

A Special Meeting of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **October 18, 2005** at 8:00 pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Daria Hoffman
		-	Michael Malatino
		-	Michael Schenkler
	Attorney	-	Stephen Limmer
	Clerk	-	Palma Torrisi

#### 1. Bill 7E of 2004 – Rezoning Certain Premises

Mayor Weitzner opened discussion regarding the adoption of **Bill 7E of 2004**, with respect to Chapter 176, Zoning, of the Village Code, **to amend Section 176-3, "Boundaries established," to re-zone certain premises**, the public hearing for which was closed on September 26, 2005. Jack Santomauro and Myra Sencer, Esq. of La Piccola Liguria, Diane Prudenti and Salvatore Spezio of Pleasant Avenue, and Bernie Yatauro and Stephen Anglet of Cass Realty spoke.

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was RESOLVED that Bill 7E of 2004 be and hereby is adopted as Local Law 9 of 2005 to read as follows:

#### Local Law 9 of the year 2005

A local law to amend § 173-3, Boundaries established, of Chapter 176, Zoning, of the Code of the Village of Port Washington North, to re-zone certain premises.

Be it enacted by the Board of Trustees of the Village of Port Washington North

#### Section 1. Legislative Findings.

A. Over time, notwithstanding the zoning districts previously adopted by this Board, certain properties should be rezoned in accordance with the common plan and scheme of the Village as the Village has actually been developed and to the extent that certain additional modifications are required in order to more fully implement the Village's common plan and scheme as presently envisioned by this Board.

#### B. More specifically:

i. Some properties exist as pre-existing legal non-conforming uses or by virtue of variances from the Village's Board of Appeals. Those uses have subsequently become a part of the common plan and scheme of the Village and the Village Code should therefor be amended to reflect those uses as permitted uses.

ii. One business property along Shore Road is no longer economically viable because its size and limited depth and the widening and limited parking on Shore Road and Smull Place do not provide for sufficient parking. The proposed change in zoning will enable the business to provide a walkway insuring safety while taking advantage of the newly enacted Village law permitting shopping centers with greater capacity to lease excess parking spaces to small Port Washington North businesses to insure their economic viability. Simultaneously, the proposed change, slightly enlarging the Business District, will permit additional parking and a turn around area in the rear of the property. The change will make that property economically viable without a major intrusion into the adjacent residential district. The balancing of the benefit to preserving for the

Village that property for business use against the minor intrusion into the residential district is required as a part of the Village’s overall common plan and scheme for the Village and the usage of properties along that portion of Shore Road for business purposes.

C. The Board finds that rezoning the properties as noted below will be in the best interests of the health, welfare, and safety of the Village, and that the Village’s master plan, as reflected by its Village Code provisions regulating zoning should be amended accordingly.

Section 2. § 176-3.1, Amendments to boundaries, of Article II, Districts, of Chapter 176, Zoning, of the Code of the Village of Port Washington North, is hereby amended, by adding a new subsection C, to read as follows:

“C. The boundaries of said districts, as shown on said Building Zone Map, are further modified, to the extent necessary, to indicate that the following properties, as shown on the Nassau County Land and Tax Map, are zoned as Business District:

Section	Block	Lot
4	N-2	411
4	N-2	412
4	Q	226
4	Q	244
4	48	38
4	48	The northerly 27.881 feet of Lot 42.

Section 3. Said § 176-3.1 is hereby amended, by adding a new subsection D, to read as follows:

“D. The boundaries of said districts, as shown on said Building Zone Map, are further modified, to the extent necessary, to indicate that the following properties, as shown on the Nassau County Land and Tax Map, are zoned as Residence C:

Section	Block	Lot
4	J	704
4	J	705
4	J	706
4	Q	3 & 237
4	Q	243

Section 4. Said § 176-3.1 is hereby amended, by adding a new subsection E, to read as follows:

“E. The boundaries of said districts, as shown on said Building Zone Map, are further modified, to the extent necessary, to indicate that the following properties, as shown on the Nassau County Land and Tax Map, are zoned as Residence B:

Section	Block	Lot
4	28	57
4	28	58
4	28	59

Section 5. Effective Date.

This local law shall take effect immediately.

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

## 2. Stop & Shop Site Plan Amendment

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Site Plan for the Stop & Shop shopping center and Delco Plaza be and hereby is revised in accordance with the plans received from Bohler Engineering on October 13, 2005.

## 3. Tree Policy

The Board considered the complaint of Susan Winston regarding the tree in front of her home at 63 Soundview Drive. The Board directed Superintendent McDonough to request a mark-out of the sewer pipe from the Port Washington Water Pollution Control District and then to inspect the location of the spur to the house.

## 4. Snow Removal 2005-2008 Contract

Clerk Torrisi reported that one bid was received by 12 noon on October 6, 2006 for the **Snow Plowing, Sanding and Salting of Village Streets** 2005 – 2008, as follows:

Maximum Seasonal Fee

	<u>2005/6</u>	<u>2006/7</u>	<u>2007/8</u>
Dejana Industries Inc.	\$155,000.	\$158,100.	\$161,262.

The bid proposals also were submitted on the basis of hourly rates for equipment and manpower. The Board directed Treasurer Stack to prepare an analysis of the bid, using last winter's experience as a basis.

## 5. Executive Session

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Board enter into executive session to discuss contract negotiations.

On motion of Trustee Schenkler, seconded by Trustee Malatino, it was unanimously RESOLVED that the executive session be adjourned and the regular meeting be reconvened.

Mayor Weitzner stated that no action was taken in executive session.

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

Palma Torrisi, Village Clerk