

# UNAPPROVED MINUTES

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 11, 2017 AT 1180 AVENUE OF THE AMERICAS, ROOM 8A, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 103 BROADWAY, SALTAIRE, NEW YORK, WITH REMOTE OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor Zaccaro called the Board of Trustees meeting to order at 5:00 p.m. at 1180 Avenue of the Americas and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Nat Oppenheimer, Trustee  
Scott Rosenblum, Counselor to the Board  
Joseph Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And 0 other attendees  
And 0 observed through internet audio/video connection.

## ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion at 5:00 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Wolf  
Seconded: Trustee O'Brien  
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer  
Abstain: None  
Against: None

## RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Oppenheimer made a motion to re-adjourn into public session at 5:55 p.m. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer  
Seconded: Trustee Wolf  
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer  
Abstain: None  
Against: None

Mayor Zaccaro called the Board of Trustees meeting back into to order at 1180 Avenue of the Americas at 6:00 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Nat Oppenheimer, Trustee  
Scott Rosenblum, Counselor to the Board  
Joseph W. Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 25 other attendees  
And approximately 15 observed through internet audio/video connection at various times.

**PUBLIC HEARING: SUB-DIVISION APPLICATION OF THE VILLAGE PEOPLE LLC REGARDING PROPERTY LOCATED BETWEEN PENNANT AND RICHARDS WALKS SOUTH OF LIGHTHOUSE PROMENADE.**

Mayor Zaccaro stated that since the application before the Board was being made by applicants who in part are related to him, he would recuse himself from the proceedings, and asked Deputy Mayor Hillary Richard to preside over the proceedings, and then left the meeting room at 6:05 p.m. Deputy Mayor Richard presented a brief overview of the application being made, and stated that the applicant had agreed to certain terms and conditions that had been recommended by the Village Attorney as reflected in the resolution for approval before the Board. Deputy Mayor Richard opened the floor for questions and comments from the Board and those in attendance, and after all having a chance to be heard, Trustee Wolf made a motion to close the public hearing at 6:30 p.m. The motion was seconded by Trustee Oppenheimer and on call the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

Deputy Mayor Richard declared a five minute recess, during which Mayor Zaccaro returned and called the meeting back to order at 6:35 PM.

**PUBLIC HEARING: SUB-DIVISION APPLICATION OF LAWRENCE SHIRE REGARDING PROPERTY LOCATED BETWEEN BEACH AND SURF WALKS SOUTH OF LIGHTHOUSE PROMENADE.**

Trustee Oppenheimer stated that since he had in part performed professional services on the potential development on the application before the Board he would recuse himself from the proceedings, and left the meeting room at 6:35 p.m. Mayor Zaccaro stated that proper notification and publication had been made for the public hearing on the subdivision application, and further that there appeared to be some ministerial deficiencies in the application that would be

communicated to the applicant for correction later. He then asked Mr. Shire to present his requested subdivision to the Board. Mayor Zaccaro then opened the floor for questions and comments from the Board and those in attendance, and after all having a chance to be heard, Trustee Wolf made a motion to close the public hearing at 7:10 p.m. The motion was seconded by Trustee Richard and on call the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard

Abstain: None

Against: None

Trustee Oppenheimer returned to the meeting and Mayor Zaccaro continued with the rest of the agenda.

#### CAPITAL PROJECT UPDATE

Mayor Zaccaro stated that Village staff, members of the Board and the design team continued to work on the designs of Village Hall, 14 Bay Promenade and possibly a new municipal building on the Market property to find the optimum balance of maintaining the aesthetic character of the Village while providing sufficient space to house all of the program needs within the budget of \$2,600,000 provided by FEMA's Alternate Project funding. Images of the options for the Village Hall renovation and the reconstruction of 14 Bay Prom had been posted on the Village website and were displayed at the meeting. Discussion ensued amongst the members of the Board, and those in attendance on site and online. After all had a chance to be heard, Mayor Zaccaro stated that the final design needed to be completed soon in order to keep within a documentation and bidding schedule that allows for the commencement of construction in the autumn of 2018.

He further reported that the approval process through FEMA for a new water main and new boardwalk for Lighthouse Prom remains slow, and hopes that the planned autumn of 2018 construction start for both is also still attainable.

#### BOARD REPORTS

Members of the Board each gave reports on past performance and future planning regarding their respective areas of responsibility, which included:

- Courtesy Cart Usage
- Public Beach Chair Program
- Garbage Collection Procedures – Full or Empty Indicators
- Ball Field Use and Possible Lighting

## RESOLUTION EXTENDING CONTRACT AGREEMENT

Trustee Richard made the following motion:

WHEREAS Wetherall Carting Ltd. and its principal Barry Wetherall have provided cartage and rubbish removal concession services for the Village of Saltaire and its residents under various contract agreements for thirty-five (35) years; and

WHEREAS Wetherall Carting Ltd. is presently performing services of carting and rubbish removal for the Village of Saltaire and its residents pursuant to an agreement that was entered after a public Request for Proposal (RFP) process in which Wetherall Carting was the sole submitter and which contract expires on December 31, 2017; and

WHEREAS the Village of Saltaire is in the process of planning for several major infrastructure projects including the reconstruction of Lighthouse Promenade, the primary east-west thoroughfare of the Village of Saltaire, as well as the Saltaire Village Hall and Saltaire Public Safety and Health building, which work is expected to be done in 2018, and which work will impact and complicate the provision of services under a Cartage Concession Services agreement during that construction phase, and

WHEREAS the Village of Saltaire is also investigating the feasibility of removal of the rubbish generated by the Village to the mainland of Long Island via a waterborne system as opposed to using the roadways and bridges to the mainland of Long Island as currently utilized by Wetherall Carting Ltd., which will require significantly different operational standards and equipment requirements, and

WHEREAS the aforementioned factors create uncertainty for any bidder and the Village if the Cartage Concession Services agreement were to be re-bid in 2017 for 2018; and

WHEREAS Wetherall Carting Ltd. is willing to take on the uncertainty by one year extension of the existing Cartage Concession Services Agreement; it is therefore

RESOLVED that the Board of Trustees hereby approves an extension of the Cartage Concession Services Agreement with Wetherall Carting Ltd., for a term of one year, or until the infrastructure construction ends, whichever is later but not to exceed two years, under the same terms and conditions as the existing contract.

The motion was seconded by Trustee O'Brien and on call the motion was carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

## PENNANT WALK LAND TRANSFER

Mayor Zaccaro stated that it appeared that all of the title and other legal issues had been resolved that would allow for the long-negotiated transfer of property on and adjacent to the Pennant Walk right-of-way between the Village of Saltaire and the owner of 33 Bay Promenade that would resolve encroachment and public access issues. He stated that authorization to complete the transfer has already been resolved by the Board, and according to the Village Attorney, a closing will be arranged forthwith. Discussion ensued about how this land transfer would facilitate the development of a public access walk to the properties adjacent to the Pennant Walk right-of-way, along with environmental and cost-sharing concerns. After all having a chance to be heard, Mayor Zaccaro instructed the Village Administrator to develop options for the Board to consider for public access with cost estimates for environmental review and construction.

## RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH SUFFOLK COUNTY AND OTHER POLITICAL SUBDIVISIONS

Trustee O'Brien made the following motion:

WHEREAS in accordance with the County-wide shared services property tax savings law adopted by New York State, representatives of the County, Towns, Villages and Districts within the County of Suffolk approved a plan for shared, coordinated and efficient services (the "Shared Services Plan"); and

WHEREAS, the participating entities have identified a non-exhaustive list of actions that may be made available for use by participating entities in accordance with the Shared Services Plan part choose to , and

WHEREAS one of the methods being developed by Suffolk County is to create a Purchasing Cooperative for Suffolk County agencies and political subdivisions, and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal entities to join together for the provision of municipal services for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis; now therefore be it

WHEREAS it would be to the benefit of Village of Saltaire to be eligible to purchase goods and services under such a Purchasing Cooperative for any items that can reduce cost and otherwise be a benefit to the Village, therefore

BE IT RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.59(c)(20) and (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-109 of the New York Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. Furthermore, in accordance with Section 1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is directed to prepare and circulate all appropriate notices of determination of non-applicability or non-significance in accordance with this resolution, and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Mayor of the Village of Saltaire to execute a contract with Suffolk County that enables the Village to be a part of a Purchasing Cooperative that does not obligate any expenditure other than what is in the best interest of the Village, pursuant to review and consultation with the Village Attorney.

The motion was seconded by Trustee Richard and on call the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

#### SURPLUS EQUIPMENT

Administrator Posillico reported that the Saltaire Volunteer Fire Company has advised the Village that with the anticipated delivery of the new Fire Pumper, it has identified the 1986 Fire Pumper as being surplus to its needs once the new Pumper is delivered, inspected and ready for service. He also stated that since the Village has no alternate uses for the vehicle, or room to house it, that it is therefore also surplus to the Village's needs.

Trustee Wolf made a motion to adopt the following resolution:

WHEREAS, the Village of Saltaire owns and is in possession of the following equipment:

- 1986 Fire Pumper

WHEREAS, the aforementioned equipment is surplus to the Village's municipal needs and the Village is desirous of selling property that is surplus to its needs,

NOW, THEREFORE, BE IT RESOLVED that the Village hereby declares the aforementioned equipment no longer of use to the Village for municipal purposes and declared as surplus to the Village's municipal needs, and it is further;

RESOLVED that the Village Administrator is authorized to sell the surplus equipment after notice from the Saltaire Volunteer Fire Company that its replacement has been delivered, inspected and declared ready for operational service, and may utilize any reasonable method to realize the fair-market value for the property, or to donate or otherwise dispose of any portion that cannot be sold in whole or in part.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer  
Abstain: None  
Against: None

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of September 2, 2017 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Richard made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee O'Brien, and on call it was carried according to the following action:

Motion: Trustee Richard  
Seconded: Trustee O'Brien  
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer  
Abstain: None  
Against: None

#### ABSTRACT AUDIT

Mayor Zaccaro stated that the following Abstracts, having been distributed to all in attendance and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

|   |             |
|---|-------------|
| General Fund Checking No. 4B in the amount of | \$27,689.72 |
| General Fund Checking No. 5A in the amount of | \$82,553.19 |
| Capital Checking No. 5A in the amount of      | \$67,535.50 |

After discussion and opportunity for questions, Trustee Wolf made a motion that the above-listed abstracts be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee O'Brien, and on call it carried according to the following vote:

Motion: Trustee Wolf  
Seconded: Trustee O'Brien  
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer  
Abstain: None  
Against: None

#### APPROVAL OF VILLAGE PEOPLE SUBDIVISION

Trustee Wolf stated that he was prepared to vote on the subdivision application of the Village People LLC. Mayor Zaccaro once again recused himself from the discussion and decision, and left the room at 9:34 p.m. After discussion, and all having a chance to be heard, Trustee Richard moved adoption of the following motion:

RESOLUTION ADOPTING LEAD AGENCY STATUS, TYPING A PROJECT AS AN UNLISTED ACTION AND ADOPTION OF A NEGATIVE DECLARATION FOR PURPOSES OF SEQRA WITH REGARD TO THE APPLICATION OF THE VILLAGE PEOPLE LLC TO SUBDIVIDE PROPERTY PURSUANT TO THEIR APPLICATION.

WHEREAS the Village of Saltaire is considering the application of the Village People LLC to subdivide property between Pennant and Richards Walk south of Lighthouse Promenade, and

WHEREAS the Board of Trustees has reviewed the application of the Village People LLC to subdivide property between Pennant and Richards Walk south of Lighthouse Promenade and accompanying materials with respect to the required SEQRA review pertaining to the proposed subdivision, and therefore be it,

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the application of the Village People LLC to subdivide property between Pennant and Richards Walk south of Lighthouse Promenade, and further be it

RESOLVED that the Board of Trustees hereby determines that the approval of the application of the Village People LLC to subdivide property between Pennant and Richards Walk south of Lighthouse Promenade is an Unlisted Action for purposes of SEQRA, and further be it

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the approval of the application of the Village People LLC to subdivide property between Pennant and Richards Walk south of Lighthouse Promenade;

- Will not create a material conflict with an adopted land use plan or zoning regulations; and
- Will not result in a change in the use or intensity of the use of land; and
- Will not impair the character or quality of the existing community; and
- Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and
- Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and
- Will not cause an increase in the use of energy, or fails to incorporate reasonably available energy a conservation or renewable energy alternatives; and
- Will not impact existing public or private water supplies; and
- Will not impact existing public or private wastewater treatment facilities; and
- Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and
- Will not result in an adverse change to natural resources such as wetlands, water bodies, groundwater, air quality, flora and fauna; and
- Will not result in an increase in the potential for erosion, flooding or drainage problems; and
- Will not create a hazard to environmental resources or human health; and that it is therefore

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

The motion was seconded by Trustee O'Brien, and was carried according to the following:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

After further discussion on the application of the Village People LLC to subdivide property between Pennant and Richards Walk south of Lighthouse Promenade, Trustee O'Brien made a motion to approve the application of the subdivision pursuant to the following background, terms and conditions:

**VILLAGE OF SALTAIRE  
BOARD OF TRUSTEES**

Application of Village People LLC

For Subdivision Approval

312 Pennant Walk, Saltaire

SCTM No.: 0503-4-1-17, 18, 19, 23, 24, 25, 42.1 and 42.3

**FINDINGS, DETERMINATION AND DECISION**

The matter of the application of Village People LLC ("Applicant"), represented by Certilman Balin, 100 Motor Parkway, Suite 156, Hauppauge, New York 11788, by J. Timothy Shea, Jr., Esq., for subdivision approval.

**Background and Procedural History of Application**

The application was filed with the Village of Saltire on January 17, 2017 and was accepted for filing by the Village of Saltaire, subject to a review and determination of the application for completeness by the Village of Saltaire.

The application dated January 13, 2017 and filed on January 17, 2017 was in the name of the applicant Village People. A prior application had been filed in 2016 under the name of Estate of Ortenberg but was not completed.

The original and copies of the subdivision application was accompanied by a cover letter from J. Timothy Shea, Esq., of Certilman Balin, the applicant's attorneys, ten copies of the site plan prepared by Vollmuth & Brush dated April 10, 2016 and last updated on December 13, 2016 (entitled "Ortenberg South Subdivision Village Plan"), original and nine copies of the Long Environmental Assessment Form, ten copies of the two-hundred-foot radius owners, original and nine copies of certificate of title and deeds for the existing lots, two required checks to the Village of Saltaire in the amount of \$2,500 each.

On March 27, 2017 the application was referred to the Suffolk County Department of Planning for the referral that is required by General Municipal Law Section 239M and the Suffolk County Charter. On April 3, 2017, the Suffolk County Department of Planning issued a letter of local-determination indicating that the Department of Planning determined that there were no issues of a regional significance and that the matter should be determined on a local basis.

The subject property fronts on the south side of Lighthouse Promenade, extending southward, and is located between Pennant Walk and Richards Walk, and the application for the property to be subdivided proposes to subdivide a parcel consisting of forty-six (46) mapped lots with one existing single family residence and an area of seventy-eight thousand two hundred square feet (78,200) square feet, into three conforming lots. The proposed lots are a Lot 1 with an area of forty-five thousand nine hundred (45,900) square feet, a Lot 2 with an area of thirteen thousand six hundred (13,600) square feet, for the construction of one new single family home, and a Lot 3, with a proposed area of eighteen thousand seven hundred (18,700) square feet, for the construction of one new single family home.

The existing lot contains a pool, utilities transformer, and underground electric utility lines.

The Board of Trustees, acting as the Planning Board of the Village of Saltaire, held a public hearing on the subdivision application on April 3, 2017.

Mayor John A. Zaccaro, Jr., recused himself from discussion or decision on the application, and Deputy Mayor Hillary Richard chaired the April 3, 2017 public hearing on the application.

The April 3, 2017 public hearing was conducted at the meeting of the Board of Trustees, located at 1180 Avenue of the Americas, New York, New York.

The Board of Trustees heard a presentation by the Applicant's representative J. Timothy Shea, Jr., regarding the application. There were several residents in attendance but there were no questions for the Applicant or the Board, and the Board of Trustees then adjourned the public hearing subject to further submission by the Applicant, with no specified date for the continuation of the public hearing.

The applicant submitted a revised site plan on July 5, 2017 which did not substantively change the application, but included several amendments to the plan that were requested by the Village of Saltaire.

The public hearing was continued on October 11, 2017.

The Board of Trustees heard additional comments from the attorney for the Applicant, and accepted and asked questions regarding the application.

The Board of Trustees closed the public hearing on the application on October 11, 2017, then discussed the application at the ensuing public meeting.

The Board of Trustees adopted a resolution whereby the Board of Trustees adopted lead agency status for purposes of SEQRA, and determined that the subdivision application is an Unlisted Action for purposes of SEQRA.

The Board of Trustees then adopted a resolution whereby the Board of Trustees determined that the approval of the subdivision application would not have a significant impact on the environment, and adopted a Negative Declaration.

## Findings

The Board of Trustees is considering this application acting as the Planning Board of the Village of Saltaire because the Village of Saltaire has not created or appointed a Planning Board.

This Village of Saltaire does not have a subdivision ordinance in the Saltaire Village Code and therefore this application is considered by the Board of Trustees under Sections 7-726, 7-728, and 7-730 of the New York State Village Law, and the other applicable provisions of New York State Law.

The Board of Trustees of the Village of Saltaire provided the required notification and referral to the Suffolk County Department of Planning on March 27, 2017, and that agency responded to the Board of Trustees that the Suffolk County Department of Planning had determined that the subdivision application is a matter of local determination.

The required notifications were made to other property owners, and the required notice of the public hearing was properly published, and therefore the Board of Trustees has the jurisdiction to proceed with the application.

The Board of Trustees properly adopted lead agency status for purposes of SEQRA and determined that the application is an Unlisted Action for purposes of SEQRA.

The approval of the application will not have a significant negative impact on the environment and a Negative Declaration was properly adopted by the Board of Trustees.

The subject property contains an electrical transformer and underground electrical transmission lines as shown on the July 5, 2017 proposed site plan.

There is currently a branch line of the Saltaire Village water system that services the proposed lots facing on Pennant Walk, and there is a branch line of the Saltaire Village water system along the Richards Walk side of the subject property but not of sufficient extension to service the lots on the proposed site plan.

Pennant Walk is developed along the boundary of the subject property. Richards Walk is not developed and has not been constructed in the areas along the boundary of the subject property.

The Saltaire Village Code provides that the owner of a property to be developed is responsible for one-half of the cost of the construction of a public walk to be constructed to service the property. The construction of Richards Walk to reach the approximate area of the front door of a single family home at Lot 3 will be approximately sixty thousand dollars (\$60,000).

The existing pool on the premises does not have the dry well that is currently required by the Saltaire Village Code. The pool was constructed prior to the adoption of that requirement of the Saltaire Village Code and is therefore legally existing without the dry well as a pre-existing nonconforming structure.

The subdivision and site plan as presented in the July 5, 2017 site plan require the approval of the Suffolk County Department of Health.

The July 5, 2017 plan indicates several encroachments and nonconforming structures that must be removed or corrected.

The July 5, 2017 plan indicates several conforming structures that are marked on the plan to be removed.

The subdivision and site plan if approved is consistent with the existing conditions in the Village of Saltaire.

The subdivision and site plan application if approved will not have a significant impact on the surrounding properties or neighborhood.

The subdivision and site plan application if approved will not create additional traffic or any unsafe condition or additional activity or demands on services that would change the character of the neighborhood in which the subject property is located.

### **Determinations**

The application for approval of the preliminary plat is hereby approved, subject to the following conditions:

1. The Applicant will draft to the satisfaction of the Village Attorney, and then execute and record, at the Applicant's cost, easements for underground Electrical Transmission Lines and Transformer, which impacts all three proposed building parcels.
2. The Applicant will reimburse the Village of Saltaire the actual cost of the extension of a 6-inch water main branch line on Richards Walk. (For Escrow purposes the estimated cost of this water main is \$25,000.)
3. All domestic water service connections to building parcels proposed in the sub-division must be from either the Pennant Walk or the Richards Walk public branch lines.
4. The Applicant or any subsequent owner/applicant will reimburse the Village of Saltaire for the entire cost to construct Richards Walk to the approximate location of the front entrance ramp of any proposed structure approved pursuant to a building permit application on Lot 3, in accordance with the standard walk design in effect at the time of construction. (For Escrow purposes the estimated cost of this public walk is \$60,000.)
5. The Applicant will place an escrow deposit in the amount of \$85,000 with the Village of Saltaire to assure reimbursement of the required water main extension and Richards Walk extension, the final actual cost of which is the responsibility of the applicant.
6. The approval is subject to the submission of an acceptable Suffolk County Department of Health approval consistent with the Proposed Site Plan dated July 5, 2017.
7. All remediation of all encroachments and non-conforming structures as shown on the Proposed Site Plan dated July 5, 2017 are to be removed or corrected within three (3) months of final approval.
8. All other conforming structures marked for removal on the Proposed Site Plan dated July 5, 2017 shall be removed within three (3) months of the filing of the final approval of the subdivision.

9. The Applicant shall prepare and record, subject to the approval of language by the Village Attorney, covenants and restrictions containing the provisions of these conditions set forth herein.
10. The Applicant shall prepare and submit for approval within ninety (90) days of the date hereof, a final plat plan of the proposed subdivision and site plan.

Dated: October 11, 2017

Board of Trustees  
Village of Saltaire  
103 Broadway  
Saltaire, New York 11706

The motion was seconded by Trustee Richard, and was carried according to the following:

Motion: Trustee O'Brien

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

#### ADJOURN INTO EXECUTIVE SESSION

Mayor Zaccaro returned to the meeting at 9:39 p.m., at which time Trustee Oppenheimer made a motion at that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 10:30 p.m. (Trustee O'Brien left the Executive Session at approximately 9:45 p.m.) The motion was seconded by Trustee Richard and on call it was approved according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Richard

In Favor: Trustee Wolf, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 10:30 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Nat Oppenheimer, Trustee  
Joseph W. Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 0 other attendees  
And approximately 0 observed through internet audio/video connection.

#### NEXT BOARD MEETINGS & CLOSE OF MEETING

After all having had a chance to be heard, and there being no further business before the Board, Trustee Oppenheimer made a motion at 10:35 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- 5:00 p.m. on November 7, 2017, 1180 Avenue of the Americas, New York, NY
- 5:00 p.m. on November 20, 2017, 1180 Avenue of the Americas, New York, NY
- 5:00 p.m. on December 5, 2017, 1180 Avenue of the Americas, New York, NY

[Clerk's Note: The November 20, 2017 meeting was scheduled subsequent to the close of the October 11, 2017 meeting.]

The motion was seconded by Trustee Wolf and on call it was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee Richard, Trustee Oppenheimer

Abstain: None

Against: None