

BOARD OF TRUSTEES MEETING MINUTES
INC. VILLAGE OF WESTBURY
VILLAGE HALL CONFERENCE AND BOARD ROOM
THURSDAY, JANUARY 5, 2023
6:30 P.M.

Present: Mayor Peter I. Cavallaro
Trustee Steven L. Corte
Trustee Beaumont A. Jefferson
Trustee William B. Wise
Trustee Vincent Abbatiello

Staff present: Chrissy Kiernan, Village Clerk-Treasurer
Anna Vikse, Village Attorney
Bill Mello, Sr. Buildings Inspector
Phil Fulgieri, Supt. of Public Works

Mayor Cavallaro opened the Meeting of the Board of Trustees at approximately 6:30PM with a verification of a quorum.

1. Resolution to Approve Board of Trustees Meeting Minutes of December 15, 2022

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to approve the Meeting Minutes of December 15, 2022. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

2. Resolution to Accept the Resignation of Dana R. Boylan, Alt. Member of the Village of Westbury Zoning Board of Appeals

Newly appointed Village Justice, Dana R. Boylan, submitted a resignation letter as an Alt. Member of the Village of Westbury Zoning Board of Appeals effective December 31, 2022.

On motion by Trustee Abbatiello, seconded by Trustee Wise, it was RESOLVED to accept the resignation of Dana R. Boylan as an Alt. Member of the Village of Westbury Zoning Board of Appeals effective December 31, 2022. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

3. Review of Revised Cyber Security Incident Policy

Village Attorney Anna Vikse provided a summary of the revised Cyber Security Incident Policy which incorporates recommendations from NYMIR and New York State. Attorney Vikse went through the proposed policy with the Board which provides summary definitions, a step-by-step cyber incident reporting procedure, outlines responsibilities of the Board, addresses preventative measures, incorporates a practical breach notification policy, and provides key personnel contact information table for the Clerk and the Board of Trustees. The Board discussed the policy and suggested edits. No action was taken and formal adoption was tabled until the next Board Meeting.

4. Review of Board Meeting Packet Materials

Mayor Cavallaro reviewed materials with the Board in preparation for the evening's scheduled public hearings.

5. Swearing in of Village Justice Dana R. Boylan

Mayor Cavallaro swore in Justice Dana R. Boylan, appointed by the Mayor to fill a vacancy for a four-year term set to expire one day prior to the April 2023 Organizational Meeting.

Wendy Liotti, representing Justice Thomas Liotti who resigned from the position and could not attend due to medical issues, spoke on her husband's behalf. Justice Boylan's husband Carl Boylan spoke briefly about the appointment, which was followed by comments from Justice Boylan herself.

6. Pledge of Allegiance

Mayor Cavallaro began the regular meeting with the Pledge of Allegiance.

7. Public Hearing Bill 1 of 2023, a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Mayor Cavallaro opened the public hearing for bill 1 of 2023, a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

Mayor Cavallaro explained that the Village Board enacts this legislation each year prior to budget adoption. The purpose of the legislation is to give the Village Board the legal authority to raise taxes above the tax cap. Each year the Village Board has subsequently rescinded the legislation.

Mayor Cavallaro asked for public comment and seeing none asked for a motion to close the public hearing.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, the public hearing was closed. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

8. Resolution to Adopt Bill 1 of 2023 as Local Law 1 of 2023

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to adopt Bill 1 of 2023 as Local Law 1 of 2023. The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

9. Public Hearing Bill 2 of 2023, a proposed local law amending Section 237-84 of the Vehicle and Traffic Code of the Village of Westbury

Mayor Cavallaro opened the public hearing to hear bill 2 of 2023, a bill drafted in response to a petition received from residents of Castle Avenue, to remove the current two-hour parking restriction on Castle Avenue between a point 100 feet to the west of Post Avenue and the intersection of Fulton Street. The petition, entered into the record as Exhibit 1, was signed by seven households whose properties lie on Castle Avenue between Post Avenue and Fulton Street.

Sr. Buildings Inspector Bill Mello provided a summary. There is currently a two-hour parking limit on either side of Castle Avenue between a point 100 feet west of Post Avenue and the intersection with Fulton Street. The parking restrictions were imposed 25-30 years ago to address parking issues from a funeral home on the street that is no longer in operation. The legislation would not address 15-minute parking restrictions that are in placed the first 50 feet west of Post Avenue on Castle Avenue.

Mayor Cavallaro then opened the public hearing to public comment and recognized Ms. Miriam Trujillo who was present and carried the petition. Ms. Trujillo asked what the proposed legislation would do. In response, Mayor Cavallaro explained that the legislation would remove the parking restrictions and noted that the Board will normally adopt what most of the residents desire.

Hearing no other comments from the public, Mayor Cavallaro asked for a motion to close the public hearing.

On motion by Trustee Jefferson, seconded by Trustee Abbatiello, it was RESOLVED to close the public hearing. The Board was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye

Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

10. Resolution to Adopt Bill 2 of 2023 as Local Law 2 of 2023

On motion by Trustee Abbatiello, seconded by Trustee Corte, it was RESOLVED to adopt Bill 2 of 2023 as Local Law 2 of 2023. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

11. Resolution for the 2023 Village Election identifying the polling place in each district and the hours the polls will be open in accordance with State Election Law §§ 15-104(1)(b) and 15-104(3)(b)

WHEREAS, the Next Village Election is to be held Tuesday, March 21, 2023; and

WHEREAS, the designation of the polling places and hours which the Polls are open is a requirement of law; and

NOW, THEREFORE, BE IT RESOLVED that the following locations are designated the official polling place, and shall be open between the hours of 7:00 A.M. – 9:00 P.M.

The polling place of the qualified voters of the Village of Westbury, who reside within the limits of the:

FIRST ELECTION DISTRICT
shall be
WESTBURY SENIOR CENTER
360 Post Avenue
Westbury, NY

The polling place of the qualified voters of the Village of Westbury, who reside within the limits of the:

SECOND ELECTION DISTRICT
shall be
VILLAGE HALL
235 Lincoln Place
Westbury, NY

The polling place of the qualified voters of the Village of Westbury, who reside within the limits of the:

THIRD ELECTION DISTRICT
shall be
WESTBURY RECREATION CENTER
348 Post Avenue
Westbury, NY

CONSIDERANDO que la próxima elección de la Villa se celebrará el martes 21 de marzo de 2023; y

CONSIDERANDO que la designación de los lugares de votación y las horas que las encuestas están abiertas es un requisito legal; y

AHORA, POR LO TANTO, SE RESUELVE que las siguientes ubicaciones están designadas como lugar oficial de votación, y estarán abiertas entre las 7:00 a. m. y las 9:00 p. m.

El lugar de votación de los votantes calificados de la Villa de Westbury, que residen dentro de los límites de:

PRIMER DISTRITO ELECTORAL
será
WESTBURY SENIOR CENTER
360 Post Avenue
Westbury, NY

El lugar de votación de los votantes calificados de la Villa de Westbury, que residen dentro de los límites de:

SEGUNDO DISTRITO ELECTORAL
será
VILLAGE HALL
235 Lincoln Place
Westbury, NY

El lugar de votación de los votantes calificados de la Villa de Westbury, que residen dentro de los límites de:

TERCER DISTRITO ELECTORAL
será
WESTBURY RECREATION CENTER
348 Post Avenue
Westbury, NY

- 12. Joint Public Hearing of the Board of Trustees and Planning Board, Application of Ornstein Fetner Development, LLC & Scores Realty, regarding the property known as 249 Drexel Avenue, to renew the Special Use Permit which was granted on April 1, 2021, to allow at-grade parking under a proposed building, and to prospectively renew the Site Plan which was approved on March 8, 2022**

Mayor Cavallaro opened the Joint Public Hearing of the Board of Trustees and Planning Board, Application of Ornstein Fetner Development, LLC & Scores Realty, regarding the property known as 249 Drexel Avenue, to renew the Special Use Permit which was granted on April 1, 2021, to allow at-grade parking under a proposed building, and to prospectively renew the Site Plan which was approved on March 8, 2022

Dan Baker, attorney for the Applicants, stated that his client is seeking an extension of the Special Use Permit and a prospective extension for the Site Plan. Mr. Baker represented that the plan going forward will be the same as originally presented to the Board of Trustees and Planning Board, and that the Applicant would adhere to all conditions. He explained that the project was taking some time to progress, due to market conditions, including rising construction costs and financing costs. Further, he stated the original Applicant intends to sell to a new developer who can self-finance the project, which would allow them to act more quickly than someone who needs financing. They intend to go into construction during the summer. The status of the sale of the property is pending currently.

Trustee Abbatiello emphasized to the Applicant that if the plans change, the project will not be allowed to go forward.

Trustee Jefferson asked Mr. Baker to clarify who he represents, and Mr. Baker responded that he represents both the current owner and the entity that will own the property once the sale has gone through. He said that he does not represent either party in the acquisition.

Mr. Razzano asked whether the aesthetics of the building will be the same, and Mr. Baker responded in the affirmative.

Ms. Liotti asked whether the Applicant is confident in their construction timeline, and Mr. Baker responded in the affirmative.

Mayor Cavallaro opened the public hearing to public comment. Hearing none, he asked for a motion to close the public hearing.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to close the public hearing of the Board of Trustees. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

On motion by Member Liotti, seconded by Member Santilli, it was RESOLVED to close the public hearing of the Planning Board. The Planning Board was polled, all present voting "Aye" (4-0).

Henry Razzano, Acting Chair	Aye
Wendy Liotti	Aye

Lindra Troncoso
Susan Santilli

Aye
Aye

13. Resolution to Approve the Application of Ornstein Fetner Development, LLC & Scores Realty, regarding the property known as 249 Drexel Avenue, to renew the Special Use Permit which was granted on April 1, 2021, to allow at-grade parking under a proposed building, and to prospectively renew the Site Plan which was approved on March 8, 2022

WHEREAS, on April 1, 2021, Ornstein Fetner Development LLC and Scores Realty, LLC (“Applicants”) were granted a special use permit to allow at-grade parking under a proposed building to be located at 249 Drexel Avenue, Westbury, New York (the “Premises”), pursuant to Section 248-269(B) of the Village Code, by the Village of Westbury Board of Trustees (the “Board”); and

WHEREAS, on March 8, 2022, the Village of Westbury Planning Board (the “Planning Board”) approved the Applicant’s site plan application; and

WHEREAS, in connection with such application, the Board has declared itself lead agency with regard to the State Environmental Quality Review Act (“SEQRA”), and determined that the proposed action will not have a significant adverse impact on the environment and issued a negative declaration for purposes of SEQRA; and

WHEREAS, the Special Use Permit expired as of October 1, 2022, pursuant to the terms of Section 248-264 of the Village Code; and

WHEREAS, the Site Plan is set to expire as of March 8, 2023, pursuant to the terms of Section 248-259 of the Village Code; and

WHEREAS, the Applicant has submitted a request to reinstate and extend the Special Use Permit and to prospectively extend the site plan approval; and

WHEREAS, Applicants have notified the property owners within 200 feet of the premises;

WHEREAS, in connection with such request, the Board and the Planning Board have convened a joint meeting in order to consider the Applicant’s requests, held public hearings on August 6, 2020, January 7, 2021, and March 4, 2021, and received comments related to the application; and

WHEREAS, Village Board of Trustees has given due deliberation to the application, and has considered whether granting such application would be within the public interest.

FINDINGS

Based upon the evidence and testimony presented by the Applicant, the respective Boards find that is within the best interests of the Village to approve the requests of the Applicant.

On motion by Trustee Corte, seconded by Trustee Jefferson, it was unanimously **RESOLVED** by the Village of Westbury Board of Trustees to approve the application of Ornstein Fetner Development, LLC & Scores Realty to renew and extend the Special Use Permit

granted on April 1, 2021, to allow at-grade underbuilding parking at the property known as 249 Drexel Avenue, for a period of eighteen months, running from the date of this resolution, subject to all the conditions outlined in the original Special Use Permit.

The Board of Trustees was polled, all present voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

On motion by Member Liotti, seconded by Member Santilli, it was unanimously RESOLVED by the Village of Westbury Planning Board to approve the application of Ornstein Fetner Development, LLC & Scores Realty to prospectively renew and extend the Site Plan Approval which was approved on March 8, 2022, for a period of twelve months, running from March 8, 2023, the date that the Site Plan Approval would have expired, provided that the plan will remain the same as originally submitted and approved.

The Planning Board was polled, all present voting “Aye” (4-0).

Henry Razzano, Acting Chair	Aye
Wendy Liotti	Aye
Lindra Troncoso	Aye
Susan Santilli	Aye

14. Board Liaison/Committee Reports

- A. Trustee Steven Corte reported that the last day to file exemptions was January 3, 2023. The Tentative Assessment Roll will be prepared for February 1, 2023 and at that time will be available for viewing in the Clerk’s Office.

Westbury Seniors Asst. Director Andrea Padinha was appointed by the Westbury Seniors Board as the new Executive Director.

- B. Trustee Beaumont Jefferson thanked the Village staff, DPW staff, and Recreation staff for the wonderful Village tree lighting and for decorating Post Avenue and the Recreation Campus.

Westbury Arts will be starting off the year by showcasing Westbury Arts member artists. There will be a sip and paint night on January 13, 2023.

The Village will finalize its Westbury Arts Summer Camp plans and we hope to expand the program to 35 campers this year.

The Santa mailbox received 237 Santa letters this year all of which were responded to.

Iron Gates Foundation held another successful toy drive at the Recreation Center.

- C. Trustee William Wise reported that there was one automobile accident, eight moving violations, and six parking violations issued by the Third Precinct Nassau County Police Department in November 2022.
- D. Trustee Vincent Abbatiello - The Board reviewed claims for the period December 2, 2022 through January 5, 2023, in the amount of \$196,154.68, of which, \$125,966.43 is from the General Fund and \$70,188.25 is from Capital Expenses.

On motion by Trustee Abbatiello, seconded by Trustee Jefferson the motion to submit bills for payment for the period December 2, 2022 through January 5, 2023 was approved. The Board was polled, all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee William Wise	Aye
Trustee Vincent Abbatiello	Aye

Trustee Abbatiello also wished everyone a Happy New Year and reminded attendees that snow is coming.

E. Mayor's Report –

Mayor Cavallaro asked Phil Fulgieri, Supt. of Public Works, to report on the leaf collection program.

Supt. Fulgieri reported that residential leaf collection is complete and now the DPW crew is working on the parks. The Village anticipates delivery of a leaf vacuum soon, which has been ordered, but has not been received.

Mayor Cavallaro reported that Justice Dana R. Boylan was sworn in as the new Village Justice earlier this evening. Justice Liotti retired after 36 years for health reasons and the Village will recognize him at a later date. Justice Boylan is the third Village Justice of the Village. Our first Village Justice Molloy served for 50 years.

Mayor Cavallaro reported that Phase II of the streetscape work is now complete which extended north to the Northern State Parkway and south to Old Country Road. Phase III will fully exhaust all funds and will include streetscape enhancements on some side streets along Post Avenue. The Village is planning on using a \$7 million grant from Legislator Bynoe for a streetscape project on Union and Maple Avenues. A bid will be put out shortly. The Village will also be completing its final road repaving in early spring.

March 21, 2023 is the date of the Village Election. Trustee Corte and Trustee Jefferson will be seeking re-election. Newly appointed Justice Dana Boylan will be running for her first election.

15. Public Comment

Chester McGibbon inquired as to the legalization of recreational marijuana in retail establishments. Mayor Cavallaro responded that the Village opted out of allowing for the sale of recreational cannabis, noting that many municipalities on Nassau and Suffolk counties also opted out.

Mrs. Troncoso thanked the Board for repaving the roadways in The Hedges and repairing the sidewalks. There was an inquiry as to whether a streetlamp fixture missing a panel could be repaired. Supt. Fulgieri responded that the new LED street lights do not have any panels and that he would take a look at that location to see if the fixture was in need of repair. Mrs. Troncoso also thanked the Village for planting new trees.

On a motion by Mayor Cavallaro, duly seconded, the Meeting was adjourned at 8:50p.m.

Submitted by: 
Chrissy Kiernan, Village Clerk-Treasurer