

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Monday, **June 27, 2005** at 7:30pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert Weitzner
	Trustees	-	Steven Cohen
		-	Daria Hoffman
		-	Michael Schenkler
	Attorney	-	Stephen Limmer
	Clerk	-	Palma Torrisi
	Public Stenographer	-	Dan Cohen

1. Public Hearings

A. Mayor Weitzner opened the public hearing, duly adjourned from May 10, 2005, to consider the adoption of **Bill 7A of 2004**, a proposed local law to re-zone the premises known as Section 4, Block Q, Lot 244 on the Nassau County Land & Tax Map from Economic Development A District to Business District. The Mayor adjourned the public hearing to consider the adoption of Bill 7A of 2004 to 7:30 p.m. on July 25, 2005 at the Port Washington North Village Hall.

B. Mayor Weitzner opened the public hearing, duly advertised in the May 19, 2005 Port Washington News, to consider the adoption of **Bill 13D of 2004**, creating an Economic B District, amending certain provisions of the Economic Development A District, and rezoning all properties within the Industrial A District to the Economic Development B District. A stenographic transcript of the hearing was made and is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor closed the public hearing.

2. Clerk

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously
RESOLVED that the reading of the minutes of the Board of Trustees meetings of April 11, 19, 26 and 27, 2005 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

3. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that the reading of the General Fund Abstract of Vouchers #39, totaling \$188,294.05, and the Trust & Agency Abstract of Vouchers #6, totalling \$6,476.57, be waived and that they be and hereby are approved as presented by Treasurer Stack.

B. On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously
RESOLVED that the Budget Report as of April 30, 2005, showing the General Fund Balance to be \$821,179, and the Trust & Agency Cash Balance to be \$103,702, be and hereby is accepted as prepared by Treasurer Stack.

C. GASB 34 Appraisal

Treasurer Stack reported that proposals were received from the following firms to prepare the Village's reports for compliance with GASB 34:

Appraisal Affiliates Inc.	\$ 1,800.00
American Appraisal Associates	3,700.00

The Treasurer recommended Appraisal Affiliates as the lowest bidder and further recommended the expenditure of \$500.00 for annual maintenance. On motion of Trustee Hoffman, seconded by Trustee Schenkler, it was unanimously

RESOLVED that the Village engage the services of Appraisal Affiliates Inc. to prepare the Village's reports for compliance with GASB 34, at a cost not to exceed \$1,800.00, and for annual maintenance, at the cost of \$500.00 per year.

D. Budget Modification

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

RESOLVED that the modifications to the budget contained in the Budget Report dated May 31, 2005 be and hereby are approved.

4. Reports

A. Building Department

1. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously

RESOLVED that the Building Department report for the month of May 2005 be and hereby is accepted as submitted.

2. The Board directed the Building Department to enforce Village Code Section 128(d) regarding the screening of dumpsters on commercial property.

3. The Board directed the Building Department to inspect the signs for the fire lanes and to measure the size of the parking spaces at Soundview Marketplace.

B. Public Works

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

RESOLVED that the report of the Public Works Department for the month of May 2005 be accepted as presented by Superintendent McDonough.

2. The Board directed that the developer of The Mill be required to post "The Mill", "No Right Turn" and "Stop" signs at the exit of The Mill onto Smull Place.

5. Old Business

A. Sandy Hollow Associates – 4/J/754 (8 Acres)

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

RESOLVED that the Board hereby ratifies the actions of Mayor Weitzner with regard to authorizing Benjamin Weinstock, Esq., of Ruskin, Mosou, Evans, Faltischek P.C., to represent the Village in an application to the Nassau County Planning Commission for a waiver of subdivision with regard to the premises shown as Section 4, Block J, Lot 754 on the Nassau County Land &

Tax Map, in order to partition 12 parcels to the adjacent property owners to settle their adverse possession claims, as agreed upon between the Village and Sandy Hollow Associates LLC in its Declaration of Covenants and Restrictions; with the agreement that such representation will be at no cost or expense to the Village; and be it further RESOLVED that upon the granting of such waiver the Village will deed each of the said 12 parcels to the owners of their respective adjacent properties.

B. Stop & Shop – Site Plan Amendment

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Site Plan for Stop and Shop, bearing the revision date of June 24, 2005, be and hereby is accepted.

C. Drop Box Application – Hollywood Video

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the conditional use permit for a drop box for Hollywood Video is hereby extended for 30 days.

D. Pellegrino Park – N.Y.S. Grants

1. On motion of Trustee Schenkler, seconded by Trustee Hoffman, the following resolution was unanimously adopted:

WHEREAS, the Village has been informed by its consultants, Cameron Engineering, that in order to proceed with the next step in its development of its portion of the Baywalk Park it must obtain both a tidal wetlands permit from the New York State Department of Environmental Conservation, a permit from the United States Army Corps of Engineers; and Coastal Consistency approval from the New York State Department of State.

WHEREAS, Cameron Engineering has prepared a Joint Application for such permits; and

WHEREAS, an environmental determination must now be made pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, this Board believes that there are involved agencies in addition to this Board, and this Board desires to have a coordinated review, under which this Board would act as the lead agency with regard to all of the environmental determinations to be made pursuant to SEQRA;

NOW THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute and deliver the Joint Application for permits to the New York State Department of Environmental Conservation, as prepared by Cameron Engineering; and

BE IT FURTHER RESOLVED, that Cameron Engineering is directed to send a notice, together with the required documents, pursuant to the requirements of SEQRA, to all of the involved agencies notifying them that a lead agency must be agreed upon within 30 calendar days and that this Board believes that it should act as the lead agency with regard to the project.

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

RESOLVED that Robert Weitzner, as Mayor of the Village of Port Washington North, is hereby authorized and directed to file an application for funds from the New York State Department of State in accordance with the provisions of

Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$350,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Village for design and construction of a portion of Bay Walk Park; and it was further

RESOLVED that Robert Weitzner, as Mayor of the Village of Port Washington North, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$350,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Village for design and construction of a portion of Bay Walk Park.

E. Thomson /Danaher Property

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

RESOLVED that the Board hereby engages the service of the law firm of Forcheilli, Curto, Schwartz, Mineo, Carlino & Cohn, LLP, to represent the Village in the sale of that Village owned property, designated on the Nassau County Land & Tax Map as Section 4, Block J, Lot 754, and the acquisition of property located at 2 Channel Drive, Port Washington, New York, as more particularly set forth in a proposal letter signed by Steven G. Gaebler and dated June 27, 2005.

6. New Business

A. Bill 5 of 2005 – Rezoning part of 4/J/753 to Residence C District

Clerk Torrisi reported that an application for the rezoning of part of that parcel, designated on the Nassau County Land & Tax Map as Section 4, Block J, Lot 753, was received on June 21, 2005 from Sandy Hollow Associates II, LLC. Mayor Weitzner introduced Bill 5 of 2005, a proposed local law rezoning a certain parcel of property, known as part of Section 4, Block J, Lot 753 on the Nassau County Land & Tax Map, from Senior Citizen Housing District to Residence C District. A copy of the bill was delivered to each of the members of the Board of Trustees present this evening. The Mayor also presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Schenkler, seconded by Trustee Hoffman, the following resolution was unanimously adopted:

WHEREAS Bill 5 of 2005, rezoning a certain parcel of property, known as part of Section 4, Block J, Lot 753 on the Nassau County Land & Tax Map, from Senior Citizen Housing District to Residence C District in the Village of Port Washington North to Apartment District, 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 with regard to the proposed

adoption of this local law for the 25th day of July 2005 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

B. Bill 6A of 2005 – Amending Permitted Uses in the Business District

Mayor Weitzner introduced Bill 6A of 2005, a proposed local law amending Permitted Uses in the Business District of the Village. A copy of the bill was delivered to each of the members of the Board of Trustees on June 17, 2005. The Mayor also presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Schenkler, seconded by Trustee Hoffman, the following resolution was unanimously adopted:
WHEREAS Bill 6A of 2005, amending the permitted uses in the Business District 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 with regard to the proposed adoption of this local law for the 25th day of July 2005 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

C. Bill 7 of 2005 – Amending Provisions regarding the Planning Board

Mayor Weitzner introduced Bill 7 of 2005, a proposed local law amending certain provisions with regard to the composition and removal of members of the Planning Board of the Village. A copy of the bill was delivered to each of the members of the Board of Trustees on June 24, 2005. The Mayor also presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Cohen, seconded by Trustee Hoffman, the following resolution was unanimously adopted:
WHEREAS Bill 7 of 2005, amending certain provisions with regard to the composition and removal of members of the Planning Board 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 with regard to the proposed adoption of this local law for the 25th day of July 2005 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

D. Sign Permits

1. Aston Martin – 85 Channel Drive

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that Sign Permit applications S-05-19, S-05-20 and S-05-21 for Aston Martin at 85 Channel Drive be and hereby are approved.

2. EyeSite In Sight – 55 Old Shore Road

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that Sign Permit application S-05-23 for EyeSight In Sight at 55 Old Shore Road be and hereby is approved.

3. Little Chefs – 9 Soundview Marketplace

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously
RESOLVED that Sign Permit application S-05-25 for Little Chefs at 9 Soundview Marketplace be and hereby is approved upon the condition that the Building Inspector confirms that the sign is contained within the facia of the building and the maximum height of the sign is 4 feet.

4. Raffaele Femia/Amalfi Ristorante – 49 Old Shore Road

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that Sign Permit application S-05-27 for Amalfi Ristorante at 49 Old Shore Road be and hereby is approved upon the condition that the sign shall contain no telephone numbers.

E. Repaving Part of Soundview Drive

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously
RESOLVED that sealed bids for the 2005 Road Improvements Program will be received at the Village Clerk's Office, at the Village Hall of the Village of Port Washington North, located at 71 Old Shore Road, Port Washington North, New York, until 11:00 a.m. (local time) on Friday, July 15, 2005, and then at said office publicly opened and read aloud; and be it further
RESOLVED that the Fund balances from the Village's 2004/5 fiscal year be encumbered, as recommended by the Treasurer, in the amounts of \$125,000 for New Highway Projects, \$20,000 for Engineering New Highway Projects and \$35,000 for New Sidewalks, totalling \$185,000.

8. Executive Session

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board enter into Executive Session to seek advice of council regarding contract negotiations.

On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously RESOLVED that the Executive Session be ended and that the regular meeting be reconvened.

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 11:30 p.m.

Palma Torrisi, Village Clerk