

**INC. VILLAGE OF CENTRE ISLAND  
PUBLIC HEARING ON  
PROPOSED LOCAL LAW F-2020, “OFFENSIVE AND DANGEROUS USES”  
AND  
REGULAR BOARD OF TRUSTEES MEETING  
WEDNESDAY, NOVEMBER 18, 2020**

Public hearing on Proposed Local Law F-2020, amendment to Chapter 122-12, “*Offensive or Dangerous Uses*,” and a regular Board of Trustees meeting of the Incorporated Village of Centre Island, Nassau County, New York, was held via Zoom teleconference on Wednesday, November 18, 2020 at 6:30 PM.

Present:	Lawrence Schmidlapp	Mayor
	Victor Ort	Trustee
	Grace Haggerty	Trustee
Not Present:	Michael Chalos	Trustee
Also present:	Alexis Joel	Resident
	Patricia & Bill Marino	Residents
	Roberts & James Vaughn	Residents
	Walter Roll	Resident
	Mary Jane Malko	Resident
	Stanley Chase	Resident
	Gregory Druhak	Resident
	Barrie Curtis Spies	Resident
	516-640-2826	Unknown
	516-265-4770	Unknown
	Frank Gonzales	Consultant for the Joels
	Melissa Subjeck	Consultant for the Joels
	Michael Lynch	Appraiser for Joels
	Anthony Guardino, Esq.	Attorney for the Joels
	Carol Schmidlapp	Clerk-Treasurer
	Peter P. MacKinnon	Village Attorney
		Humes & Wagner

Mayor Schmidlapp called the meeting to order at 6:40 PM. He noted that the public hearing and Trustees meeting was being held via Zoom pursuant to the Governor’s Executive Order 202.1, as extended. Notification that these hearings were to be held via Zoom teleconference and the required link and dial-in information were provided to the official Village paper and was posted on the Village’s website.

Mayor Schmidlapp announced the continuation of the hearing on LL-I-2019 “Horses” has been postponed until the December 16, 2020 meeting.

Donna Leoce, residing at 454 Centre Island Road addressed the Board and queried as to why they reduced the number of horses from twelve to six in the proposed local law. Peter MacKinnon, Village Attorney, responded to Ms. Leoce’s inquiring by explaining the Board must balance and consider the pros and cons of any legislation, how it affects residents and their quality of life which includes their ability to enjoy the quiet use and enjoyment of their property. Among other things, the Board also considers how proposed legislation may negatively impact the character of the Village. The decision to reduce the number of horses was based on all of this criteria.

**PUBLIC HEARING ON PROPOSED LOCAL LAW F-2020, AMENDMENT TO CHAPTER 122-11-B. “PERMITTED ACCESSORY USES”**

Mayor Schmidlapp then called the hearing on Proposed Local F-2020 “*Offensive and Dangerous Uses*” to order at 6:50 PM. He stated that a copy of the proposed local law has been posted on the Village website for public inspection since the date of publication of the notice of this hearing. The affidavits of publication of the notice of hearing and mailing of the local law and notice were presented, along with Nassau County Planning Commission letter dated November 16, 2020, noting that the Nassau County Planning Commission has deferred to the Village to take action as deemed appropriate. The affidavits were ordered annexed to the minutes of this hearing. The hearing will be on whether to enact proposed Local Law F-2020, amendment to Chapter 122-12, “*Offensive and dangerous uses,*” of the Code of the Village of Centre Island. The proposed local law will remove subsection A., Vibration, B., Noise and 4) Maximum permissible sound pressure levels as those sections are duplicate regulations that appear in the Code Section 75, “*Noise*”.

The Mayor called for comments in opposition to the proposed local law. There being none, the Mayor closed the hearing.

**BOARD OF TRUSTEES’ MINUTES**

Mayor Schmidlapp then called for the approval of the minutes of the Trustees’ meetings held on October 22, 2020 and October 24, 2020 which on motion duly made and seconded, were approved.

**REVIEW FINANCIAL STATEMENTS**

Mayor Schmidlapp presented the October Budget and Financial Statements for the Board to review. After discussion, the financial statements were reviewed, approved and ordered filed with these minutes.

## **BOT WARRANTS**

The bills listed in the October 2020 BOT Warrants, check no. 2322 through 2359 and 1147 (HSBC) totaling \$25,448.79 a copy of which is annexed to these minutes, were, on motion duly made and seconded, unanimously approved for payment.

## **PAYROLL WARRANTS**

The Board reviewed Payroll Warrants for the month of October 2020 a copy of which is annexed to these minutes, approval of which was, on motion duly made and seconded, unanimously approved.

## **FNBLI & HSBC BANK STATEMENTS**

Mayor Schmidlapp asked the Board to review the FNBLI & HSBC bank statements for the month of October 2020. Both were reviewed and approved and ordered filed with these minutes.

## **BUILDING INSPECTOR'S REPORT**

The Board reviewed the October 2020 Building Inspector's report. After discussion, the Building Inspector's report was approved and presented for filing.

## **POLICE TIME REPORT, CHIEF'S TIME REPORT AND OVERTIME REPORT**

The Board reviewed the Police Time Report, the Chief's Time Report and the Overtime Report for the month of October 2020. After discussion and review, the reports were presented for filing.

## **OTHER BUSINESS**

### **ADOPTION OF LOCAL LAW 4-2020 - AMENDMENT TO CHAPTER 122-12 "OFFENSIVE OR DANGEROUS USES"**

The Board discussed and considered Local Law 4-2020 (proposed F-2020) which will amend Section 122, "*Zoning*," Section 122-12, "*Offensive or dangerous uses*," of the Code of the Village of Centre Island. The proposed local law will remove subsection A., Vibration, B., Noise and 4) Maximum permissible sound pressure levels as those sections are duplicate regulations that appear in the Code Section 75, "*Noise*".

After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review Act, the adoption of Local Law 4-2020, amendment to Chapter 122, "*Zoning*," Section 122-12, "*Offensive or dangerous uses*," of the Code of the Village of Centre Island, is a Type II Action and will have no significant effect upon the

environment and shall require no further environmental review, and

**FURTHER RESOLVED** that Local Law 6-2019, amendment to Chapter 122, “Zoning,” Section 122-9, “Height,” of the Code of the Village of Centre Island,” be, and the same hereby is, enacted by the Board of Trustees of the Incorporated Village of Centre Island as follows:

**VILLAGE OF CENTRE ISLAND  
PROPOSED LOCAL LAW F-2020  
AMENDMENT OF CHAPTER 122, “ZONING”**

A local law to amend Chapter 122, “Zoning,” Article V, “Use regulations,” Chapter 122-12, “Offensive or dangerous uses,” of the Code of the Village of Centre Island. The Code was adopted by Local Law 2-1994 by the Board of Trustees on November 24, 1994 and last amended by Local Law 2-2020 adopted by the Board on July 8, 2020.

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Centre Island as follows:

**SECTION I.** Amend Chapter 122-12, “Offensive or dangerous uses,” to read as follows:

**§ 122-12 Offensive or dangerous uses.**

No building shall be used for any purpose which is or may reasonably be expected to be obnoxious or offensive by reason of causing or emitting odor, smoke, vapor, gas, dust, garbage, refuse matter, noise or vibrations or that is dangerous or harmful to the health, peace, comfort, welfare, or safety of the community or tends to disturb or annoy residents of the Village or that involves any threat of explosion or fire. All uses of land shall operate in conformance with the limitations set forth in each subsection below.

A. ~~Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line, nor shall any vibration be produced that exceeds 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.~~

B. ~~Noise:~~

~~(1) All mechanically produced noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility at nighttime exceed at the lot line the values given in Table I (set out hereafter) in any octave band of frequency. The sound-pressure level shall be measured with a sound-level meter and an octave band analyzer that conform to specifications published by the American Standards Association.~~

~~(2) — No person shall operate a motor vehicle, lawn mower, leaf blower, chain saw or other landscaping equipment or any internal-combustion engine without a muffler properly maintained to reduce noise to the absolute minimum.~~

~~(3) — Subject to special exception by resolution of the Board of Trustees for emergency or seasonal clean up, use of a gasoline leaf blower, chain saw or other loud or heavy machinery is permitted only between the hours of 8:00 a.m. through 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. through 6:00 p.m. on Saturday. The use of such equipment is not permitted on Sundays or on national holidays. Muffled lawn mowers and lawn tractors are specifically excluded from coverage under this subsection.~~

~~(4) — Maximum permissible sound-pressure levels.~~

~~(a) — Maximum permissible sound-pressure levels at a lot line for noise radiated for more than two hours from a facility between the hours of 9:00 p.m. and 7:00 a.m., where the lot line adjoins or lies within 25 feet of the boundary of a residence district, shall be as follows:~~

**Table I**

<b>Frequency Band Cycles</b> <b>(per second)</b>	<b>Sound Pressure Level</b> <b>(Decibels re 0.002 dyne/cm<sup>2</sup>)</b>
20 to 75	65
75 to 150	50
150 to 300	43
300 to 600	38
600 to 1,200	33
1,200 to 2,400	30
2,400 to 4,800	28
4,800 to 10,000	26

~~(b) — If the noise is not smooth and continuous and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one or more of the corrections in Table II which follows shall be added to or subtracted from each of the decibel levels given above in Table I.~~

**Table II**

<b>Type of Operation in Character of Noise in Decibels</b>	<b>Correction</b>
Daytime operation only (8:00 a.m. to 7:00 p.m.)	Plus 5
Noise source operates less than 20% of any 1-hour	Plus 5*

period	
Noise source operates less than 5% of any 1-hour period	Plus 10*
period	
Noise source operates less than 1% of any 1-hour period	Plus 15*
period	
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

**NOTES:**

\*-Apply one of these corrections only.

E.A. Odors.

(1) There shall not be discharged or permitted to escape into the atmosphere odors which shall be offensive to the public or which endanger public comfort, repose, health or safety.

(2) The intensity of offensive odors shall be determined at the property line adjacent to the source in the manner described in the Air Pollution Abatement Manual, Chapter 5, Table III, Manufacturing Chemists Association, Washington, D.C., 1951.

D.B. Lighting.

No person, firm or corporation or their agents, servants or employees shall install, operate or maintain on private property in the Village any exterior light, lamp or other illumination except in compliance with the provisions of Chapter 79 of this Code.

**SECTION II.** This local law shall take effect upon filing with the Department of State.

**NOTE:** New words are double underlined. Deletions are ~~struck out~~. Dotted . . . lines set off that portion of a Section or Subsection which is amended.

**INTRODUCTION PROPOSED LOCAL LAW G-2020. Amend “Zoning” Section 122-13D “Helicopter Landing and Take-Off Prohibition”.**

Mayor Schmidlapp asked the Board to review proposed local law G-2020 “Helicopter Landing and Take-Off Prohibition”. The Mayor noted that the proposed legislation would

prohibit the use of helicopters from landing or taking off except for emergency use. There being no comments other than a request for clarification of the word 'prohibit', the Mayor asked that a hearing be scheduled for January 2021 which would allow time for a SEQRA review. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that the Village Attorney's be , and are hereby are, directed to schedule a public hearing for the January 20, 2021 Board of Trustees meeting to consider proposed Local Law G-2020.

### **NYS LOCAL GOVERNMENTS RETENTION AND DISPOSITION SCHEDULE (LGS-1)**

The Mayor advised the Board that the Retention and Disposition Schedule for New York Local Government Records (LGS-1) is a single, comprehensive retention schedule covering records of all types of local governments. It consolidates and revises the MU-1 schedule used in the past. This new schedule is in effect as of August 1, 2020 and must be adopted prior to January 1, 2021. After discussion, the Board unanimously

**RESOLVED**, by the Board of Trustees of the Village of Centre Island, that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and

**FURTHER RESOLVED**, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

### **AFFIDAVIT OF LIEU OF LOST TAX SALE CERTIFICATE #3-2017**

The Village Clerk advised the Board that Mr. Ira Bierman, the purchaser of tax sale certificate number 3-2017, in the amount of \$384.26 has lost the original tax sale certificate and has provided an Affidavit in Lieu of Lost Certificate #3-2017. After discussion, the Board accepted the Affidavit in Lieu of Lost Certificate and authorized the Village Clerk to refund Mr. Bierman the amount of said lien with interest totaling \$399.86.

### **INDEPENDENT AUDIT - 2019/20**

The Board reviewed the audit and management letters from Skinnon & Faber which reported its findings following an examination of the books and records of the Village for the period of June 1, 2019 through May 31, 2020. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, the Village's audit prepared by Skinnon & Faber for the period June 1, 2019 through May 31, 2020, be and hereby is, accepted, and

**FURTHER RESOLVED**, that the Village Clerk be, and hereby is, authorized to file the audit and publish a notice of completion in the Village's official newspaper as required by law.

### **POLICE STATION REPAIRS**

Mayor Schmidlapp requested approval from the Board to repair the cupola on the Police Station and replace both the front and back doors which have all been damaged for a total amount of \$4,000. After discussion and on motion duly made and seconded, the Board unanimously

**RESOLVED**, the Village Clerk be authorized to spend up to \$4,000 to repair and reinstall the cupola on Police Station and replace the front and back doors.

### **RESIGNATION OF PETER FURNISS, TRUSTEE**

The Mayor reported that Trustee Peter Furniss has moved out of the Village and has submitted his resignation as Village Trustee, effective October 30, 2020. The Board expressed their appreciation to Mr. Furniss for his hard work and for his many years of service to the Village as a Trustee.

### **APPOINTMENT OF NEW TRUSTEE**

The Mayor stated that he was appointing Robert Broussard, to fill the unexpired term of Peter Furniss, which appointment was duly ratified and approved by the unanimous vote of the Board of Trustees. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that Robert Broussard be, and he hereby is appointed Trustee to fill the unexpired term of Peter Furniss, which term will expire on the first Monday in July 2021.

### **GENERATOR PURCHASE PROGRAM**

Trustee Ort asked about the status of the "Generator Purchase Program" available to residents. The Mayor reported that the company "Generac" is behind production but hopes to have options available by January 2021. Mayor Schmidlapp then asked the Board to approve waiving the \$600 Building Permit Fee, that covers the costs of the Building Inspector's time, for this special program. After discussion and on motion duly made and seconded, the Board with Trustee Ort abstaining,

**RESOLVED**, that the Village waive the Building Permit Fee of \$600 for residents participating in the Generator Purchase Program.

### **ZOOM MEETINGS**

Trustee Chalos noted that since the sharing of reports is cumbersome during Zoom teleconference meeting, he requested the Village Clerk post the Agenda, Minutes and pending local laws on the Village's website whenever possible so residents may have access to this information prior to BOT meetings.



**EXECUTIVE SESSION**

Mayor Schmidlapp requested the Board enter into Executive Session. On motion duly made and seconded, the Board unanimously resolved to enter into Executive Session to discuss personnel issues.

After the conclusion of the Executive Session, the Board re-entered the public session.

The Board discussed salary increases for the Building Inspector and Clerk-Treasurer. After discussion and on motion duly made and seconded, the Board with Mayor Schmidlapp abstaining

**RESOLVED** to approve the following salary increases:

Building Inspector, Joseph Richardson,      \$89.55 per hour

Clerk-Treasurer, Carol Schmidlapp      \$3,500 bi-weekly retro to 6/1/2020

The next meeting of the Board of Trustees is scheduled for Wednesday, December 16, 2020.

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Carol Schmidlapp, Clerk-Treasurer