

MINUTES OF THE 1139th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
April 14, 2021
Adopted on May 13, 2021

The 1139th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 6:40 p.m. on April 14, 2021, at the Village Hall of the Village of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

PRESENT: Michael C. Kalnick, Mayor
David Harounian, Deputy Mayor
Hooshang Nematzadeh, Trustee
Kouros Torkan, Trustee

ALSO PRESENT: Gomie Persaud, Village Clerk Treasurer
Stephen Limmer, Esq., McLaughlin & Stern, LLP,
General Counsel
Michael Moorehead, Superintendent of Public Works
Chris Aiossa, Superintendent of Building Department
George Banville, Police Commissioner

ABSENT: Ira Nesenoff, Trustee

Mayor Michael C. Kalnick opened the meeting.

Deputy Mayor Harounian asked to be heard and said the following:

Well we have a pleasant and very well-deserved surprise for you, which we hope will be acceptable to you.

Although it's only a token of our appreciation for your continued and unending service and devotion for more than 40 years to our community (that is since you were only 10 years of age). The thoughts and the conversation were to have a statue made of you to adorn the hallway of our beloved Village Hall.

With further conversation among us, in particular with Kris Torkan and with the collaboration of all of the Trustees and Steve Limmer, this Board has decided and has already drawn a resolution to honor you, Mr. Mayor, for years of continuous hard and diligent work, for your care and

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devotion to our beloved Village, by naming the Village hall in your name, "The Michael C. Kalnick Village Hall".

The resolution was prepared by Mr. Limmer, and the Board has asked that it should be read by Mr. Limmer on behalf of Kris, the actual initiator of this decision.

Mayor, there are not enough words of recognition to be bestowed upon you. You are and will continue to be an integral part of our Village and our community. You have and are serving with such a dedication, which is and has been beyond the capacity and capability of a single person.

Residents have come and gone. For those of us that served the Village under your auspices and/or designated by you, have only served for a period, come and gone. But you, Mr. Mayor, have strongly lasted and tolerated all the elements of time to see and to preserve what has been best for our beloved Village, tirelessly, continuously with honor.

We salute you and recognize you by dedicating and naming the Village Hall to your name with honor "The Mayor Michael C. Kalnick Village Hall", which we hope it will be accepted by you.

Mayor Kalnick expressed his shock, surprise, honor, and sincere appreciation, stating that it is and has always been a team effort working with the trustees and other officials and employees of the Village.

Counsel Stephen Limmer then read the following tribute on behalf of the Trustees:

THE RESIDENTS OF THE
VILLAGE OF KINGS POINT
PRESENT WITH GRATITUDE, ADMIRATION, RESPECT, AND
FRIENDSHIP,
THIS TRIBUTE TO
MICHAEL C. KALNICK
THE MAYOR OF THE VILLAGE OF KINGS POINT

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SINCE 1978, OUR VILLAGE HAS BEEN BLESSED WITH THE EXTRAORDINARY LEADERSHIP AND UNTIRING DEDICATION THAT YOU HAVE BROUGHT TO YOUR POSITIONS ON VILLAGE BOARDS, INCLUDING 39 YEARS AS MAYOR, WITH OPTIMISTIC VISION, CARE FOR THE RESIDENTS AND EMPLOYEES, MAINTAINING THE HIGHEST STANDARDS TO PRESERVE AND PROTECT THE UNIQUE BUCOLIC CHARACTER OF OUR VILLAGE, AND PROVIDING THE FIRST-CLASS SERVICES TO WHICH OUR RESIDENTS HAVE BEEN ENTITLED AND EXPECT.

AS A ROLE MODEL, A RESIDENT OF OUR VILLAGE SINCE YOU WERE SIX YEARS OLD, YOU HAVE COME TO KNOW THE FAMILIES, NEEDS, AND EXPECTATIONS OF OUR COMMUNITY. YOU EXEMPLIFY THE HIGHEST ORDER OF LEADERSHIP, INSPIRING DEVOTION AND SACRIFICE ON THE PART OF OTHERS BECAUSE YOU HAVE GIVEN SO FULLY AND WILLINGLY OF YOUR TIME AND ENERGY TO THE MAYOR'S DEMANDING TASKS.

WE THANK YOU AND HONOR YOU AT THIS TIME WITH A TRIBUTE WE HOPE YOU WILL ACCEPT AS A TOKEN OF OUR DEEP, SINCERE, AND ABIDING APPRECIATION, THE NAMING OF THE VILLAGE HALL THAT YOU BROUGHT INTO FRUITION AS:

"THE MICHAEL C. KALNICK VILLAGE HALL"

- APRIL 14, 2021 -

Mayor Kalnick repeated his shock, surprise, honor, and sincere appreciation, restating that it is and has always been a team effort working with the trustees and other officials and employees of the Village.

Upon motion unanimously made and seconded by all of the Trustees, with Mayor Kalnick abstaining, by resolution # **2021-52**, the Board unanimously named the Village Hall "THE MICHAEL C. KALNICK VILLAGE HALL", and authorized Mark Stumer to prepare appropriate signage for the Board's approval.

Mayor Michael C. Kalnick opened the public hearing on the tentative budget for the Village's **2021/2022** fiscal year. The Mayor stated that the Board of Trustees, as it always does, has worked very hard to keep taxes down for the coming year. Among the difficulties faced by the Board, as usual, are the State mandates and

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other cost increases over which the Village has no control, including, but not limited to the results of the mandatory arbitration of the police officers' salaries and benefits. Although it was with great difficulty, the Board developed a budget this year that is less than the Tax Cap and reflects NO increase in TAXES, while retaining all of the high-quality services that the residents of the Village expect and deserve.

The tentative budget for the Village's 2021/2022 fiscal year is \$18,245,647.21. Of that budget, the Police Department represents 50%, Debt Service 12%, Fire/Ambulance 10%, Professional Services 6%, Administrative 6%, Garbage/Tree Removal 5%, the Public Works Department 4%, Maintenance 4%, the Building Department represents 2%, and the Court 1%.

No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh by resolution # **2021-53**, the Board unanimously adopted the **tentative budget as the final budget** and set the Village tax rate at **\$39.06** per hundred dollars of assessed valuation. The Mayor congratulated the Board on its hard work in bringing the budget in under the extremely low State mandated Tax Cap for the sixth consecutive year. A copy of the final budget is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on **Bill 2E of 2021**, a proposed local law to amend Chapter 161, Zoning, of the Code of the Village of Kings Point to regulate Game Courts. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-54**, the Board unanimously approved the Bill as Local Law 8 of 2021. A copy of the Local Law is attached to these minutes and on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2021-55**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of March 17, 2021.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-56**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund: \$ 343,608.86

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b. Trust Fund: \$ 10,660.40

A Copy of the abstract of claims is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2021-57**, the Board unanimously accepted the **Building Department report** for the period of March 2021, showing the total fees deposited of **\$75,005.00** into the General Fund and **\$9,600.00** into the Trust Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2021-58**, the Board unanimously accepted the **Village Justice Court report** for the period of March 2021, showing the total fees and surcharges deposited of **\$31,494.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2021-59**, the Board unanimously **adopted the 2021/2022 Tentative Assessment Roll as the Final Assessment Roll**, and directed the roll be filed with the Village Clerk, and a notice of such filing be published in the Great Neck News.

The Village Clerk/Treasurer advised the Board that there was difficulty in obtaining Inspectors of Election for the Village's annual election because of the requirement that there be two Democrats and two Republicans residing within the Village and, upon the suggestion of the New York Conference of Mayors, requested that the Board adopt a resolution expanding the residency requirements for the Inspectors of Election from just the Village to all of Nassau County. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2021-60**, the Board unanimously changed the residency requirements of Inspectors of Election for the annual Village of Kings Point Village Election to be held on **June 15, 2021**, from just the Village of Kings Point to all the County of Nassau.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2021-61**, the Board unanimously authorized the Village Clerk/Treasurer to appoint inspectors once the list becomes available

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from the Board of Elections pursuant to the provisions of the Election Law of the State of New York, and based upon the requirement that one-half of the inspectors be members of the Democratic Party and the other half be members of the Republican Party. Alternate Inspectors of Election will be appointed if needed from the list based on their availability, for the annual Village Election to be held on **June 15, 2021**, and;

BE IT FURTHER RESOLVED that, the Chairperson and each of the other Inspectors shall be compensated at the rate of **\$200.00** for the day.

Trustee David Harounian introduced **Bill No. 3A of 2021**, a local law amending Chapter 161, Zoning, of the Code of the Village of Kings Point, to regulate Playground Equipment. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2021-62**, the Board unanimously found that the adoption of Bill No. **3A of 2021**, as a local law would not be an action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 3A of 2021, a local law amending Chapter 161, Zoning of the Code of the Village of Kings Point to regulate Playground Equipment, at a meeting of the Board of Trustees to be held on **May 13, 2021, at 6:00 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Kouros Torkan introduced **Bill No. 4A of 2021**, a local law amending Chapter 147, Trees, of the Code of the Village of Kings Point with regard to replacement trees and penalties. Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-63**, the Board unanimously found that the adoption of Bill No. **4A of 2021**, as a local law would not be an action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 4A of 2021, a local law amending Chapter 147, Trees, of the Code of the Village of Kings Point with regard to replacement trees and penalties, at a meeting of the Board of Trustees to be held on **May 13, 2021, at 6:00 p.m.** A copy of the Bill is on file with the Village Clerk.

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Trustee Hooshang Nematzadeh introduced **Bill No. 5A of 2021**, a local law amending §84-24, Penalties for offenses, of Chapter 84, Fire Prevention and Building Construction, of the Code of the Village of Kings Point. Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2021-64**, the Board unanimously found that the adoption of Bill No. **5A of 2021**, as a local law would not be an action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 5A of 2021, a local law amending §84-24, Penalties for offenses, of Chapter 84, Fire Prevention and Building Construction, of the Code of the Village of Kings Point at a meeting of the Board of Trustees to be held on **May 13, 2021, at 6:00 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Hooshang Nematzadeh introduced **Bill No. 6C of 2021**, a local law amending Chapter 161, Zoning, of the Code of the Village of Kings Point with regard to greenhouses, fences, and off-shore structures. Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2021-65**, the Board unanimously found that the adoption of Bill No. **6C of 2021**, as a local law would not be an action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 6B of 2021, a local law amending Chapter 161, Zoning, of the Code of the Village of Kings Point with regard to greenhouses, fences, and off-shore structures at a meeting of the Board of Trustees to be held on **May 13, 2021, at 6:00 p.m.** A copy of the Bill is on file with the Village Clerk.

Nelson Pope & Voorhis, LLC, the Engineers for the Village's **East Shore Park Landscape Development Project**, advised the Board that the contractor had removed the number of trees, shrubs, and vines previously authorized by the Board, but there were additional trees, shrubs, and vines that could be removed under the Village's permit from the New York State Department of Environmental Conservation. The additional removal, based upon the unit price in the contract, would not exceed \$12,000.00. A Proposal, dated 3/23/2021, from the contractor, Sipala Landscape Services, Inc., was submitted to the Village Clerk. The Board stated its satisfaction with the manner in which the water view has been enhanced for the public by the work performed under the contract to date

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and agreed that the **additional removal** would further enhance that water view. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2021-66**, the Board unanimously authorized Gomie Persaud, as the Village Clerk, to sign the Proposal on behalf of the Village, with the understanding that the total cost for the additional removal would not exceed \$12,000.00. A copy of the proposal is on file with the Village Clerk.

Based upon the recommendation of Michael Moorehead Superintendent of Public Works, upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2021-67**, the Board unanimously authorized and directed Superintendent Michael Moorehead to remove a “**no parking anytime**” sign and erect a “**no standing or stopping between 6:00 p.m. to 6:00 a.m. sign**” on Breeze Court.

The Mayor Michael C. Kalnick informed the Board that he received a proposal from All Seasons to replace the air filters in the HVAC system at Village Hall. For the health and wellbeing of the Village employees and police, he is recommending that the Board approve the proposal to replace the filters with 42 MERV 13 filters at a cost of not exceeding \$3,662.00. Upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2021-68**, the Board unanimously authorized the proposal from All Seasons to replace the air filters in the Heating and Cooling System at Village Hall at a cost of not exceeding \$3,662.00.

Mayor Michael C. Kalnick announced that the application by David Gad for an off-shore structure at 11 Beech Lane was being adjourned pending the applicant providing additional information as to the status of the existing off-shore structure.

The Board discussed the request of 2GDS3, LLC to amend its application for an off-shore structure, which was approved at the last meeting. After the approval, the applicant found that a large bolder in the water required the landward end of the off-shore structure to be moved 11 feet closer to the south property line, and sought a 40,000-pound boat lift, instead of the previous application for a 60,000-pound boat lift. Based upon the foregoing, upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-69**, the Board unanimously adopted the following superseding resolution:

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Whereas, 2GDS3, LLC (Babak Damaghi, Managing Partner), as owner, pursuant to Article VIII, Off-Shore Structures, of Chapter 161, Zoning, of the Code of the Village of Kings Point, has applied for a permit to a 304.5+/- foot long by 6-foot wide fixed timber pier, with a 31+/-foot long by 3-foot wide aluminum gangway, and a 40-foot long by 12-foot wide float at the end, with one 40,000-pound boat lift, and Kitchler half moon 2700K Led Deck Lights 12-foot maximum on center, alternating every 6 feet on each side of the pier, at the premises known as **40 Shore Road**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 42, Lots 26, 27, 28, and 29; and

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

1. The premises comprise a gross area above water of 103,301 square feet, in a zoning district that requires 40,000 square feet for a single-family dwelling building lot and have approximately 480 feet of frontage along Manhasset Bay.
2. The applicant plans on using the proposed pier for a Vanquish VQ54 vessel it has purchased. The vessel is 16.5 meters (54.13 feet) long and has a beam of 4.85 meters (15.9 feet).
3. The applicant seeks a waiver of the requirement that docks be set back a distance equal to 40% of the shoreline frontage of the lot or 60 feet, whichever is greater. The proposal is to have the pier 103 feet from a side property line at the landward side of the pier, where 185.5 feet is required.
4. Because of the location of the premises at, what could be considered a corner into Manhasset Bay, the applicant's 480 feet of frontage along Manhasset Bay, and the location of the existing and neighboring docks, and a large bolder in the water where the proposed pier was initially approved, a waiver to permit the pier at the proposed location is appropriate.

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5. Because of the size of the Vessel, the applicant seeks waivers as to the 304.5-foot length of the pier, instead of the maximum permitted 200 feet, the height of the pier at 9 feet above mean high water, instead of the maximum 8 feet, and a boat lift that can lift more than 20,000 pounds and, implicitly, to lift a boat in excess of 40 feet in length.
6. Based upon the location of the premises and the length of its waterfront, and the proposed location of the pier, the Board does not find that granting waivers as to the length of the pier and the height of the pier above mean high water would have any adverse impacts to the environment, the adjacent properties, or the water views of the neighbors.
7. The now proposed 40,000-pound boat lift is in accord with presently proposed legislation that would increase the present maximum permitted 20,000-pound boat lift to a 40,000-pound boat lift. Accordingly, a waiver to approve the 40,000 pound boat lift is also appropriate.
8. Based upon a review of the Full Environmental Assessment Form submitted by the applicant and the other documents and testimony presented with regard to the application, the proposed action, to the extent granted herein, will not result in any significant adverse environmental impacts.
9. The pier will not unreasonably impede, obstruct, or interfere with navigation, the rights of adjoining property owners, the public use of or passage along the foreshore or the waterway, or significantly damage the environment.

Now, therefore, based upon the foregoing findings:

- A. The Board authorizes the Mayor to complete Part 3 of the Full Environmental Assessment Form by checking the box that states:

This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact

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statement need not be prepared.
Accordingly, this negative declaration is
issued.

- B. The Board grants the application on the condition that the off-shore structures are constructed and maintained substantially in accordance with the following drawings submitted by the applicant as part of its application prepared by Vachris Engineering, for the project, as modified to eliminate the proposed boat lift:

DAMAGHI RESIDENCE

40 SHORE DRIVE

KINGS POINT, NEW YORK

- 1) DWG. NO. 10200-T1(4), TITLE SHEET, dated Mar. 12, 2019, last revised 04/09/21.
- 2) DWG. NO. 10200-1A(3), FIXED PIER AND FLOATING DOCK AERIAL IMAGE WITH PIER OVERLAY, dated Jan. 13, 2021, last revised 04/09/21.
- 3) DWG. NO. 10200-1(9), FIXED PIER AND FLOATING DOCK SITE PLAN, dated Oct. 28, 2016, last revised 04/09/21.
- 4) DWG. NO. 10200-2A(8), FIXED PIER AND FLOATING DOCK ENLARGED PLAN, dated Oct. 28, 2016, last revised 04/09/21.
- 5) DWG. NO. 10200-2B(9), FIXED PIER AND FLOATING DOCK NOTES, dated Oct. 28, 2016, last revised 04/09/21.
- 6) DWG. NO. 10200-3(9), FIXED PIER AND FLOATING DOCK DETAILED PLAN AND ELEVATION, dated Oct. 28, 2016, last revised 04/09/21.
- 7) DWG. NO. 10200-4(4), FIXED PIER AND FLOATING DOCK ELEVATION, SECTION, AND DETAILS, dated Oct. 28, 2016, last revised 01/25/21.
- 8) DWG. NO. 10200-5(3), FIXED PIER, FLOATING DOCK AND PILE CLUSTERS PLANS, ELEVATIONS AND SECTIONS, dated Oct. 28, 2016, last revised 03/12/19.

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

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Based upon the recommendations of Superintendent of Building Department Chris Aiossa, upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2021-70**, the Board unanimously adopted the following fee schedule, to take effect immediately:

§ A162-1. Permit; certificate and other fees.

As of April 14, 2021, the following fees are hereby established until further resolution of the Board of Trustees:

A. Chapter 68, Deposits on Applications.

(1) On all applications to the Board of Trustees, the Planning Board, the Board of Appeals, and the Architectural and Preliminary Site Review Board, and for a regulated activity in a freshwater wetland, the applicant shall be liable to the Village and shall pay the following costs which may be incurred by the Village in processing the application:

- (a) Advertising hearings.
- (b) Stenographic minutes of meetings and hearings.
- (c) Engineering fees of the Village Engineer at the rates approved by the Board of Trustees.
- (d) Arborist fees of the Village Arborist at the rates approved by the Board of Trustees.
- (e) Legal fees of the Village Counsel at the rates approved by the Board of Trustees. However, in no event shall the number of hours charged for the legal services exceed the following:

- [1] Applications to the Board of Appeals relating to one single-family dwelling on one existing building lot where no environmental impact statement is required: ten hours.
- [2] All other applications, where no environmental impact statement is required: 50 hours.

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- [3] All other applications to the Board of Appeals, where an environmental impact statement is required: 100 hours.
 - (2) Notwithstanding the foregoing, the foregoing costs for an application to the Architectural and Preliminary Site Review Board shall not exceed \$1,500.
 - (3) On all such applications, the applicant shall deposit the sums specified below to defray the actual costs incurred by the Village:
 - (a) On application to the Board of Trustees for special exception permit or amendment thereof: a sum determined by the Board of Trustees not to exceed \$5,000.
 - (b) On application to the Board of Trustees for an off-shore structure: \$5,000.
 - (c) On application to the Board of Appeals: \$5,000.
 - (d) On application to the Planning Board for a land development permit under Chapter 100 of the Code: \$5,000.
 - (4) The applicant shall reimburse the Village for such costs, to the extent that they exceed the applicant's deposit, within 30 days of request by the Village and, in any event, prior to the issuance of any permit for the work which was the subject of the application as well as for any other work on the premises which was the subject of the application.
- B. Chapter 84, Fire Prevention and Building Construction.
- (1) For a permit for a new building or other structure not otherwise provided for or for the alteration of an existing building or other structure not otherwise provided for, the fee shall be \$500, plus \$10 for each \$1,000 or fraction thereof of estimated cost and a curb cut cross permit shall be required. The estimated cost in all instances shall be at \$350 per square foot. The fee for a renewal of such permit shall be as follows:

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- (a) Mechanical permits: \$200 per year or fraction thereof with a maximum charge of \$2,000.
- (b) All other permits: \$400 per year or fraction thereof with a maximum charge of \$2,000.

The calculation for the renewal fee continues each year or fraction thereof until the application is complete, all of the required documents have been filed, all required inspections are performed by the Building Department, and payment is made in full or the maximum charge is reached.

- (2) For a permit for the demolition of a building or structure or part thereof, the fee shall be \$500, plus \$10 for each \$1,000 or fraction thereof of estimated cost. In addition to such fee, a cash bond of \$25,000 and a curb cut crossing permit shall be required. In the event that after a building permit has been issued, the applicant is required or determines to demolish the building instead of proceeding with the approved alteration, a demolition permit must be obtained and the fee for the alteration permit may be used as a credit toward the new construction, whether it be reconstruction or replacement.
- (3) For a mechanical permit for the installation of any fuel burning appliance, heating appliance, air conditioning appliance, mechanical equipment, power generator, or fuel storage tank, regardless of fuel type, the fee shall be \$250 for the first appliance, plus \$25 for each additional appliance, plus a curb cut cross permit shall be required.
- (4) For a permit to install, extend, alter, or replace any on-site sanitary or stormwater drainage system, the fee shall be \$250 and a curb cut cross permit shall be required.

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- (5) For a permit for a new offshore structure or for an alteration to an existing one, the fee shall be \$1,000.
- (6) For a street opening permit, the fee shall be \$500.
- (7) For a denial letter to appeal to the Board of Appeals, the fee shall be \$250.
- (8) Any and all fees, costs, or expenses imposed by the State of New York, the County of Nassau, or any agency or department thereof with respect to the filing or review of maps, plans, or data submitted to it by the Village or the applicant pursuant to the provisions of Article 12-B of the General Municipal Law, Article XVI of the County Government Law of Nassau County, or any other law, rule, or regulation, shall be the responsibility of the applicant and shall be paid by the applicant at the time such maps, plans, or data are submitted to the state, the county, or such agency or department. If, nevertheless, such a fee, cost, or expense is paid by the Village, the applicant shall reimburse the Village prior to the issuance of the permit or approval sought by the applicant from the Village, and, in the discretion of the Village, the processing of any such application may be suspended until such fee, cost, or expense is reimbursed to the Village.
- (9) For an amendment to a permit for a new building or other structure issued pursuant to Subsection A, the fee shall be \$10 for each \$1,000 or fraction thereof of estimated additional cost by virtue of the amendment, if any, but in no event shall such fee be less than \$500 if there are to be structural changes or \$250 if there are not to be structural changes.
- (10) All of the foregoing fees, other than those set forth in Subsection B(14) shall be doubled in the event that the construction, installation, demolition, or other activity or item or work (hereinafter, within this subsection, all together referred to as "work") requiring a permit has been commenced prior to the issuance of a permit. Upon application to the Board of Trustees, such doubling of the fee may be reduced by the Board of Trustees, upon a showing that such work was so minor that the doubling of

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the fees would be so substantially out of proportion to the additional work to the Department that it would amount to an unwarranted penalty, or that the performance of such work prior to the issuance of the requisite permit was reasonably necessary to save life or property.

- (11) Whenever the plans accompanying an application are for a structure which, in the opinion of the Building Inspector, is of complex design, the Building Inspector shall require the applicant to file an affidavit, signed by an architect or engineer, certifying that the plans and specifications comply with the provisions of Chapter 84, Fire Prevention and Building Construction, of the Code of the Village of Kings Point in force on the date of the application. In such case, the Building Inspector may, at his or her discretion, employ an architect or engineer to examine the plans. The amount by which the cost of such examination, not exceeding 1 1/3% of the estimated construction cost, is in excess of 1/2 of the permit fee required by § 84-28 shall be added to such permit fee and paid by the applicant before the permit shall be issued.
- (12) There shall be no additional charge for the review of revised plans when such revisions have been made solely in response to comments by the Building Department to address missing, incorrect, or unclear information on the plans, which is or may be required and/or contrary to building, zoning, health, fire, environmental, or other pertinent regulations, or is otherwise necessary for the Building Department to properly understand and establish what is proposed by the plans, or is otherwise required by the Building Department. However, if, after two resubmissions of plans, any request for the same or additional corrections or clarifications has been made and there has not been compliance with such request, an additional permit fee equal to 10% of the original permit fee shall be paid at the time of each resubmission until after a submission with such correction or clarification is provided.
- (13) Abandonment of project:

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- (a) If a building permit application has been filed, but it is abandoned before it is reviewed, the applicant shall receive a refund of 100%.
 - (b) If a building permit application has been filed and reviewed, but not approved, the applicant shall receive a refund of 50%.
 - (c) Once a building permit is approved, the applicant shall not be entitled to any refund.
 - (d) Under no circumstances will the fees from an abandoned project be credited to a different project.
- (14) Deposits. Unless otherwise provided, a \$2,000 deposit shall be paid with each building permit application. Such deposit may be used by the Village to reimburse the Village for any sums to which it may be entitled by the issuance of such permit, the enforcement of the Village Code with regard to such permit, and for any extension fees that may accrue if the required certificate is not obtained prior to the expiration of such permit or the expiration of any renewal permits for such work.
- C. Chapter 91, Freshwater Wetlands. The application fee for a permit for a regulated activity in a freshwater wetland shall be \$300.
- D. Chapter 97, Illicit Discharges to Storm Sewer. The following fee schedule shall apply to all permits issued pursuant to this chapter:
 - (1) General permit.
 - (a) Application fee: \$50.
 - (b) Inspection fee: none.
 - (2) Connection permit.
 - (a) Application fee: \$250.
 - (b) Inspection fee: \$500.
 - (3) Special permit.

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- (a) Application fee: \$250.
 - (b) Inspection fee: \$500.
- E. Chapter 100, Land Development.
 - (1) The fee for a land development application shall be \$1,000 plus \$1.00 per cubic yard of soil, sand, gravel, or other fill or similar material to be exported from or imported to any land within the Village.
 - (2) For a waiver: \$1,000.
- F. Chapter 102, Landmarks Preservation. The processing fee for a request for a designation of a landmark, landmark site, or historic district shall be \$200.
- G. Chapter 113, Peddling and Soliciting. The fee for a license pursuant to said chapter shall be \$50.
- H. Chapter 120, Records, Public Access to. Except when a different fee is otherwise prescribed by law:
 - (1) There shall be no fee charged for the following:
 - (a) Inspection of records.
 - (b) Search for records.
 - (c) Any certification pursuant to this chapter.
 - (2) The fee for copying records shall be not less than \$0.25 per page or such other sum as may be permitted by law, whichever is greater, for photocopies not exceeding nine inches by 14 inches.
 - (3) The fees for copying of records not covered by Subsection H(1) and (2) of this section shall not exceed the actual reproduction costs.
- I. Chapter 124, Sales, Special. The fee for a tag sale license shall be \$100.

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- J. Chapter 131, Soil Removal. The fee for any permit pursuant to this subsection shall be \$300 plus \$0.10 per cubic yard of soil, sand, or gravel to be removed.
- K. Chapter 134, Streets and Sidewalks.
- (1) The bond or deposit required to be filed pursuant to § 134-5 shall be set by the Superintendent of Public Works based upon the Superintendent's estimate of the cost to restore the proposed areas to be disturbed; however, in no event shall it be less than \$200.
 - (2) The fee for a permit to permit water to flow onto a public street shall be \$50.
 - (3) Curb cut permits are required for all public streets within the Village. The fee for a curb cut crossing shall be \$100. The deposit required to be filed pursuant to § 134-9 shall be \$2,000. In addition to the requirements for curb cut crossings set forth in other provisions of this chapter, curb cut crossing permits shall be required for driveway paving and dumpsters on Village roads. In the event a curb cut permit is sought in conjunction with another permit for which a deposit is also required, the \$2,000 amount of the deposit required herein shall be reduced by the amount of the deposit paid for such other permit.
 - (4) A municipal corporation, public benefit corporation, or public utility corporation, may, upon application to the Board of Trustees, in lieu of the bond required for a street opening permit, based upon the work to be performed and the history of the entity performing work in the Village in the past, either have such bond waived or provide its personal corporate bond in such amount as the Board of Trustees shall determine.
 - (5) The fee for a street opening permit shall be \$500.
 - (6) The deposit for a street opening permit shall be equal to \$100 multiplied by the number of square feet covered by the proposed street opening plus \$25 multiplied by the number of lineal feet of

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curb to be removed or displaced by the applicant. In no event shall the amount of said deposit be less than \$1,500.

L. Chapter 137, Subdivision of Land.

- (1) Upon filing an application for preliminary approval of a plat of a subdivision, the applicant shall pay to the Village Clerk a fee of \$2,000.
- (2) If the Planning Board disapproves of the preliminary plat submitted and the applicant applies for preliminary approval of a revised plat of the same subdivision within 100 days of the initial disapproval, the applicant shall pay to the Village Clerk a fee of \$500.
- (3) Upon filing an application for final approval of a plat of a subdivision, the applicant shall pay to the Village Clerk a fee in the sum of \$1,000, plus \$500 for each plot or lot shown on the plat submitted for approval.

M. Chapter 145, Telecommunications Licenses and Franchises.

- (1) Each applicant for a telecommunications license or franchise pursuant to Article III or IV of Chapter 145, or an amendment or renewal thereof, shall pay an application review fee in a sum equal to the greater of either:
 - (a) Two hundred fifty dollars; or
 - (b) One percent of the estimated cost of construction of the applicant's proposed or existing telecommunications facilities or, if the application is solely to amend an existing application for new construction to alter an existing facility, 1% of the proposed new construction.
- (2) No application review fee shall be required of any applicant for a license or franchise pursuant to Article V of Chapter 145.
- (3) An applicant whose license or franchise application is withdrawn or abandoned prior to approval or denial, within 60 days of such withdrawal or abandonment, shall be refunded its application review fee, less a reasonable sum, to be determined by the Village,

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equal to the Village's expenses incurred for the application and review process prior to the date of withdrawal or abandonment. Such expenses may include all ascertainable costs and expenses incurred by the Village in connection with the application, including salaries and overhead for Village employees.

- (4) Unless otherwise agreed in a license or franchise agreement, each licensee and franchisee shall pay an annual license fee to the Village equal to 3% of the gross revenues received by the licensee or franchisee pursuant to said license or franchise.
- N. Chapter 147, Trees. The application fee for a permit pursuant to Chapter 147 shall be \$100 for each tree.
- O. Chapter 161, Zoning.
 - (1) Unless otherwise provided herein, all applications pursuant to Chapter 161 to the Board of Appeals and the other boards and commissions of the Village shall be \$1,000.
 - (2) The fees for applications to the Architectural and Preliminary Site Review Board shall be as follows:
 - (a) Application for a new building (other than an accessory building): \$1,000 (per building).
 - (b) Application for an addition and/or alteration to an existing building (other than an accessory building), the cost of which would exceed 50% of the replacement cost of the existing building as determined by the Building Inspector: \$1,000.
 - (c) Application for addition and/or alteration to an existing building (other than an accessory building), the cost of which would not exceed 50% of the replacement of the building as determined by the Building Inspector: \$500.
 - (d) Application for an accessory structure: \$250.
 - (e) Application for landscaping only: \$250.
 - (f) Application for a waiver: \$500.

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- (g) Application to reopen an application after it has been decided: The same fee as originally charged for the application.
- (3) Each owner and operator of a telecommunications tower and/or antenna, other than with regard to small wireless facilities, shall pay the following fees:
 - (a) Each owner and operator of a tower shall pay to the Village an annual fee of \$2,000 for such tower and an annual fee of \$500 for each antenna on such tower.
 - (b) Each owner and operator of an antenna not located on a tower shall pay to the Village an annual fee of \$750 for such antenna.
- (4) The application and annual fees for small wireless facilities shall be as follows:
 - (a) The application fee shall be \$500 for a small wireless facility on an existing structure. If the application includes more than one small wireless facility on an existing structure, there shall be no charge for the first five small wireless facilities on existing structures and an additional \$100 fee for each small wireless facility on an existing structure included in the application in excess of five.
 - (b) The application fee shall be \$1,000 for each small wireless facility that will not be attached to an existing structure.
 - (c) There shall be an annual fee annual fee of \$270 for each small wireless facility.
- P. The fee for any application to any board or commission of the Village not otherwise provided for herein shall be \$1,000.

Mayor Michal C. Kalnick announced that the next Meeting of the Board of Trustees will be held on **May 13th at 6:00 p.m.** at the Village Hall.

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There being no further business to come before the Board, the Mayor adjourned the meeting at 6:45 p.m.

Gomie Persaud
Village Clerk-Treasurer