

**MINUTES OF THE 1138<sup>th</sup> MEETING  
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT  
March 17, 2021  
Adopted on April 14, 2021**

The 1139<sup>th</sup> meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 6:35 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, Trustee  
Hooshang Nematzadeh, Trustee  
Kouros Torkan, Trustee

**ALSO PRESENT:** Gomie Persaud, Village Clerk-Treasurer  
Stephen G. 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

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-30**, the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of March 17<sup>th</sup>, 2021.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-31**, the Board unanimously accepted the **Building Department reports** 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 and for the period. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2021-32**, 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.

Mayor Michael C. Kalnick opened the public hearing on **Bill 20A of 2020**, a proposed local law amending Chapter 100, Land Development, of the Code of the Village of Kings Point, to add a new section, § 100-14, Waivers. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution #

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**2021-33**, the Board unanimously approved the Bill as Local Law 6 of 2021. A copy of the Local Law is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on **Bill 1C of 2021**, a proposed local law amending Article V, Provisions Applicable to All Districts, of Chapter 161, Zoning, of the Code of the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-34**, the Board unanimously approved the Bill as Local Law 7 of 2021. A copy of the Local Law is attached to these minutes and on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the **proposed contract with the Vigilant Engine & Hook & Ladder Company, Inc. for the furnishing of ambulance service** within the Village of Kings Point for the one-year period commencing January 1, 2020, and ending December 31, 2020, for the total sum of **\$236,892.00, and for the one-year period commencing January 1, 2021, and ending December 31, 2021, for the sum of \$249,064.00**. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh seconded by Trustee Kouros Torkan, by resolution # **2021-35**, the Board unanimously approved the proposed contract. A copy of the contract is on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-36**, the Board unanimously approved the payment of **audited claims** as follows:

<b>a. General Fund:</b>	<b>\$ 1,059,011.91</b>
<b>b. Trust Fund:</b>	<b>\$ 8,000.00</b>

Village Clerk-Treasurer Gomie Persaud reported on the proposal that she received from Sterlingrisk Insurance, for the renewal of the Village's insurance policies for the period of March 1, 2021 through March 1, 2022 for a total premium of \$219,475, comprised of the following:

National Union policies: Property/Inland Marine; General Liability/Law Enforcement Liability/Cyber Liability; Public Officials Management Liability; and \$10,000.00 umbrella.

Accident Fund Ins. Co. of America: \$10,000.00 umbrella.in excess of \$10,000.00.

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American Alternative Ins. Co.: \$5,000.00 umbrella.in excess of  
\$20,000.00.

Merchant National Insurance Co.: \$5,000.00 umbrella.in excess of  
\$25,000.00.

Hiscox Insurance Co.: Crime

Upon motion of Hooshang Nematzadeh, seconded by Trustee Ira Nesenoff, by resolution # **2021-37**, the Board unanimously accepted the proposal from Sterlingrisk Insurance and directed the insurance be purchased. A copy of the proposal is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the February 16, 2021, meeting to hear complaints pursuant to Real Property Tax Law § 1408 had been adjourned for lack of a quorum to be reconvened at tonight's meeting. He asked if there was anyone who wished to present a complaint pursuant to said law and no one sought to be heard. Upon motion of Trustee Ira Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-38**, the Board unanimously approved applications for renewal of **ten (10) wholly exempt properties, one (1) new clergy exemption, and the removal of one (1) veteran's exemption**. A copy of the report is on file with the village clerk.

Village Clerk-Treasurer Gomie Persaud advised the Board that she had not received any new applications for veteran's exemptions.

Village Clerk-Treasurer Gomie Persaud reported on the two proposals for the **Landscaping Maintenance at Village Hall** for the year 2021 as follows:

1. ADM Landscaping (April to November) - \$11,993.52
2. Papiro Landscaping, Inc. (April to November - \$13,800.00

Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-39**, the Board unanimously accepted the **proposal from ADM Landscaping to perform Landscaping Maintenance at the Village Hall** for the period of April (Spring) through November (Fall) 2021, for a sum of **\$11,993.52** payable in eight equal monthly installments. A copy of the proposal is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of the Draft Tentative Budget for the **2021/2022** fiscal year as presented by the Village Clerk/Treasurer and authorized her to prepare and publish all of the necessary legal notices for a **public**

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**hearing on April 14, 2021, at 6:00 p.m.** A copy of the Tentative Budget is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud presented the results of the **Tax Lien Sale held on March 1, 2021**. Upon motion of Trustee Kouros Torkan, seconded by Trustee Ira Nesenoff, by resolution # **2021-40**, the Board unanimously accepted the report. A copy of the report is annexed to these minutes.

Based upon the recommendation of Superintendent Michael Moorehead, upon motion by Trustee Ira Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-41**, the Board unanimously authorized D&B Engineers and Architects P.C. (“D&B”), to assist Superintendent Michael Moorehead in preparing the annual report for the **Phase II Stormwater Management Plan** and to assist with the Permit Compliance Annual Report for the Village of Kings Point, in accordance with its letter dated March 10, 2021, for Task 1, Task 2 and Task 3 at a cost not to exceed **\$9,300.00**. A copy of said letter is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud reported on the **Garbage and Refuse Collection and Disposal Contract** with regard to the Village exercising its option to extend the contract for a third and final year, the one-year period from 6/1/21 through 5/31/22. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ira Nesenoff, by resolution # **2021-42**, the Board unanimously agreed to exercise its third and final year option to extend the Garbage and Refuse Collection and Disposal Contract for a one-year period from 6/1/21 through 5/31/22, with Meadow Carting Corporation in accordance with the prices set forth **in the form of bid in the amount of \$818,580.00**, and directed the Village Clerk-Treasurer to advise Meadow Carting Corporation of said election. A copy of the bid is on file with the Village Clerk.

The Board reviewed the proposal, by letter dated February 25, 2021 from Kathy Ryan Public Relations, Inc. asking for a 3% increase on the monthly retainer from \$1,500.00 to \$1,545.00 and the fee to produce a newsletter from \$5,200 to \$5,356.00. Upon motion of Trustee Ira Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-43**, the Board unanimously approved the request for an increase of 3% on the monthly retainer from \$1,500.00 to \$1,545.00 and the fee to produce a newsletter from \$5,200 to \$5,356.00.

Based upon the recommendation of Michael Moorehead Superintendent of Public Works, upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ira

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Nesenoff, by resolution # **2021-44**, the Board unanimously authorized and directed Superintendent Michael Moorehead to remove a **yield sign** and erect a **stop sign** northbound on Gilbert Road (in front of 18 Gilbert Road).

Mayor Michael C. Kalnick reported on the Village Justice Court Audit for the period of June 1, 2019, through May 31, 2020. Upon motion by Trustee Kouros Torkan, seconded by Trustee Ira Nesenoff, by resolution # **2021-45** the Board unanimously acknowledged that the required **audit of the Village Justice Court for the period of June 1, 2019, through May 31, 2020**, was conducted and authorized the Village Clerk to send a copy of the Village Justice Court Audit along with this resolution to Joan Casazza, Internal Control Liaison, NYS office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033. A copy of the audit is on file with the Village Clerk.

Police Commissioner George Banville informed the Board that Civil Service has approved the hiring of Thomas M. Pirrone as a Police Officer by June 31, 2021, to fill the position approved for the Village on 02/15/2021. Upon motion by Trustee Ira Nesenoff, seconded by Trustee Kouros Torkan, by resolution # **2021-46**, the Board unanimously approved the hiring of Thomas M. Pirrone, as a Police Officer for the Village of Kings Point, at a starting salary of **\$72,392.00**, once clearance is received from Nassau County Civil Service.

Police Commissioner George Banville informed the Board that Civil Service has approved the hiring of Alfred DeLos Santos as a Police Officer by June 31, 2021, to fill the position approved for the Village on 02/15/2021. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2021-47**, the Board unanimously approved the hiring of Alfred DeLos Santos, as a Police Officer for the Village of Kings Point, at a starting salary of **\$72,392.00**, once clearance is received from Nassau County Civil Service.

Village Clerk-Treasurer Gomie Persaud reported on the Inter-Municipal Agreement of the Manhasset Bay Protection Committee. Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-48**, the Board unanimously approved the **Inter-Municipal Agreement of the Manhasset Bay Protection Committee** and authorized Mayor Michael C. Kalnick to execute the Inter-Municipal Agreement of the Manhasset Bay Protection Committee on behalf of the Village. A copy of the Inter-Municipal Agreement of the Manhasset Bay Protection Committee is on file with the Village Clerk.

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Trustee Hooshang Nematzadeh introduced **Bill No. 2E of 2021**, a local law to amend Chapter 161, Zoning, of the Code of the Village of Kings Point to regulate Game Courts. Upon motion by Trustee Ira Nesenoff, seconded by Trustee Kouros Torkan, by resolution # **2021-49**, the Board unanimously found that the adoption of Bill No. **2E of 2021**, as a local law was an unlisted action as defined in 6 NYCRR Part 617, and, after taking a hard look at the environmental impacts of the law, authorized the Mayor to complete Part 2 of the Short Environmental Assessment Form, answering “no, or small impact may occur” to questions 1 through 11, filling in the response to Part 3, and checking the box indicating that this Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 2E of 2021, a local law to amend Chapter 161, Zoning, of the Code of the Village of Kings Point to regulate Game Courts, for the next Board of Trustees meeting, on April 14, 2021, at 6:00 p.m.. A copy of the Bill is on file with the Village Clerk.

Based upon the recommendation of Superintendent Chris Aiossa, upon motion by Trustee Ira Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-50**, the Board unanimously authorized Newport Engineering to assist with the applications to the Planning Board, as an independent contractor, at an hourly rate of \$215.00 per hour, with the understanding that the principal of Newport Engineering, Nicholas DeSantis, P.E., would be personally providing the engineering services, with his staff as back-up as needed.

The Board discussed the application of 2GDS3, LLLC (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, for a permit to construct a 303.5+/- 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 60,000 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.

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Upon motion by Trustee Ira Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-51**, the Board unanimously adopted the following resolution:

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 303.5+/- 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 60,000 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 dock 114 feet from a side property line, 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, a waiver to permit the pier at the proposed location is appropriate.
5. Because of the size of the Vessel, the applicant seeks waivers as to the 303.5-foot length of the dock, instead of the maximum permitted 200 feet, the height of the dock at 9 feet

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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 dock and the height of the dock above mean high water would have any adverse impacts to the environment, the adjacent properties, or the water views of the neighbors.
7. The Board is concerned about a 60,00-pound boat lift that is proposed to lift a 54-foot-long boat into the air and how it will affect the view of adjoining property owners. Accordingly, as to those waivers, the Board is denying the application, without prejudice to the applicant coming back to the Board with further information as to the need for the lift and how the lift and placing the 54-foot-long boat would affect the view of the neighboring properties.
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 dock 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 statement need not be prepared.



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Accordingly, this negative declaration is  
issued.

- B. The Board grants the application on the condition that the offshore 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(1), TITLE SHEET, dated Mar. 12, 2019, last revised 01/13/21.
- 2) DWG. NO. 10200-1A, FIXED PIER AND FLOATING DOCK AERIAL IMAGE WITH PIER OVERLAY, dated Jan. 13, 2021, showing no revisions.
- 3) DWG. NO. 10200-1(6), FIXED PIER AND FLOATING DOCK SITE PLAN, dated Oct. 28, 2016, last revised 01/13/21.
- 4) DWG. NO. 10200-2A(5), FIXED PIER AND FLOATING DOCK ENLARGED PLAN, dated Oct. 28, 2016, last revised 03/12/19.
- 5) DWG. NO. 10200-2B(6), FIXED PIER AND FLOATING DOCK NOTES, dated Oct. 28, 2016, last revised 01/13/21.
- 6) DWG. NO. 10200-3(6), FIXED PIER AND FLOATING DOCK DETAILED PLAN AND ELEVATION, dated Oct. 28, 2016, last revised 01/13/21.
- 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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Mayor Michael C. Kalnick announced that the next Board of Trustees meeting will be held, on April 14, 2021, at 6:00 p.m. at the Village Hall.

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