

BOARD OF TRUSTEES MEETING MINUTES  
INC. VILLAGE OF WESTBURY  
VILLAGE HALL CONFERENCE & BOARD ROOM  
THURSDAY, DECEMBER 7, 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  
Joe Brilliantino, Superintendent of Buildings  
Phil Fulgieri, Superintendent 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 November 16, 2023**

On motion by Trustee Corte, seconded by Trustee Jefferson, it was RESOLVED to approve the Work Session/Regular Meeting Minutes of November 16, 2023 as prepared and distributed by Clerk-Treasurer Kiernan. 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. Paper Street at 265 Post Avenue – Lewis Place**

Assessor/Deputy Mayor Corte informed the Board of an issue with a paper street located in the parking lot of 265 Post Avenue. The building is being sold and the title company of the purchaser would like the property transferred to the purchaser to resolve any underlying title issue. Mayor Cavallaro instructed the Village Attorney to offer to the seller an affidavit of estoppel or an estoppel certificate that says the Village would not make a claim or stop the use of what it is currently being used for which is adjacent parking, and to report back to the Board.

**3. Introduction of Bill 1 of 2024, Amending the Sanitation Code**

Attorney Vikse explained that there have been several code changes since Section 1-18 of the code was last amended, which has resulted in some omissions. The proposed bill would

designate who can write tickets and what areas of the code they can write tickets for. A public hearing will be scheduled for January 4, 2023 at 7:30pm.

**4. Review of Lease Agreement with Dennis Dillon Corner Man’s Foundation, Inc. (Boxing Gym at 346 Post Ave.)**

The Board reviewed the lease agreement with Dennis Dillon Corner Man’s Foundation, Inc. which is a boxing gym located at 346 Post Avenue in the basement of the Phipps Sports Center Building on the Village’s recreation campus. Insurance requirements were updated as well as the requirement to have sexual abuse and molestation coverage.

After discussion, on motion by Trustee Abbatiello, seconded by Trustee Jefferson, it was RESOLVED to approve the lease agreement between the Village of Westbury and Denis Dillon Cornerman’s Foundation, Inc. at 346 Post Avenue, Westbury, NY as presented by Village Attorney Vikse. 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

**5. Bill 2 of 2024, Amending §237-77 of the Vehicle and Traffic Code**

The public hearing for Bill 2 of 2023, amending §237-77 of the Vehicle and Traffic Code relating to parking on Myrtle Avenue will be rescheduled for January 4, 2023 at 7:30pm.

**6. Public Benefit Fee in lieu of Parking for Non-profit Institutions**

The Board of Trustees recognizes the important role that non-profit institutions play in the social fabric of the Village, and the difficult position they are in because of inflation and other financial burdens. Therefore, the Board believes it to be in the best interest of the Village and its residents to waive the Public Benefit Fee which are due to the Village under section 248-337 of the Code for all non-profits.

On motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to waive the 2024 Public Benefit Fee in lieu of Parking for non-profit institutions which includes:

1. The Islamic Center of Long Island, located at 835 Brush Hollow Road, in the amount of \$6,400;
2. St. Brigid’s Roman Catholic Church, located at 75 Post Avenue, in the amount of \$450;
3. Spanish Church of God Prophecy of Westbury, located at 25A Post Avenue, in the amount of \$1,000; and
4. Genesis Assembly of God, located at 351 Scally Place (which is an annual amount owed to the Village pursuant to an Amended Stipulation of Settlement dated May 28,

2010, but which is functionally equivalent to the Public Benefit Fee in lieu of Parking), in the amount of 3,628.56.

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

## 7. Executive Session

At 6:50pm, on motion by Trustee Jefferson, seconded by Mayor Cavallaro, the Board entered Executive Session to discuss pending litigation and the Village's collective bargaining agreement with Westbury Village Unit of CSEA, Local 882. Village Attorney Anna Vikse and Clerk-Treasurer Kiernan were also present by request of the Board.

## 8. Resolution to Approve the Memorandum of Agreement between the Village of Westbury and the Civil Service Employees Association, Inc. Local 1000, AFSCME, AFLI-CIO, Westbury Village Unit of CSEA, Local 882.

On motion by Trustee Abbatiello, seconded by Trustee Corte, it was RESOLVED to ratify the terms and conditions of employment for the members of the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO -Westbury Village Unit of CSEA, Local 882, all of which are set forth in the parties' 2018-2023 collective bargaining agreement, as amended by the Memorandum of Agreement dated December 6, 2023, as follows:

1. The term of the successor Collective Bargaining Agreement shall be five (5) years, running from June 1, 2023 and expiring on May 31, 2028.

2. The 2022/23 base salaries of Unit members shall be increased as follows:

<u>Effective Date</u>	<u>Amount of Increase</u>
June 1, 2023	4% retro to 6-1-23 for employees on payroll at full ratification
June 1, 2024	4%
June 1, 2025	1.5%
June 1, 2026	1.5%
June 1, 2027	1.5%

3. Amend Article D, Section 3f to provide that employees in DPW shall receive double time pay for snow removal limited to occasions when the DPW employee is working between the hours of 3:30pm through 7:00am and when actually engaged in the task of snow removal.

4. Amend Article E, Section one to add Juneteenth.

5. Commencing with ratification of this agreement by both parties, newly hired DPW employees who subsequent to hire obtain their New York State CDL shall be eligible to a reimbursement payment of up to five hundred (\$500) dollars towards the cost of obtaining the CDL. In order to be eligible, the DPW employee must have obtained their New York State CDL while employed by the Village, maintained the New York State CDL for four years, have four years of continuous service in DPW and show reasonable proof of payment for the New York State CDL.

6. Amend the second sentence of Article A to state:

Village Officers, the Secretary to the Board of Trustees and supervisors and clerical staff performing confidential clerical work to the Board of Trustees shall not be deemed part of the bargaining unit.

7. Article D, add a new subparagraph to Paragraph 3 as follows:

Should it be determined either after agreement or arbitration that an error was made in following the list, the sole remedy to the affected employee shall be to have that employee called first for the next need of for overtime coverage for which the employee is eligible.

8. Article I, amend paragraph 1 to state:

All employees hired after June 1, 2013, shall contribute 15% of the cost of the health insurance premium (individual or family). This amount shall be deducted from the employee's base pay.

9. This Memorandum of Agreement is subject to ratification by the Unit and Village 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

9. On motion by Trustee Abbatiello, seconded by Trustee Jefferson, the Board came out of Executive Session and noted the ratification of the Memorandum of Agreement between the CSEA Local 882 and the Village of Westbury as presented by the Village Attorney and distributed by Mayor Cavallaro.

## 10. 9/11 Street Sign Request

Mayor Cavallaro discussed sending a letter response outlining the discussions that took place regarding the request from a member of the Westbury Fire Department to rename certain Village streets in honor of people who passed from 9/11 related diseases.

## 11. Pledge of Allegiance

Mayor Cavallaro led the Pledge of Allegiance.

## 12. Public Hearing to consider the Application of Winston Smith, on behalf of property owner SSS Properties Investors, LLC, which seeks to add an 82 square foot extension to an existing building, at the address known as 478 Maple Avenue, Westbury, N.Y., 11590, pursuant to Article XXXIX of Chapter 248 of the Village Code

Clerk-Treasurer Kiernan read the public hearing notice aloud at the request of the Mayor:

Notice is hereby given that a Public Hearing will be held by the Board of Trustees of the Inc. Village of Westbury, on December 7, 2023, at 7:30 p.m., to consider the application of Winston Smith, on behalf of property owner SSS Properties Investors, LLC, which seeks to add an 82 square foot extension to an existing building, at the address known as 478 Maple Avenue, Westbury, N.Y., 11590, pursuant to Article XXXIX of Chapter 248 of the Village Code. The subject property is identified on the Nassau County Tax Map as Section: 10, Block: 239, Lot(s): 168, Zone: MU-R7. The meeting will be conducted at the Village Hall, 235 Lincoln Place, Westbury, New York. At the hearing, all interested persons will be given an opportunity to be heard. In addition, individuals may submit comments via email to [avikse@villageofwestbury.org](mailto:avikse@villageofwestbury.org) or regular mail to 235 Lincoln Place, by close of business on December 7, 2023, and such written comments will be made part of the record.

Mayor Cavallaro noted that the Board was sitting as the Zoning Board of Appeals in this case, because the subject property is located in the TOD Zone, and, pursuant to Section 248-360 of the Code, all development applications located in that area are to be brought before the Board.

Mr. Smith presented his request to the Board. He explained that he is seeking to build a small bedroom extension to an existing studio apartment. He would like to increase the size of the apartment so that the family that currently occupies the apartment can continue to live there as their children get older. He opined that there would be no negative impact on the community, such as noise, and that although there is plenty of parking onsite, the family does not own a car. Mr. Smith stated that the health, safety and welfare of the community will not be negatively impacted by the extension.

Mayor Cavallaro noted that although the proposed extension might be built for the family that currently occupies the apartment, the change and the variance would carry on after they leave, since a variance runs with the land. He then asked the applicant what would prevent him from

renting out the bedroom separately. Mr. Smith stated that it would be designed to prevent that, and that in any case, it was too small to rent out individually.

Trustee Abbatiello asked what the layout of the apartment and building was originally and Mr. Smith stated that the building was always laid out as it is now. Trustee Abbatiello asked what the hardship was, and whether the hardship was really to the tenant or to the property owner, to which Mr. Smith replied that it was both; the family needs the extra room, but it is also extremely difficult to rent the space because it is so small.

Trustee Corte stated that he recalled the size of the property for assessment purposes, and agrees that it is extremely small. He stated that he sees the need for the extension.

Mayor Cavallaro opened up the public hearing to public comment and, hearing none, asked for a motion to close the public hearing. On motion by Trustee Jefferson, seconded by Trustee Wise, 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

**13. Resolution Approving Application of Winston Smith, on behalf of property owner SSS Properties Investors, LLC**

Trustee Corte made a motion to approve the application as submitted, which was seconded by Trustee Jefferson:

**WHEREAS**, on December 5, 2019, the Board of Trustees ("BOT") enacted Article XXXIX of Chapter 248 of the Village Code, "*Maple Union TOD District*" (the "TOD Zone"), to permit the development of transit oriented multi-family residential and mixed-use projects in the area surrounding the Westbury LIRR Station; and

**WHEREAS**, in connection with the adoption of the TOD Zone, the BOT prepared and adopted, pursuant to the State Environmental Quality Review Act ("SEQRA"), a Generic Environmental Impact Statement ("GEIS") (which includes the draft Generic Environmental Impact Statement, the substantive comments received and the responses thereto, and a Final Generic Environmental Impact Statement) that analyzed the maximum development potential under the TOD Zone, as adopted, as a baseline for future development in the TOD Zone, and made a negative declaration with regard to the potential environmental impacts under a full-build out scenario; and

**WHEREAS**, the BOT reserved for itself review of all development proposals located within the TOD Zone, in lieu of any other provisions of the Village Code (See Village Code § 248-360); and

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) of the Village of Westbury was in receipt of an application from Winston Smith, on behalf of property owner SSS Property Investors, LLC, for a variance of the Section 248-232(D) of the Village Code, which prohibits the expansion of a prior non-conforming use, to construct an 82 square foot extension to an existing building, which would be used as a bedroom to convert the existing apartment from a studio to a one-bedroom, at the property known as 478 Maple Avenue, Westbury New York; and

**WHEREAS**, the ZBA referred the matter to the BOT pursuant to Section 248-360 of the Code; and

**WHEREAS**, on December 7, 2023, in connection with such application, the BOT received and reviewed the application, held a public hearing and received comments related to the application; and

**WHEREAS**, in connection with such application, the BOT has determined that the action is a “Type II” action pursuant to the State Environmental Quality Review Act (“SEQRA”), and that no further action under SEQRA was required; and

**WHEREAS**, the BOT has given due deliberation to the application and has performed the required balancing tests and has considered the benefit to the applicants if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, and made the following findings:

- (1) The proposed variance will not produce an undesirable change in the character of the neighborhood and it will not result in a detriment to nearby properties. The proposed addition is one bedroom, and the addition of a single bedroom will not produce an undesirable change in the character of the neighborhood. One possible detriment could be the addition of a car by someone residing in the proposed bedroom, but there is ample parking on site.
- (2) The benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than through an area variance. The Applicant stated on the record that it was difficult to rent the apartment as a studio. There is no way to increase the number of bedrooms without the extension, which necessitates a variance.
- (3) The area variance requested is not substantial. 82 square feet is a very small addition.
- (4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (5) The difficulty is self-created, but this factor is not determinative.
- (6) We hereby determine that the granting of this variance is the minimum variance deemed necessary and adequate and will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED** that the application of Winston Smith, on behalf of property owner SSS Property Investors, LLC, for a variance of the Section 248-232(D) of the Village Code, which prohibits the expansion of a prior non-conforming use, to construct an 82 square foot extension to an existing building, which would be used as a bedroom to convert the existing apartment from a studio to a one-bedroom, at the property known as 478 Maple Avenue, Westbury New York is hereby **granted** for the reasons stated above.

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

**14. Village of Westbury Streetscape Improvements Maple Avenue and Union Avenue State Environmental Quality Review Act (SEQRA) Short Environmental Assessment, Declaring Lead Agency and Adopting Negative Declaration**

The following Resolution was offered for adoption by Trustee Jefferson:

**WHEREAS**, the Village of Westbury and Nassau County are parties to an Inter-Municipal Agreement, which provides for the reconstruction of sidewalk and associated driveway and pavement restoration, reconstruction of improved curb ramps, the addition of two mid-block crossings with Rectangular Rapid Flashing Beacons, roadway signage and striping, and the addition of trees and other landscaping along Maple and Union Avenues (herein, "Proposed Improvements"), and

**WHEREAS**, the Proposed Improvements will occur along Maple Avenue between its intersections with Post Avenue and Union Avenue (length approximately 1900 linear feet) and Union Avenue between Post Avenue and Dartmouth Street (length approximately 4800 linear feet), and

**WHEREAS**, the Village Board has reviewed the proposed action and has preliminarily determined that same is an unlisted action; and

**WHEREAS**, the Village Board declared its intent to assume lead agency status for the proposed action and conducted a coordinated review with all potential involved agencies; and

**WHEREAS**, no objections were received from involved agencies to the Village Board serving as the lead agency for this proposed action;

**WHEREAS**, the Village Board has caused to be prepared Parts 1, 2 and 3 of a Full Environmental Assessment Form (EAF) to evaluate potential significant adverse environmental impacts associated with the proposed action, and has reviewed the aforesaid EAF and agrees with the contents thereof; and

**WHEREAS**, the Village Board has compared the potential impacts of the proposed action, as set forth in Parts 2 and 3 of the EAF, with the criteria set forth in 6 NYCRR §617.7(c);

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board designates itself the lead agency pursuant to the implementing regulations of the State Environmental Quality Review



Act, specifically 6 NYCRR §617.6(b)(2) and (3), with respect to the above-described proposed action; and

**BE FURTHER IT RESOLVED**, that, based upon a review of the proposed action, the EAF and associated documents, the Village Board, as lead agency for the action contemplated herein, hereby determines that the proposed action is classified as an unlisted action; and

**BE FURTHER IT RESOLVED**, that, the Board makes the following conclusions, in respect to its review of the environmental impacts of the proposed action:

i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;

vii. the proposed action would not create a hazard to human health;

viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

xiii. the proposed action would not have a significant adverse environmental impact;  
and

xiv. no further environmental review is required with respect to the proposed action;  
and

**BE IT FURTHER RESOLVED**, that Mayor Cavallaro is hereby authorized to complete Part 3 of the Environmental Assessment Form with respect to the subject project, in support of a SEQRA Negative Declaration, and to execute such other documents as may be reasonably necessary, in form approved by the Village Attorney, in support of such application.

Motion to adopt the foregoing Resolution was seconded by Trustee Abbatiello and the roll call for adoption resulted in the following:

Mayor Cavallaro	Aye
Trustee Corte	Aye
Trustee Jefferson	Aye
Trustee Wise	Aye
Trustee Abbatiello	Aye

## 15. Board Liaison/Committee Reports

### A. Trustee Steven Corte-

1. Assessor – Trustee Corte reported that exemption paperwork is due no later than January 2, 2024. He wished everyone a Merry Christmas and Happy New Year.
2. Seniors – No report.

### B. Trustee Beaumont Jefferson

1. Recreation – Trustee Jefferson thanked the DPW, Recreation, and Clerk’s Office Staff, as well as the Westbury Fire Department and Michelle Curtis, who organized the cookie contest, for a nice tree lighting/holiday event. He wished everyone a Merry Christmas and Happy Holidays.

### C. Trustee William Wise

1. NCPD 3rd Precinct Report – There were four automobile accidents, 4 moving violations and 5 parking violations in the month of November as reported by the

Nassau County Police Department 3<sup>rd</sup> Precinct. Trustee Wise wished everyone a happy holiday.

D. Trustee Vincent Abbatiello

1. Audit and Claims – Review and approval of Claims and Expenditures for the period November 17, 2023 through December 7, 2023 in the amount of \$96,234.16 of which, \$44,655.29 is from Capital Expenses and \$51,578.87 is from the General Fund. Trustee Abbatiello made a motion to submit bills for payment, seconded by Trustee Jefferson. Motion to approve was passed; 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. Trustee Abbatiello reported that the Business Improvement District “BID” dollars program is happening now. There is also free parking on Post Avenue. Trustee Abbatiello also thanked the staff and wished everyone Happy Holidays.

E. Mayor’s Report

1. Finance & Public Works – Mayor Cavallaro reported that the Village commemorated the end of the Downtown Revitalization Initiative (DRI) Project with a ribbon cutting with the Governor held last month. He commented that it was a great day for the Village. The Village also has a \$7 million grant for Union and Maple Avenue streetscape improvements funded by Nassau County. The Budget process for the 2024-2025 budget will begin soon. The Village is in the process of concluding the CSEA contract negotiation.

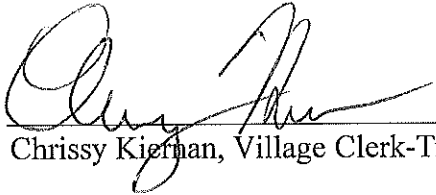
Mayor Cavallaro wished everyone Happy Holidays, Happy Kwanzaa, and Happy New Year.

**16. Public Comments**

Mayor Cavallaro opened the meeting up to public comments.

Mrs. Mobius, of 484 Winthrop Street reported she often sees vehicles with high beam headlights at night and inquired as to reflective street paint. She also thanked Trustee Abbatiello and the Westbury Fire Department for responding to a family emergency. Mayor Cavallaro shared that he will pray for continued recovery of Mrs. Moebius’s family member who she shared was assisted by the fire department and is now in rehabilitation.

On a motion by Trustee Abbatiello, duly seconded by Trustee Jefferson, the Meeting was adjourned at 8:05 p.m.

Submitted by:   
Chrissy Kierman, Village Clerk-Treasurer