

MINUTES OF THE 1162nd MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
September 20, 2022
Adopted on October 13, 2022

The 1162nd meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Kouros Torkan at 6:05 p.m. on September 20, 2022, at the Village Hall of the Village of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

PRESENT: Kouros Torkan, Mayor
Hooshang Nematzadeh, Deputy Mayor
Ebi Victory, Trustee
Tedi Kashinejad, Trustee
Ira S. Nesenoff, Trustee

ALSO PRESENT: Gomie Persaud, Village Clerk-Treasurer
Stephen G. Limmer, Esq., McLaughlin & Stern, LLP,
General Counsel
Ralph Byers, Public Works Highway Supervisor
Chris Aiossa, Superintendent of the Building Department

ABSENT: None

Mayor Kouros Torkan opened the public hearing on **Bill 15 of 2022**, a local law amending the creation of the Community Benefit Enhancement Committee for the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ira S. Nesenoff, by resolution # **2022-137**, the Board unanimously approved Bill 15 as Local Law **15 of 2022**. A copy of the Local Law is on file with the Village Clerk.

Mayor Kouros Torkan opened the public hearing on **Bill 16 of 2022**, a local law amending the application requirements for rental occupancy permits within the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Ira S. Nesenoff, seconded by Trustee Ebi Victory, by resolution # **2022-138**, the Board unanimously approved Bill 16 as Local Law **16 of 2022**. A copy of the Local Law is on file with the Village Clerk.

Mayor Kouros Torkan opened the public hearing on **Bill 17A of 2022**, a local law amending the notice requirements for permit application for off-shore structures within the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Ebi Victory, seconded by Trustee Ira Nesenoff, by resolution # **2022-139**, the Board unanimously approved Bill 17A as Local Law **17 of 2022**. A copy of the Local Law is on file with the Village Clerk.

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Mayor Kouros Torkan opened the public hearing on **Bill 18 of 2022**, a local law amending the penalties for offenses provisions 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 Ebi Victory, seconded by Trustee Ira S. Nesenoff, by resolution # **2022-140**, the Board unanimously approved Bill 18 as Local Law **18 of 2022**. A copy of the Local Law is on file with the Village Clerk.

Mayor Kouros Torkan opened the public hearing on **Bill 19 of 2022**, a local law amending the provisions of the Code of the Village of Kings Point with regard to rental permits. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Tedi Kashinejad, seconded by Trustee Ebi Victory, by resolution # **2022-141**, the Board unanimously approved Bill 19 as Local Law **19 of 2022**. A copy of the Local Law is on file with the Village Clerk.

Mayor Kouros Torkan opened the public hearing on **Bill 20 of 2022**, a local law amending the definition of “family” in 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 Tedi Kashinejad, seconded by Trustee Ira S. Nesenoff, by resolution # **2022-142**, the Board unanimously approved Bill 20 as Local Law **20 of 2022**. A copy of the Local Law is attached to these minutes and on file with the Village Clerk.

Mayor Kouros Torkan opened the public hearing on **Bill 21A of 2022**, a local law amending the provisions of Chapter 84, Fire Prevention and Building Construction, 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 Hooshang Nematzadeh, seconded by Trustee Ebi Victory, by resolution # **2022-143**, the Board unanimously approved Bill 21A as Local Law **21 of 2022**. A copy of the Local Law is on file with the Village Clerk.

Mayor Kouros Torkan opened the public hearing on **Bill 22 of 2022**, a local law amending§161-24, Accessory Buildings, 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 Ira S. Nesenoff, seconded by Trustee Ebi Victory, by resolution # **2022-144**, the Board unanimously approved Bill 22 as Local Law **22 of 2022**. A copy of the Local Law is attached to these minutes and on file with the Village Clerk.

Mayor Kouros Torkan opened the public hearing on **Bill 23C of 2022**, a local law limiting applications to the Planning Board of the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ira S. Nesenoff, by resolution # **2022-145**, the Board

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unanimously approved Bill 23 as Local Law **23 of 2022**. A copy of the Local Law is on file with the Village Clerk.

Upon motion by Trustee Tedi Kashinejad, seconded by Trustee Hooshang Nematzadeh, by resolution # **2022-146**, the Board unanimously approved the minutes as presented of the Board of Trustees meetings for August 23, 2022.

Upon motion by Trustee Ebi Victory, seconded by Trustee Ira S. Nesenoff, by resolution # **2022-147**, the Board unanimously approved the payment of **audited claims** as follows:

- a. **General Fund:** \$ **436,549.85**
- b. **Trust Fund:** \$ **10,800.00**
- c. **Capital Fund:** \$ **287,722.74**

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

Upon motion by Trustee Tedi Kashinejad, seconded by Trustee Hooshang Nematzadeh, by resolution # **2022-148**, the Board unanimously accepted the **Building Department report** for the period of August 2022, showing the total fees deposited of **\$74,326.25** 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 Hooshang Nematzadeh, seconded by Trustee Ebi Victory, by resolution # **2022-149**, the Board unanimously accepted the **Village Justice Court report** for the period of August 2022, showing the total fees and surcharges deposited of **\$17,892.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Trustee Ira S. Nesenoff introduced **Bill No. 24C of 2022**, amending the definition of “Floor Area” in § 161-3, Definitions, of Chapter 161, Zoning, of the Code of the Village of Kings Point. Upon motion of Trustee Ebi Victory, seconded by Trustee Tedi Kashinejad, by resolution # **2022-150**, the Board unanimously found that the adoption of Bill No. **24C of 2022**, as a local law, would be an unlisted action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, authorized the Mayor to execute a Short Environmental Assessment Form to that effect, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 24C of 2022, a local law amending the definition of “Floor Area” in § 161-3, Definitions, of Chapter 161, Zoning, of the Code of the Village of Kings Point, on **October 11th, 2022, at 6:00 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Tedi Kashinejad introduced **Bill No. 25 of 2022**, amending the provision establishing the Community Benefit Fund in Chapter 137, Subdivision of Land, of the

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Code of the Village of Kings Point. Upon motion of Trustee Ebi Victory, seconded by Trustee Ira S. Nesenoff, by resolution # **2022-151**, the Board unanimously found that the adoption of the Bill 25 as a local law would not be an action as defined in in 6 NYCRR Part 617 and no environmental review is required pursuant thereto, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 25 of 2022, a local law amending the provision establishing the Community Benefit Fund in Chapter 137, Subdivision of Land, of the Code of the Village of Kings Point, on **October 11th, 2022, at 6:00 p.m.** A copy of the Bill is on file with the Village Clerk.

WHEREAS, the Justice Court Assistance Program has been established to enable towns and villages to apply to the Chief Administrative Judge for a grant of the State funds to assist in the operation of their Justice Courts; and

WHEREAS, the Village of Kings Point (hereinafter referred to as the “Village”) has established a Village Justice Court, which qualifies for said program; and

WHEREAS, this Board finds that it would enhance the Village’s Justice Court’s ability to provide suitable and sufficient services to the Village Community, and that it would be in the best interest of the health, safety, and welfare of the Village, if the Village obtained funds from the State, pursuant to the provisions of said program.

BE IT RESOLVED, upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Ebi Victory, by resolution # **2022-152**, the Board of the Village of Kings Point authorizes Kings Point Village Court to apply for a JCAP grant in the 2022-23 grant cycle up to \$30,000.00.

Upon motion of Trustee Ira S. Nesenoff, seconded by Trustee Ebi Victory, by resolution # **2022-153**, the Board unanimously authorized Village Clerk/Treasurer, Gomie Persaud to take the necessary actions with Civil Service to employ two additional dispatchers for the Police Department.

Upon motion of Trustee Ira S. Nesenoff, seconded by Trustee Ebi Victory, by resolution # **2022-154**, the Board unanimously authorized Village Clerk/Treasurer, Gomie Persaud to take the necessary actions to comply with the Civil Service requirement to conduct a formal recruitment effort for the position of Police Commissioner, presently held on an interim basis by Daniel P. Flanagan.

The Board discussed the application of Lisa Kalimi, as an 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 275-foot long by 5-foot wide pier, with a 40-foot long

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by 4-foot wide aluminum gangway, and a 36-foot long by 10-foot wide float at the end, with one boat lift, a 7-foot by 14-foot lift for two jet skis, and lighting, at the premises known as **10 Cove Lane**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 132, Lots 416 and 417.

Upon motion by Trustee Ira Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2022-55**, the Board unanimously adopted the following resolution:

Whereas, Lisa Kalimi, as an 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 275-foot long by 5-foot wide pier, with a 40-foot long by 4-foot wide aluminum gangway, and a 36-foot long by 10-foot wide float at the end, with one boat lift, a 7-foot by 14-foot lift for two jet skis, and lighting, at the premises known as **10 Cove Lane**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 132, Lots 416 and 417; and

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

1. The premises comprise a gross area above water of 1.043 acres, in a zoning district that requires 40,000 square feet for a single-family dwelling building lot and have approximately 114.39 feet of frontage along Manhasset Bay, 35.61 feet fewer than the required 150 feet.
2. 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 from the side properties because the waterfront is only 114.39 feet and, there is an easement of approximately 8 feet between the south property line of the premises and the property with a dwelling to the south of the south property line.
3. The proposal is to have the center of the pier approximately 66.39 feet from the north side property line and approximately 48 feet from the south side property line.
4. The relevant property owners to the north and the south along the waterfront have supported the proposed location of the pier.
5. The applicant seeks a waiver as to the 275-foot length of the dock, instead of the maximum permitted 200 feet, so that the proposed location of the boat lift will be sufficiently above mean high water.
6. The applicant plans on installing lighting on the pier; but insufficient lighting information has been provided.
7. 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 and location of the pier

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would have any adverse impacts to the environment, the adjacent properties, or the water views of the neighbors.

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 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:

ONE: 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.”

TWO: Accordingly, this negative declaration is issued.

THREE: 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 Dietrich Engineering, P.C.; dated 07/2020, last revised 08/03/2022; Project No.: 20026; for the project:

KALIMI RESIDENCE
10 COVE LANE
KINGS POINT, NY

- i. Sheet Number C-1. Dock Plan; and
- ii. Sheet Number C-2 Construction Details.

FOUR: The lighting shall be subject to the approval of the Superintendent of the Building Department and shall be low voltage type, pointed downward, Coast Guard compliant, not cause a hazard or annoyance to neighbors or boaters, and otherwise comply with the provisions of §161-50.5(F).

FIVE: The boat lift shall be subject to the approval of the Superintendent of the Building Department and shall comply with the provisions of §161-50.6.

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

The Mayor directed Counsel Stephen G. Limmer to contact Paul Bloom, the attorney for Farzad Farzan-Kashani, with regard to Mr. Kashani’s drainage problems with the Village of Great Neck

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The Mayor informed the Board that he has been in touch with Wells Fargo Bank and that they are offering competitive interest rates on various accounts. The Board authorized the Village Clerk/Treasurer, Gomie Persaud to contact Wells Fargo Bank and discuss their interest rates and banking options to maximize interest earnings on village funds.

Mayor Kouros Torkan stated that the next meeting of the Board of Trustees would be **October 11, 2022**, commencing at **6:00 p.m.**

There being no further business to come before the Board, the Mayor adjourned the meeting at 6:15 p.m.

Gomie Persaud
Village Clerk/Treasurer