

July 23, 2020

Rockville Centre, New York

The Special Meeting of the Board of Trustees was held on the above date via video conference call at 1:00 p.m. due to the Covid-19 pandemic health emergency, and in compliance with Executive Orders issued by Governor Cuomo. All participants were on the video conference call at the same time, and all participants were able to hear each other. The public was afforded an opportunity to participate in the meeting by video conference. The meeting was recorded, and the transcription is on file in the Village office. The recording is available on the Village website.

**PRESENT:** Mayor Francis X. Murray, Deputy Mayor Kathy Baxley, Trustees Michael Sepe and Nancy Howard and Trustee Emilio F. Grillo.

**ALSO PRESENT:** Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin, Village Comptroller Dennis Morgan, Superintendent of Electric Philip Andreas, Superintendent of Building Patrick D. O'Brien, Director Suzanne Sullivan, Public Relations Counsel Julie Grilli, and Secretary to the Board Lisa Butler.

**ATTENDANCE:** 17 people

The Village Administrator read a statement regarding the circumstances under which the meeting was held. See the recording of the meeting for the full text of the statement.

Village Administrator Kathleen Murray opened a Public Hearing with respect to the proposed Offer of Road Dedication for 220 Hempstead Avenue.

After hearing all interested persons in attendance, on motion of Trustee Sepe, duly seconded by Trustee Howard and carried by a vote of four to one, with Trustee Grillo opposed, the Board closed the public hearing with respect to the proposed Offer of Road Dedication for 220 Hempstead Avenue (Killarney Estates).

After brief discussion, on motion of Trustee Grillo, duly seconded by Trustee Howard and unanimously carried the Board reopened the public hearing regarding the proposed Offer of Road Dedication for 220 Hempstead Avenue (Killarney Estates) for public discussion.

After hearing all interested persons in attendance, on motion of Trustee Sepe, duly seconded by Trustee Baxley and carried by a vote of four to one, with Trustee Grillo opposed, the Board closed the public hearing with respect to the proposed Offer of Road Dedication for 220 Hempstead Avenue (Killarney Estates).

On motion of Trustee Sepe, duly seconded by Mayor Murray and carried by a vote of three to two, with Deputy Mayor Baxley and Trustee Grillo opposed the Board adopted the following resolution regarding acceptance of the Offer of Dedication with respect to 220 Hempstead Avenue (Killarney Estates).

July 23, 2020

Rockville Centre, New York

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**RESOLUTION ACCEPTING OFFER OF STREET DEDICATION**

**WHEREAS, Brett O'Reilly and James O'Reilly ("Owner") are the owners of certain land shown on a certain subdivision map of Killarney Estates, Rockville Centre, filed with the Nassau County Clerk on February 10, 2020, including a portion of such land shown on such map as a Killarney Lane, as described in Schedule A attached to this Resolution, and which lands and proposed road are situate within the boundaries of the Village of Rockville Centre; and**

**WHEREAS, Owner desires, and has offered, to convey to the Village of Rockville Centre fee title to that portion of the aforesaid land identified as Killarney Lane, as described on Schedule A attached to this Resolution (such proposed road hereinafter referred to as "Road"); and**

**WHEREAS, the Road, which has not yet been constructed, has been offered by Owner for dedication to the Village of Rockville Centre, pursuant to the provisions of Article 6 and Article 7 of the New York State Village Law, and**

**WHEREAS, the Village Engineer, the Village Building Department, the Village Water Department the Village Electric Department and the Village Department of Public Works have recommended acceptance of the offer of dedication of said Road for highway purposes, and**

**WHEREAS, the Village Zoning Board of Appeals and the Village Planning Board heretofore have considered aspects of this proposed development within their jurisdiction, neither of such bodies has sought coordinated review of the proposed action pursuant to the State Environmental Quality Review Act and its implementing regulations (SEQRA); each of those bodies has acted as Lead Agency with respect to review of environmental impacts ;and after due review each of those bodies has issued a Negative Declaration with respect thereto; and**

**WHEREAS, the Board of Trustees has reviewed the EAFs submitted in respect of this proposed project; and**

**WHEREAS, the Board of Trustees of the Village of Rockville Centre desires to accept the dedication of the Road in consideration of the transportation needs and demands of the Village, and a finding that it is in the best interest its residents,**

**NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Rockville Centre as follows:**

July 23, 2020

Rockville Centre, New York

### **SEQRA DETERMINATION**

- 1. In the absence of coordinated review pursuant to SEQRA, each Involved Agency acting with respect to an Action is required to make its own independent environmental impact review, classify the proposed Action, and issue its determination with respect to environmental impact.**
- 2. The Zoning Board of Appeals and the Planning Board of the Village each have heretofore conducted environmental impact review with respect to the Action, each has classified the Action as an Unlisted Action, and each has issued a Negative Declaration with respect thereto to.**
- 3. The Board of Trustees of the Village of Rockville Center is an Involved Agency with respect to the proposed subdivision of property at 220 Hempstead Avenue, Rockville Centre, New York, for the development of six single family residential lots and an access road culmination in a cul de sac (“Action”).**
- 4. The Board of Trustees hereby determines that the Action is neither a Type I Action nor a Type II Action as defined by 6 NYCRR 617.4(b) or 617.5(c), and hereby classified the Action as an Unlisted Action pursuant to SEQRA.**
- 5. The Board of Trustees has considered Environmental Assessment Forms prepared with respect to the Action.**
- 6. As a consequence of said review, the Board has considered the following factors, among others, and hereby makes the following findings with respect to each of the following factors:**
  - a. The Action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;**
  - b. The Action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;**
  - c. The Action would not impair the environmental characteristics of any Critical Environmental Area;**

July 23, 2020

Rockville Centre, New York

- d. The Action would not conflict with the Village's current plans or goals as official approved or adopted;**
- e. The Action would not significantly impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;**
- f. The Action would not result in a major change in the use of either the quantity or type of energy;**
- g. The Action would not create a hazard to human health, and would enhance the availability of parking for personnel of the Fire Department, and other Village departments located in the vicinity, and foster the protection of the public health, safety and general welfare;**
- h. The Action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;**
- i. The Action would not encourage or attract large numbers of persons to any place for more than a few days, or for more than reasonably short periods of time, compared to the number who would come to such place without such action;**
- j. The Action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;**
- k. The Action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process**
- l. The Action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;**
- m. The Action would not adversely impact public safety;**

July 23, 2020

Rockville Centre, New York

7. The Board of Trustees further finds, resolves, and determines that;
  - a. The Action would not have a significant adverse environmental impact;
  - b. Minor or insignificant environmental impacts which may result from the Action will be reviewed on an ongoing basis, and appropriate action taken in the event it should become necessary to do so, in the opinion of the Board, to mitigate such impacts.
8. The Board further finds, resolves, and determines that no further environmental review is required with respect to the Action.
9. The Mayor is authorized to execute Part 3 of the SEAF on behalf of the Lead Agency

#### **ACCEPTANCE OF OFFER OF STREET DEDICATION**

- A. The acceptance of the offer of dedication of the Road is consistent with past practices in the Village in relation to multi-lot subdivisions with included access roads, and it is in the best interests of the Village to accept such dedication, and integrate the Road into the public street network of the Village.
- B. The Board of Trustees hereby consents and agrees to accept the offer of dedication of the Road, as described in Schedule A made part of this Resolution.

The Mayor, or his designee, is authorized to accept a deed for conveyance to the Village of the portion of said subdivision as described in the attached Schedule A, and to execute any and all documentation necessary to accept such offer of dedication and conveyance, upon (a) satisfaction of the Conditions hereinafter stated, and the written certification of the Village Engineer, in a form approved by the Village Attorney, that such Conditions have been met to the satisfaction of the Village, (b) documentation, subject to the approval of the Village Attorney, to effectuate the closing of title and recordation in the Office of the Nassau County Clerk of the Offer and Deed at the sole expense of the Owner.

The closing in connection with this acceptance of the Deed shall take place on or before December 31, 2020. Should the closing fail to take place within such period of time, this Resolution shall be null and void, unless the Board of Trustees, by resolution, grants an extension for such closing to take place.

July 23, 2020

Rockville Centre, New York

**The acceptance of the aforesaid deed, and the recording thereof, shall not constitute an amendment of the Village Official Map, nor incorporate the said Road as a street or highway on the said Official Map, unless and until the Village of Rockville Centre has adopted an amendment to the Village Official Map as required by law, to incorporate the Road as a street or highway on the said Official Map, and to designate the name of such street or highway on such Official Map**

**CONDITIONS OF ACCEPTANCE OF OFFER OF DEDICATION:**

- 1. Prior to acceptance by the Village of the deed to the Road (“Deed”), the Owner shall provide a copy of the latest title report in Owner’s possession for the property to the Board of Trustees.**
- 2. The Deed shall not be accepted by the Village unless and until all conditions of this Resolution have been complied with, as evidenced by the certification of the Village Engineer in a form approved by the Village Attorney.**
- 3. The Deed shall deliver fee title to the Village, to include all utilities and other structures and/or equipment which may be located in or under such Road, and such fee title shall be free and clear of all encumbrances of record, and not subject to any other interests, to the satisfaction of the Village Attorney.**
- 4. The Owner, at Owner’s sole cost and expense, shall complete construction of the Road, and all public utilities to be located in, under or adjacent to such Road, including but not limited to water, telephone, cable television, data, electricity and gas, if applicable, in accordance with the rules, regulations and specifications of the Village, the County of Nassau and the respective utility companies, and in compliance with the conditions of approval issued by the Village Planning Board. No closing shall take place until such time as the Village Engineer has issued a written certification, in a form approved by the Village Attorney, that all such construction has been completed to the satisfaction of the Village Engineer.**
- 5. Construction of the Road as required by this Resolution shall include, final sealcoat applied to the road after completion of construction and after installation of water mains and connections; installation of traffic and street name signs on the subdivision road as required by and in accordance with the recommendations of the applicable Village department and the Police Department, installation of all approved street lighting to be located in the Road.**

July 23, 2020

Rockville Centre, New York

- a. **Notwithstanding the foregoing, the Deed may be accepted without completion of final sealcoating of the Road, provided that the Owner provides a surety bond, in an amount determined by the Village Engineer, and in a form satisfactory to the Village Attorney, to guarantee proper final completion of the construction of the Road in full satisfaction of the requirements of the Village.**
6. **Approval by the Village Attorney of all access, utility and drainage easements.**
7. **Approval by the Village Engineer of location of all driveway entrances.**
8. **Reimbursement to the Village of its costs and expenses, including environmental, engineering and other consulting fees.**
9. **Approval and installation of a sidewalk adjacent to the subdivision lots, as shown on the subdivision plan.**
10. **Fire hydrants installed and placed in accordance with the requirements of the water and fire districts, and the County of Nassau.**
11. **Any costs in relation to the recording of the Offer and Deed at the Office of the Nassau County Clerk, and any recording or other taxes and fees, including real estate transfer fees, shall be borne by Owner.**
12. **No certificate of occupancy, or completion, shall be issued with respect to any residential structure on any of the lots in such subdivision unless the Deed has been accepted and recorded as required by this Resolution.**

## SCHEDULE A

## PARCEL 7

All that piece or parcel of property, situated in the Incorporated Village of Rockville Centre, Town of Hempstead, County of Nassau and State of New York, shown as Part of Lot 130 in Block 183 of Section 38 of the Nassau County Land and Tax Map and being more particularly described as follows:

Beginning at a point on the westerly line of Hempstead Avenue, said point being 336.50 feet southerly from the intersection of the southerly line of Argyle Place and the westerly line of Hempstead Avenue;

Thence North  $51^{\circ} 35' 37''$  West a distance of 276.00 feet to a point;

Thence northeasterly along a curve to the right having a radius of 35.00 feet and an arc length of 164.93 feet to a point;

Thence southeasterly along a curve to the left having a radius of 5.00 feet and an arc length of 7.85 feet to a point;

Thence South  $51^{\circ} 35' 37''$  East a distance of 237.05 feet to a point on the westerly line of Hempstead Avenue;

Thence South  $40^{\circ} 24' 49''$  West along the westerly line of Hempstead Avenue a distance of 30.02 feet to the point or place of beginning

Said parcel containing 11,362 S.F. or 0.2608 Acres more or less

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July 23, 2020

Rockville Centre, New York

Mayor Murray appointed Mr. Barry Hochhauser as Alternate Member of the Zoning Board of Appeals, to serve if the need arises.

On motion by Trustee Howard, duly seconded by Trustee Sepe and unanimously carried, said appointment was approved.

On motion of Trustee Howard, duly seconded by Trustee Baxley and carried by a vote of four to one, with Trustee Sepe opposed the Board adopted the following resolution establishing performance bond with respect to 220 Hempstead Avenue.

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**RESOLUTION ESTABLISHING PERFORMANCE BOND**

**WHEREAS, by decision dated August 6, 2019, the Planning Board of the Village of Rockville Centre conditionally approved the proposed subdivision plan for "Map of Killarney Estates" ("Subdivision") at premises known as 220 Hempstead Avenue, Rockville Centre, New York; and**

**WHEREAS, among the conditions of such approval was that the applicant is required to file a performance bond in an amount and in a form to be approved by the Board of Trustees of the Village of Rockville Centre, to ensure completion of all required site improvements within two years of final subdivision approval, and a maintenance bond to ensure maintenance of the required improvements for a period of one year after their completion, and a cash bond to ensure that the subdivision road is maintained, snow plowed and sanded until the maintenance bond is released; and**

**WHEREAS, the Village Superintendent of Buildings has recommended that the Board establish the said performance bond in the amount of Nine Hundred Fifty Thousand (\$950,000.00) Dollars; and**

**WHEREAS, the Board of Trustees has determined that the said amount is a fair and reasonable amount sufficient to protect the Village and its residents and taxpayers with respect to the cost which might be incurred in the event the required site improvements are not properly completed; and**

**WHEREAS, the Board of Trustees further finds that it is premature at this time to establish amounts for the required maintenance bond and/or cash deposit, as the costs of whatever work or remediation may be required at the time performance is complete and the performance bond is released cannot now be determined,**

**NOW, THEREFORE, BE IT**

July 23, 2020

Rockville Centre, New York

RESOLVED, that prior to the issuance of any permits for construction in the Subdivision, the applicant shall file with the Village, in a form approved by the Village Attorney, a performance bond in the sum of Nine Hundred Fifty Thousand (\$950,000.00) Dollars, to ensure completion of all required site improvements within two years of final subdivision approval, and it is further

RESOLVED, the aforesaid performance bond shall not be released or modified except with the approval of the Board of Trustees; and it is further

RESOLVED, that the aforesaid performance bond requirement shall be in addition to any other requirements imposed in the Planning Board approval of the Subdivision, and in any determination by the Board of Trustees to accept dedication of the proposed Road in the subdivision, and it is further

RESOLVED, that no certificate of occupancy shall be issued for the use or occupancy of any residence constructed on any lot in the Subdivision until the Board of Trustees has established the amount of a cash bond to ensure that the subdivision road is maintained, snow plowed and sanded, and such case deposit has been received by the Village.

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On motion of Trustee Baxley, duly seconded by Trustee Grillo the Board adopted the following resolution further extending time for execution of previously authorized Quitclaim Deeds and Easements.

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**Resolution Further Extending Time For Execution of  
Previously  
Authorized Quitclaim Deeds and Easements**

Whereas, on November 4, 2019, the Board of Trustees ("Board") of the Village of Rockville Centre ("Village") duly adopted a resolution, *inter alia*, to discontinue certain portions of Brooklyn Avenue and Chestnut Streets as public streets, upon certain terms and conditions as stated in that resolution, and to authorize the Mayor or his designee to execute quitclaim deeds and easement agreements in furtherance of that resolution; and

Whereas, the said resolution required the execution of such quitclaims deeds and easements by a specified date; and

July 23, 2020

Rockville Centre, New York

Whereas, as a result of unforeseen circumstances, and at the request of the prospective grantees, the Board of Trustees amended its previous authorization, and also extended the time for the conclusion of the proposed transaction; and

Whereas, due to additional unforeseen circumstances, including delays caused by the COVID-19 pandemic emergency which have limited governmental functions, the parties were not able to conclude the transaction within the previously specified period of time; and

Whereas, the Board of Trustees wishes further to extend the time in which the Mayor or his designee previously were authorized to execute such instruments as may be necessary to conclude such transaction,

Now, therefore, be it

RESOLVED, that the extension of time to be granted herein is a Type II Action pursuant to the State Environmental Quality Review Act, which makes not substantive change in the underlying approved transaction, and no environmental impact review of such proposed action is required; and it is further

RESOLVED, that the time in which the Mayor or his designee is authorized to execute and deliver quitclaim deeds and other instruments as specified in the November 4, 2019 resolution of the Board of Trustees in relation to discontinuance of portions of Brooklyn Avenue and Chestnut Street be, and hereby is, extended to and including December 31, 2020, and it is further

RESOLVED, that in all other respects the terms and conditions of the said November 4, 2019 resolution, and any subsequent resolutions amending the November 4, 2019 resolution, shall remain in effect.

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 On motion of Trustee Howard, duly seconded by Trustee Grillo and unanimously carried the Board authorized the Mayor or his designee to execute an Insurance Consultant agreement with NGL Group Inc. for services rendered through June 2019 through May 2020 in the amount of \$10,000.00 and for services from June 2020 through August 2020 in the amount of \$2,500.00, in a form approved by the Village Attorney.



July 23, 2020

Rockville Centre, New York

On motion of Trustee Baxley, duly seconded by Trustee Grillo and unanimously carried the Board authorized the Village of Rockville Centre to pay Ginger Creegan for vacation days accrued to June 2018.

On motion of Trustee Howard, duly seconded by Trustee Baxley and unanimously carried the Board authorized the Mayor or his designee to end business with HTW, Inc. (dba CMIT Solutions of Central Rhode Island) but will continue with a three month expenditure in an amount not to exceed \$36,000.00-.

There being no further business, on motion by Trustee Baxley, seconded by Trustee Grillo, and unanimously carried the Board voted to return to public session at 3:03 pm and adjourned the meeting.

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Kathleen Murray  
Village Administrator/  
Clerk-Treasurer

KM/lb