

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Monday, January 28, 2008 at 7:30pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present:	Deputy Mayor	-	Michael Schenkler
	Trustees	-	Steven Cohen
		-	Daria Hoffman
		-	Michael Malatino
	Attorney	-	Anthony Sabino
	Clerk	-	Palma Torrisi
	Public Stenographer	-	Joanne Horrocks

Excused: Mayor Weitzner

#### 1. Public Hearings

A. Deputy Mayor Schenkler opened the Public Hearing, duly advertised in the January 10, 2008 Port Washington News, to consider the adoption of Bill 8B of 2007, a proposed local law to amend Chapter 176, entitled "Zoning", of the Code of the Village of Port Washington North. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Deputy Mayor closed the public hearing. On motion of Trustee Cohen, seconded by Trustee Malatino, it was RESOLVED that Bill 8B of 2007 be and hereby is adopted as **LOCAL LAW 1 of 2008** to read as follows:

Vote was recorded as follows: Trustee Cohen-aye, Trustee Hoffman-aye, Trustee Malatino-aye, Deputy Mayor Schenkler-aye. Motion carried.

#### D. Bill 9 of 2007 – Signs

Deputy Mayor Schenkler opened the Public Hearing, duly advertised in the January 10, 2008 Port Washington News, to consider the adoption of Bill 9 of 2007, a proposed local law to amend Chapter 135, entitled “Signs”, of the Code of the Village of Port Washington North. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Deputy Mayor adjourned the public hearing to February 25, 2008 at 7:30 p.m. at the Village Hall

#### C. Use Permit Application – Delco Development

Deputy Mayor Schenkler opened the Public Hearing to consider the application of Delco Development of Port Washington LP for a Use Permit for the premises known as 63 Shore Road, Port Washington, New York 11050, and described on the Nassau County Land and Tax Map as Section 4, Block Q, Lot 244. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Deputy Mayor closed the public hearing. On motion of Trustee Cohen, seconded by Trustee Hoffman, it was RESOLVED that the following resolution was adopted:

WHEREAS an application of Delco Development of Port Washington LP for a Use Permit for the premises known as 63 Shore Road, Port Washington, New York 11050, and described on the Nassau County Land and Tax Map as Section 4, Block Q, Lot 244; 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 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

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was RESOLVED that the following resolution was adopted:

WHEREAS, the application of Delco Development Company of Port Washington, LLC, for the premises located 63 Shore Road, Port Washington, New York [the “Premises”], for a permit pursuant to § 176-70(H) of the Code of the Village of Port Washington North (the “Village Code”), has come before this Board for the following proposed use: approximately 2,000 square feet of retail space for use as a liquor store. The Premises are also known as Section 4, Block Q, Lot 244 on the Nassau County Land and Tax Map, and are located in a Business District of the Village; and

WHEREAS, this Board has previously granted approval of an L-shaped shopping center consisting of 52,559 square feet for the applicant to use the entire premises for retail space along with various food service and personal service establishments; and

WHEREAS, the Board has reviewed the Short Form Environmental Form and has determined that the action is an unlisted action and will have no negative impact on the environment and therefore constitutes a Negative Declaration pursuant to SEQRA; 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, the Board has heard the applicant and members of the public; and

WHEREAS, the Board has determined as follows: That the proposed use as a liquor store will conform to the general character of the neighborhood and 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, and that the retail use is of the same general character as those specifically permitted in the Business District.

NOW, THEREFORE, Based upon the foregoing findings and the representations and consent of the applicant, it is the determination of this Board that the application for use of the Premises as a liquor store be granted upon the following conditions:

Condition 1: The store hours as represented by the applicant shall be from 9:00a.m to 9:00 p.m. Monday through Saturday and 11:00 a.m. to 6:00 p.m. on Sunday or fewer hours as determined by the State Liquor Authority rules and regulations.

Condition 2: These conditions may be modified only with the express consent of the Village Board of Trustees.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Hoffman-aye, Trustee Malatino-aye, Deputy Mayor Schenkler-aye. Motion carried.

## 2. Clerk

### A. Minutes

On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of November 27, 2006 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

### B. Village Election

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

WHEREAS, the Village Clerk, as election officer of the Village of Port Washington North, has attempted to obtain the names of six residents of the Village of Port Washington North who would qualify to hold the office of Inspector of Election, in accordance with the Election Law of the State of New York; and

WHEREAS, the Village Clerk has not been able to find six persons who reside within the Village of Port Washington North and who meet the requirements to be appointed as Inspectors of Election as specified in the Election Law and who are willing to serve as such;

NOW, THEREFORE, BE IT RESOLVED that the requirement that Inspectors of Election of the Village of Port Washington North reside within the Village of Port Washington North, is hereby amended pursuant to Village Law Section 3-300 to provide that this Board of Trustees is hereby authorized to appoint any resident of the County of Nassau, who is otherwise duly qualified to act as an Inspector of Election, to act as an Inspector of Election for the Village of Port Washington North for the Village of Port Washington North's 2008 General Election.

2. On motion of Trustee Hoffman, seconded by Trustee Malatino, it was unanimously

RESOLVED that Wiladean Ihrig, Bridget Lawlor, Margaret Malanga, and Elizabeth Temperino be and hereby are appointed Inspectors of Election for the next General Village Election, that Dominick Giordano and Lillian Michalak be and hereby are appointed Alternate Inspectors of Election, and that said Margaret Malanga be and hereby is appointed Chairperson of said Inspectors; and

BE IT FURTHER RESOLVED that said Inspectors and Alternate Inspectors, except for the Chairperson, shall be compensated at the rate of \$150.00 per day and that said Chairperson shall be compensated at the rate of \$175.00 per day; and

BE FURTHER RESOLVED that the Inspectors of Election of the Village of Port Washington North shall prepare the Register for the General 2008 Election of the Village of Port Washington North on March 13, 2008 at the Village Hall, 71 Old Shore Road, Port Washington, New York, commencing at 9:00 a.m.

### C. Tentative Assessment Roll

Clerk Torrisi reported that she, as the Assessor of the Village of Port Washington North, has completed the Assessment Roll of the Village of Port Washington North for the year 2008, and that a copy thereof has been filed with the Village Clerk on January 28, 2008. On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously

RESOLVED that the Board of Trustees acting as the Board of Assessors have completed and accepted the Assessment Roll of the Village of Port Washington North for the year 2008, that a copy thereof has been filed with the Village Clerk on January 28, 2008, and that a legal notice shall be published stating that the Assessment Roll may be seen and examined by any person during business hours at the Village Hall, 71 Old Shore Road, Port Washington, New York 11050, until the 19<sup>th</sup> day of February 2008.

#### D. Grievance Day

On motion of Trustee Malatino, seconded by Trustee Hoffman, it was unanimously RESOLVED that on the 19<sup>th</sup> day of February 2008, at the Village Hall, 71 Old Shore Road, Port Washington, New York 11050, the Board of Trustees and the Assessor will meet for the purpose of hearing complaints in relation to assessments from 10:00 a.m. to 2:00 p.m. on said day. Each complainant shall file with the Village Clerk on or before February 19, 2008 a statement under oath, specifying the respect in which the assessment complained of is incorrect, which statement must be made by the person whose property is assessed or by some person authorized to make such statement who has the knowledge of the facts stated therein.

### 3. Treasurer

A. On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #70, totaling \$200,808.16, and the Trust & Agency Abstract of Vouchers #37, totalling \$18,536.44, be waived and that they be and hereby are approved as presented by Treasurer Stack.

B. On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Budget Report as of November 30, 2007, showing the General Fund Balance to be \$2,189,744, and the Trust & Agency Fund Balance to be \$69,715, 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 period of December 12, 2007 through January 23, 2008, be and hereby is accepted as submitted by Building Inspector Dzorney and Deputy Inspector Lauria.

#### B. Public Works

On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously RESOLVED that the Public Works Department report for the month of January 2008 be and hereby is accepted as submitted by Superintendent Novinski.

#### C. Environmental Commission

On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously RESOLVED that the monthly report of the Environmental Commissioner be and hereby is accepted as presented by Robert Keane.

#### D. Beautification Commission

Deputy Commissioner Janet Orloff reported that the Beautification Commission is looking forward to Spring projects, including planting trees. On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the report of the Beautification Commission be and hereby is accepted as presented by Deputy Commissioner Orloff.

#### E. Justice Court

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

## 5. Business

### A. Street Sweeping

On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously RESOLVED that sealed bids on the Sweeping and Cleaning of Village Streets during the Spring, Summer and Fall of 2008, 2009 and 2010 will be received until 12:00 noon on the 21<sup>st</sup> day of February 2008 at the Village Hall, 71 Old Shore Road, Port Washington, New York 11050.

### B. NYS Dept. of State Local Waterfront Revitalization Program

On motion of Trustee Malatino, seconded by Trustee Cohen, 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's Local Waterfront Revitalization Program in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$2,247,649.00, 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.

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 9:00 p.m.

Palma Torrisi, Village Clerk