Sarah Perez
Notary Public

Sarah Perez
Notary Public - State of New York
No. 01PE6397402
Qualified in Erie County
Commission Expires 09/03/2023

Ad Content

**Legal Notice # 21670661
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on August 5, 2021, Local Law No. 17 of 2021 was adopted. The local law, Schedule XXVII of the Uniform Traffic Code entitled "Snow Emergency Routes" in order to update the Snow Emergency Routes list contained in Section 1-22-7.1.

**Date: Manhasset, New York
August 5, 2021**

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

NEWSDAY PROOF

Ad Number: 0021670661

Advertiser: TOWN OF NORTH HEMPSTEAD

MR. WINK: Item 7, a public hearing to consider the application of Roslyn SHG 5 LLC for a change of zone from "residence-C" to "parking" for the premises located at 21 Locust Street, Roslyn Heights and designated on the Nassau County Land and Tax Map as Section 7, Block 56, Lot 118.

COUNCILMAN ZUCKERMAN: I know we have Mr. Migatz here on behalf of the applicant. Thank you for coming today, Mr. Migatz.

MR. MIGATZ: Thank you. For the applicant, Bruce Migatz with the firm Albanese and Albanese, 1050 Franklin Ave --

COUNCILMAN FERRARA: Bruce, could you speak into the mic a little more?

MR. MIGATZ: With me is Mike Grant from northeast costal and he has put up on an easel a copy of the proposed layout. And I do have handouts to give everybody, one for town clerk, one for town attorney. I also have a memorandum of law that I would like to submit. I have a copy for the record, one for each board member and one for the town attorney. And lastly, I want to submit a packet of Exhibits 1 through 13 that are bound together. I ask that that be marked for the record. The property that is the subject of this change of zone is 21 Locust Street in Roslyn Heights. It is now zoned residence-C to the Single family dwelling. Exhibit 1 in your packet is a photograph of the subject premises. You can see it glowing. Adjacent to the subject premises to the immediate south is a strip shopping center and that photograph is Exhibit 2. The applicant affiliate owns the strip shopping mall. They purchased that in 2019. They purchased the subject premises in 2021. The strip mall known as 26-44 Lincoln Avenue, it has seven stores. The current tenants going from west to east: Harbor Hill Dry Cleaner, Allstate Insurance Office, Ruby Everyday Nail and Spa, a vacant restaurant space, Matador Cigars, a vacant retail space which was formally Long Island Tobacco and a vacant retail space at the end which was just recently leased, but not yet occupied for the sale of Oxworth. Now with all due respect, anybody who is familiar with this area cannot deny that this strip mall is in dire need of off-street parking. The strip mall was constructed in 1950 at a time when the Town zone code did not require off-street parking as it does today. So the strip mall only has a small parking area behind it. That is shown in Exhibit 3 with a photograph and it only has six spaces. They don't really meet Town code requirements. The existing vacant restaurant was last occupied by Pirandello restaurant and it has a costly variance for a 60-seat restaurant. That was granted in BZA appeal number 13892 in 1989 to the former restaurant. And Exhibit 4 in your packet is a copy of that decision. Now pursuant to today's zoning code, this strip mall with its current occupants requires 70, 70 off-street parking spaces and it only has six. There is limited on-street parking in the area. Exhibit 5 is a photograph of the parking directly in front of the strip mall and there are only five parking spaces. Exhibit 6 is a photograph of the opposite side of Lincoln Avenue, opposite the strip mall, and it only has three parking spaces and they are limited to one-hour parking. Exhibit 7 is a -- Lincoln Avenue -- west from the corner of Locust and Lincoln where the strip mall is. And you can see that is a fairly steep hill, if you've been there. It goes up to the Long Island Railroad track and the Town -- and the railroad parking lot. Only parking on the south side of the street and there are only six parking spaces on that side of the street. Exhibit 8 is the Long Island Railroad commuter parking lot, on the top of that a hill and it is restricted to commuter parking. So not only is the strip mall severely underparked, there's no public parking lots in the the area available and there's very limited parking that's available. Now, I fully understand from correspondence I've had with some of the other residents. I did reach out to

them and offer to meet several times but they did not accept my offer, but I did get back a few emails. One of which was from the adjacent property owner who was at 19 Locust Street. That's Timothy and Kim Hunter. I understand that they are not happy with this change of zone application. Right now they have a house next to them and if this is granted, they will have a parking lot next to them. I get it. The plan before you has taken as many steps as feasible to mitigate against these potential impacts to the adjoining property owner. If you look at that plan, 19 Locust Street is to the left and there will be provided a minimum 15-foot landscape zone. Exhibit 9, Photograph 9, shows you the trees that are along the property line between 19 and 21 Locust. Those trees will remain and additional planting will be added. The planting plan that you see on the site plan is only for illustration purposes. We were following the dictates of the planning department of this Town Board as to what type of plants the Town would like to see there, should the grant decide to place it. Exhibit 10, a photograph in your packet is the rear property line of 21 Locust. All those trees will remain and more will be added. Retaining wall will remain. If you look -- go back to Exhibit 1, which is a photograph of 21 Locust, you will see on the right corner of 21 Locust, there are trees. The first five trees that are immediately adjacent to the street will also remain and more trees will be planted as shown on the site plan all along Locust Street to buffer review the parking lot from Locust Street. We did not show a fence, but if the Town would want a fence or someone would want a fence to further obstruct the view or headlights, that certainly can be provided. The applicant could have -- and quite frankly the very first draft of this plan did not have all that landscaping. They had more parking spaces. So when I got feedback, limited feedback from the community that they were not happy with this, we revised it a couple of times and we took away some of the parking spaces we were looking for and we added more landscaping. The plan also utilizes the existing curb cut in the district zone. There's a curb cut there now in the stores and you can see that on the site plan. That would be the curb cut for this parking lot. There would be no curb cut in the residence zone and I'm sure the planning department would ask for a no-right-turn sign, so cars exiting cannot exit through Wilson Street. They'd have to make a left and go on Lincoln. As I understand the opposition of the immediate neighbor, but we try to mitigate those impacts -- and I'll address that more. But the opposition from other residents in the neighborhood is contradictory to their opposition to the parking variance for the restaurant. In 1989, I read through the record and the restaurant was seeking 60 seats and a substantial parking variance. The majority of the residents, not all, but the majority came out in opposition. Opposition reason was there was no parking and we don't want cars parking in front of our houses on Locust Street or across the street on Orchard. The zoning board granted that variance and now that parking situation may not be so bad because the restaurant has been empty a couple of years. But I had one conversation with a resident who said to me that when that restaurant was open, they had valet parking that ranged all over the neighborhood. It was a disaster. So for these -- for the residents who oppose that restaurant, of course, there was no parking but now they oppose an application to make parking. It's just contradictory. Exhibit 11 is a photograph of Locust Street and you can see there's -- the sign says one-hour parking. Obviously that is to deter anybody parking there for any longer period of time in front of somebody's house. Now, New York case law, as I cited in my memorandum, dictates that in exercising your zoning powers, you must act for the benefit of the community as a whole. The strip mall is part of the community. And as President Biden would say, let me repeat myself, the strip mall is part of this community and their needs have to be taken into account when this change of zone application is considered. How are Section 263 cited in my memo, provided that among other considerations, zoning

regulations, shopping made with a view to conserving the values of a building and currently the most appropriate use of land throughout the municipality? I submit that the Town has a duty not only to preserve the value of the residential property, but also the value of this strip mall. The proposed zoning that is before you, I submit is consistent with a comprehensive plan for the general welfare of the community. It preserves the value of the strip mall and does not adversely affect the adjacent residency. Now why do I say it does not adversely affect the adjacent residency? The parking zone was created -- the parking district zone was created for the express purpose of providing parking for adjacent businesses and industrial properties. That's set forth in Town code 70-105C. Property zone parking served as a buffer between business and retail and -- I'm sorry, business and residential. Presently there is no buffer to create the business zone and the residential zone. We have a strip mall zone business in 21 Locust and adjacent to it is residential. The change in zone creates the buffer for the community. 19 Locust will now be the first house zoned residential and they will be separated from the business zone by the parking district. The Town code recognizes that parking for businesses will coexist with residencies 'cause it permits it to be adjacent to residencies provided there's a 15-foot buffer. We provided 15 feet and more of the buffer between the parking district and the adjacent residents. The Town code provided in 7 012 6H and 70139A that a rear lot in a business A or business B district is a single ownership on the effective date of the code which partially zoned businesses and partially zoned residents can apply for the additional use permit to have parking in the residential zone adjacent to another resident. The code provides for that. The code would not provide for that if the founders did not believe that parking can coexist adjacent to a residency. Exhibit 12 is a photograph of a property in Greenvale. It was just given a provisional use permit by the zoning board for parking in a residential zone. Initially the zoning board denied it. On an appeal the court reversed it, directing the board to grant conditional use permit. And you can see that parking lot under construction is right adjacent to a residential zone and a resident. The zoning board said that property only required an 8-foot buffer, not even a 15-foot buffer. The last photograph, Exhibit 13, the photograph really -- Town of North Hempstead Community Center on Lincoln Avenue within a 300-foot radius of the subject property. The town has parking adjacent to a resident. I don't think the Town would do that if the Town thought that would have an adverse effect on the adjacent residents. I did not measure it, but it appears that there is a 15-foot buffer zone there, but there's not a whole lot of landscaping and the applicant is going to provide as much landscaping as this Town would like to see there. Now, like I said, residents may say parking's not that bad now, but that's because the restaurants have been empty and one of the larger retail stores has been empty. That retail stores's now rented and sooner or later with or without the granting of the change of zone to the parking lot, they will find an occupant who will take over that restaurant, rebuild it and they will come. They were there. They've had a lot people interested in it. Parking is a problem, but properties don't stay vacate forever and sooner or later, somebody's going to rent that restaurant and then the parking is going to be horrendous. There'll be no place to park other than on the residential streets that we -- or valet parking like it was in the past and that is not good for the neighborhood. So in conclusion, I respectfully submit that the applicant's proposal is for the benefit of not just the applicant's store, but for the community, for the value of the strip mall so it remains part of the community, so that cars are not racing through the neighborhood valet parking and not parking on the side streets in front of the homes. And we have, you know, gone to great lengths to minimize impacts and we have been certainly open to more suggestions from the planning department of this Board through other types of mitigation measures. That's my presentation at

this time. If you have any questions, I'll be happy to answer them.

COUNCILMAN ZUCKERMAN: I have a few things to say. So I'm quite familiar with this particular site. Excuse my -- I apologize for my voice if it's a little scratchy. I've been making presentations all day today, yesterday, so my voice is a little -- but anyway I'm quite familiar with this street. Locust Street has 12 houses, okay? If this house were to come down, it would have 11 houses. This is a beautiful residential street. There are -- in at least five of the homes, there are minor children. It is -- the house that is requesting to be taken down is not an eyesore. It's not a blight. It's a beautiful, beautiful, new lovely house. The current dynamic of this street is residential. If we were to grant this application, it would be a dramatic change to what is currently there. I appreciate what you're saying about parking and you're talking about the stores being part of the community? Well, the 12 homes that are there are the community. And it's my understanding that preserving the residential outlook of the neighborhood, keeping the commercial footprint as it currently stands is within the comprehensive plan. And, you know, I -- Bruce, your presentation was wonderful and I appreciate it. As a lawyer, I love all that stuff. It's great. I love that, but for the purposes of what we're talking about here, I have serious reservations about this. Honestly I've spoken for -- whether it's verbally or via email, my office has spoken to almost every resident on -- of the 12 houses -- or the 11 houses and every one of them is against this. And they're not against this because of the restaurant, they're against it because this will change the dynamic of this beautiful residential street. This street is smaller than a football field. Commissioner Levine, what is that? Would you say it was about 40 or 50 yards, Commissioner Levine?

COMMISSIONER LEVINE: Roughly, yes. Basically it's the width of one house.

COUNCILMAN ZUCKERMAN: Okay. So it's a very small piece of property. With respect to the parking that you're talking about, there are parking spots in front of Lincoln Avenue and in the event a restaurant comes in, it'll be our job to make sure that the parking restrictions are enforced. We have a wonderful traffic and code enforcement -- traffic enforcement and we'll certainly do our best to do that. With respect to the valet, the restaurant that was there before Pirandello -- and we tried to make sure that the valet parked the cars in accordance with Town code and certainly in the event another business comes in, we'll certainly do that. And you were talking about the one-hour parking. Yes, that's there to help the community, help the residents, but we may have to revisit it. We may have to change -- modify that in some way. Whether it's longer or shorter, it's constantly evolving. But the -- taking down a lovely home on this beautiful residential street, expanding the corporate footprint is just -- it's a dramatic change. And you're talking about the value of homes. The value of homes on that street are more than likely to go down if this parking lot is constructed. You're talking -- the existing lot now I've driven by multiple times, you know, so you said it had six spots. All right. So I drove by last week and I saw maybe nine or ten cars parked in there, you know, creatively and there is street parking. I submit to you that within a mile of this strip of stores, that's somewhere in the neighborhood of 40 plus spots on-street parking. I'm not talking about the Long Island Railroad line. I'm talking about the parking along Lincoln and then as you proceed up on Warner Avenue, you know, it is -- there are a lot of businesses there, but there is certainly parking and someone could walk, but I have serious reservations about this. Mr. Wink, do we have any cards on this?

MR. WINK: We have several cards on this item.

MR. MIGATZ: May I just respond? Are you suggesting that someone walk up to a mile to go to a --

COUNCILMAN ZUCKERMAN: What I'm trying to say to you is there are multiple stores in this area and --

MR. MIGATZ: Within a mile -- and how is a senior citizen -- how am I? I can't walk a mile. I'm in pretty good shape for a senior citizen. How is a handicapped person going to walk a mile to go to a store? That's not realistic. That's just not realistic.

COUNCILMAN ZUCKERMAN: So, Mr. Migatz, you would then throw down a beautiful house and transform this entire street from residential into commercial? That's what you would have us do?

MR. MIGATZ: That's what the zoning code permits. If this was in singular separate ownership, I wouldn't be here. I'd be in front of the zoning board and they grant those applications almost every time. The one time I saw them deny it was on a technical ground and it got reversed because the zoning code recognizes that parking can coexist with the residents and houses have been torn down and a parking lot has been built.

COUNCILMAN ZUCKERMAN: I mean, Mr. Migatz, what we're talking is it'll be one house and then it'll be the next house and the next house and this lovely street -- there won't be any more houses. It'll continue to expand.

MR. MIGATZ: Well, you can --

COUNCILMAN ZUCKERMAN: We've received -- Mr. Migatz, I -- there's a couple of things I want to say. We've received a couple responses from the Roslyn public schools and they have safety concerns with respect to this. So pre-COVID, the Roslyn public schools allowed their students to exit the school for lunch and many of the students walk down Lincoln. And some students come down Lincoln and they go on Locust Street and use it as a cut through to go to 7-Eleven, so they don't have to walk along Roslyn Road because the sidewalk on Roslyn Road ends as you get to the railroad trestle. I know this because I attended Roslyn High School and I used to do that cut through. Now, with Covid and so forth, I'm not certain they're having an open campus, you know, I can't speak to that. We can only hope that at some point, we can have that. But there are safety concerns and this is -- these are serious issues to create -- knock down a house and create a parking lot. Now, I can tell you we have many -- all the residents on Lincoln are against this and I'd like to give them a chance to -- just to make statements and I know they probably have questions for you. But I must say you did revise your proposal and you did offer multiple times to be with the community and I appreciate that. I certainly appreciate that.

MR. MIGATZ: I fail to see how taking cars off the street and putting them in a parking lot is a safety concern.

COUNCILMAN ZUCKERMAN: Okay. Mr. Wink?

MR. WINK: First card we have is for Diana Lee. Good evening, Ms. Lee. I'm just going to ask you to identify yourself for the record and keep your comments to three minutes.

COUNCILMAN ZUCKERMAN: Hi, Ms. Lee, thank you for being here.

MS. LEE: It's good to be here. Hi, I'm Diana Lee. I'm a resident at 17 Locust Street and I'm here to express my opposition to the parking lot to be built at 21 Locust Street. First, I'd like to

say it doesn't just impact the family right next to the property, it affects all of us. That street, that you said Councilman Zuckerman, does --it has a lot of children on it and I don't believe that a traffic sign saying you're not allowed to make a right turn is really going to deter anybody from doing that since, like we all saw, people do that all the time to avoid the traffic on Roslyn Road. And sometimes, especially when there's construction on Roslyn Road as there have been, it can be really crazy. And there's toddlers on that street and there's a baby currently at 21 Locust Street. And I think that tearing down a home and changing the dynamic of my community for a parking lot -- I'll say it's inappropriate to be polite. I don't see that happening in other people's neighborhoods. I've lived at 17 Locust Street my entire live and I've seen a lot of changes and, you know, I was alive when Pirandello was up and open and yeah, the parking was sometimes hectic, but it was never really that bad. I don't know who all -- maybe it was bad for some people, but the community made due because we also went to Pirandello and that was a part of our community. I feel like if you want to build some more parking, there's a vacant lot on grass across the street. Personally I think you can get creative with that. I don't believe that putting it on my residential street is appropriate. And also just lastly, I don't know when the person who's proposing this parking lot sent out a message to the community, because I'm a part of that community and I never received a message. And I would have loved to speak to somebody about it and I would have expressed my concerns much earlier through emails, so I wouldn't have to come out here during a pandemic. Thank you.

COUNCILMAN ZUCKERMAN: Thank you, Ms. Lee.

MR. WINK: Next card is Kim Hunter.

COUNCILMAN ZUCKERMAN: Good evening, Ms. Hunter. Thank you for coming today.

MR. WINK: I ask you to identify yourself for the record.

MS. HUNTER: Okay. My name is Kim and I am a resident in Roslyn on Locust Street. I live in 19 Locust Street. I live at 19 Locust Street and we're right next door to where they're proposing the lot. There's some misinformation being provided. I'm not sure where it came from. I refuse to believe that they're being willfully untruthful, so I'll say there's misinformation. There are no trees segregating 19 Locust and 21 Locust. That is just not accurate. Also, when you look at the plan that was originally placed, the 15-foot barrier that they're so boastful about now was not considered at that point. They did include it now, but there's nothing there to prevent the smoke from the cigars that are currently in one of his locations on the block on Lincoln Avenue. They come, they park on our street all the time, they smoke cigars all time of night, they talk loud. So I can only imagine what would happen if provided additional landscaping -- and yes, they're saying they want parking, a parking lot for spacing; however, during the pandemic, parking lots have become outdoor dining and outdoor facilities for the use of the public. So what that means is we would have people outdoors laughing and talking at all times of night. We would also have cigar smoke -- already that comes when they're leaving the smoke shop. They're smoking these huge cigars and they're dropping buds on the street and things of that nature. So I did reach out and express my concern to the attorney that just spoke and I'm expressing my concern here adamantly against it. As you explained Councilman, Locust Street is a lovely community. My children were raised there. We've been a part of the Roslyn community from the time that it's been Roslyn. We've participated in anything that Roslyn has done going all the way back to school boards here. We visit the -- we've been active community members.

SUPERVISOR BOSWORTH: I just want to stop you for a moment and thank you for your

public service under Roslyn's school board.

MS. HUNTER: Thank you. You're welcome.

SUPERVISOR BOSWORTH: And SO that certainly goes towards your community.

MS. HUNTER: And it's just disheartening to know that a business would like to come in and turn the community -- and it is a community -- into a business area, more industrial. That's not what we would like for Roslyn. There are concerns about parking for the business owner. I suggest maybe he tear down the other side of his business and perhaps do away with the restaurant and create parking on that side. So then if he's going to tear down landscaping anyway, cut half of his residential space and make parking on the other side, but not on the street where I -- I mean, we have school bus stops there. We have the evening program. The children, they come through. I mean my children don't even attend Roslyn school, but we're cheering as the kids walk through the street, back and forth. It's a part of the community and I'm asking you to not permit that change. Thank you.

MR. WINK: Thank you, Ms. Hunter.

COUNCILMAN ZUCKERMAN: Thank you, Ms. Hunter. Mr. Wink?

MR. WINK: The next card I have is for Timothy Hunter.

MR. HUNTER: Hello. I'm Timothy Hunter. I live at 19 Locust Street along with my wife, Kim Hunter, and she has spoken. Thank you.

MR. WINK: Thank you. I have no additional cards on this item.

COUNCILMAN ZUCKERMAN: Commissioner Levine, could you please weigh in on this? My office and the supervisor, we worked extensively with Commissioner Levine with respect to this.

COMMISSIONER LEVINE: Certainly. I mean we do recognize there would be a benefit to providing additional parking for the strip center, but as you're aware we also have to weigh that against the potential detriment to the community and in this case, potential detriments are substantial. The Town policy -- and actually its explicit master plan is to generally not favor encroachments, further encroachments of commercial activity, commercial land use into residential neighborhoods and that's what we have here. Now, I acknowledge you did as well as you can mitigating the impacts. The landscaping plan looks good. I do recognize your flexibility on the landscaping, but it doesn't change the fundamental nature of what we have here and that is quite a substantial encroachment into the residential community of changing the character, a distinct change in the nature of the block. I do want to clarify what the code says now because it does point out if you have a property that is split zone, that is partially commercial, partially residential, yes, the code does have a mechanism by which you can get the full use of the property if -- and we do this in situations where if the residential portion is too small to support a house on its own and you're left with a sliver that is unusable, yes, the zoning board will allow you to expand the parking lot to get the full use of the property. The code does not allow it in cases where -- you're not allowed to buy an adjoining property, merge it in for that purpose. That's why you're here as a rezoning and not at the zoning board for the type of provisional use permit described. So it is not really the same situation that you described. Now, maybe you looked differently at it, if the house to be removed were in a derelict condition or were a visual blight, but we don't have that in this situation. In all fairness, and if we are denying you the opportunity to expand the parking lot, yes, we should be open to revisiting the

on-street parking restrictions. We can look at maybe reallocating the commuter spaces in the Town lot. As Councilman said, we are open to starting the dialogue. We do want to continue to work with you to see what we can do about increasing the parking, but I can't recommend the rezoning as proposed, the demolition of the house, the expansion of the parking lot, you know. I want to keep the case open, but I recommend denial of the application that's presented.

COUNCILMAN ZUCKERMAN: Thank you, Commissioner. Is there anyone else wishing to be heard?

MR. WINK: Councilman, if I may, I would suggest as referenced by you in your previous comments, a letter was received. The letter was dated August 4th, 2021 from the Roslyn public schools signed jointly by the president of the school board, Meryl Waxman Ben-Levy, and the superintendent of the school, Allison Brown, indicating they were aware of this potential application -- this application and that they take seriously this matter. They requested that the board require implementation of certain safeguards to protect the health and safety of the students, staff and the community and they ask it be taken into consideration. The students do walk to and from our schools. Busing routes and traffic-related impacts both the construction once the project's completed and they express confidence that the Board will require all appropriate and adequate measures to be implemented by the applicant if the application approves. And that letter, as I said, is signed by the president of the school board and the superintendent of the schools and has been circulated to all members of the Board.

COUNCILMAN ZUCKERMAN: Mr. Wink, could you make that letter part of the record, please?

MR. WINK: It certainly is.

COUNCILMAN ZUCKERMAN: Thank you. Is there -- Thank you. Is there anyone else, any councilman, anyone from the public wishing to be heard? Mr. Migatz, I didn't mean to cut you off before. Did you have -- is there more you would like to say?

MR. MIGATZ: I mailed a letter, a couple of letters to everybody, including the owner of 17 Locust Street. I don't like to be accused of doing something and not doing something I said I did. I've been giving copies of those letters. I copied you, Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Yes, I'm aware of the letter that you sent. I have a copy. The letter you sent to Ms. Hunter, I have a copy of that letter. I'm aware of that.

MR. MIGATZ: Also to the owner of 17, Exhibit 9 is the picture of the trees between the Hunter property and 21 Locust Street that Ms. Hunter said do not exist. They are in that picture. I do not misrepresent that. And Mr. Levine is not aware evidently of a recent court case involving the Town where a property owner did purchase the adjacent house. He combined it with a business property and the court said they were entitled to the provisional use permit because they were merged. So just -- I just want to set the record straight on that, but thank you for your consideration.

COMMISSIONER LEVINE: I am aware of the case. I was saying the code does not have that allowance, so it's saying that lease is if your house is -- if the lot is --

MR. MIGATZ: The code that you interpreted -- so maybe it would be about the code of -- I don't know. Thank you.

COUNCILMAN ZUCKERMAN: Thank you. All right. At this time I'm going

to close the public hearing, offer the resolution to move for its adoption, but I'm asking my fellow council members and the supervisor to vote no on this application.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: No.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: No.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: No.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: No

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: No.

MR. MIGATZ: Thank you for your time. Appreciate it.

MR. WINK: Item 8, a public hearing to consider the application of SFR Realty for site plan review for the premises located at 653-697 Hillside Avenue, New Hyde Park, and designated on the Nassau County Land and tax map as Section 8, Block K-9, lot 44

COUNCILMAN SEEMAN: This is about the construction of a 6,500-square foot retail building within an existing shopping center on a 12.25-acre site. Now, we had a virtual Zoom meeting that included town staff and representatives of the SFR Realty who are owners of the stop and shops shopping and members of a new community. We are still working with the applicant to make the changes requested by the residents and to address their other concerns. I am going to recommend to the Town Board that we continue this hearing to the September 30th Town Board meeting. Mr. Wink, do we have any cards on this item?

MR. WINK: I have no cards on this item.

COUNCILMAN SEEMAN: So if no, I close the public hearing and recommend that we continue this item to the September 30th Town Board meeting.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

MR. WINK: Item 9, a public hearing to consider the application of Shore Oaks, LLC C/O Ilias Theodoropoulos for an appeal from a disapproval by the Commissioner of Building Safety, Inspection and Enforcement of a structure (dock) applicant pursuant to Chapter 42 of the Town code for the property located at 22 Shore Drive, Plandome, New York 11300 and identified on the Nassau County Land and Tax Map as Section 3, lot 182, lots 7 and 9.

COUNCILWOMAN DALIMONTE: I'm just giving them some time to set up.

MS. CURTO: Good evening, Supervisor Bosworth, members of the Board. My name is Andrea Tsoukalas Curto. I'm with the law firm of Forchelli Deegan Terrana with the offices of 333 Earle Ovington Boulevard, Uniondale, New York. I wanted to introduce my team today: Ilias and Patty Theodoropoulos. If you need me to spell that, I will. They are the owners and applicants. David De Giovanni, the applicant's architect; Robert Delmonte, the applicant's engineer; and Captain Christopher Lawrence, the applicant's expert on sailing and navigation. This is an application for a new dock at the premises known as 22 Shore Drive in Plandome. The premises is a corner lot on the south side of Shore Road and the property extends into Manhasset Bay for about 300 feet. You can see that on this aerial right here (indicating). The entire length of the dock is situated within the bed of the bay, but is owned by my client. The aerial exhibit that I'm going to be presenting to you has an overlay of the meets and bounds of the premises. We were made aware of the community opposition to this dock application prior to the July hearing which was continued. Other than some of the generalized objections from neighbors that did not live close by, the most impacted neighbor that expressed concern was the adjacent Plandome Field and Marine Club. The club has its own dock, fixed platform and a floating dock to the north of my client's dock and that's also depicted in this area, the dock just north of my client's dock. My client's dock as proposed would be 300 feet from the club's existing dock. The biggest concern that was expressed was that it would -- based on what they said in their letters, was that it would make it impossible for their members to launch their sailboats off their beach and for others to use their kayaks and paddles. They also spoke about creating a narrow channel. We met with the president and other board members of the club on their dock. We showed them the dock plans and explained in detail why the proposed dock would not interfere with their use of the water and their members' ability to sail. Captain Christopher Lawrence is here today to go over that issue in greater detail. Mr. Delmonte will go over other technical issues with the engineering of the dock. Before I have them speak, I wanted to give an overview of the relief sought and why my client can not comply with some of the Town's dock regulations. I have two exhibit packets that I'd like to submit at this time. Applicant's Exhibit A was prepared by my firm. It has photos of the property as well as a copy of Captain Christopher -- sorry, Lawrence's letter and a tacking diagram as well as the consent letters and radius map. And then Exhibit B is additional -- it's the application package actually of the Town Board's regulations for an easy reference for everybody to look at, if you had any questions, and then additional exhibits and letters from our experts. That's applicant's Exhibit B. My client did obtain four consent that was previously submitted and are part of this exhibit packet. Three of the four consents are within the radius; the adjacent owner to the east and two owners on both lanes signed consent. Of particular interest was the owner of 18 Shore Drive. He's the adjacent property owner. I just wanted to read his consent into the record because he has a lot of experience with sailing as well and he's also a boating member of Plandome Field and Marine Club. "Dear Supervisor Bosworth and members of the Board, I own and reside at 18 Shore Drive in Plandome, New York. I'm fully familiar with the above-referenced application which speaks to construct the dock at the above-referenced premises. In addition to being an

active boating member of the Plandome Field and Marine Club, I have 45 years of sailing experience in waters as far east as Nantucket, as far south as the Genevieve. I believe the applicant's proposed dock is consistent with other docks in the area, including PFMC's Dock and Bruce Beck's Dock to the south. The swing of low and high tide requires a usable dock to be beyond a 150-foot limitation. If approved, I believe this dock will not impede on anyone's use of Manhasset Bay. I also firmly believe the proposed dock will pose no harm to the PMFC's Sailfish Club who are largely fair weather boaters who go out at high tide. Depending on the wind conditions, the Sailfish Club can easily depart the beach at slack or beginning of the outgoing tide as they have for years, which will drift them north away from the proposed dock. Launching a boat at the slack or outgoing is not an inconvenience, but good boating common sense. I have no objection to the Board granting the above-referenced application." This was in your packet as well. Moving on to the relief, the specific relief that's sought in what we're proposing. So the applicant is proposing a 4-foot by 275-foot fixed dock and 8-foot by 30-foot floating dock at the end of that fixed dock and a 16 by 18-foot boat lift on the north side of the fixed dock. There's three regulations that are in issue; the length of the dock you're -- the code permits it to project into the waterway a distance greater than required to reach navigable water depth or to a length exceeding 150 feet, whichever is less. The proposed dock reaches navigable water at 298 feet. The fixed dock is 275 feet, the ramp is 3 feet and the floating dock is 30 feet. So navigable water as defined in the Town code is a waterway having a depth of at least 4 feet at mean low water. There's a lot of technical stuff here. Just bear with me. I'm sorry. The water depth at the most western end of the floating dock is 4 feet and 3.5 feet at the eastern end at mean low water. The water depth at the boat lift is only 3 feet at mean low water. The water depth at 150 feet, which is the permitted length under the code, is only 2.25 feet at mean low water. Thus the only portion of the dock that is within navigable waters is the western most portion of that floating dock. So that would be right here (indicating) at the very end. So the point being that a dock that only extends 150 feet would not be usable because the water is so shallow. The proposed dock length is also consistent with other docks in the area. The docks, the north and south, on lots 1252 and 152 are all greater than 150 feet and extend along the same lines. The club dock is a little longer as you can see in that area. The second regulation limits the height of docks to a maximum of 8 feet above mean high water. So the Building Department measured the height of the proposed dock from the mean high water line to the top of the railing instead of to the actual fixed dock where you're standing on the dock. Mean high water is 3.35 feet which would equate to a maximum permitted height of 11.35 feet. The top of the railing is at 13.25 feet or 9.9 feet above mean high water. So we're roughly about two feet above the permitted if you're counting the railing. So the actual dock though, the walking surface, does comply with this requirement because it's only 6.6 5 feet above mean high water at elevation tact. So although we do technically comply with this requirement, we have included in the exhibit packet an alternate plan which lowers the height to a conforming position. So Mr. Delmonte will explain how that can be achieved in his presentation. In that amended plan, we're also proposing to relocate the boat lift from the north side to the south side. Again, we don't think the additional space is needed and we will demonstrate why there's more than ample space between the two docks, but we wanted to, as a concession to neighbors, put it on the south side. Finally, the third regulation limits the width of residential docks to six feet. The entire 275-foot dock is well below this threshold. It's proposed at four feet. The only portion of the dock that is wider is the floating dock at eight feet, so that's that little section at the very end that we said reaches navigable water. It looks a little different in the aerial. It's also in your packet. So the floating

dock is about ten percent of the length of the dock. It's a very small surface area that exceeds the permitted maximum width. The boat lift is a separate de minimus structure. The distance from the edge of the dock to the boat lift is approximately 12 feet. It is an open structure, so there's not a lot of massing there. And both these accessory structures to the dock are consistent with other docks in the area. Again, other docks do have these types of structures, the floating docks, and you can see -- I'll show it to you in the photo because it's easier. This right here (indicating), this structure is an accessory to the fixed dock as is this structure right here. So this is a floating dock right here. It's much bigger, it's L-shaped and this is a covered area here with a flat bottom. So that concludes my presentation. At this time I would like Captain Christopher Lawrence to come up and explain more about the sailing and navigation in this area. I will have -- Mr. Lawrence, just please state your qualifications for us so we can establish you as an expert at this time.

MR. LAWRENCE: Hello. My name is Captain Christopher Lawrence. I'm a 50 time Master Captain. I have three levels of instructional certifications for sailing, for U.S. sailing. I do boot deliveries, I teach sailing courses, I coach kids. I have an adventure travel company where I take people sailing around the world. The first thing that I'd like to address is something that was said and one of the objections which is the proposed dock will make it virtually impossible to safely sail from the beach or that the dock will create a long narrow channel and will make it extremely challenging and potentially dangerous to navigate under sail and most prevailing winds. So one thing that I'd like to explain is pretty much what we teach at a basic sailing course that I teach every week. Where the wind is coming from, we have an angle of 90 degrees, so we call it a no go zone. So 90 degrees is an area which we can't sail into. So small boats can sail 45 degrees all from the direction that this wind is coming from. I mean from the right of the wind direction or from the left of the wind direction, we can sail 45 degrees. What would probably be considered the most difficult for someone who's not a very experienced sailor is this area which is roughly 300 square feet. Here is the proposed dock here (indicating). Here is the existing club beach here (indicating). So you can see there's an arrow here (indicating), so if the wind is blowing straight onto the beach, 45 degrees off the wind, one line of tact here before you get to the pier, make it what we call a tact. To change directions we have to sail in a zigzag configuration, similar to what you would do if you were climbing up a mountain. Rather than climbing straight up, you're going to walk up zigzags going back and forth. It's the same thing we have to do when we sail. So if the wind is coming straight into the beach, we can lay one line tact here before we turn and tact again and be in open water after one simple tact. Would be the reverse situation if the wind was coming this way (indicating), then the boats can sail downwind straight off the beach and then have to do the same thing to come back in, sailing in a 45-degree angle, making one tact and returning to where they came from. The water for these boats they're going to use, for the dagger board to be down, they're going to need more water than what you have here. So from my understanding, they do the races at high tide which they should do. This water here, this is only two feet of mean low water, so at mean low at the very end of here, this is four feet. For the boat that they proposed to go under this dock, it has a draft of two and a half feet and for the safe boating courses that I teach -- safe boating courses that I teach -- I tell people that you need at least one foot below whatever your draft is. So if you have two and a half feet, three and a half feet, that's a mean low water and then you have to take other things into consideration like shoring or if there's anything on the surface of the sand down below. Does anybody have any questions about - -

MS. CURTO: Captain Lawrence, just explain the type of boating that you were taking about that

your clients -- that's what you were talking about, not the sailboats, correct?

MR. LAWRENCE: No, not the sailboats.

MS. CURTO: So just make it clear that you were talking about their boats.

MR. LAWRENCE: The motorboat that they want to put has a draft of 2 and a half feet. The depth at the very end is four, the very end of the dock, so there's no way. In order to get the boat out of the lift, they're going to have to do it at high tide or it's not even going to work.

MS. CURTO: And the sailboats, what is their draft?

MR. LAWRENCE: I don't know the exact draft, but they're -- with the dagger board, in order to sail into the wind, the dagger board has to be down. So they're going to have to be in high tide, because this water is not even deep enough.

MS. CURTO: Okay. So do you see any issue with people trying to launch their boats from this beach?

MR. LAWRENCE: No, I don't.

COUNCILWOMAN DALIMONTE: Can you guys talk in the mic? Thank you.

MR. LAWRENCE: Yeah, sorry about that. Can you hear me now?

MS. CURTO: I'm just asking whether you felt there was any issue with boaters trying to launch their boats from this beach?

MR. LAWRENCE: I don't see any problem launching the boats from the beach even with the wind direction going straight onto the beach. The only thing that would make it dangerous is if they tried to sail in winds that are higher than they should be sailing anyway. In that case, I'm sure they're not going to be sailing.

MS. CURTO: But that wouldn't be because the dock is there. That's just because --

MR. LAWRENCE: No, I'm just saying.

COUNCILWOMAN DALIMONTE: So for a beginner, they should be able to sail from the shore --

MR. LAWRENCE: Yes.

COUNCILWOMAN DALIMONTE: --at high tide?

MR. LAWRENCE: Right here. I don't know if you can see this.

COUNCILWOMAN DALIMONTE: Yeah, I have it here.

MR. LAWRENCE: Okay. Good.

MS. CURTO: Yes. And do you agree with them calling this a narrow channel?

MR. LAWRENCE: No. You can see the scale of the boat here, that there's plenty of space to sail here and make a tack and sail into open water.

MS. CURTO: Does the Board have any questions? I know this is technical.

COUNCILWOMAN DALIMONTE: No. So basically I did a summary of the opposition letters. And, you know, the use of enjoyment, 9 people wrote about that. The safety was 11.

Character and appearance was 6. Town code was 5. They want you to go to the Town code, but I understand why you can't go to 150 feet. They had -- precedent was 3, environmental impact was 6, prior notice was 1, the need was 1. Like I went through just to summarize and then I did get some emails and letters in support which are also in your packet. Is there any -- are you guys done with your presentation? I just want to see if anyone is here from the community.

MS. CURTO: The only other thing I was going to do was have Mr. Delmonte talk about --

COUNCIL WOMAN DALIMONTE: Can you spell his last name? Because it sounds like mine and I don't want anyone thinking we're related.

MS. CURTO: D-E-L-M-O-N-T-E.

COUNCIL WOMAN DALIMONTE: What did you say?

MS. CURTO: D-E-L-M-O-N-T-E.

COUNCIL WOMAN DALIMONTE: Okay. I didn't think -- it sounds like my last name, so I'm just trying to clear things up.

SUPERVISOR BOSWORTH: Disclaimer.

COUNCIL WOMAN DALIMONTE: Disclaimer, yeah.

MS. CURTO: Not related, not spelled the same. Okay. So we can hear from the public first. I don't mind.

COUNCIL WOMAN DALIMONTE: No, you can finish and then we can hear from the public.

MS. CURTO: Okay. Thank you very much.

MR. DELMONTE: Good evening. I'm Robert Delmonte, D-E-L-M-O-N-T-E, the engineer who did the dock design. Just basically -- just wanted to comment on three of the rebuttals that we had. One was about the navigable depth and in this diagram, I depict what 150 feet from mean high water would put you at and it's shown at around 2.25 feet deep at low tide, which would be nonfunctional. The other item was the height of the dock. When I read the Town code, I interpreted that maximum eight feet be referencing the walking surface, so I built it to comply with that. However, if we apply the handrail height as the eight foot above mean high water, there's also a New York State DEC reg that puts me 4 feet above mean high water for the bottom of the stringer. So that 4 feet minimum from the State and the 8-foot maximum from the Town gives me kind of like a 4-foot Goldilocks zone to build the whole structure. I can make it comply. I'd have to reduce the handrail height to code minimum 3 point and to reduce the stringer height, I'd expect that to be a 3 by 12. Just for overkill, you would reduce that to a 3 by 10, so that would give you a nominal 4-foot dock that could comply with that code if we were not granted a variance. I would prefer to keep it a little higher. I would keep the handrail higher, but it can't be done. And then the last item I wanted to touch on was the width of the floating dock. Specifically I've shown an 8 foot, which is somewhat of an industry standard for a free floating dock meaning it's not anchored to any fixed point. If we go narrower, it becomes less stable and more prone to tipping. So I'd show the 8 foot and hope that we would get a variance on an 8-foot dock. Those are all the comments I have. If anybody wants to ask a question. Thank you.

MS. CURTO: I will make my closing remarks after the public.

COUNCILWOMAN DALIMONTE: Mr. Wink, do we have any cards?

MR. WINK: We have three cards at this time. Matt Maley.

MR. MALEY: Thank you. Good evening.

MR. WINK: I'm going to ask you to refrain your comments to three minutes.

MS. MALEY: Okay. My name is Matt Maley. I'm the President of the Plandome Field and Marine Club, so I'm here speaking on behalf of the Plandome Field and Marine Club and our 190 members. We own the property immediately adjacent to 22 Shore Drive to the north. We are a nonprofit community organization that has been in existence for more than 100 years. All the residents of Plandome are eligible to join the club. The cost is \$520 per year. We have no paid staff and we rely entirely on volunteers for maintenance and operation of the club. This year we have the most members in our club history, so it's a very active club. Many of them do sail. We have 190 families who are members. We have a family fund sale event every year in addition to the every Sunday sailing races that the Sunfish hold. We also have members who kayak, paddle board and use powerboats to get to the club. Our members, 190 families, overwhelmingly oppose the application by Shore Oaks, LLC for a waiver of the zoning code in order to construct an oversized dock. The proposed dock as we believe and -- we in our view, it would make it challenging and potentially unsafe to sail from our beach where our Sunfish boats are shored out to the bay. We talked about the tacts, and it was mentioned earlier, they have to tact back and forth. The proposed dock would create a long narrow channel. With the proposed dock to the south and our existing dock to the north, it would be dangerous, especially for novices and children, to sail and learn how to sail. It would reduce the channel width by about 40 percent from 408 feet to 248 feet. And to put that in perspective, if you're sailing in the middle of the channel at five miles an hour and you miss a tact and make a mistake, you could be making an impact with the proposed dock in about 17 seconds. So this could be our children or novices learning how to sail. The wind -- there is no one wind direction at our beach. The wind blows from many different directions in our area and it's critical for our members to have ample space to navigate safely under these very conditions. Over the years, many members and their children have learned to sail at the club and sailing and other waterfront activities gets their kids off their video games, gets them off their iPhones and it gets them out onto the water. Our view is that the proposed dock would discourage kids and novices from learning to sail while putting them potentially in harm's way. When you buy a property in the back bay at Manhasset Bay, you understand that at low tide, the water is shallow and you know that the current Town code limits the docks to 150 feet. Even with a dock of 150 feet that does comply with Town code, there actually would be plenty of water to launch a boat many hours of the day. You may have issues with a large boat at dead low tide. There is also the very good option of keeping a boat on a mooring. Could be a mooring in our facility which the owner currently does or one of the many great marinas around the bay. So we ask that the Town consider the interest of the 190 families who are members of the Plandome Field and Marine Club and enforce the Town code, so that our sailing members who have been sailing here for 100 years or more can continue to do that safely and exit and return safely. Thank you.

MR. WINK: Thank you Mr. Maley.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: Next card is Andrew Butcher. Mr. Butcher, I'm going to ask you to identify

yourself for the record and to limit your comments to three minutes.

MR. BUTCHER: Sure. Thank you, members of the Board. My name is Andrew Butcher. I am a resident of Shore Drive, which is the road on which this property is being built, and I'm also treasurer of the Plandome Sunfish Club. I'm in a little bit of an awkward position here because I know and like the owners of the property at 22 Shore Drive and my son is good friends with their son who's here today. However, I disagree with them on their request for a code deviation. I submitted the letter previously, but I'd just like to make a couple of observations to answer those that have already been made and I've seen some of the other letters that were submitted to the Board. First, the purpose of a code is to establish a set of standards. Deviations from code would normally be expected only in exceptional circumstances. For example, if compliance caused undue hardship, would have minimal impact on neighbors or the board or community. These circumstance do not appear to exist in this particular instance. Compliance with code would not appear to cause undue hardship and it does not appear to be a demonstrated need. Similarly, I believe it's evident that the building of the dock would have a material impact on hundreds of members of the Manhasset community who enjoy the bay, whether partaking activities on the water or simply taking in the views. As I mentioned, I sail with the Plandome Sunfish Club and we sail regularly during the summer in the Plandome Field and Marine beach immediately next to the waterfront of the proposed location of the dock. Any dock that -- notably a dock of the proposed size would materially impact the ability of sunfish sail boats to safely enter and exit the beach and which, as it's been mentioned, they've sailed for over a century. I appreciate the comments that the expert sailor made earlier, but as Maley, the President of field and marine, mentioned, the wind on the bay is very unpredictable. There are currents and I can speak from experience. We see it every week. It is very easy to very quickly get into difficulty and we have some very experienced sailors in the Sunfish Club. Additionally, there's the issue of precedent. There are a number of vacate parcels along the waterfront at present. If an exception is made for one owner, why not others? Manhasset Bay is not wide and every large dock that is built will effect both residents enjoying the bay and it's navigable state. We're not asking the Town of North Hempstead to deny the application to build a dock, we're simply asking the Town to enforce the code which the property owner was aware of when he got the property. I implore the Board to act in the interest of our community and what it represents. Thank you very much for your time and consideration.

MR. WINK: Thank you, Mr. Butcher. Next card is Catherine McEnroe.

MS. MCENROE: Good evening, everyone and my neighbors and also the members --

COUNCILMAN FERRARA: Can you speak into the microphone, please?

MS. MCENROE: Can you hear me?

MR. WINK: Yeah, we're going to ask you to speak close to the microphone and to identify yourself.

MS. MCENROE: All right. I'm Catherine McEnroe.

MR. WINK: Thank you.

MS. MCENROE: I live at 11 Shore Drive. I too have written a letter and other members of Shore Drive are here as well as our new neighbors. As Andrew said, we're looking forward to our new neighbors moving in. They're a lovely couple. I see them walking four miles a day to their new house checking everything out. So this is difficult to come up and respond for

something that they want, but I too believe a code that was written by this Town was put there for a reason and I'm asking the Town to enforce this. And I think -- and maybe I'm wrong -- their lawyer mentioned there were very few people from Shore Drive who wrote -- who did not respond. That is not the case. I know of at least four, if not five, families that wrote letters. You have them in front of you. Also Willets Lane. There's at least one or two people from Willets Lane and South Drive, which is right up the street from us, who wrote letters as well. So there is an issue. I don't belong to -- I'm too old for the sail club but, you know, I do know there is a concern from the local neighbors about the safety. And I've lived on 11 Shore Drive for 20, 21 years now and there's so many kids. Matt and his -- the people who run Plandome Field and Marine Club have done an amazing job bringing in the families of Plandome. They've -- there's been a lot of work rebuilding it. There's so many kids down there right now. They jump off that dock. They're swimming, they're laughing. There's been a whole new group of young families that moved into Plandome. And, you know, we've already lost a lot here in Manhasset within the last week or so and I'm really more concerned -- not about the sailing, I'm really concerned about the safety. I just think -- you know what? At this point in our lives, safety should be the number one thing that we should focus on as a community. And my concern is, as Andrew said and Matt has said, we have a code. And when anybody buys a home in our area, we know the codes. We know what we're supposed to do. We know the laws and just because, you know, it doesn't fit your lifestyle, we can just break that? I don't agree with that and I ask you to follow what has been set, that you set or your predecessor has set, as the code. Thank you for your time.

MR. WINK: Thank you. I have no additional cards on this item.

MS. CURTO: So just to address some of the concerns of the neighbors, as you know your code does provide for a variance -- it's not really a variance. It's like a waiver of a requirement once you establish undue hardship. And I think given all the testimony and the fact that we would not be able to have a usable dock at the permitted length, we have established that undue hardship. And there is absolutely no safety issue here. If you're a member of any yacht club or any of the North Shore Villages, Port Washington, Sea Cliff, Manhasset Bay, Plandome, there are docks next to each other all along the shore and it is not a safety issue. My family's a family of sailors. I have three kids who are sailing, two of them are junior instructors. There is no issue with the dock. They've been sailing since they were eight. I've watched them. It's not -- I really don't understand how they could even bring up this as a safety issue given there's 300 feet between these two docks. It's not like it's a long narrow channel. It's 300 feet. That's a considerable distance. Docks are usually closer together. This is to give you perspective, you know, on the North Shore Villages and what docks look like in this area. I do want our expert to come up just to address some of the points that were made especially with respect to other wind directions and currents. So if -- just bear with me. If you can come up here and just address some of those issues. So let's first address the issue of whether or not you believe this is too narrow, the 300 feet, for a novice sailor to be able to launch their boat.

MR. LAWRENCE: It's definitely not too narrow to be able to launch the boat from the beach.

MS. CURTO: In the worst of circumstances, like, give the different scenarios. So for example, you're saying head on -- if the wind is coming head on, how many tacks do you think at most they would have to do?

MR. LAWRENCE: One tack as I showed you before on the diagram.

SUPERVISOR BOSWORTH: Excuse me. I just -- you know, we have asked that if you're here, that you keep your masks on. So for the people who are in the audience, please make sure that your masks are on. We appreciate it.

MS. CURTO: So can you just address the issue that the wind comes in different directions and we only explained one direction?

MR. LAWRENCE: The wind direction shifting is a common issue in a lot of areas, like where I teach on the Hudson, and this is something that we have to learn how to deal with. Let's put this on here. This diagram was done which some people might consider being the most difficult situation which is with the wind coming directly onto the beach. If the wind is coming from 45 degrees all from this direction, then we have a point of sail where we can sail directly out, straight out from the beach. This particular situation is showing how long it would take to get out of here with the wind coming straight onto the beach. Even if the wind were to shift, you know, you have to vary the point of sail. This is just something you have to learn when you sail small boats. So I don't see --there's 300 feet between this dock and the proposed dock. You can see the scale of the boat right here. That's plenty of room.

MS. CURTO: How many times can you tack given the 300-foot length?

MR. LAWRENCE: How many --

MS. CURTO: How many times can the boat tack? There's a 300-foot length between the two docks.

MR. LAWRENCE: I mean there's something -- you could probably tack, you know, you could go four times within here before you got out.

MS. CURTO: Right. That's my point. Even if it was -- even if they had to tack more than once, they could because there's so much space. There's also absolutely no issue with using a kayak or a paddle board. We're not creating any issue here where people are not going to be able to use the water.

MR. LAWRENCE: I think as Andrew mentioned, this is more space than a lot of other clubs have to be able to get out of their space.

MS. CURTO: Okay. Thank you. That's all. Unless you want to add anything else.

MR. LAWRENCE: I think that's it.

MS. CURTO: Okay. I think at this point, unless you have any additional questions -- no. Okay. I think we've just demonstrated through expert testimony and through our documents that we're not going to in any way interfere or impede or obstruct navigation or the rights of the adjoining property owners. We're also not going to have any powerful effect on the environment. This was approved by the DEC and the Army Corps of Engineers. If we do amend to relocate that boat lift, we're going to have to get an amendment from the DEC. Again, this is consistent with other docks in the area. As you can see, there's four other docks here that have the exact same length. The one to the north being a little bit longer, so we're not doing anything that's out of the ordinary with respect to length or width. Again, we are willing to lower the height if that is something that the Board wishes to see. And again, you know, it's hard to understand how a 300-foot width between these two docks could be considered narrow. It's really a very large area between the two docks. So with that, I ask that the Board approve the application as amended.

COUNCIL WOMAN DALIMONTE: Thank you. So what I'd like to say is I'm not sure if everyone's aware -- can you hear me? I'm not sure if everyone's aware, but the Town of North Hempstead has a Waterfront Advisory Committee. We met -- we meet on every dock. It is not unusual that any dock that gets denied by the building department automatically goes to the Waterfront Advisory Committee. There's 11 members. They own marinas. There's community members. There's town personnel on this. It's people from all over. We met twice, once when we received the application, there was not one person on the Waterfront Advisory Committee that advises the Town Board that this dock should be approved. We reviewed two that night. After I received all of these letters, which I did not send the letters to the Waterfront Advisory Committee because they would have to foil them, I -- we did a summary of all the letters in opposition.

MS. CURTO: I'm sorry. The first time you said they approved it?

COUNCIL WOMAN DALIMONTE: They approved -- They said it should be approved.

MS. CURTO: Okay.

COUNCIL WOMAN DALIMONTE: But then I received all of the letters in opposition of the dock, so I called the chairman of the Waterfront Advisory Committee. I told him what was going on and that the Waterfront Advisory Committee might want to hold another meeting and review it. So on July 26th, we had another meeting just regarding 22 Shore Drive. They went back and forth and please keep in mind that, you know, I'll -- the people -- there's an architect on the board. It's community members. There's an engineer. There's a waterfront business. There's each yacht club. Port Washington, Manhasset and North Shore Yacht Club all have a representative on the board, so they're very familiar. And there's two community members. So they went through it again and they approved it again. So I'm getting told by our advisory committee to approve this dock. I went personally. Thank you to your client. I wasn't planning on meeting them. I went by land with our bay constable and I also went by water with the bay constable who has grown up on the water and has knowledge. So I keep on going back to these opposition letters and they really are upsetting me because of the safety, but then when I go to the plan of Shore Drive, which is -- this is very unusual and I've said this to you. His property goes out to the water, like, this is his property. So really where they're sailing, he owns that property. He owns that -- where the water is, which is very unusual. So the property line goes all the way out, which is very unusual. So -- but I keep on hearing the residents -- sorry if I'm all over the place, but I keep on hearing the residents talking about the code, the code, the code. The code is 150 feet, but if you can't reach navigable water, you have to extend. I've only been in this office for a year and a half and I can't begin to tell you how many docks we've approved that are over 150 feet. So it's not that we're saying, you know, it has to be 150 feet. Unfortunately where our bay is, 150 feet is not bringing us to navigable water. Your -- the dock that you guys have at Plandome Field is not up to code either and the dock to the other side is not up to code. So I do want -- I would like to have the boat lift moved from the north side to the south side and I'd like the President -- and I'm sorry I forgot your name. I think it's Matt.

MR. MALEY: Matt Maley.

COUNCIL WOMAN DALIMONTE: I would like you just to look at the diagram of moving the boat lift from the north side to the south side because that means when they come in on their boat, they have to go -- they will not be coming into where you are. They would have to go around.

MR. MALEY: It doesn't make a difference.

COUNCILWOMAN DALIMONTE: It doesn't. Okay.

MS. CURTO: Well, if it doesn't make a difference, can we keep it on the north side?

COUNCILWOMAN DALIMONTE: I would really like it for the kids -- for the kids really on the other side.

MS. CURTO: Fine.

COUNCILWOMAN DALIMONTE: I know it's -- between the dock, the Plandome field and your -- and the dock, it's 294 to that boat ramp, so it gives an extra couple of feet.

MS. CURTO: That's fine.

COUNCILWOMAN DALIMONTE: So I'd really like to do that.

MS. CURTO: Not a problem.

COUNCILWOMAN DALIMONTE: I'm really torn on this. I'm really torn. I really would like to continue this to September 2nd. That's what I'm thinking of doing and the reason why I'm thinking of doing that, I would like the town to hire an expert to really come back. I know we have this advisory committee and they advise us what to approve on docks. They have told me twice to approve this, but I --because of so much opposition, I really would like to hire -- the Town to hire an engineer to really look at this. I mean they have an engineer, but I would like to have our engineer for the Town that we hire to review this and to tell me that these kids, that everyone would be safe. So I would like to continue this public hearing.

MR. WINK: Councilwoman, prior to entertaining the motion just for the sake of completing the record, I would like to just read in a summary of the emails we've received today. I know you referenced them throughout, but I don't believe they've been identified for the record. So for the extent that we can identify them, these are in no particular order either by date or by support or opposition, but I will acknowledge for the record that the following emails have been submitted to the Town Board, all of which have been circulated amongst the Town Board prior to this hearing: One from Mitchell Fox, dated July 28th of this year, opposing the application; one on August 3rd from appears to be Caret Flynn (phonetic) in support, having no objection to the application; another from a Steve Liodus (phonetic), also expressing no opposition dated July 26th. We do have a letter from Captain Christopher Lawrence without a date that does indicate support to the application. We have a letter dated August 1st of this year from Robert Cane (phonetic) having no objection. We have a letter dated August 3rd of this year from Evelyn Mayer (phonetic) expressing no objection. And a number of emails, that have been submitted to the Town Board on more than one occasion due to the fact that this hearing has been scheduled previously. One, for example, Matt Maley on behalf of and with the signature of the entire board of directors of the Plandome Field and Marine Club. That letter is dated June 14th. We have a letter of opposition from Dee (phonetic) and Kevin Conway dated June 15th raising a number of questions in opposition. We have another letter from Plandome Field and Marine Club dated July 2nd, 2021, reiterating opposition as well as providing exhibits of wind direction and photographs of many of the sailors coming out of the Plandome Field and Marine Club. We have an email dated July 7th from Paul and Rada Siordado in opposition. We have another -- the aforementioned Andrew Butcher submitted a letter -- an email in opposition dated June 15th; the aforementioned Catherine McEnroe submitted an email in opposition dated June 16th; a letter in

COUNCILWOMAN DALIMONTE: Thank you. So what I'd like to say is I'm not sure if everyone's aware -- can you hear me? I'm not sure if everyone's aware, but the Town of North Hempstead has a Waterfront Advisory Committee. We met -- we meet on every dock. It is not unusual that any dock that gets denied by the building department automatically goes to the Waterfront Advisory Committee. There's 11 members. They own marinas. There's community members. There's town personnel on this. It's people from all over. We met twice, once when we received the application, there was not one person on the Waterfront Advisory Committee that advises the Town Board that this dock should be approved. We reviewed two that night. After I received all of these letters, which I did not send the letters to the Waterfront Advisory Committee because they would have to foil them, I -- we did a summary of all the letters in opposition.

MS. CURTO: I'm sorry. The first time you said they approved it?

COUNCILWOMAN DALIMONTE: They approved -- They said it should be approved.

MS. CURTO: Okay.

COUNCILWOMAN DALIMONTE: But then I received all of the letters in opposition of the dock, so I called the chairman of the Waterfront Advisory Committee. I told him what was going on and that the Waterfront Advisory Committee might want to hold another meeting and review it. So on July 26th, we had another meeting just regarding 22 Shore Drive. They went back and forth and please keep in mind that, you know, I'll -- the people -- there's an architect on the board. It's community members. There's an engineer. There's a waterfront business. There's each yacht club. Port Washington, Manhasset and North Shore Yacht Club all have a representative on the board, so they're very familiar. And there's two community members. So they went through it again and they approved it again. So I'm getting told by our advisory committee to approve this dock. I went personally. Thank you to your client. I wasn't planning on meeting them. I went by land with our bay constable and I also went by water with the bay constable who has grown up on the water and has knowledge. So I keep on going back to these opposition letters and they really are upsetting me because of the safety, but then when I go to the plan of Shore Drive, which is -- this is very unusual and I've said this to you. His property goes out to the water, like, this is his property. So really where they're sailing, he owns that property. He owns that -- where the water is, which is very unusual. So the property line goes all the way out, which is very unusual. So -- but I keep on hearing the residents -- sorry if I'm all over the place, but I keep on hearing the residents talking about the code, the code, the code. The code is 150 feet, but if you can't reach navigable water, you have to extend. I've only been in this office for a year and a half and I can't begin to tell you how many docks we've approved that are over 150 feet. So it's not that we're saying, you know, it has to be 150 feet. Unfortunately where our bay is, 150 feet is not bringing us to navigable water. Your -- the dock that you guys have at Plandome Field is not up to code either and the dock to the other side is not up to code. So I do want -- I would like to have the boat lift moved from the north side to the south side and I'd like the President -- and I'm sorry I forgot your name. I think it's Matt.

MR. MALEY: Matt Maley.

COUNCILWOMAN DALIMONTE: I would like you just to look at the diagram of moving the boat lift from the north side to the south side because that means when they come in on their boat, they have to go -- they will not be coming into where you are. They would have to go around.

MR. MALEY: It doesn't make a difference.

COUNCIL WOMAN DALIMONTE: It doesn't. Okay.

MS. CURTO: Well, if it doesn't make a difference, can we keep it on the north side?

COUNCIL WOMAN DALIMONTE: I would really like it for the kids -- for the kids really on the other side.

MS. CURTO: Fine.

COUNCIL WOMAN DALIMONTE: I know it's -- between the dock, the Plandome field and your -- and the dock, it's 294 to that boat ramp, so it gives an extra couple of feet.

MS. CURTO: That's fine.

COUNCIL WOMAN DALIMONTE: So I'd really like to do that.

MS. CURTO: Not a problem.

COUNCIL WOMAN DALIMONTE: I'm really torn on this. I'm really torn. I really would like to continue this to September 2nd. That's what I'm thinking of doing and the reason why I'm thinking of doing that, I would like the town to hire an expert to really come back. I know we have this advisory committee and they advise us what to approve on docks. They have told me twice to approve this, but I -- because of so much opposition, I really would like to hire -- the Town to hire an engineer to really look at this. I mean they have an engineer, but I would like to have our engineer for the Town that we hire to review this and to tell me that these kids, that everyone would be safe. So I would like to continue this public hearing.

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opposition from George Frules dated June 16th; a letter from --another letter from Mitch Fox -- email dated June 16th again in opposition; an email from Donna and Kevin Wang dated June 16th in opposition; a letter from Gus Petropoulos, senior vice president and general counsel for the Park Aerospace Corporation dated June 18th, also in opposition; a letter from Katie Seville (phonetic) dated June 21st in opposition; a letter from Paul Baumgardiner (phonetic) -- excuse me, Baumgarten, dated June 21st, also in opposition; a letter from --an email from Kevin Flynn (phonetic) dated June 21st also in opposition; an email from Bob O'Connell dated June 21st, also in opposition; an email from Judy and Jim Bode (phonetic) dated June 21st, also in opposition; a letter from George Rontiris (phonetic) dated June 21st in opposition; an email from Jeanine Ferrone date June 21st in opposition; an email from Al Durante dated June 23rd in opposition; an email from Rachel Nashiem (phonetic) dated June 23th in opposition; an email from Andrew Bartells (phonetic), Elijah Bartells (phonetic), Sam Bartells (phonetic) and Kery Bartells (phonetic) dated June 25th in opposition; a letter from James and Ann White dated June 27th in opposition; a letter from Linda Ryley dated June 30th in opposition; and a letter from Alesandro Soti (phonetic) dated June -- excuse me, July 7th in opposition. And those are the sum and substance of the emails we have received to date on this item.

MS. CURTO: Can I just have an opportunity to speak in response to your --

COUNCILWOMAN DALIMONTE: Yeah.

MS. CURTO: So the standard of the review in your codes is whether or not we're going to obstruct the waterways, the navigation of people, you know, using the waterways, interfere with, impede or obstruct navigation. With respect to safety, I understand it's a concern. It's your job to look out for everybody, and I get that, but in this instance what we're talking about is a typical dock that is going to be safely constructed. You have the engineering and the plans. You've had your water commission review this twice. I really don't see the need for a continuation if it's simply for a generalized objection, not based on anything that's factual, that they're just throwing out safety and saying, oh, you know, the kids are going to be jumping from the docks. The dock is 325 feet away. It doesn't make any sense to continue it on that basis. It just -- I mean we've established that the sailing is not an issue, so I respectfully request that you treat this application the way you've treated all other dock applications in this town. You know, you've always kind of been able to say okay the Water Advisory Committee said that we've looked at this carefully, that the dock is consistent with other docks, that the dock's length, width, height, all of that, we've made concession to make sure that we don't interfere in any way, shape or form with what they're doing there. My clients want to be good neighbors. They're members of this association so --club, sorry. They're not in an association. So I really -- I understand you're in a hard spot right now, but if it was over a legitimate concern, I would understand it more. I really don't see it as legitimate concern at all.

COUNCILWOMAN DALIMONTE: I -- there are so many community objections to this --

MS. CURTO: I understand and that happens.

COUNCILWOMAN DALIMONTE: -- that I want to give both sides a fair shot.

MS. CURTO: You did. We continued the first July hearing. We have a public hearing now. That's what public hearings are for

COUNCILWOMAN DALIMONTE: Yeah, but I think we had to postpone one of the public hearings because the mailing wasn't done right, correct?

MS. CURTO: I think that was one mailing.

COUNCIL WOMAN DALIMONTE: Right.

MS. CURTO: Correct.

COUNCIL WOMAN DALIMONTE: That was a very important mailing because there was 190 members. So as soon as the Board received that, they went out. I do -- I'm being honest Ms. Curto If you're asking me to vote today, I don't know if I'm going to be voting yes. And I really feel it's in the best interest of both parties if we do continue this, if I did make a mistake, not for September 2nd, but September 30th, because I do have to have time to make sure the Board approves me to get an engineer and I really want an expert to really -- an expert on our end to review this. Yes, our Waterfront Advisory Committee has reviewed it and they know the boating world and our bay constables knows the boating world, but I want an engineer and I want to be fair to all the residents in District 6. So that's why I don't want to take the vote today.

MS. CURTO: Okay. Understood.

SUPERVISOR BOSWORTH: The other thing also is we have the Water Advisory Committee, you have the word advisory. They advise and I'm hearing from the councilwoman that there is some discomfort and I commend her for finding a neutral way of saying, and I know that your expert witness has great experience, but we want to have somebody who no one can say they were leaning one way or the other, that they're just looking at it, they have no quote "skin in the game" other than to look at it objectively and give an objective opinion.

MS. CURTO: Understood. Fair enough.

COUNCIL WOMAN DALIMONTE: It's like we're in court, but -- no disrespect to your expert. It's not like he's putting his hand on the bible and he's swearing. I really want -- I want an expert that we hire that's going to really, like you said, look at this and be objective. I really do. I just -- I think it's the best way to handle this. And I think it's the right way to handle this.

COUNCILMAN FERRARA: And I think that's the right call for that and I think if you have those types of questions, they should be answered before we vote.

COUNCIL WOMAN DALIMONTE: Yeah, thank you, Angelo.

COUNCILMAN FERRARA: So I support your position of that.

COUNCIL WOMAN DALIMONTE: Thank you. So I move to continue this item to the September 30th, 2021 Town Board meeting.

MR. WINK: Councilwoman Dalimonte.

COUNCIL WOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCIL WOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

MS. CURTO: Thank you very much.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: Item 10, a public hearing to consider the application of Carolyn Bichoupan for an appeal from a disapproval by the Commissioner of Building Safety, Inspection and Enforcement of a structured (dock) application pursuant to Chapter 42 of the town code for the property located at 4 Waters Edge, Port Washington, New York 11050 and identified on the Nassau County Land and Tax Map as Section 5, Block C, Lot 444.

COUNCILWOMAN DALIMONTE: So I'm asking for this to be continued at the request of the applicant to the September 2nd Town Board meeting.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

MR. WINK: Item 11, a public hearing to consider the adoption of an ordinance affecting Roslyn Avenue in Carle Place, New York.

SUPERVISOR BOSWORTH: The adoption of this ordinance will establish a Reserved Parking space on the south side of Roslyn Avenue, west of Cherry Lane in Carle Place. Mr. Wink, are there any comments?

MR. WINK: I have no cards on this item.

SUPERVISOR BOSWORTH: Therefore I'd like to close the public hearing and offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 422 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ROSLYN AVENUE IN CARLE PLACE, NEW YORK.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead has held a public hearing to consider enacting an ordinance (the "Ordinance"), pursuant to Section 1660 of the Vehicle and Traffic Law, to establish a reserved parking space on the south side of Roslyn Avenue, Carle Place, New York from a point 320 feet west of the west curb line of Cherry Lane, west, for a distance of 20 feet.

WHEREAS, all interested persons were afforded an opportunity to be heard concerning the proposed ordinance; and

WHEREAS, this Board deems it in the public interest to adopt the Ordinance.

NOW, THEREFORE, BE IT

RESOLVED that the ordinance establishing a reserved parking space on the south side of Roslyn Avenue, Carle Place, New York from a point 320 feet west of the west curb line of Cherry Lane, west, for a distance of 20 feet pursuant to section 1660 of the Vehicle and Traffic Law of the State of New York is adopted by this Board, the Ordinance being more particularly described in the Notice of Adoption (the "Notice"); and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish the Notice as required by law in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of North Hempstead at a regular public meeting of the Board held on the 5th day of August, 2021 at 7:00 P.M., in the Town Board Meeting Room at Town Hall, 220 Plandome Road, Manhasset, New York, duly adopted an ordinance establishing a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

PLEASE TAKE FURTHER NOTICE that the ordinance shall read as follows:

**AN ORDINANCE AFFECTING ROSLYN AVENUE IN
CARLE PLACE, NEW YORK.**

1. Section 5 of the ordinance establishing handicapped spaces adopted July 21, 1987 and amended September 15, 1987, February 7, 1989, April 3, 1990, July 17, 1990, November 20, 1990, December 4, 1990, February 19, 1991, October 8, 1991, April 29, 1992, August 11, 1992, April 13, 1993, May 3, 1994, November 22, 1994, April 25, 1995, August 29, 1995, August 27, 1996, November 12, 1996, December 17, 1996, March 4, 1997, May 6, 1997, June 10, 1997, July 15, 1997, March 24, 1998, November 17, 1998, March 2, 1999, June 8, 1999, October 20, 1999, June 27, 2000, August 29, 2000, September 19, 2000, November 14, 2000, February 13, 2001, March 6, 2001, March 27, 2001, May 15, 2001, August 21, 2001, October 16, 2001, November 13, 2001, January 29, 2002, March 12, 2002, April 2, 2002, June 4, 2002, October 1, 2002, November 19, 2002, December 10, 2002, February 11, 2003, April 22, 2003, October 21, 2003, January 6, 2004, March 9, 2004, May 11, 2004, June 29, 2004, August 31, 2004, January 25, 2005, June 14, 2005, July 19, 2005, October 18, 2005, November 15, 2005, January 3, 2006, January 24, 2006, March 21, 2006, May 2, 2006, January 2, 2007, March 6, 2007, April 17, 2007, June 19, 2007, August 14, 2007, September 25, 2007, December 11, 2007, January 29, 2008, May 6, 2008, June 17, 2008, July 29, 2008, August 19, 2008, September 9, 2008, January 6, 2009, January 27, 2009, May 19, 2009, June 23, 2009, July 14, 2009, August 4, 2009, August 25, 2009, October 20, 2009, December 8, 2009, January 26, 2010, October 5, 2010 and December 14, 2010, January 25, 2011, March 8, 2011, June 14, 2011, July 12, 2011, September 27, 2011, December 13, 2011, May 8, 2012, June 19, 2012, July 10, 2012 August 21, 2012, November 20, 2012, December 11, 2012, January 8, 2013, February 19, 2013, March 12, 2013, April 23, 2013, May 14, 2013, June 4, 2013, September 10, 2013, December 10, 2013, February 25, 2014, April 1, 2014, June 10, 2014, December 9, 2014, March 31, 2015, May 12, 2015, July 14, 2015, August 25, 2015, October 20, 2015, November 17, 2015, November 17, 2015, December 15, 2015 and January 26, 2016, February 23, 2016, April 19, 2016, May 10, 2016, June 7, 2016, July 12, 2016, August 9, 2016, September 13, 2016, September 27, 2016, October 25, 2016 and December 13, 2016, January 31, 2017, February 28, 2017, April 4, 2017, April 25, 2017, and July 18, 2017, September 7, 2017, September 26, 2017, November 14, 2017, January 30, 2018, February 27, 2018, September 6, 2018, September 27, 2018, October 25, 2018, November 20, 2018, December 18, 2018, January 29, 2019, February 28, 2019, March 19, 2019, April 30, 2019, June 18, 2019, September 5, 2019, November 19, 2019, July 23, 2020, September 3, 2020, September 24, , October 22, 2020 and May 20, 2021 is further amended by adding thereto a new subdivision as follows:

“120” A reserved parking space on the south side of Roslyn Avenue, Carle Place, New York from a point 320 feet west of the west curb line of Cherry Lane, west, for a distance of 20 feet.

2. This Ordinance shall take effect ten (10) days after publication of the Notice of Adoption by the Town Clerk pursuant to Section 133 of the Town Law of the State of New York.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Traffic Safety Public Safety

Affidavit of Publication

County of Nassau SS
 State of New York,

Linda Baccoli, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of
 The WESTBURY TIMES
 a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz: August 11, 2021

**LEGAL NOTICE
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Dated: Manhasset, New York August 5, 2021

**BY ORDER OF THE
 TOWN BOARD OF
 THE TOWN OF
 NORTH HEMPSTEAD
 WAYNE H. WINK, JR.
 TOWN CLERK**
 8-11-2021-1T-#226245-WBY

Linda Baccoli

Sworn to me this 11 day of
 August-2021

Shari M. Egnasko

 Notary Public

Shari M. Egnasko
 Notary Public, State of New York
 No. 01EG6119807
 Qualified in Nassau County
 Commission Expires Dec. 6, 2024

WINK: Item 12, a public hearing to consider the rescission and adoption of an ordinance affecting Manhasset Avenue in Manhasset, New York.

COUNCILWOMAN DALIMONTE: I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 24 - 2021

A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING MANHASSET AVENUE IN MANHASSET, NEW YORK.

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

RESCIND:

1. T.O. #41-2007

Adopted December 11, 2007

MANHASSET AVENUE – NORTH SIDE – ONE HOUR PARKING – 7:00 A.M. TO 7:00 P.M. - EXCEPT SATURDAY, SUNDAY, AND HOLIDAYS –

From a point 275 feet west of the west curblin of Plandome Road, west to a point 200 feet east of the east curblin of Manhasset Avenue (which is the L.I.R.R. bridge)

ADOPT:

1. MANHASSET AVENUE – NORTH SIDE – NINTEY MINUTE PARKING – 7:00 A.M. TO 7:00 P.M. - EXCEPT SATURDAY, SUNDAY, AND HOLIDAYS –

From a point 275 feet west of the west curblin of Plandome Road, west to a point 200 feet east of the east curblin of Manhasset Avenue (which is the L.I.R.R. bridge).

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine not in excess of Thirty (\$30.00) Dollars, plus any surcharge payable to other governmental entities."

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

**LEGAL NOTICE
NOTICE OF HEARING**
PLEASE TAKE NOTICE
that a public hearing will be
held by the Town Board of
the Town of North Hemp-
stead on the 5th day of Au-
gust, 2021, at 7:00 o'clock in
the evening for the purpose
of considering the adoption
of the following ordinance:
**MANHASSET AVENUE -
MANHASSET**

Section 1. All motor or oth-
er vehicles of any kind shall
comply with the following:

PROPOSAL:

RESCIND:

1. T.O. #41-2007

Adopted December 11, 2007
MANHASSET AVENUE
- NORTH SIDE - ONE
HOUR PARKING - 7:00
A.M. TO 7:00 P.M. - EX-
CEPT SATURDAY, SUN-
DAY, AND HOLIDAYS -
From a point 275 feet west
of the west curblineline of
Plandome Road, west to a
point 200 feet east of the
east curblineline of Manhas-
set Avenue (which is the
L.I.R.R. bridge)

ADOPT:

1. MANHASSET AVENUE
- NORTH SIDE - NINTEY
MINUTE PARKING - 7:00
A.M. TO 7:00 P.M. - EX-
CEPT SATURDAY, SUN-
DAY, AND HOLIDAYS -
From a point 275 feet west
of the west curblineline of
Plandome Road, west to a
point 200 feet east of the
east curblineline of Manhas-
set Avenue (which is the
L.I.R.R. bridge).

**Section 2. All ordinances or
regulations heretofore ad-
opted in conflict with this
ordinance are hereby re-
pealed.**

Section 3. PENALTIES: "A
violation of this ordinance
shall be punishable by a
fine not in excess of Thirty
(\$30.00) Dollars, plus any
surcharge payable to other
governmental entities."

**Section 4. This ordinance
shall take effect ten days
from the date of its publi-
cation and posting pursuant
to Section 133 of the Town
Law of the State of New
York.**

**Section 5. This ordinance
shall be incorporated in the
Uniform Traffic Code of the
Town of North Hempstead.**

Dated: July 8, 2021

Manhasset, New York

**BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

7-21-2021-1T-#225877-MAN

Affidavit of Publication

County of Nassau SS
State of New York,

Darrie A. Dolan, being duly sworn, deposes and says that
she is the principal Clerk of the Publisher of

The MANHASSET PRESS

a weekly newspaper published at Mineola in the county of
Nassau, in the State of New York, and that a notice, a printed
copy of which is hereunto annexed, has been published in
said newspapers once in each week for

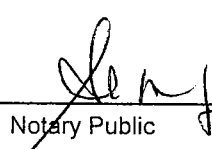
1 weeks, viz:

July 21, 2021



Sworn to me this 21 day of

July-2021


Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

MR. WINK: Item 13, a public hearing to consider the adoption of an ordinance affecting Elm Street in Port Washington, New York

COUNCILWOMAN DALIMONTE: So this will establish a Full Stop southbound on Elm Street at its intersection with Revere Road in Port Washington. I would like to close the public hearing to offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 25 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ELM STREET IN PORT WASHINGTON, NEW YORK.

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

ADOPT:

1. ELM STREET – REVERE ROAD – FULL STOP
All Traffic south bound on Elm Street shall come to a Full Stop at its intersection with Revere Road.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Affidavit of Publication

County of Nassau SS
State of New York,

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

ORDINANCE NO.
T.O. 25 - 2021
PORT WASHINGTON,

NEW YORK

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL

ADOPT:

1. ELM STREET - REVERE ROAD - FULL STOP

All Traffic south bound on Elm Street shall come to a Full Stop at its intersection with Revere Road.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: August 5, 2021
Manhasset, New York

**BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

8-11-2021-1T-#224246-
PORT

Linda Baccoli, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of
The PORT WASHINGTON NEWS
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz: August 11, 2021

Linda Baccoli

Sworn to me this 11 day of
August-2021

Shari M. Egnasko

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

MR. WINK: Item 14, a public hearing to consider the adoption of an ordinance affecting Revere Road in Port Washington, New York.

COUNCILWOMAN DALIMONTE: The adoption of this ordinance will establish a full stop eastbound on Revere Road at its intersection with Birch Street in Port Washington. I would like to close the public hearing and offer the resolution and move for its adoption

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 26 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING REVERE ROAD IN PORT WASHINGTON, NEW YORK.

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

ADOPT:

1. REVERE ROAD – BIRCH STREET – FULL STOP

All Traffic east bound on Revere Road shall come to a Full Stop at its intersection with Birch Street.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Affidavit of Publication

County of Nassau SS
State of New York,

**LEGAL NOTICE
NOTICE OF HEARING**
PLEASE TAKE NOTICE
that a public hearing will be held by the Town Board of the Town of North Hempstead on the 5th day of August, 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:
**REVERE ROAD,
PORT WASHINGTON,
NEW YORK**

1. All motor or other vehicles of any kind shall comply with the following:

**PROPOSAL:
ADOPT:**

1. REVERE ROAD – BIRCH STREET – FULL STOP
All Traffic east bound on Revere Road shall come to a Full Stop at its intersection with Birch Street.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine not in excess of Thirty (\$30.00) Dollars, plus any surcharge payable to other governmental entities."

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: July 8, 2021
Manhasset, New York
BY ORDER OF THE

**TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

7-21-2021-1T-
#225874-PORT

Darrie A. Dolan, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of
The PORT WASHINGTON NEWS
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz:

July 21, 2021

Darrie A. Dolan

Sworn to me this 21 day of
July-2021

Shari M. Egnasko

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

MR. WINK: Item 15, a public hearing to consider the rescission and adoption of ordinances affecting Plandome Road in Manhasset, New York

COUNCILWOMAN DALIMONTE: I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 27 - 2021

A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING PLANDOME ROAD IN MANHASSET, NEW YORK.

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

RESCIND:

1. T.O. #42-1970
Adopted June 9, 1970
PLANDOME ROAD – EAST SIDE – ONE HOUR PARKING 7 A.M. TO 7 P.M. EXCEPT SUNDAYS & HOLIDAYS -
From a point 30 feet north of the north curb line of Gaynor Avenue, north to a point 30 feet south of the south curb line of Vanderbilt Avenue.

ADOPT:

1. PLANDOME ROAD – EAST SIDE – NO STOPPING ANY TIME
From a point 30 feet from the south curb line of Vanderbilt Avenue, South, for a distance of 53 feet.
2. PLANDOME ROAD – EAST SIDE – TWO HOUR PARKING 7 A.M. TO 7 P.M. EXCEPT SUNDAYS & HOLIDAYS -
From a point 30 feet north of the north curb line of Gaynor Avenue, north to a point 83 feet south of the south curb line of Vanderbilt Avenue.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

**LEGAL NOTICE
NOTICE OF HEARING**
PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 5th day of August, 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PLANDOME ROAD,
MANHASSET, NEW YORK**

1. All motor or other vehicles of any kind shall comply with the following:

**PROPOSAL:
RESCIND:**

1. T.O. #42-1970
Adopted June 9, 1970
PLANDOME ROAD -
EAST SIDE - ONE HOUR
PARKING 7 A.M. TO 7
P.M. EXCEPT SUNDAYS
& HOLIDAYS -
From a point 30 feet north
of the north curb line of
Gaynor Avenue, north to a
point 30 feet south of the
south curb line of Vander-
bilt Avenue.

ADOPT:

1. PLANDOME ROAD -
EAST SIDE - NO STOP-
PING ANY TIME

From a point 30 feet from
the south curb line of Van-
derbilt Avenue, South, for
a distance of 53 feet.

2. PLANDOME ROAD
- EAST SIDE - TWO
HOUR PARKING 7 A.M..
TO 7 P.M. EXCEPT SUN-
DAYS & HOLIDAYS -

From a point 30 feet north
of the north curb line of
Gaynor Avenue, north to a
point 83 feet south of the
south curb line of Vander-
bilt Avenue.

**Section 2. All ordinances or
regulations heretofore ad-
opted in conflict with this
ordinance are hereby re-
pealed.**

**Section 3. PENALTIES: "A
violation of this ordinance
shall be punishable by a
fine not in excess of Thirty
(\$30.00) Dollars, plus any
surcharge payable to other
governmental entities."**

**Section 4. This ordinance
shall take effect ten days
from the date of its publi-
cation and posting pursuant
to Section 133 of the Town
Law of the State of New
York.**

**Section 5. This ordinance
shall be incorporated in the
Uniform Traffic Code of the
Town of North Hempstead.**

Dated: July 8, 2021

Manhasset, New York

**BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

7-21-2021-1T-#225878-MAN

Affidavit of Publication

County of Nassau SS
State of New York,

Darrie A. Dolan, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of
The MANHASSET PRESS
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz:

July 21, 2021

Darrie A Dolan

Sworn to me this 21 day of
July-2021

Shari M Egnasko

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

Affidavit of Publication

County of Nassau SS
State of New York,

**LEGAL NOTICE
NOTICE IS HEREBY GIV-**

EN that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE NO.
T.O. 27 - 2021
MANHASSET,
NEW YORK**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL
RESCIND:**

1. T.O. #42-1970

Adopted June 9, 1970

PLANDOME ROAD - EAST SIDE - ONE HOUR PARKING 7 A.M. TO 7 P.M. EXCEPT SUNDAYS & HOLIDAYS -

From a point 30 feet north of the north curb line of Gaynor Avenue, north to a point 30 feet south of the south curb line of Vanderbilt Avenue.

ADOPT:

1. PLANDOME ROAD - EAST SIDE - NO STOPPING ANY TIME

From a point 30 feet from the south curb line of Vanderbilt Avenue, South, for a distance of 53 feet.

2. PLANDOME ROAD - EAST SIDE - TWO HOUR PARKING 7 A.M. TO 7 P.M. EXCEPT SUNDAYS & HOLIDAYS -

From a point 30 feet north of

the north curb line of Gaynor Avenue, north to a point 83 feet south of the south curb line of Vanderbilt Avenue.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

**Dated: August 5, 2021
Manhasset, New York
BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK
8-11-2021-1T-#226249-MAN**

Linda Baccoli, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of

The MANHASSET PRESS

a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz:

August 11, 2021

Linda Baccoli

Sworn to me this 11 day of

August-2021

Shari M. Egnasko

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

MR. WINK: Item 16, a public hearing to consider the rescission and adoption of an ordinance affecting Highfield Avenue in Port Washington, New York.

COUNCILWOMAN DALIMONTE: Basically this is just moving a sign a little bit closer to its driveway, so we're creating another parking spot. So --

MR. WINK: We have two cards to this item.

COUNCILWOMAN DALIMONTE: Okay.

MR. WINK: First one is Chip Entwistle.

MR. ENTWISTLE: Hi. My name is Chip Entwistle from 26 Highfield Avenue. You want me to --can I take the mask down or?

COUNCILMAN FERRARA: Just lift the microphone up.

MR. ENTWISTLE: Hello.

SUPERVISOR BOSWORTH: Perfect.

MR. ENTWISTLE: Did you hear me before?

SUPERVISOR BOSWORTH: We can hear you better now.

MR. ENTWISTLE: Better? Okay. Chip Entwistle from 26 Highfield Avenue. I'm Paul Youkilis' neighbor. So we're just requesting to move the sign to get more room for parking and I'm perfectly okay with it.

COUNCILWOMAN DALIMONTE: Thank you very much for coming.

MR. WINK: Thank you.

MR. ENTWISTLE: You're welcome.

MR. WINK: And Paul Youkilis.

COUNCILWOMAN DALIMONTE: Now, you have to put your mask back on.

MR. YOUKILIS: Good evening. Paul Youkilis, 28 Highfield Avenue. This is the first time I've ever before in this room not in an attorney capacity, so this is very fun for me. I made all these great pictures, but I guess they don't really matter because only my neighbor and I showed up. So really I would just like to thank Councilwoman Dalimonte on the record for insisting in bringing this to fruition, so that I can park in front of my own house. So thank you.

COUNCILWOMAN DALIMONTE: You're welcome.

MR. YOUKILIS: And I appreciate all of your time and efforts.

COUNCILWOMAN DALIMONTE: Just so you know, I did have the fire department look at it and there was no issue because, you know, that's a corner. So I just -- I believe I told you that but --

MR. YOUKILIS: Beautiful. Well, if you pass it, I'll rip the sign out of the ground tonight.

COUNCILWOMAN DALIMONTE: No, you do not do that.

MR. YOUKILIS: I'm just kidding.

COUNCILWOMAN DALIMONTE: I'm going to check tomorrow to see if it's there.

MR. YOUKILIS: I hope that's not on the record. Off the record.

SUPERVISOR BOSWORTH: And she will.

MR. YOUKILIS: Thank you. I appreciate it. Thank you all.

COUNCILWOMAN DALIMONTE: So I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 423 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF R-5 ASSOCIATES FOR A WAIVER FROM ZONING REQUIREMENTS PURSUANT TO SECTION 70-164 OF THE TOWN CODE FOR THE PREMISES LOCATED AT 13 HARBOR PARK DRIVE, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 6, BLOCK 86, LOT 7.

WHEREAS, R-5 Associates, 13 Harbor Park Drive, Port Washington, New York 11050 (the "Applicant") has applied (the "Application") for a waiver from zoning requirements pursuant to Section 70-164 of the Code of the Town of North Hempstead (the "Town Code") to install a 100 KW back-up generator above-ground on a three (3) acre site located at 13 Harbor Park Drive, Port Washington, New York, identified on the Nassau County Land and Tax Map as Section 6, Block 86, Lot 7 (the "Premises"); and

WHEREAS, Town Code §70-164 requires that energy sources, such as generators, and all equipment accessory to all utilities be installed underground in a Planned Industrial Park District; and

WHEREAS, Town Code §70-164 permits the Town Board (the "Board") of the Town of North Hempstead (the "Town") to waive the underground installation requirement in cases where the Board determines that the installation will result in difficulty or hardship, considering the usual topography or other natural conditions of the site (the "Waiver"); and

WHEREAS, this Board wishes to set a date for a public hearing to consider the Application for a Waiver.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 30th day of September, 2021, at the Town Hall Board Meeting Room, 220 Plandome Road, Manhasset, New York, at 7:00 p.m. to consider the Application for a Waiver, at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish and post, a Notice of Hearing as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 30th day of September, 2021 at 7:00 p.m. in Town Hall, 220 Plandome Road, Manhasset, New York, to consider the application of R-5 Associates for a waiver from zoning requirements pursuant to Section 70-164 of the Code of the Town of North Hempstead to install a 100 KW back-up generator above-ground on a three (3) acre site located at 13 Harbor Park Drive, Port Washington, New York, and to hear all interested persons concerning the application.

PLEASE TAKE FURTHER NOTICE that the property that is the subject of this application is located on real property located at 13 Harbor Park Drive, Port Washington, New York, identified on the Nassau County Land and Tax Map as Section 6, Block 86, Lot 7.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

Affidavit of Publication

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

ORDINANCE NO.
T.O. 28 - 2021
PORT WASHINGTON,
NEW YORK

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL
RESCIND:

1. T.O. #17-2000

Adopted May 16, 2000

HIGHFIELD AVENUE - WEST SIDE - NO PARKING ANY TIME

From a point 291 feet south of the south curb line of Radcliff Avenue, south for a distance of 75 feet.

ADOPT:

1.HIGHFIELD AVENUE - WEST SIDE - NO PARKING ANY TIME

From a point 291 feet south of the south curb line of Radcliff Avenue, south for a distance of 60 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: "A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: August 5, 2021

Manhasset, New York

BY ORDER OF THE

TOWN BOARD OF

THE TOWN OF

NORTH HEMPSTEAD

WAYNE H. WINK, JR.

TOWN CLERK

8-11-2021-1T-#226248-

PORT

County of Nassau SS
State of New York,

Linda Baccoli, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of
The PORT WASHINGTON NEWS
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz: August 11, 2021

Linda Baccoli

Sworn to me this 11 day of
August-2021

Shari M. Egnasko

Notary Public
Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

MR. WINK: Resolutions, item 17, a resolution setting a date for a public hearing to consider the application of R-5 Associates for a waiver from zoning requirements pursuant to Section 70-164 of the Town Code for the premises located at 13 Harbor Park Drive, Port Washington and designated on the Nassau County Land and Tax map as Section 6, Block 86, Lot 7.

COUNCILWOMAN DALIMONTE: I offer the resolution and set the hearing date for September 2nd, 2021.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

COUNCILWOMAN DALIMONTE: Oh, I'm sorry. It says the 2nd on my notes. I'm very sorry. Can we go back. How do we do that, rectify it?

MR. WINK: It's in the resolution but counsel, should we revote?

MR. KAPSALIS: You can amend the resolution and revote.

MR. WINK: Okay. I'm going to ask you to make a -- Councilwoman, make a motion to amend the resolution setting a date for September 30th.

COUNCILWOMAN DALIMONTE: Given date to September 30th.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye. Sorry about that, everyone.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 423 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF R-5 ASSOCIATES FOR A WAIVER FROM ZONING REQUIREMENTS PURSUANT TO SECTION 70-164 OF THE TOWN CODE FOR THE PREMISES LOCATED AT 13 HARBOR PARK DRIVE, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 6, BLOCK 86, LOT 7.

WHEREAS, R-5 Associates, 13 Harbor Park Drive, Port Washington, New York 11050 (the "Applicant") has applied (the "Application") for a waiver from zoning requirements pursuant to Section 70-164 of the Code of the Town of North Hempstead (the "Town Code") to install a 100 KW back-up generator above-ground on a three (3) acre site located at 13 Harbor Park Drive, Port Washington, New York, identified on the Nassau County Land and Tax Map as Section 6, Block 86, Lot 7 (the "Premises"); and

WHEREAS, Town Code §70-164 requires that energy sources, such as generators, and all equipment accessory to all utilities be installed underground in a Planned Industrial Park District; and

WHEREAS, Town Code §70-164 permits the Town Board (the "Board") of the Town of North Hempstead (the "Town") to waive the underground installation requirement in cases where the Board determines that the installation will result in difficulty or hardship, considering the usual topography or other natural conditions of the site (the "Waiver"); and

WHEREAS, this Board wishes to set a date for a public hearing to consider the Application for a Waiver.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 30th day of September, 2021, at the Town Hall Board Meeting Room, 220 Plandome Road, Manhasset, New York, at 7:00 p.m. to consider the Application for a Waiver, at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish and post, a Notice of Hearing as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 30th day of September, 2021 at 7:00 p.m. in Town Hall, 220 Plandome Road, Manhasset, New York, to consider the application of R-5 Associates for a waiver from zoning requirements pursuant to Section 70-164 of the Code of the Town of North Hempstead to install a 100 KW back-up generator above-ground on a three (3) acre site located at 13 Harbor Park Drive, Port Washington, New York, and to hear all interested persons concerning the application.

PLEASE TAKE FURTHER NOTICE that the property that is the subject of this application is located on real property located at 13 Harbor Park Drive, Port Washington, New York, identified on the Nassau County Land and Tax Map as Section 6, Block 86, Lot 7.

Dated: Manhasset, New York

August 5, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

MR. WINK: Item 18, the resolution setting a date for a public hearing to consider the adoption of an ordinance affecting Allenwood Road in Great Neck, New York

SUPERVISOR BOSWORTH: I offer the resolution setting the date for September 2nd, 2021.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 424 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ALLENWOOD ROAD IN GREAT NECK, NEW YORK.

WHEREAS, a recommendation has been made for the rescission and adoption of an ordinance affecting Allenwood Road, Great Neck, New York.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by the Town Board of the Town of North Hempstead on the 2nd day of September 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1. **ALLENWOOD ROAD – NORTH SIDE – NO STOPPING HERE TO CORNER**
From the west curblines of Warwick Road, west for a distance of 30 feet.

RESOLVED that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

RESOLVED that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

MR. WINK: Item 19, a resolution setting a date for a public hearing to consider the rescission and adoption of ordinances affecting First Avenue in Garden City Park, New York

COUNCILMAN FERRARA: I offer the resolution and set the hearing date for September 2nd, 2021.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Ferrara offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 425 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING FIRST AVENUE IN GARDEN CITY PARK, NEW YORK.

WHEREAS, a recommendation has been made for the rescission and adoption of an ordinance affecting First Avenue, Garden City Park, New York.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by the Town Board of the Town of North Hempstead on the 2nd day of September 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

RESCIND:

1. T.O. #1A-1960
Adopted January 05, 1960
FIRST AVENUE – BOTH SIDES –ONE HOUR PARKING – EXCEPT SUNDAYS
Starting at the south curb line of Dennis Street, south to the Incorporated Village Line of Garden City.

ADOPT:

1. FIRST AVENUE – WEST SIDE – NO PARKING ANYTIME
From a point 130 feet north of the north curb line of Railroad Avenue, north, for a distance of 100 feet.
2. FIRST AVENUE – EAST SIDE – NO PARKING ANYTIME
From a point 180 feet north of the north curb line of Railroad Avenue, north, for a distance of 115 feet.

RESOLVED that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

RESOLVED that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Public Safety Comptroller Traffic Safety

MR. WINK: Item 20, a resolution setting a date for a public hearing to consider the adoption of ordinances affecting Waldo Avenue in Greenvale, New York.

COUNCILMAN ZUCKERMAN: I offer the resolution setting a hearing date of September 2nd, 2021.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 426 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING WALDO AVENUE IN GREENVALE, NEW YORK.

WHEREAS, a recommendation has been made for the rescission and adoption of ordinances affecting Waldo Avenue, Greenvale, New York.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by the Town Board of the Town of North Hempstead on the 2nd day of September 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinances:

PROPOSAL:

ADOPT:

1. **WALDO AVENUE – SOUTH SIDE – NO STOPPING ANY TIME**
From a point 20 feet from the east curb line of Glen Cove Road, East, for a distance of 120 feet.

2. **WALDO AVENUE – NORTH SIDE – NO STOPPING ANY TIME**
From a point 20 feet from the East curb line of Glen Cove Road, East, for a distance of 105 feet.

RESOLVED that such ordinances when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

RESOLVED that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Public Safety Comptroller Traffic Safety

MR. WINK: Item 21, a resolution authorizing the Town Board to accept gifts to the Town pursuant to Town Law Section 64.

SUPERVISOR BOSWORTH: So these are gifts for Long Island Nets day of service at Bunky Reid Park in New Castle. Costello's Ace offered as a gift volunteers and supplies for the beautification of Martin Bunky Reid Park. The Target Corporation generously offered as a gift volunteer, supplies and tools for the beautification of Martin Bunky Reid Park. Long Island Nets has generously offered as a gift volunteers, supplies and tools for the beautification of Martin Bunky Reid Park and then there were gifts for national night out which just occurred this past Tuesday. Target Corporation gifted bicycles and volunteers. PepsiCo gifted snacks and Pepsi gifted 100 cases of water and soft drinks. The Islamic Center of Long Island has gifted 500 snacks and waters. Westbury 5-7-21FW has gifted ice. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCIL WOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCIL WOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 427 - 2021

A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.

WHEREAS, Costello's Ace Hardware has generously offered, as a gift, volunteers and supplies for the beautification of Martin "Bunky" Reid Park; and

WHEREAS, Target Corporation has generously offered, as a gift, volunteers, supplies, and tools for the beautification of Martin "Bunky" Reid Park; and

WHEREAS, the Long Island Nets has generously offered, as a gift, volunteers, supplies, and tools for the beautification of Martin "Bunky" Reid Park; and

WHEREAS, Target Corporation has generously offered, as a gift, bicycles and volunteers for the Westbury/New Cassel National Night Out Event; and

WHEREAS, PepsiCo Botting Company has generously offered, as a gift, 100 cases of water and soft drinks for the Westbury/New Cassell National Night Out Event; and

WHEREAS, the Islamic Center of Long Island has generously offered, as a gift, snacks and water for the Westbury/New Cassell National Night Out Event; and

WHEREAS, the Westbury VFW has generously offered, as a gift, ice for use during the Westbury/New Cassell National Night Out Event; and

WHEREAS, this Board wishes to accept the Gifts described in this Resolution (the "Gifts") in accordance with Town Law Section 64.

NOW, THEREFORE, BE IT

RESOLVED that this Board hereby gratefully accepts the Gifts.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

Comptroller

Parks and Recreation

MR. WINK: Item 22, a resolution authorizing supplemental budget appropriations pursuant to Town Law Section 112.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 428 - 2021

**A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS
PURSUANT TO TOWN LAW SECTION 112.**

WHEREAS, pursuant to Town Law § 112, the Town Board (“the Board”) of the Town of North Hempstead (“the Town”) has the authority to make supplemental appropriations under certain circumstances; and

WHEREAS, the Office of the Comptroller has requested that the Town Board authorize supplemental appropriations in year 2021 (the “Supplemental Appropriations”), as follows:

- (1) \$743,524.00 to be recorded to revenue line A.2025 with offsetting expenses in the amount of \$357,597 to be recorded to various expense codes for Harbor Links Golf Course as shown in Exhibit A; and
- (2) \$42,438.49 to be recorded to revenue line A.2801 with offsetting expenses in the amount of \$35,423.62 to be recorded to expense code A.05.5142.1300 for snow removal overtime pay for the Parks Department, \$4,735.65 to be recorded to expense code A.03.5142.1300 for snow removal overtime pay for the Comptroller’s and \$2,279.22 to be recorded to expense code A.01.5142.1300 for snow removal overtime pay for Administrative Services; and
- (3) \$14,600.73 to be recorded to revenue line CL.2801 with the offsetting expense to be recorded to expense code CL.00.5142.1300 for snow removal overtime pay for SWMA; and
- (4) \$5,150.54 to be recorded to revenue line B.2801 with the offsetting expense to be recorded to expense code B.06.5142.1300 for snow removal overtime pay for Public Safety; and
- (5) \$3,843.87 to be recorded to revenue line DA.2801 with the offsetting expense to be recorded to expense code A.01.1621.4715 for funding the chargeback for snow removal overtime pay at Town Hall 1; and
- (6) \$6,677.08 to be recorded to revenue line DA.2801 with the offsetting expense to be recorded to expense code A.01.1623.4715 for funding the chargeback for tree trimming and removals at DOSA; and

WHEREAS, the Board wishes to authorize the Supplemental Appropriations.

NOW, THEREFORE, BE IT

RESOLVED that this Board hereby authorizes the Supplemental Appropriations in year 2021 as requested by Comptroller; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to undertake the Supplemental Appropriations.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Town Clerk

Town of North Hempstead
Harbor Links 2021 Budget Analysis and Projection
as of 6.30.21

Concat Account	Department Description	Account Code Description	2021 Budget			Projected 2021		Supplemental Appropriation needed	
			Adopted 2021 Budget	2021 Amendments	Amended 2021 Budget	Actuals Through June 2021	Projected Year End 2021		
			REVENUE						
A.2025.000	Revenue	SPECIAL FACILITY - GOLF HARBOR LINKS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
A.2025.001	Revenue	SPECIAL FACILITY - GOLF GOLF LESSONS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
A.2025.004	Revenue	SPECIAL FACILITY - GOLF MERCHANDISE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
A.2025.005	Revenue	SPECIAL FACILITY - GOLF FOOD BEVERAGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
A.2025	Revenue	SPECIAL FACILITY - GOLF	\$ 5,148,000.00	\$ -	\$ 5,148,000.00	\$ 2,459,160.00	\$ 5,891,524.00	\$ 743,524.00	
			\$ 5,148,000.00	\$ -	\$ 5,148,000.00	\$ 2,459,160.00	\$ 5,891,524.00	\$ 743,524.00	
			EXPENSES						
A.05.7991.4005.001	Harbor Links Admin	PERSONAL SERVICES HARBOR LINKS ADMIN	\$ 485,509.00	\$ -	\$ 485,509.00	\$ 228,417.00	\$ 458,441.00	\$ (27,068.00)	
A.05.7991.4005.006	Harbor Links Admin	PERSONAL SERVICES HARBOR LINKS WORKERS CO	\$ 90,000.00	\$ -	\$ 90,000.00	\$ 26,910.00	\$ 65,535.00	\$ (24,465.00)	
			\$ 575,509.00	\$ -	\$ 575,509.00	\$ 255,327.00	\$ 523,976.00	\$ (51,533.00)	
A.05.7991.4010	Harbor Links Admin	STATIONERY & PRINTING	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 1,160.00	\$ 2,320.00	\$ (80.00)	
A.05.7991.4020	Harbor Links Admin	POSTAGE	\$ 1,200.00	\$ -	\$ 1,200.00	\$ 214.00	\$ 1,232.00	\$ 32.00	
A.05.7991.4040	Harbor Links Admin	OFFICE SUPPLIES	\$ 1,600.00	\$ -	\$ 1,600.00	\$ 1,401.00	\$ 2,148.00	\$ 548.00	
A.05.7991.4060	Harbor Links Admin	COMPUTER SUPPLIES	\$ 1,600.00	\$ -	\$ 1,600.00	\$ 619.00	\$ 5,119.00	\$ 3,519.00	
A.05.7991.4190	Harbor Links Admin	TELEPHONE AND COMMUNICATIONS	\$ 11,000.00	\$ -	\$ 11,000.00	\$ 3,775.00	\$ 8,060.00	\$ (2,940.00)	
A.05.7991.4210	Harbor Links Admin	WATER	\$ 11,000.00	\$ -	\$ 11,000.00	\$ 6,700.00	\$ 14,334.00	\$ 3,334.00	
A.05.7991.4261	Harbor Links Admin	INSURANCE, FIRE & LIABILITY ETC.	\$ 100,000.00	\$ -	\$ 100,000.00	\$ 62,221.00	\$ 124,442.00	\$ 24,442.00	
A.05.7991.4291.001	Harbor Links Admin	RENTALS TRAILERS AND CARTS	\$ 18,000.00	\$ -	\$ 18,000.00	\$ 9,000.00	\$ 18,000.00	\$ -	
A.05.7991.4293	Harbor Links Admin	RENTAL - OFFICE EQUIPMENT	\$ 400.00	\$ -	\$ 400.00	\$ 100.00	\$ 200.00	\$ (200.00)	
A.05.7991.4429	Harbor Links Admin	PROFESSIONAL SERVICES	\$ 8,000.00	\$ -	\$ 8,000.00	\$ 2,250.00	\$ 3,000.00	\$ (5,000.00)	
A.05.7991.4450	Harbor Links Admin	CONFERENCES, SEMINARS & MEETINGS	\$ 1,600.00	\$ -	\$ 1,600.00	\$ -	\$ 1,600.00	\$ -	
A.05.7991.4460	Harbor Links Admin	PUBLIC INFORMATION & EDUCATION	\$ 8,000.00	\$ -	\$ 8,000.00	\$ 3,358.00	\$ 6,716.00	\$ (1,284.00)	
A.05.7991.4670	Harbor Links Admin	GAS AND OIL	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 15,913.00	\$ 31,826.00	\$ (8,174.00)	
A.05.7991.4750	Harbor Links Admin	REPAIRS & MAINTENANCE	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 14,037.00	\$ 28,074.00	\$ 3,074.00	
A.05.7991.4760	Harbor Links Admin	TIPPING FEES-LANDFILL	\$ 500.00	\$ -	\$ 500.00	\$ -	\$ 500.00	\$ -	
A.05.7991.4830	Harbor Links Admin	OTHER DISPOSAL CHARGES	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 2,191.00	\$ 7,147.00	\$ (2,853.00)	
A.05.7991.4970	Harbor Links Admin	OTHER OPERATING EXPENSES	\$ 200,000.00	\$ -	\$ 200,000.00	\$ 100,002.00	\$ 200,000.00	\$ -	
A.05.7991.4971	Harbor Links Admin	LICENSES & PERMITS	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 3,564.00	\$ 4,183.00	\$ (5,817.00)	
A.05.7991.4999	Harbor Links Admin	miscellaneous	\$ 13,600.00	\$ -	\$ 13,600.00	\$ 2,192.00	\$ 12,425.00	\$ (1,175.00)	
A.05.7991.8410	Harbor Links Admin	ELECTRICITY	\$ 185,000.00	\$ -	\$ 185,000.00	\$ 62,672.00	\$ 165,787.00	\$ (19,213.00)	
			\$ 648,900.00	\$ -	\$ 648,900.00	\$ 291,369.00	\$ 637,113.00	\$ (11,787.00)	
			\$ 1,224,409.00	\$ -	\$ 1,224,409.00	\$ 546,696.00	\$ 1,161,089.00	\$ (63,320.00)	

Town of North Hempstead
 Harbor Links 2021 Budget Analysis and Projection
 as of 6.30.21

Concat Account	Department Description	Account Code Description	2021 Budget			Projected 2021		Supplemental Appropriation needed
			Adopted 2021 Budget	2021 Amendments	Amended 2021 Budget	Actuals Through June 2021	Projected Year End 2021	
A.05.7992.4005.002	Golf Shop	PERSONAL SERVICES GOLF SHOP	\$ 399,212.00	\$ -	\$ 399,212.00	\$ 220,339.00	\$ 495,363.00	\$ 96,151.00
			\$ 399,212.00	\$ -	\$ 399,212.00	\$ 220,339.00	\$ 495,363.00	\$ 96,151.00
A.05.7992.4006	Golf Shop	GOLF PROFESSIONALS	\$ 360,000.00	\$ -	\$ 360,000.00	\$ 177,324.00	\$ 373,917.00	\$ 13,917.00
A.05.7992.4011	Golf Shop	PURCHASES	\$ 202,160.00	\$ -	\$ 202,160.00	\$ 61,434.00	\$ 212,805.00	\$ 10,645.00
A.05.7992.4429	Golf Shop	PROFESSIONAL SERVICES	\$ 5,760.00	\$ 1,863.00	\$ 7,623.00	\$ 6,645.00	\$ 7,678.00	\$ 55.00
A.05.7992.4440	Golf Shop	Credit Card Fees	\$ 68,000.00	\$ -	\$ 68,000.00	\$ 41,906.00	\$ 109,385.00	\$ 41,385.00
A.05.7992.4450	Golf Shop	CONFERENCES, SEMINARS & MEETINGS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A.05.7992.4660	Golf Shop	UNIFORMS & LAUNDRY	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 247.00	\$ 2,000.00	\$ (400.00)
A.05.7992.4740	Golf Shop	T.P.S-OPERATING EQUIPMENT	\$ 9,600.00	\$ (1,863.00)	\$ 7,737.00	\$ 5,132.00	\$ 7,277.00	\$ (460.00)
A.05.7992.4999	Golf Shop	miscellaneous	\$ 4,800.00	\$ -	\$ 4,800.00	\$ 3,153.00	\$ 4,487.00	\$ (313.00)
			\$ 652,720.00	\$ -	\$ 652,720.00	\$ 295,841.00	\$ 717,549.00	\$ 64,829.00
			\$ 1,051,932.00	\$ -	\$ 1,051,932.00	\$ 516,180.00	\$ 1,212,912.00	\$ 160,980.00
A.05.7993.4005.003	Golf Course Maint	PERSONAL SERVICES GOLF COURSE MAINTENANC	\$ 982,930.00	\$ -	\$ 982,930.00	\$ 493,881.00	\$ 1,073,608.00	\$ 90,678.00
			\$ 982,930.00	\$ -	\$ 982,930.00	\$ 493,881.00	\$ 1,073,608.00	\$ 90,678.00
A.05.7993.4210	Golf Course Maint	WATER	\$ 120,000.00	\$ -	\$ 120,000.00	\$ 63,102.00	\$ 133,102.00	\$ 13,102.00
A.05.7993.4450	Golf Course Maint	CONFERENCES, SEMINARS & MEETINGS	\$ 2,800.00	\$ -	\$ 2,800.00	\$ -	\$ 2,000.00	\$ (800.00)
A.05.7993.4660	Golf Course Maint	UNIFORMS & LAUNDRY	\$ 1,600.00	\$ -	\$ 1,600.00	\$ -	\$ -	\$ (1,600.00)
A.05.7993.4715	Golf Course Maint	SERVICES RENDERED BY OTHER FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A.05.7993.4740	Golf Course Maint	T.P.S-OPERATING EQUIPMENT	\$ 390,000.00	\$ -	\$ 390,000.00	\$ 190,957.00	\$ 390,000.00	\$ -
A.05.7993.4752	Golf Course Maint	R & M - OPERATING EQUIPMENT	\$ 70,000.00	\$ (15,500.00)	\$ 54,500.00	\$ 15,085.00	\$ 54,500.00	\$ -
A.05.7993.4753	Golf Course Maint	R & M - PLANT & GROUNDS	\$ 15,000.00	\$ 15,500.00	\$ 30,500.00	\$ 27,391.00	\$ 30,500.00	\$ -
A.05.7993.4758	Golf Course Maint	R & M - IRRIGATION	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 8,360.00	\$ 35,000.00	\$ (5,000.00)
A.05.7993.4780	Golf Course Maint	LANDSCAPING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
A.05.7993.4970	Golf Course Maint	OTHER OPERATING EXPENSES	\$ 3,000.00	\$ -	\$ 3,000.00	\$ -	\$ -	\$ (3,000.00)
A.05.7993.4999	Golf Course Maint	miscellaneous	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 500.00	\$ 2,969.00	\$ (2,031.00)
A.05.7993.8410	Golf Course Maint	ELECTRICITY	\$ 65,000.00	\$ -	\$ 65,000.00	\$ 22,327.00	\$ 61,151.00	\$ (3,849.00)
			\$ 712,400.00	\$ -	\$ 712,400.00	\$ 327,722.00	\$ 709,222.00	\$ (3,178.00)
			\$ 1,695,330.00	\$ -	\$ 1,695,330.00	\$ 821,603.00	\$ 1,782,830.00	\$ 87,500.00

Town of North Hempstead
 Harbor Links 2021 Budget Analysis and Projection
 as of 6.30.21

Concat Account	Department Description	Account Code Description	2021 Budget			Projected 2021		Supplemental Appropriation needed
			Adopted 2021 Budget	2021 Amendments	Amended 2021 Budget	Actuals Through June 2021	Projected Year End 2021	
A.05.7994.4005.004	Cart Department	PERSONAL SERVICES CART DEPT	\$ 101,721.00	\$ -	\$ 101,721.00	\$ 58,352.00	\$ 128,012.00	\$ 26,291.00
			\$ 101,721.00	\$ -	\$ 101,721.00	\$ 58,352.00	\$ 128,012.00	\$ 26,291.00
A.05.7994.4291.001	Cart Department	RENTALS TRAILERS AND CARTS	\$ 190,788.00	\$ -	\$ 190,788.00	\$ 90,011.00	\$ 190,788.00	\$ -
A.05.7994.4740	Cart Department	T.P.S-OPERATING EQUIPMENT	\$ 16,800.00	\$ -	\$ 16,800.00	\$ 2,683.00	\$ 22,364.00	\$ 5,564.00
A.05.7994.4752	Cart Department	R & M - OPERATING EQUIPMENT	\$ 6,000.00	\$ -	\$ 6,000.00	\$ 6,967.00	\$ 13,934.00	\$ 7,934.00
			\$ 213,588.00	\$ -	\$ 213,588.00	\$ 99,661.00	\$ 227,086.00	\$ 13,498.00
			\$ 315,309.00	\$ -	\$ 315,309.00	\$ 158,013.00	\$ 355,098.00	\$ 39,789.00
A.05.7995.4005.005	Food & Bev Operations	PERSONAL SERVICES FOOD AND BEVERAGES	\$ 734,670.00	\$ -	\$ 734,670.00	\$ 296,346.00	\$ 835,851.00	\$ 101,181.00
			\$ 734,670.00	\$ -	\$ 734,670.00	\$ 296,346.00	\$ 835,851.00	\$ 101,181.00
A.05.7995.4011	Food & Bev Operations	PURCHASES	\$ 436,693.00	\$ -	\$ 436,693.00	\$ 126,776.00	\$ 453,123.00	\$ 16,430.00
A.05.7995.4440	Food & Bev Operations	Credit Card Fees	\$ 5,552.00	\$ -	\$ 5,552.00	\$ 2,035.00	\$ 8,148.00	\$ 2,596.00
A.05.7995.4460	Food & Bev Operations	PUBLIC INFORMATION & EDUCATION	\$ 16,000.00	\$ -	\$ 16,000.00	\$ 6,750.00	\$ 15,780.00	\$ (220.00)
A.05.7995.4660	Food & Bev Operations	UNIFORMS & LAUNDRY	\$ 1,600.00	\$ -	\$ 1,600.00	\$ -	\$ 1,000.00	\$ (600.00)
A.05.7995.4749	Food & Bev Operations	CLUBHOUSE OPERATION SUPPLIES	\$ 19,200.00	\$ -	\$ 19,200.00	\$ 8,151.00	\$ 19,587.00	\$ 387.00
A.05.7995.4752	Food & Bev Operations	R & M - OPERATING EQUIPMENT	\$ 60,000.00	\$ -	\$ 60,000.00	\$ 28,908.00	\$ 70,258.00	\$ 10,258.00
A.05.7995.4999	Food & Bev Operations	miscellaneous	\$ 8,320.00	\$ -	\$ 8,320.00	\$ 1,922.00	\$ 10,936.00	\$ 2,616.00
			\$ 547,365.00	\$ -	\$ 547,365.00	\$ 174,542.00	\$ 578,832.00	\$ 31,467.00
			\$ 1,282,035.00	\$ -	\$ 1,282,035.00	\$ 470,888.00	\$ 1,414,683.00	\$ 132,648.00
						Total Revenue Appropriation	\$ 743,524.00	\$ 743,524.00
						Total Expenditures Appropriation	\$ 357,597.00	\$ 357,597.00
						Net Appropriation	\$ 385,927.00	\$ 385,927.00

MR. WINK: Item 23, a resolution authorizing the acceptance of a grant award from the New York State Division of Criminal Justice and the taking of related action.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 429 - 2021

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE AND THE TAKING OF RELATED ACTION.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town"), is committed to the safety of its residents and seeks to deter gang violence in the Town (the "Project"); and

WHEREAS, the New York State Division of Criminal Justice Service's Legislative Grant Program supports such projects; and

WHEREAS, a grant from the New York State Division of Criminal Justice Service's Legislative Grant Program is available for youth programs to deter gang involvement and violence through education and enrichment programs to be carried out at the North Hempstead "Yes We Can" Community Center (the "Grant"); and

WHEREAS, the Grant is in the amount of \$5,000; and

WHEREAS, the Grants Coordinator (the "Coordinator") has recommended that the Town accept the grant from the New York State Division of Criminal Justice Service's Legislative Grant Program; and

WHEREAS, this Board wishes to accept the Grant and authorize the execution of an agreement for the Grant.

NOW, THEREFORE, BE IT

RESOLVED that the Town accepts the Grant; and be it further

RESOLVED that the Board hereby authorizes the Supervisor or the Deputy Supervisor to execute any and all contracts, project agreements and other instruments or documents required in connection with the receipt of the Grant ("Contract Documents"), file the Contract Documents in the Office of the Town Clerk, submit Project documentation, and take such other action as may be reasonably required to undertake and complete the Project and receive the Grant; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the Contract Documents in connection with the Project and the Grant.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller

MR. WINK: Item 24, a resolution authorizing the award of a bid for door repairs, maintenance, and replacement (TNH022R-2021).

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 430 - 2021

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR DOOR REPAIRS, MAINTENANCE AND REPLACEMENT (TNH022R-2021).

WHEREAS, the Director of Purchasing (the "Director") has solicited bids for door repairs, maintenance and replacement; and

WHEREAS, bids were received as set forth in Exhibit A attached hereto (the "Bids"); and

WHEREAS, following a review of the Bids, the Director has recommended an award as set forth in Exhibit B attached hereto (the "Award"); and

WHEREAS, this Board wishes to authorize the Award as recommended by the Director, retroactive to July 21, 2021.

NOW, THEREFORE, BE IT

RESOLVED that the Award as recommended by the Director is hereby authorized, retroactive to July 21, 2021; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, any purchase agreements and related documents, a copy of which shall be on file in the Division of Purchasing, and to take such other related action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be, and hereby is, authorized and directed to pay the costs of said awards upon receipt of a duly executed and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Purchasing

TNH022R-2021
Door and Automatic Gate Repair,
Maintenance and Replacement

United Steel Products
 33-40 127th Place
 Flushing, NY 11368
ALFranza@unitedsteelproducts.com
 718-478-5330
 Alfred Franza

Part 1: Pull-Up/Roll-Up Doors

Item	Description	Price
1	Labor Rate – Business Hours	\$165.00
2	Labor Rate – Overtime and Holidays	\$225.00
3	Parts – Town will pay 15% above Certified Cost	
4	Doors – Town will pay 15% above Certified Cost	

Part 2: Entrance Doors

Item	Description	Price
5	Labor Rate – Business Hours	NOT BIDDING
6	Labor Rate – Overtime and Holidays	NOT BIDDING
7	Parts – Town will pay 15% above Certified Cost	
8	Doors – Town will pay 15% above Certified Cost	

Part 3: Automatic Doors (sliding doors to a building)

Item	Description	Price
9	Labor Rate – Business Hours	NOT BIDDING
10	Labor Rate – Overtime and Holidays	NOT BIDDING
11	Parts – Town will pay 15% above Certified Cost	
12	Doors – Town will pay 15% above Certified Cost	

Part 4: Automatic Doors and Gates (garage doors, automatic gates)

Item	Description	Price
13	Labor Rate – Business Hours	\$165.00
14	Labor Rate – Overtime and Holidays	\$225.00
15	Parts – Town will pay 15% above Certified Cost	
16	Doors – Town will pay 15% above Certified Cost	

TNH022R-2021-Door Repairs, Maintenance and Replacement	
Winning Vendor	Items Won
United Steel Products	
33-40 127th Place	
Flushing, NY 11368	
ALFranza@unitedsteelproducts.com	All Items
718-478-5330	
Alfred Franza	

MR. WINK: Item 25, a resolution authorizing the award of a bid for an aerial lift (TNH262-2021).

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 431 - 2021

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR AN AERIAL LIFT (TNH262-2021).

WHEREAS, the Director of Purchasing (the "Director") has solicited bids for an aerial lift; and

WHEREAS, bids were received as set forth in Exhibit A attached hereto (the "Bids"); and

WHEREAS, following a review of the Bids, the Director has recommended an award as set forth in Exhibit B attached hereto (the "Award"); and

WHEREAS, this Board wishes to authorize the Award as recommended by the Director.

NOW, THEREFORE, BE IT

RESOLVED that the Award as recommended by the Director is hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, any purchase agreements and related documents, a copy of which shall be on file in the Division of Purchasing, and to take such other related action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be, and hereby is, authorized and directed to pay the costs of said awards upon receipt of a duly executed and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Purchasing

TNH262-2021 Aerial Lift		Able Equipment Rental 1050 Grand Blvd. Deer Park, NY 11729 Amy Ruhe Aruhe@Ableequipment.com (631)338-3544		Sunbelt Rentals, Inc. 2431 Deerfield Drive Fort Mill, South Carolina 29715 Corina Byrd Contractteam@sunbeltrentals.com (800)508-4762	
Item	DESCRIPTION	UNIT PRICE	UNIT PRICE	Length	Price
1	JLG Articulating Hi-Capacity Boom Lift – Model Number 5450AJHC3, or an equal or better product	\$75,529.26			
OPTIONS		UNIT PRICE	UNIT PRICE	Length	Price
2	Non-Marking Foam Filled Tires	841.79			
3	2500 W Generator	2251.86			
4	Center Stage Tray	47.8			
5	Cold Weather Kit	932.08			
6	Light Package	1221.53			
	Total Lines 1-6	\$80,824.32			\$83,268
WARRANTY		Price	Price	Length	Price
7	Length of Standard Warranty (included in purchase price)	Included		1 year	Included
8	Extended Warranty	\$2,131.30		5 Years	4 years for a total of 5
9	Additional Training Session (cost per session)	\$600/day			\$185 per student
		*** Current Lead Time is 7 months ARO ***			

TNH262-2021-AERIAL LIFT	
Winning Vendor	Items Won
Able Equipment Rental	
1050 Grand Blvd.	
Deer Park, NY 11729	All items
Amy Ruhe	
Aruhe@Ableequipment.com	
(631)338-3544	

MR, WINK: Item 26, a resolution authorizing the award of a bid for tax forms and envelopes (TNH081-2021).

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 432 - 2021

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR TAX FORMS AND ENVELOPES (TNH081-2021).

WHEREAS, the Director of Purchasing (the "Director") has solicited bids for tax forms and envelopes; and

WHEREAS, bids were received as forth in Exhibit A attached hereto (the "Bids"); and

WHEREAS, following a review of the Bids, the Director has recommended an award as set forth in Exhibit B attached hereto (the "Award"); and

WHEREAS, this Board wishes to authorize the Award as recommended by the Director.

NOW, THEREFORE, BE IT

RESOLVED that the Award as recommended by the Director is hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, any purchase agreements and related documents, a copy of which shall be on file in the Division of Purchasing, and to take such other related action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be, and hereby is, authorized and directed to pay the costs of said awards upon receipt of a duly executed and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Purchasing

Tax Forms and Envelopes

Item	Description	Approx. # to be ordered per year	Drew & Rogers Inc 30 Plymouth Street Fairfield, NJ 07004 Rovena Solo (973) 575-4210 ext. 168 drewsolo@drewrogers.com			Lorraine Gregory Corp. 95-A Executive Drive Edgewood, NY 11717 Benjamin Denitrov (631) 694-1500 ext. 206 cbp@lgr.com			Mint Industries Inc DBA: Dupli Envelope and Graphics 6761 Thompson Rd. Syosset, NY 11211 Alvin Schmitz (516) 234-7235 aschnal@duplionline.com			Total 3 rd year	Price per M, 3 rd year	Total 2 nd year	Price per M, 2 nd year	Total 1 st year	Price per M, 1 st year			
			Total 1 st year	Price per M, 2 nd year	Total 2 nd year	Price per M, 3 rd year	Total 3 rd year	Total 1 st year	Price per M, 1 st year	Total 1 st year	Price per M, 2 nd year							Total 2 nd year	Price per M, 3 rd year	Total 3 rd year
A.	Customized Forms with 2 perforations approx. 3-inches and 6-inches from bottom (see samples)																			
1	Blue School Tax Form	67,500	\$1.25	\$2,109.37	\$3.18	\$2,139.65	\$34.15	\$2,305.15												
2	Green General Tax Form	67,500	\$1.25	\$2,109.37	\$3.18	\$2,139.65	\$34.15	\$2,305.15												
B.	Customized Envelopes - (see Samples)																			
1	Green Pre-Addressed - Standard size 8 - 5/8"	100,000	\$26.68	\$2,668.00	\$26.95	\$2,695.00	\$27.25	\$2,725.00												
2	Blue Pre-Addressed - Standard size 8 - 5/8"	100,000	\$26.68	\$2,668.00	\$26.95	\$2,695.00	\$27.25	\$2,725.00												
3	White Pre-Addressed - Standard size 8 - 5/8"	10,000	\$21.86	\$218.60	\$22.00	\$220.00	\$22.50	\$225.00												
4	B. White with window Standard size 10	100,000	\$26.37	\$2,637.00	\$29.00	\$2,900.00	\$29.50	\$2,950.00												
5	C. White with window 6" x 9"	120,000	\$35.46	\$4,255.20	\$36.00	\$4,320.00	\$36.50	\$4,380.00												
C.	Fill Perforated Form (see Samples) 8 1/2" X 11" 20# paper with the horizontal	16,000	\$26.43	\$422.88	\$26.43	\$422.88	\$27.30	\$436.80												
	NOT PRE-PRINTED																			
	Total		\$17,288.42	\$17,732.18	\$18,052.10	\$18,402.10	\$18,752.10	\$19,102.10	\$19,452.10	\$19,802.10	\$20,152.10	\$20,502.10	\$20,852.10	\$21,202.10	\$21,552.10	\$21,902.10	\$22,252.10	\$22,602.10	\$22,952.10	\$23,302.10

We will hold the price for the 2nd and 3rd year if the quantities does not change and there are no increases from the manufacturer. We will provide you with the increase letter and pass the increase to you.

TNH081-2021-Tax forms and Envelopes	
Winning Vendor	Items Won
Drew & Rogers Inc	
30 Plymouth Street	
Fairfield, NJ 07004	
Rovena Seio	All items
(973) 575-6210 ext. 168	
rovena@drew-rogers.com	

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Public Safety

MR. WINK: Item 28, a resolution ratifying and authorizing the execution of an agreement with Water King Inc. for the installation of a lawn sprinkler system in Manhasset Valley Park, Manhasset.

SUPERVISOR BOSWORTH: So this past Sunday, we actually moved the steel beam from the World Trade Center. It's a 19-foot steel beam to Manhasset, Valley Park. It was an extraordinarily touching moment and there'll be landscaping that's going to be put around the sprinklers for that and it's wonderful that we will have this in place for the 20th anniversary for 9/11. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 434 - 2021

A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WATER KING INC. FOR THE INSTALLATION OF A LAWN SPRINKLER SYSTEM AT MANHASSET VALLEY PARK, MANHASSET.

WHEREAS, the Town of North Hempstead (the "Town") Department of Parks and Recreation (the "Department") requires the installation of lawn sprinklers for the 911 Memorial to be erected at Manhasset Valley Park in Manhasset (the "Project"); and

WHEREAS, the Director of Purchasing (the "Director") solicited three (3) quotes for the Services, in accordance with the Town's Procurement Policy; and

WHEREAS, Water King, Inc., P.O. Box 21, West Islip, New York 11795 (the "Contractor") submitted the lowest quote, proposing to perform the Project for a sum not to exceed Ten Thousand Seven Hundred Fifty and 00/100 Dollars (\$10,750.00) (the "Contract Amount"); and

WHEREAS, the Department retained the Contractor to perform the Services; and

WHEREAS, it has been recommended that this Board ratify the Department's actions in retaining the Contractor to provide the Services and to further authorize the execution of an agreement with the Contractor for the Services (the "Agreement"); and

WHEREAS, this Board finds it to be in the best interest of the Town to ratify the use of the Contractor and authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Department in retaining the Contractor to provide the Services be and hereby are ratified; and be it further

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized and directed to execute the Agreement, a copy of the Agreement shall be on file in the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs thereof upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Department of Public Works Comptroller

MR. WINK: Item 29, a resolution authorizing the execution of a license agreement with Bancker Construction Corp. for the use of Manhasset Valley Park, Manhasset.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 435 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH BANCKER CONSTRUCTION CORP. FOR THE USE OF MANHASSET VALLEY PARK, MANHASSET.

WHEREAS, the Town owns certain real property known as Manhasset Valley Park, located on Maple Street and Northern Boulevard in Manhasset, New York (the "Park"); and

WHEREAS, Bancker Construction Corp., 171 Freeman Avenue, Islip, New York 11751 (the "Licensee"), a contractor installing a new wet well for the Great Neck Water Pollution Control District on the adjacent property (the "Project"), has requested a license for the use of a portion of the nonpublic parking lot at the Park for the placement of conex boxes for the storage of equipment and materials for use on the Project (the "License"); and

WHEREAS, the Town Department of Parks and Recreation has recommended granting the License; and

WHEREAS, the Board wishes to grant the License and to authorize the Town to execute an agreement with the Licensee for the License (the "Agreement").

NOW, THEREFORE, BE IT

RESOLVED that the License is hereby granted; and be it further

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement, and to take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED, that the Office of the Town Attorney be and hereby is authorized and directed to supervise the negotiation and execution of the Agreement, and to take such further action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,

Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Parks

MR. WINK: Item 30, a resolution authorizing the execution of an agreement with Parkway Pest Services for exterminating services at Harbor Links Golf Course.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 436 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PARKWAY PEST SERVICES FOR EXTERMINATING SERVICES AT HARBOR LINKS GOLF COURSE.

WHEREAS, the Town of North Hempstead (the "Town") Department of Parks and Recreation (the "Department") requires exterminating services at Harbor Links Golf Course (the "Services"); and

WHEREAS, the Director of Purchasing (the "Director") solicited three (3) quotes for the Services, in accordance with the Town's Procurement Policy; and

WHEREAS, Parkway Pest Services, 100 Jericho Turnpike, New Hyde Park, New York 11040 (the Contractor") submitted the lowest quote, proposing to perform the Services for one year in consideration of payment in an amount not to exceed Five Thousand Nine Hundred Ninety-Five and 00/100 Dollars (\$5,995.00) (the "Agreement"); and

WHEREAS, this Board finds it to be in the best interests of the Town to authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and is hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and oversee the execution of the Agreement, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of the duly executed Agreement and certified claims therefore.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

Comptroller

Parks

MR. WINK: Item 31, a resolution authorizing the execution of an agreement with Global Fueling Systems Inc. for fuel monitoring services.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 437 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH GLOBAL FUELING SYSTEMS INC. FOR FUEL MONITORING SERVICES.

WHEREAS, the Town requires remote monitoring and management of its fuel tanks (the "Services"); and

WHEREAS, the Director of Purchasing (the "Director") has recommended that the Town Board authorize the execution of a professional services agreement with Global Fueling Systems Inc., 42 Field Street, West Babylon, NY 11704 to provide the Services in consideration of an amount not to exceed Thirteen Thousand Eight Hundred and 00/100 Dollars (\$13,800.00), payable at the monthly rate of Two Hundred Thirty and 00/100 Dollars (\$230.00) for each of the five (5) facilities, not to exceed One Thousand One Hundred Fifty and 00/100 Dollars (\$1,150.00) a month (the "Agreement"); and

WHEREAS, this Board wishes to authorize the execution of the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized and directed to execute the Agreement, and a copy of the Agreement shall be on file in the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs thereof upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Purchasing

MR. WINK: Item 32, a resolution authorizing the execution of an agreement with the Town of North Hempstead Community Development Agency and the Community Development Corporation of Long Island related to community outreach for the Emergency Rental Assistance Program.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 438 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY AND THE COMMUNITY DEVELOPMENT CORPORATION OF LONG ISLAND RELATED TO COMMUNITY OUTREACH FOR THE EMERGENCY RENTAL ASSISTANCE PROGRAM.

WHEREAS, pursuant to Resolution No. 219-2021, duly adopted on April 22, 2021, the Town Board (the "Board") of the Town of North Hempstead (the "Town") entered into an agreement with State of New York (the "NYS Agreement") for the administration of the Emergency Assistance Rental Program (the "Program"); and

WHEREAS, ninety (90) percent of the funding allocated to the Town pursuant to the Program will be distributed by the State of New York (the "State") under the NYS Agreement, to Town residents meeting certain criteria who require assistance with paying rent and utilities, and up to ten (10) percent of the funding will be distributed to the Town via a State administered grant program to be used by the Town for expenditures incurred for management and administration related to continued outreach to Town residents regarding the Program; and

WHEREAS, the Town desires to enter into a joint agreement with the Town's Community Development Agency, 51 Orchard Street, Roslyn Heights, New York 11577 (the "CDA") and the Community Development Corporation of Long Island, 2100 Middle Country Road, Centereach, New York 11720 (the "CDCLI") for management and administration services related to continued outreach to Town residents regarding the Program in an amount not to exceed Fifty Thousand and 00/100 Dollars (\$50,000.00) to the CDA for grant administration and implementation of the community outreach services, and an amount not to exceed Five Hundred Thousand and 00/100 Dollars (\$500,000.00) to CDCLI for providing the community outreach services (the "Agreement"); and

WHEREAS, the Board wishes to authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized and directed to execute the Agreement, and a copy of the Agreement shall be on file in the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Offices of the Town Attorney and Comptroller are hereby directed to take such action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller

MR. WINK: Item 33, a resolution authorizing the execution of an amendment to an agreement with H&L Contracting LLC for dredging of the boat ramp channel at Manorhaven Beach Park, Port Washington, New York. DPW Project Number 15-19R.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 439 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH H&L CONTRACTING LLC FOR DREDGING OF THE BOAT RAMP CHANNEL AT MANORHAVEN BEACH PARK, PORT WASHINGTON, NY. DPW PROJECT NO. 15-19R.

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into and amended an agreement with H&L Contracting LLC, 38 Homan Ave., Bay Shore, NY 11706 (the "Contractor"), for the dredging of a boat ramp channel at Manorhaven Beach Park in Port Washington, NY, DPW Project No. 15-19R (the "Original Agreement"); and

WHEREAS, an updated bathymetric survey indicates that the final volume of material dredged from the boat ramp channel by the Contractor was less than the amount contained in the Original Agreement due to obstructions in the seabed which limited the final dredged quantity to 5,772 cubic yards (the "Final Dredged Quantity"); and

WHEREAS, the Acting Commissioner of Public Works (the "Acting Commissioner") has recommended that the Town amend the Original Agreement to reflect the Final Dredged Quantity, thereby reducing the contract amount by Three Hundred Thirty-Five Thousand Three Hundred Sixty-Two and 00/100 Dollars (\$335,362.00), for an amended contract amount not to exceed One Million Three Hundred Twenty-Eight Thousand Five Hundred Six and 00/100 Dollars (\$1,328,506.00) (the "Amendment"); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of a duly executed Amendment and certified

claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller DPW

MR. WINK: Item 34, a resolution authorizing the execution of an amendment to an agreement with H2M Architects and Engineers in connection with the North Hempstead "Yes We Can" Community Center, New Cassel.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 440 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH H2M ARCHITECTS AND ENGINEERS IN CONNECTION WITH THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER, NEW CASSEL.

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with H2M Architects and Engineers, 538 Broad Hollow Road, 4th Floor East, Melville, NY 11747 (the "Consultant"), to provide professional engineering services to obtain the necessary approvals from the Building Department for all open permits related to the "Yes We Can" Community Center (the "Community Center"), and to take any other action necessary to obtain a Certificate of Occupancy for the Community Center in consideration of an amount not to exceed Forty Three Thousand and 00/100 Dollars (\$43,000.00) (the "Original Agreement"); and

WHEREAS, it has been recommended that the Town amend the Original Agreement to account for additional engineering services needed in connection with creating new plans for the existing drywell at the Community Center, thereby increasing the contract amount under the Original Agreement by an amount not to exceed Twenty Three Thousand Five Hundred and 00/100 dollars (\$23,500.00), payable on a per task basis as follows: Three Thousand Two Hundred and 00/100 Dollars (\$3,200.00) for an Amended Site Plan Submission, Twelve Thousand Two Hundred and 00/100 Dollars (\$12,200.00) for a Topographic Survey if required, and Eight Thousand One Hundred and 00/100 Dollars (\$8,100.00) for a Boundary Survey if required, (the "Amendment"); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims

therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney DPW Comptroller

MR. WINK: Item 35, a resolution authorizing the execution of an amendment to an agreement with Atlas Direct Mail for printing and mailing (TNH023-2018)

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 441 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ATLAS DIRECT MAIL FOR PRINTING AND MAILING (TNH023-2018).

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with Atlas Direct Mail, 92 Magnolia Avenue, Westbury, New York 11590 (the "Contractor"), to provide printing and mailing services to the Town (the "Original Agreement"); and

WHEREAS, the Original Agreement contained an option to renew the Original Agreement for one (1) additional one (1) year period with the same terms and conditions, including price (the "Option"); and

WHEREAS the Director of Purchasing (the "Director") has recommended that the Town exercise the Option to extend the term of the Original Agreement for a period of one (1) year to begin retroactively on July 17, 2021 and to terminate on July 16, 2022 (the "Amendment"); and

WHEREAS, this Board finds it in the best interests of the Town to authorize the Amendment as requested by the Director.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Purchasing Comptroller

MR. WINK: Item 36, a resolution authorizing the execution of an amendment to an agreement with Williams Scotsman for the rental of an office trailer at the Westbury Yard.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 442 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH WILLIAMS SCOTSMAN FOR THE RENTAL OF AN OFFICE TRAILER AT THE WESTBURY YARD.

WHEREAS, the Town has entered into a certain lease agreement, as amended (the "Agreement") with Williams Scotsman, Inc., 7539 Harmans Road, Harmans, Maryland 21077 (the "Lessor") for the rental of an office trailer at the Westbury Yard which lease shall expire on August 28, 2021; and

WHEREAS, the Director of Purchasing (the "Director") has recommended that the Agreement be extended for a term of three (3) years to commence on August 29, 2021 and to terminate on August 28, 2024 in consideration of an amount not to exceed Three Hundred Fifty-Nine and 37/100 Dollars (\$359.37) per month (the "Amendment"); and

WHEREAS, the Lessor has agreed to the Term Extension; and

WHEREAS, this Board finds it in the best interest of the Town to authorize the execution of an Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment is hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Highways

MR. WINK: Item 37, a resolution ratifying and authorizing the execution of an amendment to an agreement with Red Visions Systems, LLC D/B/A "Munitrax" for online credit card services.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 443 - 2021

A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH RED VISION SYSTEMS, LLC D/B/A AS "MUNITRAX" FOR ONLINE CREDIT CARD SERVICES.

WHEREAS, pursuant to resolutions, duly adopted by this Board, the Town entered into an agreement, as amended, with Red Vision Systems, LLC doing business as "Munitrax" (the "Contractor") for online tax bill/statement/payment status, presentment, and credit card/electronic check payment processing system (the "Agreement") which Agreement expired on December 31, 2020; and

WHEREAS, the Purchasing Department has issued a Request for Proposals for Credit Card and Electronic Payment Processing of Property Taxes (the "RFP") for the Office of the Receiver of Taxes (the "Receiver"); and

WHEREAS, the Receiver's office continued to require the use of the Contractor's services and has requested that this Board ratify the Receiver's continued use of the Contractor's services and retroactively authorize an extension of the term of the Agreement from January 1, 2021 until such time as an award for the services is made pursuant to the RFP (the "Amendment"); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the execution of the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

MR. WINK: Item 27, a resolution ratifying and authorizing the execution of a execution of an agreement with the Port Washington Public Library for the use of Manorhaven Beach Park, Port Washington.

COUNCILWOMAN DALIMONTE: I would like to thank the Port Washington Public Library for doing this. I spent an afternoon with them. It was wonderful. They gave out free books. They gave out stuff. It was just really nice to see. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

MR. WINK: Item 38, a resolution ratifying the execution of an amendment to an agreement with Forte Payment Systems to temporarily reduce eCheck transaction fees.

SUPERVISOR BOSWORTH: So Forte is once again reducing the eCheck service fee charge to residents from \$1.75 to 75 cents. That'll be till --again, till August 31st, 2021, and that's sensitive to the stresses and challenges of Covid. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 444 - 2021

A RESOLUTION RATIFYING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH FORTE PAYMENT SYSTEMS TO TEMPORARILY REDUCE ECHECK TRANSACTION FEES.

WHEREAS, pursuant to a duly authorized resolution, the Town of North Hempstead, (the "Town") entered into an agreement with Forte Payment Systems, 500 W. Bethany Drive, Suite 200, Allen, Texas 75013 (the "Vendor") for credit card processing services, to be integrated with the Town's licensing software, for various Town departments (the "Original Agreement"); and

WHEREAS, due to the coronavirus pandemic, the Vendor offered to temporarily reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction retroactive from June 11, 2020 for sixty days; and

WHEREAS, the Town and the Vendor executed an amendment to reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction retroactive from June 11, 2020 until August 11, 2020; and

WHEREAS, the Vendor then offered to extend the service fee reductions for additional sixty day periods ending June 30, 2021 and the Town and the Vendor executed amendments to reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction for those periods; and

WHEREAS, the Vendor offered to extend the service fee reduction for the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction retroactive from July 1, 2021 through August 31, 2021 (the "Amendment"); and

WHEREAS, the eCheck service fee will return to \$1.75 per transaction from September 1, 2021 for the remainder of the term of the Agreement; and

WHEREAS, the Town and the Vendor executed an amendment to reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction for the period July 1, 2021 through August 31, 2021; and

WHEREAS, the Town Board finds it in the best interests of the Town to ratify the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is ratified; and be it further

RESOLVED that the Amendment be placed on file in the Office of the Town Clerk.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Purchasing

MR. WINK: Item 39, a resolution authorizing the purchase from Microforce Inc. of annual software maintenance and technical support for the Microsoft Dynamics System for the office of the receiver of taxes.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its-adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 445 - 2021

A RESOLUTION AUTHORIZING THE PURCHASE FROM MICROFORCE INC. OF ANNUAL SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT FOR THE MICROSOFT DYNAMICS SYSTEM FOR THE OFFICE OF THE RECEIVER OF TAXES.

WHEREAS, the Department of Information Technology and Telecommunications (the "Department") requires software maintenance and technical support for the Town's Microsoft Dynamics System for the Office of the Receiver of Taxes (the "Services"); and

WHEREAS, the Director of Purchasing has recommended that the Town purchase the Services from MicroForce, Inc., 68 S. Service Road, Suite 100, Melville, New York 10036 for a term for a term of one (1) year in consideration of an amount not to exceed Four Thousand Thirty-Four and 50/100 Dollars (\$4,034.50) (the "Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Purchase.

NOW, THEREFORE, BE IT

RESOLVED that the Purchase be and is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

Comptroller

DoITT

MR. WINK: Item 40, a resolution authorizing the purchase from Environmental Systems Research Institute, Inc. of annual software maintenance for the Towns's GIS software.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its-adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 446 - 2021

A RESOLUTION AUTHORIZING THE PURCHASE FROM ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. OF ANNUAL SOFTWARE MAINTENANCE FOR THE TOWN'S GIS SOFTWARE.

WHEREAS, the Department of Information Technology and Telecommunications (the "Department") requires software maintenance and technical support for the Town's Geographic Information System software ArcGIS (the "Services"); and

WHEREAS, the Director of Purchasing has recommended that the Town purchase the Services from Environmental Systems Research Institute, Inc., 380 New York Street, Redlands, California 92373 for a term commencing October 21, 2021 and ending October 20, 2022 in consideration of an amount not to exceed Eleven Thousand One Hundred Fifty and 00/100 Dollars (\$11,150.00) (the "Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Purchase.

NOW, THEREFORE, BE IT

RESOLVED that the Purchase be and is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

Comptroller

DoITT

MR. WINK: Item 41, a resolution authorizing the purchase of Microsoft 365 subscriptions from Dell Marketing, LP.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 447 - 2021

A RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT 365 SUBSCRIPTIONS FROM DELL MARKETING, LP.

WHEREAS, the Town of North Hempstead (the "Town") requires the purchase of subscriptions to Microsoft Office 365 cloud based programs (the "Microsoft Subscriptions"); and

WHEREAS, the Commissioner of the Department of Technology and Telecommunications has recommended that the Town purchase the Microsoft Subscriptions, pursuant to the New York State Office of General Services contract number PS68202 titled "Group 76000 – Microsoft Reseller, from Dell Marketing, LP, One Dell Way, Round Rock, Texas 78682 for a term of one (1) year in consideration of an amount not to exceed Seventy-Five and 31/100 Dollars (\$75.31) per Microsoft 365 G1 subscription; an amount not to exceed Two Hundred Seven and 76/100 Dollars (\$207.76) per Microsoft 365 G3 subscription; and an amount not to exceed Twenty-Five and 03/100 Dollars (\$25.03) per online archiving per user (the "Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Purchase.

NOW, THEREFORE, BE IT

RESOLVED that the Purchase be and is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

Comptroller

MR. WINK: Item 42, a resolution authorizing payment to Mosquito Hunters LLC. for mosquito spraying at Harbor Hills

COUNCILMAN SEEMAN: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Seeman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 448 - 2021

A RESOLUTION AUTHORIZING PAYMENT TO MOSQUITO HUNTERS LLC. FOR MOSQUITO SPRAYING AT HARBOR HILLS.

WHEREAS, the Town of North Hempstead Department of Parks and Recreation (the "Department") required mosquito spraying at Harbor Hills Park (the "Services"); and

WHEREAS, the Department retained Mosquito Hunters, LLC, 100 Bay Driveway, Manhasset 11030 (the "Contractor") to provide the Services; and

WHEREAS, it has been recommended that the Town Board ratify the Department's actions in using the Contractor to provide the Services and to further authorize payment for the Services for an amount not to exceed One Hundred Ninety-Nine and 00/100 Dollars (\$199.00) (the "Payment"); and

WHEREAS, this Board finds it to be in the best interest of the Town to ratify the actions of the Department and authorize the Payment.

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Department in using the Contractor to provide the Services be and hereby are ratified; and be it further

RESOLVED that the Payment is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to make the Payment upon receipt of certified claims therefore.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Parks

MR. WINK: Item 43, a resolution authorizing payment to County-Wide Concessions, Inc. for the provision of ice cream trucks at town events.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 449 - 2021

A RESOLUTION AUTHORIZING PAYMENT TO COUNTY-WIDE CONCESSIONS, INC. FOR THE PROVISION OF ICE CREAM TRUCKS AT TOWN EVENTS.

WHEREAS, the Town of North Hempstead Department of Parks and Recreation and Department of Community Services (the "Departments") required ice cream trucks for events held by those Departments (the "Services"); and

WHEREAS, the Departments retained County-Wide Concessions Inc., 137 Allen Boulevard, Farmingdale, New York 11735 (the "Contractor") to provide the Services; and

WHEREAS, it has been recommended that the Town Board ratify the Departments' actions in using the Contractor to provide the Services and to further authorize payment for the Services for an amount not to exceed Three and 00/100 Dollars (\$3.00) per ice cream sold, for a total amount not to exceed Three Thousand Three Hundred Fifty-One and 00/100 Dollars (\$3,351.00) (the "Payment"); and

WHEREAS, this Board finds it to be in the best interest of the Town to ratify the actions of the Departments and authorize the Payment.

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Departments in using the Contractor to provide the Services be and hereby are ratified; and be it further

RESOLVED that the Payment is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed make the Payment upon receipt of certified claims therefore.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Parks

MR. WINK: Item 44, a resolution authorizing payment to E3 Creative Resource Group Inc. for FM transmitting services at North Hempstead Beach Park

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 450 - 2021

A RESOLUTION AUTHORIZING PAYMENT TO E3 CREATIVE RESOURCE GROUP INC. FOR FM TRANSMITTING SERVICES AT NORTH HEMPSTEAD BEACH PARK.

WHEREAS, the Town of North Hempstead Department of Parks and Recreation (the "Department") required FM transmitting services at North Hempstead Beach Park (the "Services"); and

WHEREAS, the Department retained E3 Creative Resource Group Inc, 1636 Hannington Avenue, Wantagh, New York 11793 (the "Vendor") to provide the Services; and

WHEREAS, it has been recommended that the Town Board ratify the Department's actions in reserving the Vendor to provide the Services and to further authorize payment for the Services for an amount not to exceed Nine Hundred Fifty and 00/100 Dollars (\$950.00) (the "Payment"); and

WHEREAS, this Board finds it to be in the best interest of the Town to ratify the actions of the Department and authorize the Payment.

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Department in reserving the Vendor to provide the Services be and hereby are ratified; and be it further

RESOLVED that the Payment is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to make the Payment upon receipt of certified claims therefor.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller Parks and Recreation

MR. WINK: Item 45, a resolution authorizing a change of address for the premises identified as Section 7, Block 164, Lot 9 on the Nassau County Land and Tax map from 40 Field Lane, Roslyn Heights, New York to 39 Hill Lane, Roslyn Heights, New York.

COUNCILMAN ZUCKERMAN: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 451 - 2021

A RESOLUTION AUTHORIZING A CHANGE OF ADDRESS FOR THE PREMISES IDENTIFIED AS SECTION 7, BLOCK 164, LOT 9 ON THE NASSAU COUNTY LAND AND TAX MAP FROM 40 FIELD LANE, ROSLYN HEIGHTS, NEW YORK TO 39 HILL LANE, ROSLYN HEIGHTS, NEW YORK.

WHEREAS, Section 10-3 of the Code of the Town of North Hempstead (the "Town") authorizes the Town Board to adjust and renumber street addresses as may be required from time to time; and

WHEREAS, Li Lu, Country Club RH Holding LLC, is the owner of real property located at 40 Field Lane, Roslyn Heights, New York, designated on the Nassau County Land and Tax Map as Section 7, Block 164, Lot 9 (the "Original Street Address"); and

WHEREAS, Amanda Becker, (the "Applicant"), on behalf of the owner, has requested that the Original Street Address for the premises be changed to 39 Hill Lane, Roslyn Heights, New York ("Address Re-designation"); and

WHEREAS, the Roslyn Heights Postmaster has approved the Address Re-designation sought by the Applicant; and

WHEREAS, subject to the Nassau County Fire Marshal rendering a determination that the designation would not impede optimum emergency response time (the "Determination"), the Town Board wishes to grant the Applicant's request for the Address Re-designation.

NOW, THEREFORE, BE IT

RESOLVED that subject to the Determination of the Nassau County Fire Marshal, the Town Board hereby authorizes and directs that the real property at 40 Field Lane, Roslyn Heights, New York, designated on the Nassau County Land and Tax Map as Section 7, Block 164, Lot 9 (the "Original Street Address"); be re-designated as 39 Hill Lane, Roslyn Heights, New York; and be it further

RESOLVED that the Town Board hereby authorizes and directs that all necessary action be taken by the Building Department to effectuate the foregoing; and be it further

RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to notify the Nassau County Clerk, the Nassau County Engineer, the Applicant and the post-office department of the United States where the premises is located, to advise

them of the Address Re-designation.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Receiver of Taxes Planning Building DPW Town Clerk

MR. WINK: Item 46, a resolution authorizing certain supervisory arrangements concerning personnel of various departments in accordance with Chapter 16B of the Town code.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 452 - 2021

A RESOLUTION AUTHORIZING CERTAIN SUPERVISORY ARRANGEMENTS CONCERNING PERSONNEL OF VARIOUS DEPARTMENTS IN ACCORDANCE WITH CHAPTER 16B OF THE TOWN CODE.

WHEREAS, the Town has previously adopted Chapter 16B of the Town Code of the Town of North Hempstead entitled "Anti-Nepotism" (the "Anti-Nepotism Law"), which, among other things, prohibits Town officers and employees from supervising relatives employed by the Town; and

WHEREAS, the Anti-Nepotism Law allows officers and employees to supervise a relative with the approval of the Town Board; and

WHEREAS, it has requested that this Board authorize the following persons to work at the same locations as their relatives, even though their working at the same location may create an indirect supervisory relationship:

Lily Atighehchi	Town Hall	Rec Aide
Romina Rahmani Tehrany	Town Hall	Councilmember Aide
Druery Czarkowski	Manorhaven	Lifeguard Trainee
Christopher Czarkowski	Manorhaven	Lifeguard

WHEREAS, it has been represented to this Board that allowing these indirect supervisory arrangements to exist is essential to the successful operation of the Town's parks, pools and other operations for the summer season and that any indirect supervision will be minor and will not involve the formation or execution of policy at the Town facilities; and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the above persons to work at the same locations as their relatives as described above, in accordance with the authority given to it under the Anti-Nepotism Law.

NOW, THEREFORE, BE IT

RESOLVED that the indirect supervisory arrangements described in this resolution be and hereby are authorized; and be it further

RESOLVED that the Town Board's authorization as described in this Resolution shall expire on September 15, 2021.

Dated: Manhasset, New York

MR. WINK: Item 47, a resolution amending resolution number 384-2021, adopted July 8, 2021, ratifying and authorizing the execution of an agreement with N&P Engineering, Architecture, and Land Surveying, PLLC in connection with Mill Pond in Port Washington.

COUNCIL WOMAN DALIMONTE: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCIL WOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCIL WOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 453 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 384-2021, ADOPTED JULY 8, 2021, RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH N&P ENGINEERING, ARCHITECTURE AND LAND SURVEYING, PLLC IN CONNECTION WITH MILL POND IN PORT WASHINGTON.

WHEREAS, pursuant to Resolution No. 384-2021, duly adopted on July 8, 2021, the Town Board authorized the execution of an amendment to an agreement with N & P Engineering, Architecture and Land Surveying, PLLC (AKA Nelson & Pope Engineers, Architects & Surveyors), 70 Maxess Road, Melville, NY 11747 (the "Consultant") to provide engineering services related to New Electric Services at Michael J. Tully Park, New Hyde Park, New York, DPW Project No. 19-06 (the "Original Agreement") to incorporate engineering services related to the installation of a permanent standby bi-fuel generator, thereby increasing the contract amount under the Original Agreement by an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) (the "Resolution"); and

WHEREAS, the text of the Resolution corresponded to a different item on the agenda and was inadvertently inserted below the incorrect caption; and

WHEREAS, the Town Attorney has requested that the Resolution be amended to correctly ratify the Department of Public Work's actions in using the Consultant to provide the emergency repair of a retaining wall at Mill Pond in Port Washington and to investigate the condition of the remaining retaining walls at the pond (the "Services") and to further authorize the execution of an agreement for the Services for an amount not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00) (the "Amendment"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

MR. WINK: Item 48, a resolution amending resolution number 396-2021, adopted July 8, 2021, authorizing the execution of an amendment to an agreement with N&P Engineering, Architecture, and Land Surveying, PLLC (AKA Nelson & Pope) for engineering services related to new electric services at Michael J Tully Park, New Hyde Park, New York, DPW Project number 19-06.

COUNCILMAN FERRARA: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Ferrara offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 454 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 396-2021, ADOPTED JULY 8, 2021, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH N&P ENGINEERING, ARCHITECTURE AND LAND SURVEYING, PLLC (AKA NELSON & POPE) FOR ENGINEERING SERVICES RELATED TO NEW ELECTRIC SERVICES AT MICHAEL J. TULLY PARK, NEW HYDE PARK, NY, DPW PROJECT NO. 19-06.

WHEREAS, pursuant to Resolution No. 396-2021, duly adopted on July 8, 2021, the Town Board ratified the actions of the Town of North Hempstead Department of Public Works' use of N & P Engineering, Architecture and Land Surveying, PLLC (AKA Nelson & Pope Engineers, Architects & Surveyors), 70 Maxess Road, Melville, NY 11747 (the "Consultant") to perform emergency repairs to the retaining wall at Mill Pond in Port Washington and perform an investigation into the condition of the remaining retaining walls at the pond (the "Services") and further authorized the execution of an agreement with the Consultant for the Services for an amount not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00) (the "Resolution"); and

WHEREAS, the text of the Resolution corresponded to a different item on the agenda and was inadvertently inserted below the incorrect caption; and

WHEREAS, the Town Attorney has requested that the Resolution be amended to correctly authorize an amendment to an agreement with the Consultant to provide engineering services related to New Electric Services at Michael J. Tully Park, New Hyde Park, New York, DPW Project No. 19-06 (the "Original Agreement") to incorporate additional engineering services related to the installation of a permanent standby bi-fuel generator at Michael J. Tully Park, thereby increasing the contract amount under the Original Agreement by an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) (the "Amendment"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman,
Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney

MR. WINK: Item 49, a resolution authorizing the submission of an application to the New York State Liquor Authority for the Town's 2021 Fall Festival Event to be held at North Hempstead Beach Park.

SUPERVISOR BOSWORTH: So it's going to be on October 2nd and I hope everybody comes. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCIL WOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCIL WOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 455 - 2021

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE LIQUOR AUTHORITY FOR THE TOWN'S 2021 FALL FESTIVAL EVENT TO BE HELD AT NORTH HEMPSTEAD BEACH PARK.

WHEREAS, the Town of North Hempstead Department of Community Services (the "Department") will hold an event known as Fall Festival at North Hempstead Beach Park on October 2, 2021 (the "Event"); and

WHEREAS, the Event will include the sale and consumption of beer, wine, or cider from outside suppliers; and

WHEREAS, New York State law requires that, in order to conduct such activities at the Event, the Town obtain a Temporary Beer, Wine and Cider Permit (the "Permit") from the New York State Liquor Authority (the "Authority"); and

WHEREAS, it has been requested that this Board authorize the Supervisor to execute and submit an application to the Authority for the Permit.

NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute and submit an application to the Authority for the Permit; and be it further

RESOLVED that the Town be and hereby is authorized to pay such fees as may be necessary to obtain the permit as a Town charge.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc:

Town Attorney

Community Services

MR. WINK: Item 50, a resolution amending the Town of North Hempstead Waterfront Advisory Commission by-laws.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 456 - 2021

A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD WATERFRONT ADVISORY COMMISSION BY-LAWS.

WHEREAS, the Town Board is empowered to create non-compensated advisory boards pursuant to Town Law § 51; and

WHEREAS, pursuant to Resolution No. 108-1995, duly adopted at its meeting held on March 14, 1995, amended by Resolution No. 300-1995, duly adopted at its meeting held on August 8, 1995, respectively, the Town Board established a Waterfront Advisory Commission (the "Commission") to advise the Town Board on issues relating to the waterfront and amended its By-Laws; and

WHEREAS, the Town Board wishes to make certain amendments to the By-laws of the Commission, to include a Confidentiality Policy (the "Amended By-Laws") as follows:

WATERFRONT ADVISORY COMMISSION

Establishment; membership; terms; vacancies

- A) There is established a Waterfront Advisory Commission of eleven (11) members, who shall be entitled to vote at any duly organized meeting of the Commission.
- B) In addition to the eleven members, a member of the Town Board, the Director of Harbor and Marine Enforcement, and the Commissioner of Planning and Environmental Protection, or their designees shall serve as non-voting ex-officio members of the Commission.
- C) The eleven (11) members shall be appointed by, and serve at the pleasure of, the Town Board for terms of three (3) years, except for initial appointments, of which four (4) members shall be appointed for one (1) year, four (4) members shall be appointed for two (2) years, and three (3) members shall be appointed for three (3) years.
- D) The Commission is to be made up of several constituencies in order to ensure all opinions and interests are considered by the Commission. Each member may only represent one constituency and cannot be considered for representing another should a different opening on the Commission be available. The following constituencies shall be represented on the Commission as set forth:

1. Three (3) members shall be from adjacent Yacht Clubs. No Yacht Club shall have more than one member on the commission.
2. Two (2) members shall be from neighboring marinas. No marina shall have more than one member on the commission.
3. One (1) member shall be from the Manhasset Bay Protection Committee.
4. One (1) member shall be from a Water-dependent Business. A water dependent business is defined as a business that derives its business from a water dependent use. A water dependent use is an activity or use requiring direct access to water which can be conducted only on, in over or adjacent to town waterways and which involves the use of waterways as an integral part of such activity.
5. Four (4) members shall be resident members of the community with an active interest in the waterfront.

Selection of Officers; quorum; meetings and agendas

- A) The Town Board will annually select the Chairperson of the Commission from the full membership; the full membership of the Commission shall elect a Vice Chair to act as the Chair in the Chair's absence.
- B) Meetings of the Commission shall require a quorum of six (6) voting members, including the Chair or Vice Chair, in order to conduct Commission business.
- C) Minutes will be kept at all Commission meetings, and all meetings shall be open to the public. The ex-officio Town Board member or a designee shall prepare and distribute minutes and request attendance of Town Departments to provide information and collect data in order to make recommendations to the Town Board. Meetings shall be called by the Chair with the ex-officio Town Board member or a designee having the responsibility to notify the members in a timely manner. Agenda items for said meetings shall be compiled by the Chair with the advice of the Commission.

Powers and Duties

- A) The Commission shall provide a forum for discussion by all interested persons of issues relating to the waterfront and shall advise the Town Board on all such issues.
- B) The Commission shall serve in an advisory capacity to the Town Board with respect to Chapters 42 and 69 of the Town Code and shall assist in the drafting of legislation concerning waterfront issues. The members appointed to the Commission may be called upon to assist in preparing written recommendations to the Town Board.

Confidentiality Policy

The committee members of the Waterfront Advisory Commission shall not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with the Waterfront Advisory Commission to any person, including

relatives, friends, business and professional associates, unless the Waterfront Advisory Commission has authorized disclosure. Confidential information includes, but is not limited to, any and all information and/or files obtained by the committee members in reviewing proposed applications. Committee members shall use confidential information solely for the purpose of performing services as a committee member for the Waterfront Advisory Commission. This policy is not intended to prevent disclosure where disclosure is required by law. Breaches of confidential information may result in termination and/or removal.

NOW, THEREFORE, BE IT

RESOLVED that the Amended By-Laws are hereby authorized; and be it further

RESOLVED that the ex-officio Town Board member of the Commission is hereby authorized and directed to cause the Amended By-Laws to be duly certified and filed with the Commission and the Office of the Town Clerk, and to provide for the enforcement of such by-laws as required by law.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller

MR. WINK: Item 51, a resolution authorizing the transfer of funds from various capital projects reserve funds.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. Wink: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 457 - 2021

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM
VARIOUS CAPITAL PROJECTS RESERVE FUNDS.**

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town") has heretofore established a General Fund Capital Projects Reserve Fund, a Highway Fund Capital Projects Reserve Fund, and a Part-Town Capital Projects Reserve Fund, pursuant to applicable law, for payment on various projects and related expenses; and

WHEREAS, the Town has available funds in the General Fund's Capital Projects Reserve Fund (the "General Fund Reserve"); and

WHEREAS, the Board desires to transfer monies from the General Fund Reserve, in the amount of \$16,000.00, to various capital accounts for hardware and software upgrades for the Department of Information Technology and Telecommunications; and

WHEREAS, the Town has available funds in the Highway Fund Capital Projects Reserve Fund (the "Highway Fund Reserve"); and

WHEREAS, the Board desires to transfer monies from the Highway Fund Reserve, in the amount of \$24,276.00, to various capital accounts for the purpose of purchasing pressure washers for the Highways Department; and

WHEREAS, the Town has available funds in the Part-Town Capital Projects Reserve Fund (the "Part-Town Reserve"); and

WHEREAS, the Board desires to transfer monies from the Part-Town Reserve, in the amount of \$62,965.98, to various capital accounts for the purpose of procuring vehicles for the Buildings Department; and

WHEREAS, after careful consideration, the Board finds it in the best interests of the Town to transfer monies from the General Fund Reserve, the Highway Fund Reserve and the Part-Town Reserve to the accounts as outlined above (collectively the "Transfers").

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the Transfers from the General Fund Reserve, the Highway Fund Reserve and the Part-Town Reserve to the accounts as outlined above; and be it further

RESOLVED that the Offices of the Town Attorney and Comptroller are hereby directed to take such action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller

MR. WINK: Item 52, a resolution authorizing the transfer of funds from the general fund, highway fund, and part town fund's employee benefits accrued liability reserve funds.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 458 - 2021

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND, HIGHWAY FUND AND PART TOWN FUND'S EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUNDS.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town") has heretofore established Employee Benefit Accrued Liability Reserve Funds (the "Funds"), pursuant to applicable law, for payment of unused and unpaid sick, personal, holiday and vacation time, and any other forms of payment for accrued but unliquidated time earned by and payable to Town employees upon termination of service; and

WHEREAS, the Town has available funds in the Funds; and

WHEREAS, the Board desires to transfer monies from the Funds to various personnel lines in the General Fund, Highway Fund and Part Town Fund in the total amount of \$181,038.55, to then be utilized to cover separation pay in the second quarter of 2021; and

WHEREAS, after careful consideration, the Board finds it in the best interests of the Town to transfer monies from the Funds to the General Fund, Highway Fund and Part Town Fund as outlined above (the "Transfers").

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the Transfers from the Funds to the General Fund, Highway Fund and Part Town Fund as outlined above; and be it further

RESOLVED that the Offices of the Town Attorney and Comptroller are hereby directed to take such action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Town Attorney Comptroller

MR. WINK: Item 53, A resolution authorizing the employment, appointment, transfer, adjustment, correction, change in grade or salary and/or termination of employees and/or officials in various departments of the Town.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 459 - 2021

A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.

WHEREAS, the approval of this Board has been requested for the employment, appointment, transfer, adjustment, correction, change in grade or salary and/or termination of certain individuals, employees and/or officials in various departments of the Town of North Hempstead (the "Town") as more particularly set forth in a memorandum on file in the Office of the Commissioner of Human Resources; and

WHEREAS, the Board believes it is in the best interests of the Town to approve the request.

NOW, THEREFORE, BE IT

RESOLVED that the following employments, appointments, transfers, adjustments, corrections, changes in grade or salary, and/or terminations are hereby adopted and approved:

ALL APPOINTMENTS PENDING COMPLETION OF PAPERWORK AND CIVIL SERVICE APPROVAL

SEE EXHIBIT A

; and be it further

RESOLVED that the above listed employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary are hereby appointed to the respective positions at a rate of compensation shown next to their names; and be it further

RESOLVED that the appointments and employments are subject to the satisfactory completion of a physical examination by a physician; and be it further

RESOLVED that the term of appointment and employment of any person to an exempt position shall be at the pleasure of the Town Board; and be it further

RESOLVED that the effective date of the foregoing employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary of said

individuals, employees and/or officials in the various departments of the Town shall be that date certified by the Commissioner of Finance; and be it further

RESOLVED that the foregoing appointments, employments and terminations are subject to the rules and regulations of the Nassau County Civil Service Commission and New York State Civil Service Law.

Dated: Manhasset, New York

August 5, 2021

The vote of the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

Please note that all appointments are pending completion of upperwork and Nassau County Civil Service approval.

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grading	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
Merit Raise	Parks & Rec/Security	Sean Scully	Public Safety Officer I	\$67,684 ann /\$32,540/hr to \$68,538 ann /\$32,997/hr	Grade 10, Step 22.5 to Grade 10, Step 24	122700	N/A	A.05.7200.1000	N/A	
Merit Raise	Parks & Rec/Security	Gerald Vacciano	Public Safety Officer I	\$71,531 ann/\$34,39/hr to \$72,144 ann/\$34,68/hr	Grade 10, Step 30 to Grade 10, Step 31.5	122700	N/A	A.05.7200.1000	N/A	
Merit Raise	Parks & Rec/Trades	Vincent Sacco	Parks Construction Coordinator	\$97,115 ann/\$46.69 to \$99,995 ann/\$48.07	Grade 27, Step 4 to Grade 27, Step 5.5	123600	N/A	A.05.7112.1000	N/A	
Merit Raise	Sidewalk District	William Wlenski	Highway Construction Supv.	\$47.97 hourly / \$99,799 annually to \$48.59 hourly / \$101,057 annually	Grade 21, Step 17.5 to Grade 21, Step 19	415000	N/A	SM0017.1000	N/A	
New Hire FT	Highways Department	Marvin Rodriguez	Automotive Servicer	\$24.83 hourly / \$51,656 annually	Grade 13, Step 1	307000	N/A	DA.07.5146.1000	N/A	
New Seasonal Hire	Department of Parks and Recreation - CGM	Philip John	Laborer I	\$14.00 hourly	N/A	883000	N/A	SP154.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Harbor Hills	Chloe Nabalokhoran	Lifeguard I	\$16.00 hourly	N/A	881000	N/A	SP152.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Harbor Hills	Alexander Sarbanes	Lifeguard I	\$16.00 hourly	N/A	881000	N/A	SP152.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Manohaven	Dnury Carukowski	Lifeguard Trainee	\$16.00 hourly	N/A	831000	N/A	A.05.7182.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Manohaven	Jacob Gofetsman	Attendant	\$14.00 hourly	N/A	831000	N/A	A.05.7182.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Marin Bunky Reid	James Tereynski	Attendant	\$14.00 hourly	N/A	835000	N/A	A.05.7111.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Tully	James Luchan	Lifeguard I	\$16.00 hourly	N/A	830000	N/A	A.05.7181.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Tully	Alexandra Ortiz	Attendant	\$14.00 hourly	N/A	830000	N/A	A.05.7181.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Whitney Pond Park	Laura Chu	Lifeguard I	\$16.00 hourly	N/A	823400	N/A	A.05.7185.1200	N/A	
New Seasonal Hire	Department of Parks and Recreation - Whitney Pond Park	Justin Kim	Attendant	\$14.00 hourly	N/A	823400	N/A	A.05.7185.1200	N/A	
New Seasonal Hire	Parks Department - Parks Public Safety	Richard Casero	Public Safety Officer I	\$17.00 hourly	N/A	822700	N/A	A.05.7200.1200	N/A	7/13/2021
Part-time with seasonal hours location change	311 Call Center Tully	Leila Charles	Attendant / 311 Call Rep	\$16.00 hourly	N/A	903100	N/A	A.30.1480.1200	N/A	7/28/2021
Part-time with seasonal hours location change	Parks & Rec to Manohaven	Robert McCormick	Laborer I	\$14.50 hrly	N/A	930000	N/A	A.05.7181.1200	A.05.7182.1200	
Part-time with seasonal hours location change	Parks & Rec to CGM	Olivia Montoni	Lifeguard Trainee	\$17.25 hrly	N/A	931000	982000	A.05.7182.1200	SP154.1200	
Part-time with seasonal hours title and hourly rate change	Parks & Rec Harbor Hills	Jack Kiley	Attendant to Rec Aide	\$14.50 hrly to \$16.00 hrly	N/A	983000	N/A	SP154.1200	N/A	
Part-time with seasonal hours title and hourly rate change	Parks & Rec Harbor Hills	Amanda Fishkin	Attendant to Rec Aide	\$14.25 hrly to \$16.00 hrly	N/A	981000	N/A	SP152.1200	N/A	
Part-time with seasonal hours title and hourly rate change	Parks & Rec Tully	Adrian Chan	Lifeguard I to Lifeguard II	\$17.75 hrly to \$18.75 hrly	N/A	930000	N/A	A.05.7181.1200	N/A	
Resignation PT Salary Change	311 Call Center Receiver of Taxes	Bianca Block	Attendant / 311 Call Rep	\$16.00 hourly	N/A	903100	N/A	A.30.1480.1200	N/A	7/28/2021
	Receiver of Taxes	Angelika Shahman	Deputy Receiver of Taxes	\$3,615.50 bi-weekly / \$94,003 annually to \$3,846.27 bi-weekly / \$100,003 annually	N/A	125600	N/A	A.09.1330.1000	N/A	
Seasonal location change	Parks & Rec Tully	James Licht	Laborer I	\$14.00 hrly	N/A	882000	830000	SP154.1200	A.05.7181.1200	
Seasonal location change	Parks & Rec Manohaven to CGM	Vincenzo Montoni	Lifeguard I	\$17.75 hrly	N/A	831000	882000	A.05.7182.1200	SP154.1200	

Please note that all appointments are pending completion of paperwork and Nassau County Civil Service approval.

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
Seasonal title and hourly rate change	Parks & Rec CGM	Maliken Bursig	Lifeguard I to Lifeguard II	\$20.75 hrly to \$21.75 hrly	N/A	882000	N/A	SP1541200	N/A	
Title Change, Grade, Step and Salary Change	Administrative Services	Christopher Lopes	Laborer I to Maintenance Mechanic Trainee	\$25.92 hourly / \$53,922 annually to \$26.18 hourly / \$54,454 annually	Grade 9, Step 9 to Grade 12, Step 5	120800	N/A	A.0116211000	N/A	
Title Change, Grade, Step and Salary Change	Highways Department	Nicholas Esposito	Laborer I to Equipment Operator Trainee	\$23.26 hourly / \$48,383 annually to \$23.58 hourly / \$49,045 annually	Grade 9, Step 3 to Grade 11, Step 1	311000	N/A	DA.07.5117.1000	N/A	
Title Change, Grade, Step and Salary Change	Highways Department	Jonathan Stalder	Laborer I to Equipment Operator Trainee	\$22.82 hourly / \$47,462 annually to \$23.58 hourly / \$49,045 annually	Grade 9, Step 2 To Grade 11, Step 1	311000	N/A	DA.07.5117.1000	N/A	
Title Change, Grade, Step and Salary Change	Highways Department	James Barzoni	Laborer I to Equipment Operator Trainee	\$23.26 hourly / \$48,383 annually to \$23.58 hourly / \$49,045 annually	Grade 9, Step 3 To Grade 11, Step 1	311000	N/A	DA.07.5117.1000	N/A	
Title Change, Grade, Step and Salary Change	Highways Department	Luigi Mascello	Laborer I to Equipment Operator Trainee	\$24.15 hourly / \$50,229 annually to \$24.29 hourly / \$50,529 annually	Grade 9, Step 5 to Grade 11, Step 2.5	311000	N/A	DA.07.5117.1000	N/A	
Title, Grade, Step and Salary Change	Parks and Recreation - Cramer Park	William Miscel	Laborer 2 to Groundkeeper I	\$28.82 hourly / \$59,936 annually to \$28.83 hourly / \$59,967 annually	Grade 11, Step 12 to Grade 17, Step 2.5	123500	N/A	A.05.7111.1000	N/A	
Title, Grade, Step and Salary Change	Parks and Recreation - CGM	Michael DePino III	Laborer 1 to Laborer 2	\$28.59 hourly / \$59,458 annually to \$28.82 hourly / \$59,936 annually	Grade 9, Step 15 to Grade 11, Step 12	410000	N/A	SP154.1000	N/A	
Title, Grade, Step and Salary Change	Parks and Recreation - Harbor Hills	Daniel Roudan	Laborer 2 to Groundkeeper I	\$24.53 hourly / \$51,019 annually to \$27.89 hourly / \$58,006 annually	Grade 11, Step 3 to Grade 17, Step 1	405000	N/A	SP152.1000	N/A	
Resignation PT	Highways Department	Joseph Blaetter	Clerk I P/T	\$45.00 Hourly	N/A	971000	N/A	DA.07.5225.1200	N/A	4/22/2021
Resignation FT	Sidewalk District	Archie Mai	Clerk-Typist I	\$3,038.60 bi-weekly / \$53,004 annually	Grade 11, Step 5	415000	N/A	SM017.1000	N/A	7/23/2021

MR. WINK: Item 54, a resolution approving the action of the Fire-Medic Company, Number 1, Port Washington, New York, in removing from membership William Viskup and Melina Langadakis and changing Aishi Madan from active to exempt status.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 460 - 2021

A RESOLUTION APPROVING THE ACTION OF THE FIRE-MEDIC CO., NO. 1, PORT WASHINGTON, NEW YORK, IN REMOVING FROM MEMBERSHIP WILLIAM VISKUP AND MELINA LANGADAKIS AND CHANGING AISHI MADAN FROM ACTIVE TO EXEMPT STATUS.

WHEREAS, the Fire-Medic Co. No. 1, Port Washington, New York, has advised of removing William Viskup and Melina Langadakis from membership and changing Aishi Madan from active to exempt status.

NOW, THEREFORE, BE IT

RESOLVED that the action of the Fire-Medic Co. No. 1, 65 Harbor Rd, Port Washington, NY 11050, had advised of removing William Viskup and Melina Langadakis from membership and changing Aishi Madan from active to exempt status, and the same hereby is approved and the Town Clerk directed to record their names in the Minutes of the Town Board.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Fire-Medic Co. No. 1 Town Attorney Comptroller

MR. WINK: Item 55, a resolution approving the action of the Atlantic Hook and Ladder Company, Number 1, Port Washington, New York in removing Jason Saunders from membership.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 461 - 2021

A RESOLUTION APPROVING THE ACTION OF THE ATLANTIC HOOK & LADDER CO. NO. 1, PORT WASHINGTON, NEW YORK, IN REMOVING JASON SAUNDERS FROM MEMBERSHIP.

WHEREAS, the Atlantic Hook & Ladder Company No. 1, Port Washington, New York, has advised of removing Jason Saunders from membership.

NOW, THEREFORE, BE IT

RESOLVED that the action of the Atlantic Hook & Ladder Company No. 1, 25 Carleton Ave., Port Washington, NY 11050, in removing Jason Saunders from membership, be and the same hereby is approved and the Town Clerk is directed to record this name in the Minutes of the Town Board.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Atlantic Hook & Ladder Co. No. 1 Town Attorney Comptroller

MR. WINK: Item 56, a resolution approving the action of the Flower Hill Hose Company, number one, Port Washington, New York, in electing to membership Leonel Galvez and Nola Smith.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 462 - 2021

A RESOLUTION APPROVING THE ACTION OF THE FLOWER HILL HOSE COMPANY, NO. 1, PORT WASHINGTON, NEW YORK, IN ELECTING TO MEMBERSHIP LEONEL GALVEZ AND NOLA SMITH.

WHEREAS, the Flower Hill Hose Company, No. 1, Port Washington, New York, has advised of electing to membership Leonel Galvez and Nola Smith.

NOW, THEREFORE, BE IT

RESOLVED that the action of the Flower Hill Hose Company, No. 1, 12 Haven Avenue, Port Washington, New York, 11050 in electing to membership Leonel Galvez, 70 Bogart Avenue, Port Washington, NY 11050 and Nola Smith, 58 Harbor Homes, Port Washington, NY 11050, be and the same hereby is approved and the Town Clerk directed to record the names in the Minutes of the Town Board.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

cc: Flower Hill Hose Co., No. 1

Town Attorney

Comptroller

MR. WINK: Added starters. Item 57, a resolution authorizing the purchase of a 911 Memorial Plaque from Wemco Casting, LLC.

SUPERVISOR BOSWORTH: I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye. I move to adjourn.

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 463 - 2021

A RESOLUTION AUTHORIZING THE PURCHASE OF A 911 MEMORIAL PLAQUE FROM WEMCO CASTING, LLC.

WHEREAS, the Town of North Hempstead (the "Town") requires the casting of a plaque for the 911 Memorial to be installed at Manhasset Valley Park in Manhasset (the "Services"); and

WHEREAS, after reaching out to multiple vendors, only one vendor is able to complete the Services within the time frame required by the Town and the vendor is Wemco Casting, LLC, 20 Jules Court Suite 2, Bohemia, New York 11716 (the "Contractor"); and

WHEREAS, in order to complete the Services within the time frame, it is necessary to waive the requirement for additional quotes; and

WHEREAS, it has been recommended that the Town purchase the Services from the Contractor in consideration of an amount not to exceed Five Thousand Two Hundred Seventy and 00/100 Dollars (\$5,270.00) (the "Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Purchase.

NOW, THEREFORE, BE IT

RESOLVED that the Purchase be and is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

Dated: Manhasset, New York

August 5, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Absent: Councilperson Lurvey, Councilperson Russell

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

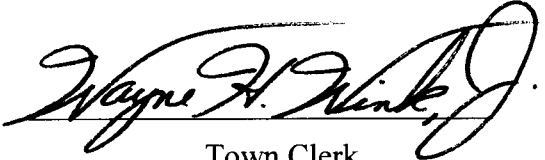
MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

(Whereupon, at 9:40 p.m., the proceedings were concluded.)



Wayne H. Wink, Jr.
Town Clerk