

A **Special Meeting** of the Board of Trustees of the Village of Port Washington North was held on Monday, **July 23, 2003** at 7:30pm at the Village Hall, One Soundview Drive, Port Washington, New York.

Present:	Mayor	-	Thomas J. Pellegrino
	Trustees	-	Noel Ilberg
		-	Janet Orloff
		-	Robert Weitzner
	Attorney	-	Stephen Limmer
	Clerk	-	Palma Torrisi

Excused: Trustee Levi

1. Stop & Shop and Lewis Oil

A. Site Plan Amendment to Covenants & Restrictions

Representatives of Butt-Otruba-O'Connor Architects, AIA, presented to the Board a proposed amendment of the Site Master Plan approved by this Board in the Declaration of Covenants and Restrictions, made as of the 8th day of January, 2001, by and among: **Lewis Oil Corporation, Delco Development Company of Port Washington, L.P.**, and the Village. After a lengthy presentation and discussion, upon motion by Trustee Ilberg, seconded by Trustee Weitzner, it was unanimously RESOLVED that this Board hereby designates itself as the lead agency for environmental review with regard to the proposed site plan amendment and this Board determines that the proposed amendment is an unlisted action as determined by the Commissioner of the Department of Environmental Conservation, that it will not have an adverse impact on the environment; and hereby adopts a negative determination with regard to the Short Environmental Assessment form submitted by Stop & Shop Supermarket Co. c/o Bohler Engineering.

Upon motion by Trustee Ilberg, seconded by Trustee Weitzner, the following resolution was unanimously adopted:

1. The site plan annexed to the Declaration of Covenants and Restrictions, made as of the 8th day of January, 2001, by and among: Lewis Oil Corporation, Delco Development Company of Port Washington, L.P., and the Village as Appendix B, and more particularly described as: Drawing Title: "Site Master Plan - July 2000"; for the Project: "Port Plaza"; Project Location: Vill. of Port Washington North, Nassau County, New York, Project and Job Nos. CE512C; Drawing No. 1; Sheet 1 of 1; Site Engineer: Cameron Engineering & Associates, LLP; Architect: The Sear-Brown Group; dated July 2000, last revised 12/00, may be amended in accordance with the following conditions:
 - a. The amended site plan shall be substantially as shown on the following three documents, as modified in accordance with subparagraph b:
 - i. "Site Plan" by Bohler Engineering, P.C., for the project Proposed Stop & Shop, 65 Shore Road, project No.1813, Sheet No. SP-1, dated 2/26/03, revision no. 5, last revised 7/1/03.

- ii. "Landscape Plan" by Bohler Engineering, P.C., for the project Proposed Stop & Shop, 65 Shore Road, project No.1813, Sheet No. SP-2, dated 1/6/03, revision no. 5, last revised 7/1/03.
 - iii. Sheet title "Alternate Dock" for store location "Super Stop & Shop 65 Shore Road Port Washington North, NY", by Butt-Otruba – O'Connor Architects, AIA, Store 546, drawing No. ALT-1, job 201163, dated 09.30.02, last revised, 06.11.03.
- b. The aforesaid plans shall be modified as follows:
- i. The "Upper Deck Level" shall be deleted.
 - ii. The proposed walk to the Upper Deck Level shall be deleted.
 - iii. The area shown as "Bldg. Utility Area (ground level)" may, at the option of the owner, be increased to include the seven perpendicular parking spaces immediately to the east of the area, the eleven perpendicular parking spaces immediately to the north of the area, and the loading zone immediately to the south, and such area may be used to locate one or more restaurants or additional retail area, on one or two levels, subject to the approval of this Board.
 - iv. At the option of the owner, now, or at some future date, the owner shall have the right to request from this Board additional floor area to be used for restaurant or retail purposes, upon the following conditions:
 - 1. The total additional floor area shall not exceed 13,615 square feet.
 - 2. The total combined seating capacity for any restaurants utilizing such additional floor area shall not exceed 320 seats.
 - 3. The location of such additional floor area shall be subject to the approval of this Board.
 - 4. The implementation for the use of such additional floor area shall not result in the reduction of the total number of parking spaces nor the size of the parking spaces.
 - v. Notes shall be added to the site plan showing that all exterior lighting shall be shielded as appropriate from the adjacent residential properties.
 - vi. Screening shall be added to the site plan to the extent necessary to mitigate the noise from the loading docks at the southern portion of the east side of the proposed supermarket to the adjacent property owners to the south abutting the property line shown on the site plan as running a distance of 262.76 feet along the course South 66 degrees 40 minutes 00 seconds West.
2. No certificate of occupancy shall be issued for any new construction permitted hereunder until:

- a. An amended site plan, in accordance with the provisions of this resolution, has been filed with and approved by this Board.
 - b. An amendment to the Declaration of Covenants and Restrictions, made as of the 8th day of January, 2001, by and among: Lewis Oil Corporation, Delco Development Company of Port Washington, L.P., and the Village has been filed with the Clerk of the County of Nassau.
 - c. The Village has been reimbursed by or on behalf of the Owner all of its legal, engineering, and filing costs and expenses with regard to the application for the amendment to the Site Plan, including, but not limited to, reviewing, preparing, approving, and filing, the amended site plan and the amendment to the said Declaration of Covenants and Restrictions.
3. The applicant shall, by September 15, 2003, file with the Village Clerk a deposit of \$5,000.00 against such costs.

B. Trustee Orloff stated that she will obtain a second opinion regarding environmental insurance for the former Lewis Oil property.

C. Trustee Weitzner and representatives of Cameron Engineering and Sidney B. Bowne & Son will inspect the shoreline of the former Lewis Oil property by boat for the implementation and maintenance of the approved waterfront stabilization plan.

2. Engineer Weber addressed the Board with regard to the draft Local Street Condition Survey. The Board directed that the condition of sidewalks be included in the survey.

3. Trustee Orloff addressed the Board with regard to employee medical, dental and optical insurance.

4. On motion of Trustee Ilberg, seconded by Trustee Weitzner, it was unanimously

RESOLVED that the following positions be established, without compensation, to continue at the pleasure of the Mayor:

- **Commissioner of Communications** – advisor to the Board with regard to the overall communications between the Board of Trustees and the public across all venues
- **Commissioner of Internet Services** – manager of the Village's web-site under the direction of the Board of Trustees
- **Commissioner of Special Projects** – advisor to the Board with regard to special projects which will be assigned to the individual by the Board of Trustees

Thereupon, Mayor Pellegrino made the following appointments:

Matt Scott to serve as Commissioner of Communications

Darin Langone to serve as Commissioner of Internet Services

Arnie Herz to serve as Commissioner of Special Projects

On motion of Trustee Ilberg, seconded by Trustee Weitzner, it was unanimously

RESOLVED that the appointments of Matt Scott as Commissioner of Communications, Darin Langone as Commissioner of Internet Services, and Arnie Herz as Commissioner of Special Projects, made by Mayor Pellegrino, were ratified by the Board of Trustees.

5. The Board directed Attorney Limmer to draft a bill to provide for indemnification for a criminal defense for Village officials.

6. The Board cancelled its next regular monthly meeting, scheduled for August 8, 2003.

On motion of Trustee Ilberg, seconded by Trustee Weitzner it was unanimously RESOLVED that the meeting be and hereby is adjourned at 11:00 p.m.

Palma Torrisi, Village Clerk