

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **December 19, 2007** at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert Weitzner
	Trustees	-	Steven Cohen
		-	Michael Malatino
		-	Michael Schenkler
	Attorney	-	Anthony Sabino
	Clerk	-	Palma Torrisi
	Public Stenographer	-	Diane Hansen

Excused: Trustee Hoffman

1. Public Hearings

A. Bill 8 of 2007 – Amending the Zoning Ordinance

Mayor Weitzner presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Malatino, seconded by Trustee Schenkler, the following resolution was unanimously adopted:

WHEREAS Bill 8 of 2007, a proposed local law to amend Chapter 176, entitled "Zoning", of the Code of the Village of Port Washington North, has been submitted to the Board of Trustees for its consideration; and

WHEREAS a short environmental assessment form has been submitted on behalf of the Village; and

WHEREAS the members of the Board have carefully reviewed said assessment form; and

WHEREAS the subject bill concerns the legislative action of this Board;

NOW, THEREFORE, BE IT RESOLVED that this Board hereby designates itself as the lead agency for environmental review with regard to the adoption of the proposed local law and this Board determines that the proposed local law is an unlisted action as determined by the Commissioner of the Department of Environmental Conservation, and that it will not have an adverse impact on the environment; and sets a public hearing for January 28, 2008 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

B. Bill 9 of 2007 – Amending the Sign Ordinance

Mayor Weitzner presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Malatino, seconded by Trustee Schenkler, the following resolution was unanimously adopted:

WHEREAS Bill 9 of 2007, a proposed local law to amend Chapter 135, entitled "Signs", of the Code of the Village of Port Washington North, has been submitted to the Board of Trustees for its consideration; and

WHEREAS a short environmental assessment form has been submitted on behalf of the Village; and

WHEREAS the members of the Board have carefully reviewed said assessment form; and

WHEREAS the subject bill concerns the legislative action of this Board;

NOW, THEREFORE, BE IT RESOLVED that this Board hereby designates itself as the lead agency for environmental review with regard to the adoption of the proposed local law and this Board determines that the proposed local law is not an action as determined by the Commissioner of the Department of Environmental Conservation, and that it will not have an adverse impact on the environment; and sets a public hearing for January 28, 2008 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

2. Clerk

A. On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously

RESOLVED that the reading of the minutes of the Board of Trustees meeting of October 22, 2007 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously

RESOLVED that the Village Clerk be and hereby is directed to publish in the official newspaper of the Village at least ten days prior to the General Village Election to be held on March 18, 2008 a notice that shall state:

1. The polling place in each election district,
2. The hours during which the polls shall be open, to wit, from noon to nine o'clock in the evening,

The names and addresses of those who have been duly nominated in accordance with the provisions of the election law for the Village office whose petitions have been duly filed with the Village Clerk and the offices and terms of said office for which they have been so nominated.

3. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously

RESOLVED that the reading of the Abstract of Vouchers #69, totaling \$115,647.46, and the Abstract of Trust & Agency Vouchers #36, totaling \$6,911.09, be waived and that they be and hereby are approved as prepared by Treasurer Stack.

B. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously

RESOLVED that the Budget Report as of October 31, 2007, showing the General Fund Balance to be \$2,428,866, and the Trust & Agency Fund Balance to be \$74,036, be and hereby is accepted as prepared by Treasurer Stack.

4. Reports

A. Building Department

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Building Department report for the month of November 2007 be and hereby is accepted as submitted.

B. Public Works

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Public Works Department report for the month of November 2007 be and hereby is accepted as submitted.

C. Emergency Management

The Mayor reported that he and Emergency Management Commissioner Moschos had met with Verizon regarding the installation of a reverse 911 system in the Village.

D. The Board accepted the Justice Court report for November 2007 prepared by Court Clerk Kropacek.

5. Business

A. Planning Board Appointment

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the resignation of Michael DeSantis as a member of the Planning Board, effective December 10, 2007, be and hereby is accepted.

Mayor Weitzner appointed Scott Baxter as a member of the Planning Board to fill the unexpired term of Michael DeSantis, said term to expire April 2009.

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously

RESOLVED that the Mayor's appointment of Scott Baxter as a member of the Planning Board to fill the unexpired term of Michael DeSantis, said term to expire April 2009, be and hereby is ratified.

B. Red Wind Property Group

The Board considered the application of Red Wind Property Group LLC for review of a special use permit regarding proposed tenants for the premises located at 2 Channel Drive and designated on the Nassau County Land & Tax Map as Section 4, Block J, Lot 690 and Section 4, Block 123, Lots 8, 21, 44A & 51. A stenographic transcript of the discussion is on file with the Village Clerk. All those present wishing to speak having were heard. On motion of Trustee Malatino, seconded by Trustee Cohen, the following resolution was unanimously adopted:

WHEREAS the application of Red Wind Property Group LLC for review of a special use permit regarding proposed tenants for the premises located at 2 Channel Drive and designated on the Nassau County Land & Tax Map as Section 4, Block J, Lot 690 and Section 4, Block 123, Lots 8, 21, 44A & 51, has been submitted to the Board of Trustees for its consideration; and

WHEREAS a short environmental assessment form has been submitted on behalf of the applicant pursuant to the State Environmental Quality Review Act; and

WHEREAS the members of the Board have carefully reviewed said assessment form; and

WHEREAS the subject application concerns the action of this Board;

NOW, THEREFORE, BE IT RESOLVED that this Board hereby designates itself as the lead agency for environmental review with regard to the application for review of the special use permit law and this Board determines that the proposed special use permit is not an action as determined by the Commissioner of the Department of Environmental Conservation, and that it will not have an adverse impact on the environment

On motion of Trustee Schenkler, seconded by Trustee Cohen, the following resolution was unanimously adopted:

WHEREAS, the application of Red Wind Property Group, LLC., for the premises located 2 Channel Drive, Port Washington, New York [the "Premises"], for a similar use permit pursuant to § 176-106(B)(14) of the Code of the Village of Port Washington North [the "Village Code"], has come before this Board for the following proposed use: approximately 14,000 square feet of warehouse and storage, and limited assembly of knitting machinery as is presently being conducted at 75 Channel Drive Port Washington, New York. In addition, the applicant seeks approval for a use for general administrative offices and warehousing for a uniform apparel business in approximately 20,000 square feet. The Premises are also known as Section 4, Block J, Lot 69 and Section 4, Block 123, Lots, 8, 21, 44A, 44C, 49, and 51 on the Nassau County Land and Tax Map, and are located in an Economic Development B District of the Village; and

WHEREAS, this Board has previously granted approval on March 8, 2007 for the applicant to use the entire premises for general administrative offices, warehouse and storage, and assembly and finishing of articles and products such as watches, jewelry, other fashion-related accessory items, hand-crafted table-top items, dishes, glassware, linens, and home décor items; and

WHEREAS, the Board in its March 26, 2007 and August 8, 2007 Decisions retained the right to approve all future uses of the Premises and stated as follows:

The proposed use is of the same general character as those specifically permitted in the ED B District and will conform to the development policy of the Village.....The applicant acknowledges that it cannot use any of the space that it is not using without compliance with the Village Code and the prior approval of the use by Village, and

WHEREAS, the members of this Board have inspected the Premises and have carefully reviewed the application and all matters offered in support thereof and in opposition thereto; and

WHEREAS, this Board has made the following FINDINGS OF FACT:

The applicant contends that the proposed new uses are similar to those otherwise permitted in the Economic Development B District.

1. Such use consists of two companies:

a. One company, Fabcon Machinery Development Corp, currently manufactures knitting equipment at 75 Channel Drive Port Washing New York and will conduct its warehouse and finished parts assembly in approximately 14,000 square feet of the Premises.

b. The second company, J.W.E., Inc is a uniform apparel business, that imports and distributes uniforms. Said company will use approximately 20,000 square feet of space for use as general administrative offices and warehousing for a uniform apparel business.

2. In order to approve the proposed uses, the Village Code sets forth certain performance standards in order to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to lessen traffic congestion, and to facilitate development of areas in accordance with the development policy of the Village, and in furtherance thereof.

3. The specific performance standards are for noise; vibration; smoke, dust and other atmospheric pollutants; odorous matter; toxic or noxious matter; air pollution; radiation hazards; fire and explosive hazards; humidity, heat or light; electromagnetic interference; and vehicular traffic.

a. Noise:

i) Based on the applicant's representations at the hearing, the proposed use will not result in any violation of any Village Code restriction regarding noise.

b. Vibration:

i) Based on the applicant's representations it appears that no activity shall cause or create a steady state or impact vibration on a lot line with a vibration displacement by frequency bands in excess of that indicated in the table set forth in Village Code § 176-106(E)(3).

c. Smoke, dust, and other atmospheric pollutants:

i) Based on the applicant's representations, there will be no smoke, or other particulate matter, the emission thereof would be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.

d. Odorous matter:

i) Based on the applicant's representations, no odor will be emitted outside the building in which the use is conducted.

e. Toxic or noxious matter:

i) Based on the applicant's representations, the proposed use will not cause any dissemination of toxic or noxious matter.

f. Air pollution:

i) Based on the applicant's representations, no matter will be emitted of such characteristics or in such quantities as to be detrimental or dangerous to the

public health, safety, comfort, or other aspects of the general welfare or to cause damage or injury to property.

g. Radiation hazards:

i) The proposed use will not use any radioactive materials.

ii) There will be no operation in the proposed use that exceeds the standards established in Title 10, Chapter I, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," as amended, or as it may hereafter be amended, or which violates any regulations of any other administrative body charged with the responsibility of controlling radiation.

h. Fire and explosive hazards:

i) The applicants have been in business for many years and they have never had a situation with fire, hazardous materials, or explosive materials.

ii) The building to be used for the proposed businesses has a fire sprinkler system.

i. Humidity, heat, or light:

i) The only exterior lights are those used to illuminate the immediate area of the exit. All of those lights are on stanchions and are directed downward and inward.

ii) All exterior lighting and other illumination is of such design, so shaded, and so located, that the light sources will not be seen beyond the boundaries of the plot on which located.

j. Electromagnetic interference:

i) Based on the applicant's representations, the proposed use does not entail the use of any electronic equipment that might generate electromagnetic interference with any neighboring properties.

k. Vehicular traffic:

i) Based on the applicant's representations, the proposed traffic at its most intense foreseeable use is minimal as compared to the traffic at the site when Thomson Industries, the previous use was in full operation.

With regard to parking, loading, and unloading:

(1) The Village Code requires a paved area of 75,000 square feet.

(2) The applicant believes that its proposed increase of 30 employees will result in a demand for approximately an additional 20 cars.

l. There are two kinds of deliveries: routine, day-to-day, type deliveries by courier services such as Federal Express, DHL, and UPS; and warehouse and product deliveries.

(i) The courier service deliveries are usually around 8:30 a.m.

(ii) The warehouse and product deliveries for each tenant are by common carriers, sporadically, approximately 3 times per week for Fabcon and once a day for JWE.

(iii) The applicant does not allow the trucks to idle in the parking lot.

(iv) There will be no deliveries before 7:30 a.m. or after 7:30 p.m.

(v) Although there are presently two curb cuts (both along Channel Drive) that lead to the rear of the Premises, all truck access to the rear of the Premises will be solely via the northeast curb cut, except for the Fabcon use which shall be permitted to use the northeastern most driveway to the overhead doors located in the front of the building for up to 3 tractor trailer round trip movements per week.

(vi) According to the applicant's traffic expert, the proposed use will not result in any significant adverse impact upon the Village.

4. Additionally, this Board finds that there is adequate potable water and sanitary sewage disposal for the proposed use.

a. The applicant will be continuing the existing connections in the building to both public water supply and the public sewage system.

b. There will be no potable water demands or sanitary waste water production other than with regard to the proposed restrooms and two small lunchrooms.

5. The proposed uses are of the same general character as those specifically permitted in the ED B District and will conform to the development policy of the Village.

a. There shall be no outside storage of any nature and no warehousing or storage of building materials or other heavy products.

b. The applicant acknowledges that it cannot use any of the space that it is not using without compliance with the Village Code and the prior approval of the use by Village.

6. Accordingly, this Board finds that the proposed uses will conform to the general character of the neighborhood; that the public health, morals, safety, and general welfare of that neighborhood will be secured; and that the proposed uses will be in accordance with the comprehensive plan of the Village and in accordance with the provisions as set forth in the Village Code to lessen congestion in the streets, to secure safety from fire, panic, or other danger, to prevent overcrowding of land, to avoid undue concentration of population, to safeguard the adequate provision of water, sewage disposal, parks, and other public requirements, and to protect and secure the nature and character of the existing neighborhood and the values of the property therein.

7. Except as modified by this resolution, all of the terms, conditions, covenants and restrictions contained in the Decision of the Board dated March 26th 2007, August 8th, 2007 and the recorded Covenants and Restrictions are incorporated herein and made a part hereof as if fully set forth in this resolution

NOW, THEREFORE, Based upon the foregoing findings of fact, it is the determination of this Board that the application be granted upon the following conditions:

Condition 1:

a) The use of 14,000 square feet shall be limited to general administrative offices, warehouse and storage, and assembly of knitting machines that are manufactured off premises.

b) The use of 20,000 square feet shall be limited to general administrative offices, warehouse and storage of uniforms and apparel.

Condition 2: The proposed use shall not result in any violation of any other Village Code restriction regarding noise.

Condition 3: There shall be no outside storage of any nature.

Condition 4: The maximum occupancy of the building shall not exceed 180 employees at any one time.

Condition 5: There shall be no trucks with their engines idling on the Premises.

Condition 6: All truck traffic for the proposed use shall be limited for its access, ingress and egress, solely via the northeast curb cut on Channel Drive except for Fabcon as specified herein for up to 3 round trip tractor trailer movements per week.

Condition 7: There shall be no retail sales permitted on the premises.

Condition 8: These conditions may be modified only with the express consent of the Village Board of Trustees.

C. Fire Protection & Emergency Medical Services

On motion of Trustee Cohen, seconded by Trustee Malatino, the following resolution was unanimously adopted:

RESOLVED that the Village contract with the Port Washington Fire Department Inc. for the furnishing of FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE within the Village for the period of January 1, 2008 through December 31, 2008 at a cost to the Village of \$316,330.00, and that the Mayor is hereby authorized to execute such contract on behalf of the Village.

D. Power Outages – L.I.P.A.

Bruce Germano and Louis Debrino of the Long Island Power Authority addressed the Board with regard to the electric power outages the Village has been experiencing, identifying trees and tree limbs falling along the descent from Overlook to Sandy Hollow Road in the Village of Baxter Estates as a main problem area.

E. Street Lighting – New York Trenchless

Peter Kenny of New York Trenchless, the Village's street lighting maintenance contractor, recommended that the Village convert its underground electric street lighting wire to state-of-the-art high density polyethylene-coated conduit.

F. Pleasant Avenue Engineering Authorization

On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Board of Trustees hereby authorizes Village Engineers Dvirka & Bartilucci to perform design, engineering and inspection work for the reconstruction, including redesign, curbs, drainage and street lighting, of Pleasant Avenue from Old Shore Road to a point approximately 1,400 feet east of the intersection of Pleasant Avenue and Old Shore Road, at a cost not to exceed \$45,000.00.

On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:45 p.m.

Palma Torrisi, Village Clerk