

MINUTES OF THE 1132<sup>ND</sup> MEETING  
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT  
JULY 20<sup>TH</sup>, 2020  
ADOPTED ON SEPTEMBER 15, 2020

The 1132<sup>nd</sup> meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 4:00 p.m. on July 20, 2020, 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  
Sheldon Kwiat, Trustee  
Hooshang Nematzadeh, Trustee  
Kouros Torkan, Trustee

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

Mayor Michael C. Kalnick opened the public hearing on **Bill 4 of 2020**, a proposed local law amending Article VIII, Off-Shore Structures, of Chapter 161, Zoning, of the Code of the Village of Kings Point, to amend the definition of “Boat Lift” and adding the definition of “Personal Watercraft Lift”. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-58**, the Board unanimously approved the Bill as Local Law 3 of 2020. 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 **Bill 5 of 2020**, a proposed local law amending Section 161- 48, Boat Storage, of Article VII, Mobile Homes and Boats, of Chapter 161, Zoning, of the Code of the Village of Kings Point, by adding a new subsection G to prohibit the storage of boats on any lot in an A2 Residence District or an A Residence District. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2020-59**, the Board unanimously approved the Bill as Local Law 4 of 2020. 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 **Bill 6 of 2020**, a proposed local law amending Chapter 106, Noise, of the Code of the Village of Kings Point,

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by adding a new subsection 9 to prohibit the outside operation of any gas powered device for the cutting, trimming, or blowing of any trees, hedges, grass, or other vegetation other than between the hours of 8:00 a.m. and 4:00 p.m. on Mondays through Fridays, excluding legal holidays. 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 # **2020-60**, the Board unanimously approved the Bill as Local Law 5 of 2020. A copy of the Local Law is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on Kennilwood Owners' Association, Inc.'s application to amend its previously approved special exception permit for a gatehouse to, among other things, relocate the entrance gate before the turnaround. The Board noted if the Board approved the application, the Association would also need a variance from the Village's Board of Appeals to permit the entrance gate before the turnaround and the approval of the Village's Architectural and Preliminary Site Review Board to revise its previously approved landscaping and lighting plan. After everyone was given an opportunity to be heard, the Mayor closed the public hearing. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, the Board approved the application subject to the Association obtaining a variance from the Village's Board of Appeals to permit the entrance gate before the turnaround and the approval of the Village's Architectural and Preliminary Site Review Board to revise its previously approved landscaping and lighting plan.

Resolution #**2020-61**

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Kouros Torkan, by resolution # **2020-62**, the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of June 15<sup>th</sup>, 2020 and June 22<sup>nd</sup>, 2020.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-63**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund:	\$ 302,287.15
b. Trust Fund:	\$ 444,915.27
c. Capital Fund:	\$ 800.00

Copies of the abstract of claims are on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2020-64**, the Board unanimously accepted the **Building Department report** for the period of June 2020, showing the total fees deposited of **\$15,175.00**

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into the General Fund and **\$79,000.00** into the Trust Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Sheldon Kouros, seconded by Trustee David Harounian, by resolution # **2020-65**, the Board unanimously accepted the **Village Justice Court report** for the period of June 2020, showing the total fees and surcharges deposited of **\$4,355.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Superintendent of Building Department Chris Aiossa advised the Board that the properties at **3 Kings Point Road** and **10 Rodney Lane** are both in violation of Village Code §117-2(F) and §117-2(G) in that the owners have failed to perform seasonal property maintenance by not cutting the grass that is in excess of 6 inches and have failed to clean up dead leaves, which create an unsafe and unsanitary condition. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2020-66**, the Board unanimously resolved that, with regard to the aforesaid violations at the properties known as **3 Kings Point Road** and **10 Rodney Lane**:

1. the Building Inspector is authorized to give the 10-day notice provided for in Village Code §117-9; and,
2. if said violations are not corrected within the time set forth in the notice:
  - a. authorized the Building Inspector to cause the aforesaid violations to be corrected;
  - b. authorized the Building Inspector to hire Papiro Landscaping, or such other qualified landscaper as determined by the Building Inspector, to correct the violations, and
  - c. directed the Village Clerk to take all necessary and appropriate actions to recoup the Village's costs and expenses in correcting the violation in accordance with Village Code §117-11; and,
3. in the event within the next twelve-month period there is a second or any subsequent offense on such properties of Chapter 117, even if it is a different violation of that Chapter, pursuant to §117-9(E) of the Village Code, it shall not be necessary for the Building Inspector to issue a notice of violation or to order to correct the condition and the Building Inspector may immediately cause the violation to be corrected and the Village Clerk shall take all necessary and appropriate actions to recoup the Village's costs and expenses in correcting the violation in accordance with Village Code §117-11.

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The Village Clerk notified the Board that the election resolution # 2020-10 that was adopted on January 8<sup>th</sup>, 2020 is amended to reflect the new date of the Village Election pursuant to the Governor's Executive Order 202.26. Upon motion of Trustee Kouros Torkan, seconded by Trustee Sheldon Kwiat, by resolution # **2020-67**, the Board unanimously adopted the following resolution:

**RESOLVED** that pursuant to the provisions of the Election Law of the State of New York, the Village Clerk is hereby, directed to publish notice concerning the election district for the village election, to be held in the Village of Kings Point on September 15, 2020. Notice shall be published after the last day for filing nominating petitions for said election, but not less than ten days prior to the date of said election. Said notice shall contain the following information:

1. The street address of the polling place for the Village Election, to wit:  
32 Steppingstone Lane, Kings Point, New York.
2. The date and hours, during which the polling place will be open,  
which hours shall be 12:00 noon until 9:00 p.m.
3. The names and addresses of all those who have been duly nominated  
for Village office, and the terms of the office for which they have  
been nominated.

Trustee Hooshang Nematzadeh introduced **Bill No. 9 of 2020**, a local law amending the Chapter 117, Property Maintenance, of the Code of the Village of Kings Point with regard to enforcement. Upon motion by Trustee Kouros Torkan, seconded by Trustee Sheldon Kwiat, by resolution # **2020-68**, the Board unanimously found that the adoption of Bill No. **9 of 2020**, 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. 9 of 2020, a local law amending Chapter 117, Property Maintenance, of the Code of the Village of Kings Point, to be held on **September 15, 2020, at 9:00 p.m.** A copy of the Bill is on file with the Village Clerk.

The Village Attorney notified the Village Board that Rusty Schmidt of Nelson, Pope & Voorhis, LLC, the consulting engineers engaged by the Village for the **East Shore Park** project, stated that to enhance the scenic waterfront entrance to the Village, the landscaper needs to remove more trees and would require an amendment to its permit from the New York State Department of Environmental

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Conservation [DEC] to do so. The not-to-exceed cost for preparing the application to amend the permit will be \$2,000.00. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-69**, the Board unanimously authorized Nelson, Pope & Voorhis, LLC, to apply to DEC to amend the Village's permit to remove additional trees for the not-to-exceed sum of \$2,000.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-70**, the Board unanimously adopted the following resolution:

WHEREAS there is now pending in the Supreme Court, Nassau County, a proceeding by the owner of certain property within the Village of Kings Point to reduce the assessed valuation placed on its property for Village tax purposes; and

WHEREAS the General Counsel to the Village recommends that said proceeding be settled in accordance with a written memorandum to this Board dated March 11, 2020.

NOW, THEREFORE, the General Counsel is hereby authorized to settle the following tax certiorari proceeding on the basis indicated.

Shelter Harbor Associates  
Address: 410 Shore Road, Kings Point  
Section 1, Block 172, Lot 22

Tax Year	Present Assessment	Proposed Assessment	Reduction	Total Tax Rate/Refund
2013/14	\$27,500			Lump Sum
2014/15	\$27,500			Settlement of
2015/16	\$27,500			\$3,000 with 3
2016/17	\$27,500			year moratorium
2017/18	\$27,500			
2018/19	\$27,500			
2019/20		\$20,890		

The Mayor announced that Peter Aron has submitted a letter of resignation, dated July 6, 2020, as Chairman of the Village Planning Board, effective as of the date of this meeting. The Mayor reluctantly accepted the resignation, thanking Peter Aron for his invaluable years' of dedicated service to the Village, and that he was happy

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that Peter would remain as a member of the Planning Board. The Mayor then appointed Trustee Kouros Torkan to serve as Chairman of the Planning Board for the balance of Peter Aron's term. Trustee Torkan stated that he accepted the appointment as Chairman of the Planning Board and that he was honored to succeed Peter Aron, who had served the Village residents with distinction and set such a fine example in his capacity as Chairman. A copy of the letter is on file with the Village Clerk.

Thomas Donato of the firm of Michael Haberman Associates, Inc., who reviews, negotiates, and advises the Board with regard to tax certiorari matters, advised the Board that he has been contacted by the attorney for the owner of **24 Pond Road** to negotiate a settlement of the pending **tax certiorari proceeding** against the Village based upon the owner's recent settlement with Nassau County. Based upon the amount of the refund sought, Mr. Donato and General Counsel Stephen Limmer recommended that the Board engage Mr. Donato's firm to prepare an **informal draft appraisal** to be provided to Counsel Limmer for negotiation purposes only, at a cost not to exceed \$2,000.00. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-71**, the Board unanimously authorized the firm of Michael Haberman Associates, Inc. to prepare an informal draft appraisal of 24 Pond Road to be provided to Counsel Limmer for negotiation purposes only, at a cost not to exceed \$2,000.00.

Mayor Michael C. Kalnick stated that the next meeting of the Board of Trustees would be **September 15, 2020**, commencing at **9:00 p.m.**

There being no further business to come before the Board, the Mayor adjourned the meeting at 4:45 p.m.

Gomie Persaud  
Village Clerk/Treasurer