

**REGULAR MEETING OF THE BOARD OF TRUSTEES
INCORPORATED VILLAGE OF NISSEQUOGUE**

October 17, 2023

Board Meeting Posted on Village Website: July 11, 2023

Board Meeting Posted in Village: July 13, 2023
1 Official Bulletin Board

Board Meeting Published in Smithtown News: July 13, 2023

**THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE
OF NISSEQUOGUE WAS HELD AT THE VILLAGE HALL;
631 MORICHES ROAD
NISSEQUOGUE, NEW YORK ON THE 17th DAY OF OCTOBER, 2023.**

BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:

Mayor: Richard B. Smith (Telephonically)
Deputy Mayor: Kurt J. Meyer

Trustees: Michael T. Grosskopf
Maureen C. Potter
Russell J. von Frank II

ALSO PRESENT:

Village Attorney Lindsay Crocker
Village Clerk-Treasurer Patricia Mulderig
Village Deputy Clerk Laura Winkeler
NQFD Chief George Gavaris
Deputy Police Commissioner John Valentine
Planning Board Member Daniel Segal

OTHERS PRESENT: John Huber Jr., John Huber Sr., Mikayla Wolf, Jean-Paul Salamanca, Tracie Cinquemani (Court Reporter)

At 7:00 p.m. the Deputy Mayor opened the meeting with the Pledge of Allegiance.

**Public Hearing – David Pincus - Appeal of ARB Denial – 663 Horse Race Lane
RESOLUTION # 213-23:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was
“**RESOLVED** to continue the Public Hearing at 7:01 p.m. to consider, pursuant to § 5-10 of the
Code of the Village of Nissequogue, the application of David Pincus relating to the installation of
solar panels on the residence at 663 Horse Race Lane in Nissequogue (802-9-1-10) which was
denied by the Architectural Review Board of the Village of Nissequogue.”

A presentation for the applicant was made by John Huber Jr. of Balsam, Schmid & Huber, LLP.
Mr. Huber distributed a packet including site plans, revised site plans and renderings, an Aurora Shade Report as
well as a detailed report addressing the Village Code requirements. He responded to questions and comments by
the Board of Trustees. Deputy Mayor Meyer then asked if any members of the Board or public in attendance
had any questions.

RESOLUTION # 214-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to close the Public Hearing at 7:22 p.m.”

RESOLUTION # 215-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to re-enter the regular meeting at 7:22 p.m.”

A court reporter was present and a transcript of the public hearing is available.

RESOLUTION # 216-23:

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NISSEQUOGUE
REGARDING THE APPLICATION OF DAVID PINCUS**

WHEREAS, David Pincus (“Applicant”) owns a residence located at 663 Horse Race Lane, Nissequogue, New York, 11780; and

WHEREAS, Applicant made application to the Village of Nissequogue for a building permit for the installation of solar panels on the residence (“the Application”); and

WHEREAS, the Application was referred to the Village of Nissequogue Architectural Review Board (“ARB”) by the Building Inspector; and

WHEREAS, at a meeting on June 26, 2023, the ARB considered the Application and passed a resolution denying the application because proposed solar panels were to be located “on the front of the house”; and

WHEREAS, pursuant to §5-10 Code of the Village of Nissequogue (“Village Code”), the Applicant requested a hearing before the Board of Trustees of the Village of Nissequogue (“the Board”); and

WHEREAS, during a public hearing opened on September 19, 2023 and continued and closed on October 17, 2023, John Huber, Esq., on behalf of the Applicant, presented evidence in support of the position that the determination of the ARB should be overturned, and the Application should be approved pursuant to Chapter 5 of the Village Code; and

WHEREAS, during the public hearing all persons present were given the opportunity to be heard.

NOW, THEREFORE, be it

RESOLVED that the Board overrules the ARB’s determination and approves the Application pursuant to Chapter 5 of the Code of the Village of Nissequogue, on the condition that the solar plans are installed pursuant to the revised plans presented to the Board at its August 15, 2023 meeting (Site Plan from Power Solutions with a revision date of 7/21/2023) (“Revised Plans”) and subject to the Applicant’s reimbursement of the Village of Nissequogue for the cost of professional consultant review services pursuant to Chapter 91 of the Village Code; and

BE IT FURTHER RESOLVED that: (1) having considered the suitability of design and the materials to be used in relation to the surroundings and immediate neighborhood of the building site; (2) having considered the location (as set forth on the Revised Plans) of the solar panels on the structure in relation to the topographical features of the land and natural screening, if any; (3) having considered the effect of the location (as set forth on the Revised Plans) of the solar panels upon neighboring buildings; and (4) being guided by the rural nature, historical features, topographical and vegetational characteristics, and unique geographic location of the Village, the Board finds that the following has been established by Applicant:

- 1. The design, location and construction of the solar panels as set forth on the Revised Plans will not make the structure so uniform, markedly similar or incongruous with neighboring buildings or be so incompatible with the topographical features of its environs.
- 2. The proposed solar panels as set forth on the Revised Plans will not adversely affect the desirability of immediate and surrounding areas and thereby lessen the benefits of occupancy of improved real property.
- 3. The proposed solar panels as set forth on the Revised Plans will not impair the value of real property within the Village.
- 4. The proposed solar panels as set forth on the Revised Plans will not produce degeneration or deterioration of real property within the Village.
- 5. The proposed solar panels as set forth on the Revised Plans will not destroy the proper relationship between the taxable value of real property in the Village and the costs of municipal services provided therefor.

Upon motion made by Trustee von Frank and seconded by Trustee Potter, the within Resolution was duly adopted by the Board of Trustees on October 17, 2023.

AYES

- Deputy Mayor Kurt J. Meyer
- Trustee Michael T. Grosskopf
- Trustee Maureen C. Potter
- Trustee Russell J. von Frank II

NAYS

None

Absent for Voting: Mayor Richard B. Smith

Public Hearing – Application of Stephen & Carolyn Louro - 2 Hunters Way – Erosion Control Structure: RESOLUTION # 217-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was “**RESOLVED** to open the Public Hearing at 7:26 p.m.”

RESOLUTION # 218-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was “**RESOLVED** to adjourn the Public Hearing at 7:27 p.m. and to continue it at the November 21, 2023 Board of Trustees meeting to allow the applicant to present evidence in support of the position that the determination of the Joint Coastal Management Commission that the installation of the proposed erosion control structure is inconsistent with the Village Local Waterfront Revitalization Program should be overruled.”

Review & Approval of Minutes:

RESOLUTION # 219-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of
September 19, 2023 as presented.”

Treasurer’s Report:

Village Clerk-Treasurer Patricia Mulderig presented the Treasurer’s Report to the Board of Trustees, showing the Cash Balances, the Cash Flow Chart, Balance Sheet and Monthly Income and Expense Reports as of October 17, 2023.

RESOLUTION # 220-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to adopt the 2023/2024 Budget Reclassifications as presented.”
ATTACHED HERETO

RESOLUTION # 221-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to transfer \$325.00 from the Louro T&A Account, \$135.00 from the Greco
T&A Account, and \$1,815.00 from the Pincus T&A Account for a total of \$2,275.00
to the General Fund.”

ABSTRACTS & INVOICE PAYMENT AUTHORIZATIONS:

RESOLUTION #222-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and passed 4-0, it was
“**RESOLVED** to approve Abstracts #2878 - 2888 for payment in the amount of \$107,346.74.”

RESOLUTION # 223-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to approve Abstract# 2889 totaling \$18,347.08 to pay invoices that
require payment prior to the November 21, 2023 Board of Trustees Meeting.”

RESOLUTION # 224-23:

Upon a motion by Trustee Potter, seconded by Trustee Grosskopf, and passed 4-0, it was
“**RESOLVED** to authorize payment of \$5,386.47 to pay additional invoices that require payment
prior to the November 21, 2023 Board of Trustees meeting.”
ATTACHED HERETO

Attorney Report:

Lindsay Crocker delivered an oral report in addition to her written litigation report.

Village Clerk:

Village Clerk-Treasurer Patricia Mulderig presented oral and written reports.

Town of Smithtown – Intermunicipal Agreement – Snow and Ice Removal:

RESOLUTION # 225-23:

Upon a motion by Deputy Mayor Meyer, seconded by Trustee Potter, and 4-0, it was
“**RESOLVED** to re-affirm and approve the Intermunicipal Agreement with the Town of
Smithtown for Snow and Ice Removal for the period starting October 01, 2023 and expiring
on September 30, 2024, and authorize the Mayor to sign the Agreement on behalf of the Village.”

Department and Committee Reports:

NQFD – Chief Gavaris presented oral and written reports.

ARB – The Board reviewed the minutes of the September 18, 2023 ARB meeting.

Highway Department – The Board reviewed Highway Superintendent Dominick Alois’ written report.

JCMC – The Board reviewed Chairman Michael Braaten’s written report of October 05, 2023.

Planning Board – The Board reviewed the minutes of the October 02, 2023 Planning Board meeting.

Building Department – The Board reviewed Building Inspector Joseph Arico’s written report.

RESOLUTION # 226-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was

“**RESOLVED** to approve payment not to exceed \$4,700.00 for the purchase and installation of gutters at the Village Hall and Police Department (631 and 633 Moriches Road, respectively) upon procurement of appropriate quotes for compliance with the Village Purchasing Policy.”

Department and Committee Reports (continued):

Safety Committee: The Board reviewed the minutes of the September 05, 2023 Safety Meeting.

ZBA – The Board reviewed Chairman Michael Fazio’s written report.

Community Beautification: The Board discussed progress with the Willow Pond project.

Executive Session:

RESOLUTION # 227-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was

“**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 8:16 p.m. for the purpose of discussing the medical history of particular person and to seek legal advice from the Village Attorney.”

RESOLUTION # 228-23:

Upon a motion by Trustee von Frank, seconded by Trustee Grosskopf, and passed 4-0, it was

“**RESOLVED** to exit Executive Session at 8:27 p.m. and re-enter the regular meeting.”

Department and Committee Reports (continued):

NVPD – Deputy Police Commissioner John Valentine presented oral and written reports.

RESOLUTION # 229-23:

Upon a motion by Trustee von Frank, seconded by Trustee Grosskopf, and passed 4-0, it was

“**RESOLVED** to accept the Auctions International Agreement dated October 17, 2023 and Authorize the Deputy Mayor to sign the agreement on behalf of the Village.”

Adjournment:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was

“**RESOLVED** to adjourn at 8:35 p.m.”

Respectfully submitted,

Laura K. Winkeler
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE
2023-2024

17-Oct-23

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>BUDGET ADJUSTMENT</u>	<u>MODIFIED BUDGET</u>
A2680.0	INSURANCE RECOVERIES	\$0.00	(\$10,000.00)	(\$10,000.00)
A3120.47	POLICE VEHICLE MAINTENANCE & REPAIRS	\$10,000.00	\$10,000.00	\$20,000.00
A3410.23	FIRE DEPARTMENT - MOTOR VEHICLE EQUIP	\$71,432.73	\$4,500.00	\$75,932.73
A3410.25	FIRE DEPARTMENT - OTHER EQUIPMENT	\$4,000.00	(\$4,000.00)	\$0.00
A3410.411	FIRE DEPARTMENT - VEHICLE REPAIR & MAINT	\$40,170.00	(\$500.00)	\$39,670.00
A8010.10	ZONING BOARD PERSONAL SVC	\$1,880.00	\$500.00	\$2,380.00
A1990.0	CONTINGENT ACCOUNT	56,484.00	(500.00)	55,984.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$183,966.73</u>	<u>\$0.00</u>	<u>\$183,966.73</u>

10/17/2023

Please place on the agenda a request for a RESOLUTION for the Board to approve payment of invoices that require payment prior to the November 21, 2023 Board of Trustees Meeting.

Davidson, Lisa & Spencer	\$	2,950.59
Reimbursed Harbor Day Expenses		
Globalstar	\$	205.48
FD Satellite Telephones: 10/16/23 - 11/15/23		
Greenblatt, Dr. Louis - Smithtown Family Medicine	\$	600.00
FD: (4) Member Physicals @ \$150.00 each		
St. James Beverage	\$	138.40
FD: Soft Beverages for Call, Drills and Practices		
St. James Post Office	\$	792.00
VH: 1,200 Forever Stamps		
Above All Tent Rental	\$	<u>700.00</u>
Harbor Day Tent		
TOTAL:	\$	<u><u>5,386.47</u></u>