AGENDA

BOARD OF TRUSTEES
REGULAR MEETING
Monday, December 20, 2021 - 7:00 p.m.

OPEN REGULAR MEETING

APPOINTMENT OF VILLAGE REGISTRARS

I, Edward Novick, Mayor of the Inc. Village of Old Westbury do hereby appoint:

<table>
<thead>
<tr>
<th>NAME</th>
<th>OFFICE</th>
<th>TERM</th>
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<tbody>
<tr>
<td>Brian S. Ridgway</td>
<td>Village Registrar</td>
<td>1 Year</td>
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<tr>
<td>Kathleen Sullivan</td>
<td>Village Deputy Registrar</td>
<td>1 Year</td>
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APPROVAL OF MINUTES:

1. Motion to approve the minutes of the Board of Assessors and Regular Board of Trustees meetings held on November 15\textsuperscript{th}, 2021 and Special Board of Trustees meeting held on December 13, 2021.

APPROVAL OF BILLS FOR PAYMENT:

1. Motion to authorize funds for the payment of bills for November 2021

COMMITTEE REPORTS:

1. Police activity report month of November 2021

   Motion to Approve

2. Superintendent of Public Works report month of November 2021

   Motion to Approve

3. Superintendent of Water Department report month of November 2021

   Motion to Approve

PUBLIC HEARINGS:

- Motion to Open all Public Hearings

1. Application of Long Island University to renew its Special Use Permit to operate a parking lot on its C.W. Post Campus.

   Motion to Approve, Deny or Continue
2. Application of the Old Westbury Hebrew Congregation to renew its Special Exception Permit.

Motion to Approve, Deny or Continue

Motion to Close all Public Hearings

NEW BUSINESS:

1. Authorize the following Change Order #4 for Well #4 Contract 3882 for Hinck Electric:
   (Net: Agreement Credit of $7,265.03)
   * Final contract adjustment for unused contract amounts – Credit of $12,734.97.

Motion to Approve


Motion to Approve

RESOLUTIONS:

1. Request of the Old Westbury Hebrew Congregation for a one-year extension of time to obtain required Building Permits in connection with the construction of an 8,700 square foot event pavilion, a 2,320 square foot storage building, and a 54 square foot valet booth. *(Item continued from the November 16th meeting)*

Motion to Approve, Deny or Continue

2. Application of the Glen Oaks Club located at 175 Post Road to: 1) Construct a 5,774 square foot one story golf instruction facility with indoor hitting bays, locker rooms, lobby with a bar area, and a tennis pro shop; 2) relocate the existing tennis courts and reconfigure the existing outdoor driving range and parking lot; and 3) extend the existing portico at the main entry area. *(Item continued from the April 19th meeting)*

Motion to Approve, Deny or Continue

3. Resolution declaring an intent to become Lead Agency pursuant to the State Environmental Quality Review Act in connection with the application of the Glen Oaks Country Club to construct a one-story golf and tennis learning center and to relocate existing tennis courts and parking areas.

Motion to Approve, Deny or Continue
4. Resolution renewing the Special Exception Permit for the Old Westbury Hebrew Congregation located at 21 Old Westbury Road, Section 10, Block C, Lots 1237 and 1240.

Motion to Approve, Deny or Continue

5. Resolution granting a Renewal and Extension of the Special Use Permit to Polo at the Park, Ltd to use the premises located at Whitney Lane, Old Westbury for the teaching and playing of polo.

Motion to Approve, Deny or Continue

Motion to Adjourn
INCORPORATED VILLAGE OF OLD WESTBURY
BOARD OF TRUSTEES

RESOLUTION DECLARING AN INTENT TO BECOME LEAD AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN CONNECTION WITH THE APPLICATION OF THE GLEN OAKS COUNTRY CLUB TO CONSTRUCT A ONE-STORY GOLF AND TENNIS LEARNING CENTER AND TO RELOCATE EXISTING TENNIS COURTS AND PARKING AREAS

WHEREAS, this Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law ("SEQRA"); and

WHEREAS, the Board of Trustees of the Incorporated Village of Old Westbury (hereinafter the “Board”) has received an application from the Glen Oaks Country Club (the “Applicant”); and

WHEREAS, the Applicant is the owner of 175 Post Road, in the Incorporated Village of Old Westbury, known and designated as Section 17, Block 15, Lots 1A and 1B on the Nassau County Land and Tax Map (the “Premises”); and

WHEREAS, the Premises contain 238.77 acres in lot area and is improved with a golf course, tennis courts and related facilities; and

WHEREAS, the Applicant proposes to construct a one-story golf and tennis learning center with indoor hitting bays, locker rooms, lobby with a bar area, and tennis pro shop, and to relocate existing tennis courts and parking lots on premises (the “Application” or “proposed action”); and

WHEREAS, after due legal notice, the Board held a public hearing in accordance with appropriate regulations and guidance from New York State, including various statutes and Executive Orders on April 19, 2021 (the “April 2021 Hearing”), June 21, 2021, and August 16, 2021, at which all parties entitled to notice were notified in accordance with the Village Code, and any persons expressing an interest were heard; and

WHEREAS, at the conclusion of the April 2021 Hearing, the Board referred the Application to the Planning Board of the Incorporated Village of Old Westbury (the “Planning Board”) for its review and recommendation; and

WHEREAS, after due legal notice, the Planning Board held a public hearing in accordance with appropriate regulations and guidance from New York State, including various statutes and Executive Orders on July 5, 2021 (the “July 2021 Hearing”), August 2, 2021 (the “August 2021 Hearing”), September 8, 2021, and October 4, 2021, at which all parties entitled to notice were notified in accordance with the Village Code, and any persons expressing an interest were heard; and

WHEREAS, between the July 2021 Hearing and the August 2021 Hearing, the Applicant made changes to the Application that required the Applicant to seek variances of the Village Code
from the Village’s Board of Zoning Appeals; and

WHEREAS, the one-story golf and tennis learning center is proposed to be located 376.5’ from the street line where 464.2’ feet is required, and some of the relocated tennis courts will be located 77.2’ from the street line where 464.2’ is required (the “Required Variances”); and

WHEREAS, after due legal notice, the Board of Zoning Appeals of the Incorporated Village of Old Westbury held a public hearing in accordance with appropriate regulations and guidance from New York State, including various statutes and Executive Orders on November 8, 2021, and December 13, 2021, at which all parties entitled to notice were notified in accordance with the Village Code, and any persons expressing an interest were heard; and

WHEREAS, the Applicant has completed Part 1 of a Short Environmental Assessment Form (the “Short EAF”) in connection with the Application; and

WHEREAS, the Board has reviewed and given due consideration to the Application and plans submitted therewith, the Short EAF, and related documents; and

WHEREAS, the Board’s planning consultant, VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. (“VHB”), has reviewed the Short EAF and has recommended that the Applicant complete and submit Part 1 of a Full Environmental Assessment Form (the “Full EAF”) to the Board for its review, since the Application involves an action that has been preliminarily classified as Type I pursuant to 6 NYCRR § 617.4(b)(6)(i), and, as such, requires preparation of a Full EAF in accordance with 6 NYCRR § 617. 6(a)(2); and

WHEREAS, VHB has recommended that the Board issue this Notice of Intent.

NOW, THEREFORE BE RESOLVED THAT, the Board hereby declares its intent to become lead agency in the proposed action not less than thirty (30) days after the Full EAF has been circulated to the potentially-involved agencies identified on the list annexed hereto; and

BE IT FURTHER RESOLVED, that the Applicant is hereby directed to circulate a copy of this Resolution, the Full EAF, and related Application documents to the potentially-involved agencies identified on the list annexed hereto by Certified Mail – Return Receipt Requested; and

BE IT FURTHER RESOLVED, that the Applicant shall file with the Village Clerk, proof that the Application documents have been sent to the potentially-involved agencies identified on the list annexed hereto. Said proof shall consist of an Affidavit of Mailing, all post office receipts, and all Certified Mail Return Receipt green cards.
A motion to adopt the above Resolution was made by ____________, seconded by ____________, and adopted upon the following vote:

Edward Novick, Mayor  -  -
Dr. Cory Baker, Deputy Mayor  -  -
Marina Chimerine, Trustee  -  -
Jeffrey Brown, Trustee  -  -
Andrew Weinberg, Trustee  -  -

Dated: Old Westbury, New York
____, 2021

Filed: Old Westbury, New York
____, 2021
INCORPORATED VILLAGE OF OLD WESTBURY
BOARD OF TRUSTEES

RESOLUTION

RESOLUTION RENEWING THE SPECIAL EXCEPTION PERMIT FOR THE OLD WESTBURY HEBREW CONGREGATION LOCATED AT 21 OLD WESTBURY ROAD, SECTION 10, BLOCK C, LOTS 1237 AND 1240

WHEREAS, THE OLD WESTBURY HEBREW CONGREGATION ("OWHC" or the "Applicant") has applied for a renewal to its Special Exception Permit, dated March 18, 2002, to operate a religious house of worship with educational classrooms and catering facility (the "Application") on the property owned by the Applicant located at 21 Old Westbury Road, Village of Old Westbury, County of Nassau, State of New York, more particularly known on the Nassau County Land and Tax Map as Section 10, Block C, Lots 1237 and 1240 (the "Premises"); and

WHEREAS, by Resolution dated March 18, 2002, and filed in the Office of the Village Clerk on April 25, 2002, the Board granted the Applicant a Special Exception Permit, variances, and site plan approval for the continued use of the Premises as a religious place of worship with educational classrooms and catering facility, subject to conditions (the "2002 Approval"); and

WHEREAS, specifically, the 2002 Approval granted the Applicant a Special Exception Permit, variances, and site plan approval in order to construct additions to the existing building, including a larger sanctuary, classrooms, and an expanded catering facility, and to construct an additional dwelling to be occupied by a member of the clergy, all for the continued use of the Premises as a place of worship with educational classrooms and a catering facility; and

WHEREAS, by Resolution dated May 19, 2008, and filed in the Office of the Village Clerk on May 19, 2008, the Board renewed the Applicant’s Special Exception Permit for the continued use of the Premises as a religious place of worship with educational classrooms and a catering facility, subject to conditions (the "2008 Approval"); and

WHEREAS, by Resolution dated March 21, 2011, and filed in the Office of the Village Clerk on March 22, 2011, the Board granted the Applicant a renewal of its Special Exception Permit until March 21, 2016 (the "2011 Renewal Resolution"); and

WHEREAS, by Resolution dated June 20, 2011, and filed in the Office of the Village Clerk on June 21, 2011, the Board granted the Applicant an amendment to its Special Exception Permit relating to an expanded catering facility (the "2011 Amended Resolution"); and

WHEREAS, by Resolution dated, June 20, 2016, and filed in the Office of the Village Clerk on June 21, 2016, the Board renewed the Applicant’s exception permit for a period of five
(5) years expiring on June 20, 2021, and permitted the Applicant to operate an outdoor patio on a temporary basis (the “2016 Renewal Resolution”); and

WHEREAS, by Resolution dated, February 21, 2017, and filed in the Office of the Village Clerk on February 22, 2017, the Board, with conditions, extended the portion of the Applicant’s Special Exception Permit relating to the maintenance of the outdoor patio consistent with its underlying Special Exception Permit expiring on June 20, 2021 (the “2017 Modification Resolution”); and

WHEREAS, by Resolution dated, May 20, 2019, and filed in the Office of the Village Clerk on May 21, 2019, the Board granted the Applicant’s application to construct an event pavilion, storage building, and valet booth at the Premises (the “2019 Resolution”); and

WHEREAS, by Resolution dated, August 17, 2020, and filed in the Office of the Village Clerk on August 18, 2020, the Board, with conditions, granted the Applicant’s caterer, Ram Caterers of Old Westbury (“RAM”), permission to maintain an outdoor tent at the Premises through October 29, 2020 (the “2020 Resolution”); and

WHEREAS, the Application was the subject of duly noticed public hearings in accordance with New York State Village Law and the Village Code before the Board on May 17, 2021, June 21, 2021, July 19, 2021, August 16, 2021, and September 20, 2021; and

WHEREAS, at all relevant times during the application and hearing process, the Applicant was represented by Thomas Pantelis, Esq.; and

WHEREAS, the Board has also considered various testimony from interested Village residents and other individuals, including, Mr. Young Kang, 24 Old Westbury Road, Old Westbury; and

WHEREAS, pursuant to the New York State General Municipal Law, by letter dated November 16, 2021, the Nassau County Planning Commission deferred to the Village to take action as deemed appropriate; and

WHEREAS, the Board finds that this application for a renewal is a Type II Action under the State Environmental Quality Review Act (“SEQRA”), which will have no significant adverse impacts on the environment and, as such, no further environmental review is required; and

WHEREAS, the Board has inspected the Premises and visited the surrounding neighborhood, and has fully considered all of the submissions made by the Applicant, all public comment on the Application, all prior approvals relating to the Applicant and the Premises, the comments of the Village Engineer and Village Planner, and the applicable statutory standards for determining the Application.

NOW, THEREFORE, BE IT RESOLVED, that the application of the OWHC requesting a renewal of its Special Exception Permit, be and hereby is approved for a period of
five (5) years expiring on May 31, 2026, upon the following conditions, which conditions are in addition to all applicable, laws, rules, and regulations:

1. Except as modified by this Resolution, the Applicant shall comply with all applicable terms and conditions of the 2002 Approval, the 2008 Approval, the 2011 Renewal Resolution, the 2011 Amended Resolution, the 2016 Renewal Resolution, the 2017 Modification Resolution, the 2019 Resolution, and the 2020 Resolution.

2. Any further or subsequent request to modify or amend the Special Exception Permit shall require a separate, new application to the Board of Trustees, and shall be subject to appropriate public hearings in accordance with the Village Code.

3. The Board has deemed all of the representations made by the Applicant, or on behalf of the Applicant through its representatives on the record in this proceeding, including those representations made by or on behalf of RAM, material to this determination, and the Board has relied upon them in granting renewal of the Special Exception Permit. These representations are deemed to be incorporated into the conditions of approval as if separately stated.

4. All fees due and owing to the Village shall be paid prior to the issuance of a Certificate of Occupancy or Certificate of Completion for any proposed work or improvements at the Premises.

5. The Applicant shall comply with all requirements of the Nassau County Fire Marshal with respect to the Premises.

6. With regard to the prior approval granted for the construction of an Event Pavilion at the Premises (see the 2019 Resolution), by January 7, 2022, the Applicant shall pay to the Village the sum of SIXTY THOUSAND DOLLARS ($60,000.00), representing the building permit fee for the Event Pavilion, and the sum of FOUR THOUSAND DOLLARS ($4,000.00), representing fees for the renewal of the permit to construct the Event Pavilion. If the Event Pavilion is not constructed on or before December 31, 2023, all fees paid are non-refundable and the Applicant will have forfeited all rights to the building permit.

7. In the event the Applicant does not construct the Event Pavilion on or before December 31, 2023, then the Applicant shall remove the outdoor tent located at the Premises; and no event, other than a religious service, may occur on the outdoor patio space.

8. Condition "v" of the 2020 Resolution is modified to no longer require RAM to remit $900.00 to the Village prior to the commencement of each tent event at the Premises.

9. The Applicant and the Applicant’s catering contractor, RAM, shall be jointly and severally responsible for compliance with all conditions relating to the use of the Premises and
the outdoor tent in compliance with the terms and conditions of this Resolution, and all prior Resolutions.

10. The use of the outdoor tent and all event spaces at the Premises must fully comply with all regulations, rules and codes of New York State, Nassau County, and to the extent applicable, the Centers for Disease Control and Prevention concerning Covid-19.

11. RAM and the Applicant shall provide the Village with a monthly calendar of RAM events that will take place at the Premises. The calendar of events must include a description of the event and the anticipated number of attendees. The calendar of events must be provided to the Village Administrator at least five (5) business days prior to the first day of each and every month.

12. In the event the Applicant fails to comply with the conditions of approval, the Board of Trustees, after 30 days notice to the Applicant, shall hold a hearing to consider the facts and circumstances of the non-compliance. If the Board determines that the Applicant and RAM have failed to comply, the Board may impose costs and fees, as a civil penalty, upon the Applicant and RAM in an amount to be determined in the Board’s sole discretion, for each and every violation. Further, in the event of three (3) occasions of material non-compliance during the term of this renewal period, the Board may, in its discretion, after holding a public hearing, rescind the Special Exception Permit, and require such other penalties or mitigation measures as appropriate under the circumstances.

13. The Applicant and RAM shall comply with all provisions of the Village Code. Non-compliance with the Village Code may result in the issuance of appearance tickets returnable in the Village Justice Court.

14. The Applicant shall apply for renewal of its Special Exception Permit six (6) months prior to the date of expiration. If no application is made prior to the expiration date, the Special Exception Permit shall terminate.
On motion made by Trustee ________________, seconded by Trustee ________________,
the foregoing Resolution was adopted upon the following vote:

Edward Novick, Mayor -
Dr. Cory Baker, Deputy Mayor -
Marina Chimerine Recused
Jeffrey Brown, Trustee -
Andrew Weinberg, Trustee -

Dated: Old Westbury, New York
____, 2021

Filed: Old Westbury, New York
____, 2021
INCORPORATED VILLAGE OF OLD WESTBURY
BOARD OF TRUSTEES

RESOLUTION

GRANTING A RENEWAL AND EXTENSION OF THE
SPECIAL USE PERMIT TO POLO AT THE PARK, LTD TO
USE THE PREMISES LOCATED AT WHITNEY LANE,
OLD WESTBURY, NEW YORK FOR THE TEACHING
AND PLAYING OF POLO

WHEREAS, POLO AT THE PARK, LTD (the “Applicant”), the current lessee of the
polo fields owned by THE POLO TRAINING FOUNDATION, has submitted a letter and
application dated April 1, 2021, to the Board of Trustees of the Village of Old Westbury (the
“Board”) for a renewal of the special use permit originally granted in or around September 1968
by the Board of Appeals of the Village of Old Westbury, to continue to allow the use of the
premises located at Whitney Lane, Old Westbury, New York, more particularly identified on the
Nassau County Land and Tax Map as Section 18, Block D, 2157 and 2367 (the “Premises”) for
the teaching and playing of the sport of polo, and accessory uses customarily incidental to that
use (the “Application”); and

WHEREAS, in or around September 1968, the Board of Appeals of the Village of Old
Westbury granted a special use permit, subject to conditions, for the operation of a polo facility
and teaching center at the Premises; and

WHEREAS, The Polo Training Foundation or other similarly situated entities have used
the Premises subsequent to 1968 pursuant to the special use permit granted by the Board of
Appeals; and

WHEREAS, by Resolution of the Board, dated May 18, 2015, and filed in the Office of
the Village Clerk on May 19, 2015 (the “May 2015 Renewal Resolution”), the Board granted the
Applicant’s request for renewal of its Special Use Permit; and

WHEREAS, by Resolution of the Board, dated June 20, 2016, and filed in the Office of
the Village Clerk on June 21, 2016 (the “June 2016 Renewal Resolution”), the Board granted the
Applicant’s request for renewal of its Special Use Permit through June 20, 2021; and

WHEREAS, the Premises are located on the southeast corner of Polo Drive and Whitney
Lane in the Village’s B4 residential zoning district, and comprise approximately 31.03 acres in
area; and

WHEREAS, the uses adjoining and in the immediate vicinity of the Premises are all
residential, including the residences on Polo Drive, with the exception of the Old Westbury
Tennis and Racquet Club located to the east of the Premises; and
WHEREAS, the Application was the subject of duly noticed public hearing in accordance with New York State Village Law and the Village Code before the Board on May 17, 2021, June 21, 2021, July 19, 2021, August 16, 2021, September 20, 2021, October 18, November 15, 2021, and December 20, 2021; and

WHEREAS, the instant action is the renewal of a Special Permit, with no material change in circumstances, and pursuant to SEQRA, “license, lease and permit renewals...where there will be no material change in permit conditions or the scope of permitted activities” are considered “TYPE II” actions, which are deemed to not have a significant impact upon the environment, and require no further environmental review; and

WHEREAS, the Board has inspected the Premises and visited the surrounding neighborhood, and has fully considered all of the submissions made by the Applicant, all public comment on the Application, all prior approvals relating to the Applicant and the Premises, the comments of the Village Engineer and Village Planner, and the applicable statutory standards for determining the Application.

NOW, THEREFORE, BE IT RESOLVED, that the special use permit for the teaching and playing polo, previously granted to The Polo Training Foundation, be and hereby is renewed subject to the following conditions which are in addition to all applicable, laws, rules and regulations pertaining to the Applicant’s use of the Premises:

1. Compliance with all terms and conditions of the May 2015 Renewal Resolution, not otherwise amended herein, except that Condition Number 10 shall state: The amendment to the special use permit as granted herein shall be valid from the date of this Resolution and shall expire on June 15, 2026. The Applicant shall be required to apply to renew the special use permit ninety (90) days prior to the start of the 2026 polo season to ascertain compliance with all conditions of the special use permit. The renewal of the special use permit shall require a public hearing before the Board of Trustees.

2. All fees due and owing to the Village shall be paid prior to having any further polo related activities at the Premises.

3. The representations made by the Applicant or on behalf of the Applicant through his representatives on the record in this proceeding have been deemed material to this application and have been relied upon by the Board in its deliberations and decisions. Said representations are deemed to be part of the conditions of this approval.
On motion made by Trustee ______________, seconded by Trustee ______________, the foregoing Resolution was adopted upon the following vote:

Edward Novick, Mayor
Dr. Cory Baker, Deputy Mayor
Marina Chimerine, Trustee
Jeffrey Brown, Trustee
Andrew Weinberg, Trustee

Dated: Old Westbury, New York
_____ , 2021

Filed: Old Westbury, New York
_____ , 2021