

Board of Trustees
Village of Baxter Estates
2 Harbor Road, Port Washington, New York
June 18, 2007
7:30PM

Present: Mayor Frederick E. Nicholson
Trustee Charles Comer
Trustee Raymond Keenan
Trustee Douglas Baldwin
Trustee Alice M. Peckelis
Village Attorney Christopher Prior
Treasurer Laurence Tuck
Clerk Yvonne Whitcomb

Also present: Marilyn and James Sacrestano, Margaret Murphy, Demetrois Logan, Sally and Robert Detor, Pamand Eric Rothman, John O'Connell, Stuart Rosen, Bill Scaglione and Doug Augenthaler, Commissioners of the Port Washington Garbage District.

Public Hearing

Mayor Nicholson opened the public hearing duly advertised in the May 21, 2007 issue of the Port Washington News, to consider Bill No. 3 of 2007, a proposed law amending Chapter 157 of the Code of the Village of Baxter Estates with regard to Tax Assessment. The purpose of the amendment is voluntarily to terminate the Village's status as its own assessing unit under New York State Real Property Tax Law § 1402(3)

A verbatim transcript of the public Hearing is annexed to and incorporated into these minutes.

All those present wishing to speak having been heard, Mayor Nicholson closed the Public Hearing.

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that Bill No. 3 of 2007 be adopted as Local Law No. 4 of 2007.

Regular Meeting

Mayor Nicholson opened the regular meeting at 7:55pm.

1. Clerk

A. Minutes

On the motion of Mayor Nicholson, seconded by Trustee Keenan, it was resolved that the reading of the minutes of the May 21, 2007 Board of Trustee Meeting be and hereby are approved as presented by Clerk Whitcomb

Mayor Nicholson	Aye
Trustee Comer	Aye
Trustee Keenan	Aye
Trustee Peckelis	Aye
Trustee Baldwin	Abstained

2. Treasurer

A. Abstract of Vouchers

On the motion of Mayor Nicholson, seconded by Trustee Baldwin, it was unanimously RESOLVED that the Abstract of Vouchers, dated June 18, 2007, for the General Fund, totaling \$72,636.85, be and hereby is approved as prepared by Treasurer Tuck.

3. New Business

A. Port Washington Garbage District

Commissioners Bill Scaglione and Doug Augenthaler addressed the Board on various issues pertaining to the Port Washington Garbage District including the creation and enforcement of new garbage ordinances. Mayor Nicholson requested recommendations from the commissioners on ways in which the Village of Baxter Estates could assist the District.

B. Demetrois Logan

Demetrois Logan addressed the Board regarding Village taxes for the year 2007-2008.

C. Eric and Pam Rothman

Eric and Pam Rothman addressed the Board regarding the Order to Remedy Violation issued to them on June 12, 2007 for a front yard fence in violation of Section 175-16A of the Village Code.

The Board advised Eric and Pam Rothman that they could apply for a variance to legalize the existing fence or comply with the Order to Remedy.

D. John O'Connell

John O'Connell addressed the Board on behalf of the Port Washington Public Library regarding parking on Locust Avenue and North Washington Street.

E. Green Gene's Inc.

On the motion of Mayor Nicholson, seconded by Trustee Keenan, it was unanimously RESOLVED to accept the proposal from Green Gene's Inc. for the removal of poison ivy on Overlook Drive and stream bed on the corner of Overlook Drive and Hilltop Road for an amount not to exceed \$1,500.00.

4. Old Business

A. Sally Deter

Resident Sally Deter again came before the Board to present her request for an additional curb cut for her property at 35 Hilltop Road.

Mayor Nicholson noted that the Board had considered variations on the new curb cut request at prior meetings, and that the Board had made suggestions to Mrs. Deter, taking into account comments from neighbors, in order to have a revised plan reflecting the concerns of neighbors and the Board.

Mrs. Deter then presented the revised plan, reflecting a request for two curb cuts, to create two driveways toward both sides of her property. The Board members discussed the unusual limitations of her property with respect to level land upon which vehicles might be parked, and the unavailability of side and rear yards for the location of same, and for enclosed garage space. The Board asked Mrs. Deter whether a circular driveway had been considered. She noted that that had been one of her proposals, but that the narrow depth of the front yard made a circular driveway impractical. Trustee Keenan noted that having vehicles spread across the circular driveway, in light of the narrow depth, would serve to exacerbate intrusion of vehicles in the front yard to the detriment of the neighbors. Mrs. Deter confirmed, at the request of the Board, that she would accept

as conditions to any approval the use of Belgian block and other materials satisfactory to the building inspector for aesthetic purposes, that drainage structures be placed underground on the property to maintain stormwater run-off from the new paved surface on the property, and that evergreen shrubs in number, placement and size be placed in the front yard for the purpose of screening views of the vehicles from the street.

After discussion, upon motion of Trustee Keenan, seconded by Trustee Baldwin, the Board unanimously RESOLVED as follows:

That the application of Sally Detor for the second curb cut on her premises as reflected in the drawing annexed to these minutes as Applicant's Exhibit A be, and it hereby is, approved, conditioned upon the following:

- (a) The driveways shall be made of Belgian blocks and other materials reasonably satisfactory in all respects to the building inspector;
- (b) Evergreen plantings, in number, placement and size, and type, reasonably satisfactory to the building inspector, shall be placed in the front yard for the purpose of screening views of vehicles parked on the driveways from the street, to the extend practicable as reasonably determined by the building inspector; and
- (c) Drainage structures shall be placed underground on the premises to contain on the premises all stormwater run-off from the impervious surface to be added to the premises as the result of the project hereby approved.

B. Baxter House- wall repair

The Board directed Clerk Whitcomb to inform the Village Insurance Agency, Home Town Insurance, by certified letter of the damage done to the wall of historic Baxter house and to forward to them a copy of the police accident report of May 13, 2007.

C. Trustee Keenan-Emergency Radio

Trustee Keenan reported that he should receive the emergency radio soon and will attend the training.

D. Registrar of Vital Statistics

Clerk Whitcomb spoke with the Town of North Hempstead who will inform her of the procedure to be followed regarding the term of the Registrar of Vital Statistics.

E. Trustee Comer

(a) Moratorium

Trustee Comer reviewed his further work on the Zoning change analysis and his discussions with Building Inspector Joseph Saladino. His recommendations were summarized in a memo that had been sent earlier to all Trustees via email (copy attached to these Minutes.) It was generally agreed that a Board meeting devoted to the Zoning change effort should be set up, however no date was set.

(b) Pool Safety

Trustee Comer discussed with the Board the proposal from Building Inspector Joseph Saladino that the Village pass a new Local Law, in line with recent New York State Uniform Building Code provisions, in order to protect all Village residents who have pools or hot tubs.

Trustee Baldwin will speak with the Building Inspector and the Board will revisit the issue at Board of Trustee Meeting on July 16, 2007.

F. Building Department Report

Trustee Baldwin gave his report on the Building Department for the month of May 2007.

G. Tree Report

Reza Kahn, 25 Bayside Avenue, was granted permission, by the Board of Trustees upon the recommendation of Lance Wagner, member of the Tree Committee, to remove a crab apple tree in the front yard.

Edward Weinstock, 16 Overlook Drive, was granted permission, by the Board of Trustees upon the recommendation of Lance Wagner, member of the Tree Committee, to remove a dying tree in the rear yard.

Lynn Simmons, 9 Central Drive, was granted permission by the Board of Trustees upon the recommendation of Lance Wagner, member of the Tree Committee, to remove three dying trees in the rear yard.

Reza Kahn, 25 Bayside Avenue, was issued an appearance ticket for removal, without approval, of a tree in the rear yard.

H. Code Enforcer Report

The Board reviewed the report submitted by Village Code Enforcer Robert Rockelein for the period 5/15/07 to 6/15/07.

The Board entered into Executive Session.

There being no further business before the Board, on motion of Trustee Comer, seconded by Trustee Baldwin, it was unanimously **RESOLVED** that the meeting be and hereby is adjourned at 10:30pm.

Yvonne Whitcomb
Village Clerk