

BOARD OF TRUSTEES MEETING MINUTES  
INC. VILLAGE OF WESTBURY  
VILLAGE HALL CONFERENCE & BOARD ROOM  
THURSDAY, OCTOBER 2, 2025  
6:30 P.M.

Present: Mayor Peter I. Cavallaro  
Trustee Steven L. Corte  
Trustee Vincent Abbatiello  
Trustee Pedro Quintanilla  
Trustee Beaumont A. Jefferson

Staff present: Chrissy Kiernan, Village Clerk-Treasurer  
Anna Vikse, Village Attorney  
Joe Brillantino, Superintendent of Buildings  
Phil Fulgieri, Superintendent of Public Works

**Mayor Cavallaro opened the Meeting of the Board of Trustees at approximately 6:30PM with a verification of a quorum.**

**1. Resolution to Approve Board of Trustees Meeting Minutes of September 18, 2025**

On motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to approve the Meeting Minutes of September 18, 2025, as prepared and distributed by Clerk-Treasurer Kiernan. The Board was polled, with all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

**2. Westbury Soccer Lease Renewal**

On motion by Trustee Abbatiello, seconded by Trustee Quintanilla, it was RESOLVED to approve the Westbury Soccer Lease Renewal as presented by Attorney Vikse. The Board was polled, with all present voting "Aye" (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

**3. Review Cena Special Use Permit Resolution**

The board reviewed the Draft Special Use Permit Resolution for Applicant Cena 081, for the restaurant located at 103 Post Avenue, Westbury NY.

**4. Discussion Regarding Paper Street off of Lenox Avenue**

The Board discussed the paper street off of Lenox Avenue. The Village Assessor provided a estimate of the value for the strip of land on the northern most portion of the paper street that the Village is contemplating selling, which is approximately 200 square feet.

**5. Discussion of “No Commercial Traffic” signage on Carle Road**

Trustee Corte discussed with the Board the need for “No Commercial Traffic” signage on Carle Road. No action was taken.

**6. Introduction of Bill 5 of 2025, a proposed local law to amend section 237-74 of the Vehicle and Traffic Code of the Village of Westbury and Public Hearing Date**

The Board introduced Bill 5 of 2024, a proposed local law to amend section 237-74 of the Vehicle and Traffic Code of the Village of Westbury in response to a resident petition to place a stop sign traveling north bound on Carle Road at the corner of Woodcock Avenue. A public hearing will be held on November 6, 2025 at 7:30 p.m. to hear the bill.

**7. Welcome Sign Plantings at Old Country Road/Post Avenue and Jericho Tpke/Glen Cove Road**

Trustee Jefferson reported that he would be coming up with a planting plan for the planting beds located beneath the Welcome to the Village of Westbury signs located at the corner of Old Country Road and Post Avenue and Jericho Turnpike and Glen Cove Avenue.

**8. BZA Matter Update**

Attorney Vikse provided an update on a BZA matter of BZA Applicant Monteforte, 64 McKinley regarding the timeline to submit demolition plans and a building permit to correct unpermitted conditions.

**9. Appointment of Brian Turcios, Part-time Recreation Attendant**

On motion by Trustee Jefferson, seconded by Trustee Corte, it was RESOLVED to appoint Brian Turcios, Part-time Recreation Attendant. The Board was polled, all voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye

Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

**10. Appointment of Peter T. Cavallaro, Planning Board Member**

On motion by Trustee Corte, seconded by Trustee Abbatiello, it was RESOLVED to confirm the Mayoral appointment of Peter T. Cavallaro as a Member of the Planning Board for an unexpired term set to expire on March 31, 2029. The Board was polled, all voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

**11. Pledge of Allegiance**

Mayor Cavallaro led the Pledge of Allegiance.

**12. Block Party Application – Earl Street between Longwood Avenue and Carle Road**

On motion by Trustee Abbatiello, seconded by Trustee Quintanilla, it was RESOLVED to approve the block party application of Amol Christian for Earl Street between Longwood Avenue and Carle Road for October 25, 2025 and a rain date of October 26, 2025. The Board was polled, all voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

**13. Adoption of Findings of Fact and Resolution – Applicant Cena 081 for Special Use**

The following RESOLUTION was offered for adoption by Trustee Abbatiello:

**RESOLUTION**

The following RESOLUTION was offered for adoption by Trustee Abbatiello:

WHEREAS, Cena 081 (“Applicant”) is a restaurant located at 103 Post Avenue, Westbury, New York 11590, known on the Nassau County Tax Map as Section 10, Block 126, Lot 97 (the “Premises”); and

**WHEREAS**, on May 15, 2025, the Village Board of Trustees (“Board”) granted a Special Use Permit (“Permit”) to Applicant, for an initial period of four (4) months, to allow Applicant to have live music and/or a live DJ on premises; and

**WHEREAS**, Applicant has submitted an application for renewal of such Permit; and

**WHEREAS**, in connection with the required renewal of the Permit, the Board received and reviewed the renewal application and associated materials, and held a public hearing on the renewal on September 4, 2025, and received public comments related to the renewal application (the “Public Hearing”); and

**WHEREAS**, Applicant notified the property owners within 200 feet of the premises prior to the public hearing as required by Section 248-261.1 of the Village Code; and

**WHEREAS**, this application constitutes a Type II Action under the current Department of Environmental Conservation SEQRA Regulations (Section 6 N.Y.C.R.R. 617.5(c)(2)), which are predetermined to have no significant impact on the environment and require no further review under SEQRA; and

**WHEREAS**, since the approval of the Permit, the Village is in receipt of numerous complaints and has made numerous personal observations by code enforcement personnel, other personnel and members of the Board regarding actual or claimed violations of the Village Noise Code and the Permit conditions; and

**WHEREAS**, the Village has written several summonses to Applicant based upon various violations, which summonses are pending in Village Court; and

**WHEREAS**, at the Public Hearing, certain residents appeared to place on the record complaints about the premises and the alleged violations of the code and Permit conditions; and

**WHEREAS**, a stenographic record was made of the Public Hearing, and the record contains other material and evidence related to the Permit and alleged violations, including but not limited to a log of observations made by code enforcement, recordings made by nearby residents, and various emails; and

WHEREAS, Based upon the matters addressed on the record at the Public Hearing, including without limitation, the evidence and testimony presented by at the Public Hearing including by Mr. William Mello on behalf of Applicant, as well as the personal observations of certain Board members, all of the foregoing as reflected on the record (collectively, the "Record"), the Board hereby makes the following findings:

### FINDINGS

- i. All the Findings contained in the Board's resolution of approval of the Permit dated May 15, 2025 are incorporated herein by reference.
- ii. At the Public Hearing, there were several neighbors who complained of excessive noise from this establishment over the years and since the issuance of the Permit. It is noted that the Building Department has done extensive monitoring and enforcement at the establishment since the Permit was issued, and has kept records of the same. The logs reveal that the Applicant was in compliance with the Village Noise Code in many observed instances that the code enforcement officers observed the location, although the Applicant did not always comply with every condition set forth in the original Permit. The Building Department has written several notices of violation and has issued two summonses for noise code violations and other issues<sup>1</sup>.
- iii. The Record reflects that the Applicant has failed in numerous respects to abide by the Village Code and the Permit conditions, and Applicant and his staff have acknowledged certain such violations and failures. Namely, the volume of music and sometimes performances by DJs have been an issue, and the Applicant has failed to keep the wooden door between the parking lot and the outdoor seating closed as required in Paragraph 3(c) of the Permit. It should be noted that Applicant had represented on the record of the prior approval of the Permit that no outside DJs would be employed or used.
- iv. Despite the sound attenuation measures reflected on the plans and in the Acoustical Report which is a part of the Record from the initial public hearing, sound is not adequately prevented from leaving the site in a manner that is within the acceptable sound levels of the Village Noise Code.
- v. While there are several documented violations of the Noise Code, and other provisions of the Village Code and Permit conditions, there are numerous complaints that were received that were either not founded or did not rise to the level of violations.
- vi. Operation of the Premises under the Permit has not been consistent with the description of operations that Applicant placed in the record of the initial public hearing.

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<sup>1</sup> The Village Code provides that the Board is not required to consider an application for a special permit if the applicant "has done... any act on the subject site in violation of this chapter or any other chapter of the Code of the Village of Westbury" until the violation is corrected or until a final determination is made by the court or administrative agency handling the matter. See Village Code § 248-262(E). This Code provision allows the Board to consider or refuse to consider the application at its discretion. In this case, the Board finds that it would benefit the general welfare of the Village and the area surrounding the Premises to make a decision on the Application, which will allow the Board to impose additional conditions designed to improve the noise complaints.

NOW THEREFORE, BE IT RESOLVED, that based upon the Public Hearing and the evidence and testimony on the Record, the renewal petition for Permit for cabaret usage at the Premises is CONDITIONALLY APPROVED, subject to the following conditions and safeguards:

- 1) The Permit shall be renewed for a period of four (4) months, commencing on October 2, 2025 and ending on February 5, 2026 (“Expiration Date”). Application for renewal shall be filed by the Applicant, without any requirement of notice from the Village, on or before January 2, 2025, and a renewal fee shall be due upon such application.
- 2) This Permit is conditioned on the continued maintenance of the Applicant’s on-premises liquor license. In the event that the license is suspended or revoked, the Applicant must notify the Board by way of the Village Attorney. If Applicant’s liquor license is suspended or revoked, then this Permit shall be automatically revoked and of no further effect, and Applicant shall cease operation of the establishment in the manner requiring such license and permit.
- 3) The following noise control measures, in addition to those already required, are to be implemented/installed:
  - a. Original Conditions Remain in Effect:
    - i. All conditions of the original Permit (except as may be modified hereby) remain in effect. To the extent that there exists a conflict or discrepancy between any provision of these Resolutions or the Resolutions of the Board dated May 15, 2025, then the provisions of these Resolutions shall govern. For reference, the original Permit is attached as Exhibit 1 hereto.
    - ii. Under no circumstances are speakers allowed on the upper deck.
  - b. Changes to the Physical Environment:
    - i. The Applicant shall secure the wooden door between the parking lot and the outdoor seating area (“Door”) such that the Door remains at all times inoperable and unable to be opened, to the satisfaction of the Superintendent of Buildings. Alternatively, Applicant may at his election, but to the satisfaction of the Superintendent of Buildings, remove the door and extend the wall so as to close off that space. Applicant shall also provide the Superintendent with information and plans that document, to the satisfaction of the Superintendent, that the required handicapped accessibility to the outdoor space is provided.
    - ii. Applicant shall also submit revised as-built plans reflecting the modifications made as required herein or in the previous Permit to the Superintendent of Buildings as soon as possible, but no later than November 15, 2025. Such plans shall not be changed or modified in any respect without the prior written authorization of the Superintendent of Buildings. All modifications to the Premises required to comply with the conditions set forth herein or otherwise required by the Superintendent of Buildings shall be completed no later than November 3, 2025.

- iii. The Applicant may be required to install such other noise abatement measures, as determined by the Superintendent of Buildings, in his sole discretion.
  - c. Conditions Related to Speakers:
    - i. Any outdoor speakers shall be set at no more than 60% of maximum volume at all times.
    - ii. The outdoor bass speaker previously allowed shall be removed, and there shall be no outdoor bass speakers.
    - iii. Applicant shall submit to the Superintendent of Buildings within three (3) days of the date of this Resolution, a revised speaker plan, modified as required by this Resolution and acceptable to the Superintendent of Buildings. Such plans shall not be changed or modified in any respect without the prior written authorization of the Superintendent of Buildings. All modifications to the Premises required to comply with the conditions set forth herein or otherwise required by the Superintendent of Buildings shall be completed no later than November 3, 2025.
  - d. Time Limits on Outdoor Music: The broadcast of music to or in any outdoor portion of the Premises must cease by 10 p.m. each night.
  - e. Performance of Live Music:
    - i. The performance of live music, including performances by DJs or Emcees, is limited to the indoor areas of the building, and no live music shall be performed or permitted in any outside area, including the courtyard to the south of the restaurant.
    - ii. To the extent that any musicians or DJs perform, they shall not be allowed to place any additional speakers or amplifiers in the outdoor space.
  - f. Compliance with Noise Code- In all respects, and notwithstanding anything contained herein, all activity at the Premises is subject to Chapter 168 of the Village Code (local law regulating noise).
- 4) In the event of any documented noise violations, the cabaret special use permit may be suspended pending a hearing before the Board of Trustees, at which time the Board may determine whether the Permit should be further suspended or revoked.
  - 5) During hours of operation, Applicant shall inspect and clean the sidewalks and other outdoor areas surrounding the premises on a regular basis, prohibit loitering and illegal activities, and notify the police and/or other appropriate authorities if the occasion suggests that it is prudent to do so. Applicant will have at least two (2) trash receptacles in the parking lot area for customer use at all times, and shall cause such receptacles to be emptied on a frequent basis, ensuring that such receptacles are clean and do not overflow.
  - 6) Applicant shall cause that no loitering, congregating or "hanging out" occur in its parking lot on the western portion of the site, and shall police such area to ensure that no such activity is taking place, and shall maintain the signage required as Condition 6 of the original Permit, in the parking lot asking patrons to be mindful

of neighbors. The Superintendent of Buildings, may require updates to the signage, if, in his sole discretion, amendments are necessary.

- 7) Deliveries and garbage removal must take place between the hours of 7:00 a.m. and 10:00 p.m. Applicant shall not allow the idling of vehicles on the property, including sanitation trucks, delivery trucks, and service vehicles.
- 8) The Superintendent of Buildings shall be promptly advised of any change in the ownership, management or control of the owner, operator, manager or other entity involved in the establishment owning or operating the premises and the business conducted therefrom.
- 9) Applicant shall, within five (5) business days, notify the Superintendent of Buildings of the receipt of notification of the existence of any summons, subpoena, notice of violation(s), cease and desist order(s), or arrest warrant(s) issued to the Applicant or any of their employees or owners, or for the arrest of any of the Applicant or their employees or owners, for violations of the New York State Penal Law, or violations of the New York State Alcohol Beverage Control Law, whether issued by police or other peace officers, investigators of the New York State Liquor Authority or otherwise.
- 10) The Permit is not transferable by the Applicant. In the event that Applicant no longer owns or operates the business or operation subject to the Permit, or the ownership of the Premises or Applicant changes, then this Permit shall immediately lapse and be of no further force or effect. Any successor in interest of Applicant or other operator is required to make its own application for a new special use permit in the event of any such change in order to continue to operate.
- 11) Upon any material violation of this Permit or its conditions, the Superintendent of Buildings shall be authorized to immediately, and without prior notice or further action, suspend the Permit and/or the Applicant's Certificate of Occupancy for the Premises, and Applicant shall immediately cease operations pending a hearing by the Board of Trustees with respect to such violations and any appropriate final determination with respect to the Permit. For purposes of clarity, a "material violation" shall include, without limitation, those matters addressed in paragraphs 2-4 above.
- 12) **Time is of the essence with respect to all the Applicant's performance obligations under this special use permit. Applicant must apply for renewal without any requirement of notice from the Village, on or before the Expiration Date listed in Paragraph 1 above.**

This RESOLUTION, including the conditions incorporated herein, shall constitute the special use permit.

Adoption of the foregoing Resolution was seconded by Trustee Corte and the roll call for adoption resulted in the following:

Trustee Corte	-Aye
Trustee Jefferson	-Aye
Trustee Abbatiello	-Aye
Trustee Quintanilla	-Aye
Mayor Cavallaro	-Aye

Filed: October 2, 2025

#### 14. Board Reports

##### A. Trustee Steven Corte

- i. All tax exemption renewal forms have been sent out, and are available at the Clerk's office. January 2, 2026 is the final date to submit tax exemption forms.
- ii. The Senior Citizens of Westbury Bazaar will be October 25, 2025 in the community center and gym from 10am-4pm. Bingo will resume next month.

##### B. Trustee Beaumont Jefferson

- i. The Recreation Department after-school program will have a Halloween Party from 4:30-5:30pm on Halloween.
- ii. There are many programs available for adults through recreation including yoga, karate, and table tennis.
- iii. The Iron Gate Cares Foundation will have a Holiday Toy Drive on December 12, 2025. The Village Tree lighting will be on December 6, 2025. The Santa Mailbox will be out beginning November 25<sup>th</sup> at the corner of Post Avenue and Winthrop next to the Bank of America building.
- iv. Senator Siela Bynoe in cooperation with the Village will host a Senior Health Fair on Tuesday, October 14<sup>th</sup> in the Phipps Gymnasium located at 346 Post Avenue.
- v. Westbury Arts Summer Concert Series was well attended. Westbury Arts has a Starstruck-themed gala scheduled for November 11, 2025.

##### C. Trustee Vincent Abbatiello

- i. The Westbury Business Improvement District ("BID") has installed security cameras at the Piazza on Post Avenue. The cost was prohibitive to do all of Post Avenue.
- ii. BID Dollars are coming out. They will be increasing to a total of 4 for a dollar value of \$30. This is for businesses on Post Avenue.
- iii. October is Fire Prevention Month. Change your smoke detectors at daylight savings and clear area access to them.

D. Trustee Pedro Quintanilla

- i. Audit and Claims – Trustee Quintanilla reviewed the Claims and Expenditures for the period for the period September 19, 2025 through October 2, 2025 in the amount of \$396,374.70, of which, \$199,209.19 was from the capital fund, and \$197,165.51 was from the general fund. Trustee Quintanilla made a motion to submit bills for payment, seconded by Trustee Jefferson. Motion to approve was passed. The Board was polled, all voting “Aye” (5-0).

Mayor Peter I. Cavallaro	Aye
Trustee Steven Corte	Aye
Trustee Beaumont Jefferson	Aye
Trustee Vincent Abbatiello	Aye
Trustee Pedro Quintanilla	Aye

- ii. The Westbury Latino Advisory Council Hispanic Heritage Day Celebration on September 21, 2025, was a huge success with record attendance. It featured a clown, bands, food and drinks, and Westbury Arts had arts and crafts. The Bid Street Fair and the Film Festival were great.

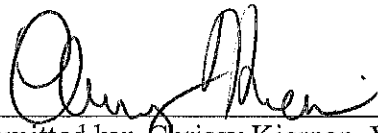
E. Mayor’s Report – Peter I. Cavallaro

- i. Mayor Cavallaro reported that the Asbury Shorts film festival and the BID fair were both successful and great event. The Hispanic Heritage Festival was the best yet. There is a constant buzz for the new restaurants on Post Avenue. Developers are very interested in new housing in the Village and they give back through public benefit. The new tax revenue impacts the financial health of the Village in a positive way. We continue to pursue other non-tax revenue sources.

**15. Public Comment**

- A. Chester McGibbon inquired as to the security cameras in the piazza. Mayor Cavallaro responded that they are not monitored by the Village and there was no cost to the Village. The BID put them up in order to have video evidence of crimes when needed. The video footage is erased after a certain period of time. The Village permitted their placement in the piazza. Mayor Cavallaro reported that we had cameras many years ago that stopped working and were left up as a placebo, but eventually taken down as it was a false sense of security. The technology today is much better.

On a motion by Trustee Abbatiello, seconded by Trustee Quintanilla, the Meeting was adjourned at 8:10 p.m.

  
Submitted by: Chrissy Kiernan, Village Clerk-Treasurer