

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Monday, **September 26, 2005** at 7:30pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

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

Excused: Trustee Malatino

1. Mayor Weitzner presented a bronze plaque to Mayor-Emeritus Thomas J. Pellegrino.

2. Public Hearings

A. Mayor Weitzner opened the public hearing, duly adjourned from August 22, 2005 and duly advertised in the September 1, 2005 Port Washington News, to consider the adoption of **Bill 7D of 2004**, with respect to Chapter 176, Zoning, of the Village Code, **to amend Section 176-3, "Boundaries established," to re-zone certain premises**. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor closed the public hearing. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that there will be a special meeting of the Board of Trustees with regard to the proposed adoption of Bill 7D of 2004, and such other business as may come before the Board, on Tuesday, October 18, 2005 at 8:00 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

The Board directed that written notice be sent to the last owners of record at the Village Hall of all premises, the zoning of which is proposed to be changed under Bill 7D of 2004.

B. Mayor Weitzner opened the public hearing, duly advertised in the September 1, 2005 Port Washington News, to consider the adoption of **Bill 4A of 2005**, a proposed local law amending certain provisions of the Code with regard to **demolition permits**. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor closed the public hearing. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was RESOLVED that Bill 4A of 2005 be and hereby is adopted as Local Law 7 of 2005 to read as follows:

Local Law 7 of the year 2005

A local law amending certain provisions of the Code of the Village of Port Washington North with regard to demolition permits

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

Section 1. § 68-5, Application for permit, of Chapter 68, Building Construction, of the Code of the Village of Port Washington North, is hereby amended, by adding a new subsection M, to read as follows:

“M. No building permit for demolition, hereinafter sometimes referred to as a ‘demolition permit,’ shall be issued if such permit is for the demolition of all or substantially all of a principal structure on a lot until the applicant has first received either:

- (1) a permit for the construction of a new principal structure on said lot;
- (2) a permit for the alterations which must necessarily be completed to once again make the structure substantially habitable; or
- (3) a landscape plan, which shall include, but not be limited to, landscaping, grading, and stormwater retention, approved by the Village's Planning Board.

As used in this subsection, 'substantially all' shall mean that, in the opinion of the Building Inspector, the demolition will make the structure substantially uninhabitable during and/or after the completion of the demolition."

Section 2. Subsection A of § 68-7, Performance of work, of said Chapter 68, is hereby amended, to read as follows:

- "A. Every building permit, except a demolition permit, shall be effective to authorize the commencement of work in accordance with the application, drawings, and specifications on which it is based for a period of one year after the date of its issuance.
- (1) Upon request and application to the Building Department by the owner, the Building Inspector may allow not more than two extensions of six months.
 - (2) Upon good cause, further extensions are authorized by the Board of Trustees, based upon such conditions as the Board of Trustees may deem appropriate to impose in order to attempt to assure due diligence in the timely completion of the work.
 - (3) Any project which is not completed within one year from the date of issuance of a building permit, or within such extended period as may be authorized by the Building Inspector or the Board of Trustees shall be deemed abandoned."

Section 3. Said § 68-7 is hereby further amended by adding a new subsection I, to read as follows:

- "I. Every demolition permit, shall be effective for a period of thirty days from the date that it is issued to authorize the commencement of work in accordance with the application, plans, and specifications upon which it is based.
- (1) Upon good cause, further extensions are authorized by the Board of Trustees, based upon such conditions as the Board of Trustees may deem appropriate to impose in order to attempt to assure due diligence in the timely completion of the demolition.
 - (2) Notwithstanding the foregoing, the Building Inspector, in his or her sole discretion, may extend a demolition permit for an additional period, not to exceed an additional 60 days, so long as all of the demolition work has been completed within said 30-day period, or such other period as may be approved by the Board of Trustees, and the extension is solely needed for the purpose of acquiring and filing the necessary documents required for a certificate of completion.
 - (3) Any demolition project which is not completed within 30 days from the date of issuance of a demolition permit, or within such extended period as may be authorized by the Building Inspector or the Board of Trustees shall be deemed abandoned."

Section 3. §68-9, Abandonment of building project, of said Chapter 68, is hereby amended to read as follows:

"§ 68-9. Abandonment of work.

A. Abandonment of work, other than pursuant to a demolition permit.

In the event of the abandonment of any building project, other than pursuant to a demolition permit, after any excavation or demolition has occurred, unless otherwise

directed by the Building Inspector, it shall be the obligation of the applicant for the permit and of the owner of the premises, jointly and severally, to:

- (1) Safely cap all underground utilities, as directed by the Building Inspector.
- (2) Remove all underground fuel storage tanks in accordance with all Nassau County and New York State regulatory rules and regulations, as directed by the Building Inspector.
- (3) Backfill any open excavation up to the level prior to the excavation and demolition, unless otherwise directed by the Building Inspector.
- (4) If, in the opinion of the Building Inspector, as a result of the excavation or demolition, the amount of stormwater retention on the lot has been reduced or additional stormwater will flow onto adjacent properties, construct a new stormwater system or modify the existing stormwater system to assure that the amount of stormwater retention on the lot will not be reduced and that no additional stormwater will flow onto adjacent properties. Such system shall be subject to the approval of the Building Inspector and shall be constructed within sixty days after the abandonment, or as otherwise approved by the Building Inspector.
- (5) If, in the opinion of the Building Inspector, as a result of the excavation or demolition, the existing landscaping had been significantly reduced, implement a planting plan to enhance the reduced landscaping to substantially the same landscaping that had existed prior to the excavation and demolition. Such planting plan shall be subject to the approval of the Village's Planning Board and shall be implemented within sixty days after the abandonment, or as otherwise approved by such Board.
- (6) If the construction of the building or structure has proceeded beyond the cellar excavation:
 - (a) Demolish all substantially uncompleted structures.
 - (b) Make safe and securely close the openings of all other structures, in a manner approved by the Building Inspector, in order to limit or prevent danger to persons and possible fire and gas hazards.
 - (c) Implement a planting plan to effectuate an appropriate aesthetic appearance of the uncompleted structures from adjacent properties, public and private. Such planting plan shall be subject to the approval of the Village's Planning Board and shall be implemented within sixty days of the abandonment, or as otherwise approved by such Board.

B. Abandonment of work pursuant to a demolition permit.

- (1) If the demolition work for which a demolition permit is issued is not completed within the 30-day period from the date of its issuance, or such extended period as may be approved by the Board of Trustees or the Building Inspector, the project shall be deemed abandoned.
- (2) In the event that any work shall be performed based upon a demolition permit that was issued based upon a landscape plan approved by the Village's Planning Board, such landscape plan shall be implemented with due diligence within 30 days of the commencement of the demolition and shall continue with due diligence, subject to reasonable constraints by weather or the season, and completed no later than the third week of the first appropriate planting season, as determined by the Building Inspector."

Section 4. Effective Date.

This local law shall take effect immediately.

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

C. Mayor Weitzner opened the public hearing, duly advertised in the September 1, 2005 Port Washington News, to consider the adoption of **Bill 8A of 2005**, a proposed local law **creating the Offices of Village Justice and Acting Village Justice**. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor closed the public hearing. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was RESOLVED that Bill 8A of 2005 be and hereby is adopted as Local Law 8 of 2005 to read as follows:

Local Law 8 of the year 2005

A local law creating the Offices of Village Justice and Acting Village Justice in the Village of Port Washington North

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

Section 1. Legislative Intent. The Board of Trustees of the Village of Port Washington North (hereinafter referred to as the "Village") has determined it will further the health, safety, and welfare of the residents of the Village for the Village to have its own Justice court to adjudicate local traffic, criminal and building and zoning matters. The Board of Trustees has determined that the creation of the office of Village Justice, with one Village Justice to be elected and the other to be appointed as acting Village Justice in the absence of the Village Justice, will be sufficient to meet the needs for local law enforcement.

Section 2. Creation; Conditions.

A. Creation. Pursuant to Village Law § 3-301, Subdivision 2a, the Village does hereby create the office of Village Justice.

B. Number of Justices. There shall be one elected Village Justice for the Village. The Mayor shall appoint, subject to Board approval, a person to act as Acting Village Justice in the absence or inability of the elected Village Justice.

C. Term of office. The Office of Village Justice shall be filled at election for a four-year term in accordance with §3-302, Subdivision 3, of the Village Law. The Acting Village Justice position shall be appointed at the annual meeting of the Board of Trustees following the yearly Village elections and shall be for a one year term.

D. Qualifications for office. All Village Justices for the Village shall be required to meet all eligibility requirements of § 3-300 of the Village Law, the Election Law, the Uniform Justice Court Act, rules of the Office of Court Administration, the Public Officers law, and any other law, rule or regulation of the State of New York pertaining to the office. The Village Justice of the Village shall be a resident of the Village. The Acting Village Justice of the Village need not be a resident of the Village, but must be a resident of the County of Nassau.

E. Powers and duties. The Village Justice and Acting Village Justice of the Village shall be empowered and have all the rights and duties as authorized by law for all other Village Justices and Acting Village Justices within the State of New York in accordance with all State laws, rules and regulations pertaining to same.

F. Compensation. Compensation for the Village Justice and Acting Village Justice, if any, shall be established from time to time by the Board of Trustees of the Village during its budget process. The Village Justice and Acting Village Justice may serve without compensation, if none is authorized by the Board of Trustees.

Section 3. Effective Date. This local law is subject to a permissive referendum and, therefore, pursuant to Village Law § 9-900, shall take effect thirty days after its adoption, unless, within

said thirty days, there be filed with the Village Clerk a petition signed and acknowledged by electors of the Village in number equal to at least twenty per centum of such electors in the Village, as shown on the register of electors for the previous general Village election, protesting against this local law and requesting that it be submitted to the electors of the Village for their approval or disapproval and, in such event, upon approval by the affirmative vote of a majority of the qualified electors of the Village voting on such proposition.

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

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Village Clerk is hereby authorized to publish and post notice, in the same manner as is provided for notice of a general village election, of the adoption of the Local Law 9 of 2005, which is subject to permissive referendum.

D. Mayor Weitzner opened the public hearing, duly advertised in the September 1, 2005 Port Washington News, to consider the adoption of **Bill 9C of 2005**, a proposed local law **requiring the screening of Private Waste Receptacles**. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor closed the public hearing

3. Clerk

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of July 25, 2005 be waived, and that they be and hereby are approved as prepared by Clerk Torrisi.

4. Treasurer

A. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the Abstract of Vouchers #42, totaling \$55,117.36, and the Abstract of Trust & Agency Vouchers #9, totaling \$6,146.83, be waived and that they be and hereby are approved as prepared by Treasurer Stack.

B. On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Budget Report as of July 31, 2005, showing the General Fund Balance to be \$1,871,343.00, and the Trust & Agency Cash Balance to be \$97,190.00, be and hereby is accepted as prepared by Treasurer Stack.

5. Reports

A. Building Department

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Building Department report for the month of August 2005 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 Department of Public Works report for the month of August 2005 be and hereby is approved as presented by Superintendent McDonough.

C. Environmental Commission

Robert Keane delivered the Environmental Commission report to the Board, including an up-date on the activities of the Manhasset Bay Protection Committee.

6. Old Business

A. Village Attorney Retainer

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that Stephen G. Limmer, previously appointed as Village Attorney, be retained pursuant to the proposal, dated September 20, 2005.

B. Drop Box & Sign Applications – Hollywood Video

On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously RESOLVED that Sign Permit #S05-30 for a sign for Hollywood Video at 59 Shore Road, Port Washington, be and hereby is approved in accordance with the application and plans submitted on September 7, 2005.

On motion of Trustee Hoffman, seconded by Trustee Cohen, it was unanimously RESOLVED that a conditional use permit be and hereby is approved for Hollywood Video to maintain a drop-box at 59 Shore Road, Port Washington, in accordance with the application and plans submitted on January 21, 2005.

C. Park Maintenance 2005/6 Contract

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Village hereby exercises its option to extend for a period of one year the contract with Robert Keogh Inc. for Park Maintenance for 2005/6 at a cost not to exceed \$6,600.00.

D. Street Trees

1. It was the sense of the Board that street trees not be removed if their roots are interfering with sewer lines. On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Village engage the services of Hefferin Tree & Landscape Contracting Inc. to perform certain tree work, including but not limited to removing hazardous limbs, elevating limbs and removing designated trees, at a cost not to exceed \$7,000.00.

2. On motion of Trustee Cohen, seconded by Trustee Schenkler, it was unanimously RESOLVED that the tree in the right-of-way in front of 21 Angler Lane be removed, as recommended by the Village's arborist Richard Gibney, and a new tree be planted.

E. Mayor Weitzner presented a sample of a new Village street sign for the public's consideration.

F. Local Safe Streets & Traffic Calming Grant – Shore Road

On motion of Trustee Schenkler, seconded by Trustee Hoffman, it was unanimously RESOLVED that the Board of Trustees hereby authorizes the expenditure of up to \$30,000.00 for The RBA Group to perform engineering services for Shore Road, pursuant to the N.Y.S. Dept. of Transportation Local Safe Streets & Traffic Calming grant (PIN# 0758.40.321).

7. New Business

A. Bill 11C of 2005 – Illegal Over-Occupancies in Dwellings

Mayor Weitzner introduced Bill 11C of 2005, a proposed local law with regard to illegal residential occupancies in buildings and illegal over-occupancies in dwellings. A copy of the bill was delivered to each of the members of the Board of Trustees on August 30, 2005. The Mayor also presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Schenkler, seconded by Trustee Cohen, the following resolution was unanimously adopted:

WHEREAS Bill 11C of 2005, regarding illegal residential occupancies in buildings and **illegal over-occupancies in dwellings**, 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 24th day of October 2005 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

B. Bill 12 of 2005 – Amending Residence C District Provisions

Mayor Weitzner introduced Bill 12 of 2005, a proposed local law amending the provisions of the Residence C District. A copy of the bill was delivered to each of the members of the Board of Trustees on September 21, 2005. The Mayor also presented a short environmental assessment form prepared by the Village Attorney. On motion of Trustee Schenkler, seconded by Trustee Cohen, the following resolution was unanimously adopted:

WHEREAS Bill 12 of 2005, **amending the provisions of the Residence C 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 24th day of October 2005 at 7:30 p.m. at the Village Hall, 71 Old Shore Road, Port Washington, New York.

C. Off-Site & Valet Parking Applications – La Piccola Liguria

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

RESOLVED that the application of V & S Realty Corp. and La Piccola Liguria, 47 Shore Road, for a special/conditional use permit for **off-site parking** at the premises of Stop

& Shop, Shore Road, be and hereby is approved in accordance with its application received on September 12, 2005.

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that this Board hereby designates itself as the lead agency for environmental review with regard to the application of La Piccola Liguria for the proposed **valet parking** and this Board determines that the proposed 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

D. Sign Application – Shell Station

Maria Catapano, Permit Manager for Catapano Engineering P.C., appeared on behalf of Bill Wolf Petroleum. On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that Sign Permit #S05-29 for a sign for Shell Oil Products at 99 Shore Road, Port Washington, be and hereby is approved in accordance with the application and plans submitted on August 11, 2005, based upon the representation that there shall be no signs on the property other than those signs indicated on the plans submitted to the Village of Port Washington North and to the Village of Manorhaven.

E. Leaf Removal – 2005 & 2006 Contract

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the invitation for bids for the Leaf Removal Fall 2005 & 2006 contract be advertised in the October 6, 2005 Port Washington News and that the bids be received at the Village Hall by Noon on Thursday, October 20, 2005.

F. Regulating Parking on Old Shore Road

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that there shall be no parking on Old Shore Road from the intersection of Shore Road proceeding northward to the entrance of Delco Plaza.

G. L. I. P A. Power Outages

Bruce Germano, Head of Retail Sales & Operations, Michael Herbie, Tom Barroca and Louis Covino of L. I. P. A., addressed the Board with regard to the electric power outages being experienced in the Village.

H. Stanley Ronell, member of the Village's Planning Board, expressed his criticism of what he perceived as inaccurate reporting in the *Port Sentinel* regarding meetings of the Planning Board.

I. Mayor Weitzner mediated a dispute between Kathy Farahan of 23 Soundview Drive and George Lee of 25 Soundview Drive regarding on-street parking.

8. Executive Session

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

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

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

On motion of Trustee Cohen, seconded by Trustee Hoffman, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 11:45 p.m.

Palma Torrisi, Village Clerk