

Board of Trustees
Village of Baxter Estates

May 1, 2006

7:30 PM

Present: Mayor John Maher
Trustee Doug Baldwin
Trustee Charles Comer
Trustee Raymond Keenan
Village Clerk Yvonne Whitcomb
Attorney Christopher Prior

Also present: Treasurer Laurence Tuck, Ben Melamed, Alice McCarthy, Lance Wagner, Mark Gibbons (contractor for John Golder), John Golder, Rachel Golder.

Excused: Vivian Schneck

1. **Clerk**

A. Minutes

On motion of Mayor Maher, seconded by Trustee Keenan, it was RESOLVED that the reading of the minutes of the April 3, 2006 meeting of the Board of Trustees be waived and that they be and hereby are approved as presented by Clerk Whitcomb.

2. **Treasurer**

A. General Fund

On motion of Mayor Maher, seconded by Trustee Keenan, it was unanimously RESOLVED that the Abstract of Audited Vouchers, dated May 1, 2006, for the General Fund, totaling \$18,810.99, be and hereby is approved as prepared by Treasurer Tuck.

On the motion of Mayor Maher, seconded by Trustee Keenan, it was unanimously RESOLVED that the Board of Zoning Appeal refunds, totaling \$2,623.46, be and hereby are approved as prepared by Treasurer Tuck..

3. **Appointments**

- A. Mayor Maher made the following appointments, subject to the approval of the Board of Trustees, for terms of one official year, said terms to expire April 2007:

Vivian Schneck - Baxter Pond Liaison
Vivian Schneck - Landmark Preservation Commission Liaison
Vivian Schneck - Village Court Liaison
Chris Ficalora - Landmark Preservation Commission Member

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the aforesaid appointments made by the Mayor be hereby approved.

4. **Public Works**

- A. Tianderah Road

On motion of Mayor Maher, seconded by Trustee Keenan, it was unanimously RESOLVED that a stop sign be erected at the top end of Tianderah Road.

The Town of North Hempstead Highway Department's sign shop will be asked to produce the sign.

- B. Central Drive

The Board directed that letters be sent by the Village Clerk to County Executive Suozzi, Legislator Craig Johnson and Nassau County Department of Public Works Commissioner Peter Gerbasi addressing the Village's concerns about the resurfacing of the roadway and storm water runoff on Central Drive.

5. **Old Business**

- A. Ben Melamed

Ben Melamed addressed the Board on the issue his request for a curb cut in the front of his property on Columbia Place. The Board advised Mr. Melamed to apply to the next meeting of the Board of Zoning Appeals.

- B. Generators

On the motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously resolved to introduce for consideration Bill #1 of 2006 at a Public Hearing on June 5, 2006.

C. Tree Report

Susan Athanasian, One Central Drive, was granted permission, following inspection and approval of Lance Wagner, member of the Tree Committee, to remove two sassafras trees which were leaning toward the house.

Vincent Spinelli, 18 Hilltop Road, was granted permission, following inspection and approval of Lance Wagner, member of the Tree Committee, to remove a dying dogwood tree and a damaged crabapple tree.

D. Village Entrance Signs

A report from Trustee Schneck informed the Board that she was meeting with a sign contractor on Thursday, May 4, and that the signs should be ready for installation by the end of May.

E. Stormwater Runoff

Trustees Comer and Keenan addressed the Board on the status of the Stormwater Reports. The Village is in the process of bringing all stormwater reports up to date and the reports should be completed in the near future.

F. Intermunicipal Agreement

On the motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the Village of Baxter Estates enter into an Intermunicipal Agreement for Miscellaneous Services with the Town of North Hempstead.

G. Parking Pads

Mayor Maher stated that residents with parking pads had been sent letters stating that the pads should be replaced with ground cover only. Nereida Klok removed several large rocks from the parking pad in front of her property.

6. New Business

A. Judge John Golder

Judge John Golder addressed the Board requesting permission to remove nine trees in order to continue the landscaping of his property.

After discussion, and upon motion duly made by Trustee Comer, and seconded by Trustee Baldwin, it was unanimously RESOLVED, that the application of John Golder to remove certain trees from the residential premises known as 24 North Washington Street, in the Village, which application has been recommended by the Village's Tree

Committee for approval by the Board, be, and it is hereby approved, on the following conditions:

- (a) The drawing submitted by the Applicant, and depicting the contemplated retaining wall with respect to which the application is made, signed and sealed by Thomas D. Reilly, P.E., and dated September 12, 2005, shall be referred to as the “Original Engineer’s Drawing.”
- (b) In order to set a portion of the wall back farther into the premises and away from the westerly and northerly property lines in the northwest corner of the property (the “NW Corner”), to minimize the height of the wall above grade to a reasonable extent, the Original Engineer’s Drawing shall be deemed modified (herein, the “Modified Engineer’s Drawing”) so that the retaining wall shall not meet at a right angle at the NW Corner, but instead a portion of such retaining wall, beginning at a point along the westerly property line, between 10’ and 20’ south of the NW Corner (as selected by the Applicant), and continuing in an approximately straight line in a northeasterly direction across the premises to a point along the northerly property line, between 10’ and 20’ east of the NW Corner (as selected by the Applicant) (the “Angled Section”), shall be positioned catty-cornered, at approximately a forty five degree angle to the NW Corner;
- (c) The height of the retaining wall shall not exceed 6’ above final grade at any point; provided, however, that, if the Applicant demonstrates to the Building Official’s satisfaction that placement of the Angled Section within the 10’ to 20’ area as to which Applicant has discretion with respect to placement is (i) necessary to save or avoid unnecessary danger or risk to existing vegetation or structures, and (ii) will cause the height of such Angled Section to exceed 6’ by some de minimus amount, then such height may exceed 6’ by such de minimus amount;
- (d) The retaining wall shall be installed and maintained in accordance with the Modified Engineer’s Drawing, and the Applicant shall provide to the Village, promptly upon completion of the wall and as a condition to the issuance of a certificate of completion with respect thereto, an “as-built” survey of the retaining wall.
- (e) The Applicant shall plant and maintain not fewer than twenty six live plantings, which may be deciduous or evergreen or some combination thereof, in such locations, either above or below the proposed retaining wall, and of such species and size, all as shall be set forth in a landscape plan to be prepared by a landscape architect selected by the Applicant; and

- (f) The Applicant shall plant and maintain pachysandra or some other live ground-cover in the area of the public right-of-way that lies to the west of the proposed retaining wall in an area of approximately twenty feet by one hundred feet bounded on the west by the curb along High Street.

B. Douglas Baldwin

Building Inspector Liaison Douglas Baldwin gave his report on the Building department for the month of April. He recommended that the Board review Section 78-3 of the Code of the Village of Baxter Estates to address the issue of POD's and the possible removal of sub paragraph (3). He suggested that for construction requiring the removal of healthy trees, a tree permit application should be approved prior to the issuance of the building permit. Village Attorney Chris Prior will draft a written policy to be reviewed by the Board of Trustees.

C. Official Newspaper

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the Port Washington News, a newspaper published for general circulation in the Port Washington area, be, and it hereby is, designated the Official Newspaper of the Village of Baxter Estates for the year April 1, 2006 through March 31, 2007, pursuant to Sections 4-412 and 21-2100 of the Village Law of the State of New York."

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 10:15 p.m.

The Board adjourned and went into Executive Session.

Yvonne P. Whitcomb, Village Clerk