

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **August 7, 2012** at 7:30pm at the Village Hall, 71 Old Shore Road, Port Washington, New York.

Present:	Mayor	-	Robert Weitzner
	Trustees	-	Steven Cohen
		-	Michael Malatino
		-	Sherman Scheff
		-	Michael Schenkler
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen
	Court Reporter	-	James Gill

1. Public Hearings

A. Safavieh Glen Cove LLC, 2 Channel Drive – Conditional Use Permit

Mayor Weitzner opened the public hearing, duly adjourned from July 10, 2012, to consider the application of Majid Yaragui for a Conditional Use Permit to permit the conduct of retail sales "To the trade", from 9:00 a.m. to 6:00 p.m. on Monday through Saturdays, at the premises owned by Safavieh Glen Cove LLC at 2 Channel Drive, Port Washington, NY (designated on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 8, 44A & 41 and Section 4, Block J, Lot 690), zoned Maritime Business. 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.

B. Regulating Parking, Stopping & Standing of Vehicles on Old Shore Road

Mayor Weitzner opened the public hearing, duly adjourned from July 10, 2012, to consider the adoption of a resolution regulating the parking, stopping and standing of vehicles on Old Shore Road. 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 Cohen, seconded by Trustee Scheff, it was unanimously

RESOLVED that

- "e. The stopping or standing of vehicles on the easterly side of Old Shore Road is prohibited.
- f. The parking of vehicles on the westerly side of Old Shore Road, beginning at the intersection of the southerly side of Pleasant Avenue with the westerly side of Old Shore Road and continuing to a point 158 feet south, is prohibited.
- g. Vehicles on the westerly side of Old Shore Road, from a point 158 feet south of the intersection of the southerly side of Pleasant Avenue with the westerly side of Old Shore Road to a point 370 feet south, shall not park between the hours of 2:00 a.m. and 6:00 a.m."

C. Port Sports Realty LLC, 2 Channel Drive – Conditional Use Permit

Mayor Weitzner opened the public hearing, duly adjourned from July 10, 2012, to consider the application of Port Sports Realty LLC for a Conditional Use Permit to permit operate a fitness and recreational center at 2 Channel Drive, Port Washington, New York, designated on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 8, 44A & 41 and Section 4, Block J, Lot 690), premises located in the Maritime Business zoning district. 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, the following resolution was unanimously adopted:

WHEREAS, the Village has prepared and reviewed an environmental assessment form containing an explanation of the action and impacts and has conducted a public hearing, and

WHEREAS, the Village Board of Trustees has declared its intention to declare itself lead agency; and

WHEREAS, the Village Board of Trustees has reviewed the environmental assessment form, and pursuant to said review of the relevant environmental factors affected by the proposed action, and the Village Board of Trustees has determined that said action be classified as an Unlisted Action and be deemed a Negative Declaration, causing no significant adverse effect upon the environment, in accordance with the Environmental Conservation Law of the State of New York and its regulations thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees, as Lead Agency, finds that the application of Port Sports Realty for a Conditional Use Permit be classified as an exempt action pursuant to SEQRA and that it be deemed to constitute a Negative Declaration. The deeming of this action as a Negative Declaration indicates that it would cause no significant adverse effect on the environment.

On motion of Trustee Schenkler, seconded by Trustee Cohen, the following resolution was unanimously adopted:

WHEREAS the Village Engineer, Cameron Engineering & Associates, has reviewed the application of Port Sports Realty and stated that there appear to be no site related impacts associated with the application;

NOW, THEREFORE, BE IT RESOLVED that the requirement for Site Plan Review for the application of Port Sports Realty for a Conditional Use Permit is hereby waived.

On motion of Trustee Cohen, seconded by Trustee Malatino, the following resolution was unanimously adopted:

WHEREAS Port Sports Realty LLC has applied for a Conditional Use Permit to permit the operation of a fitness and recreational center at 2 Channel Drive, Port Washington, New York, designated on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 8, 44A & 41 and Section 4, Block J, Lot 690), premises located in the Maritime Business zoning district;

NOW, THEREFORE, BE IT RESOLVED that the application of Port Sports Realty LLC is approved and that a Conditional Use Permit be and hereby is granted.

## 2. Clerk

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the minutes of the meeting of the Board of Trustees of June 5, 2012 and June 27, 2012 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

## 3. Treasurer

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the Abstract of Vouchers #128, totaling \$37,607.77, be waived and that it be and hereby are approved as prepared by Treasurer Gribbins.

## 4. Reports

### A. Building Department

1. On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Building Department report for the month of July 2012 be and hereby is accepted as submitted.

2. Sign Permit: Tailors By The Sea, 1 Soundview Drive

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the application of Tailors By The Sea to erect a wall front advertising sign at 1 Soundview Drive, Port Washington, (Section 4, Block 125, Lots 22 & 23), be and hereby is approved.

B. Public Works Department

On motion of Trustee Malatino, seconded by Trustee Schenkler, it was unanimously RESOLVED that the Public Works Department report for the month of July 2012 be and hereby is accepted as submitted by Superintendent Novinski.

C. Emergency Management & Traffic Safety

On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the July 2012 report of the Emergency Management and Traffic Safety Commissions be accepted as presented by Commissioner Kaplan.

D. Justice Court

The Board accepted the Justice Court report for the month of June 2012.

5. Business

A. Shree Ganesh Realty Down Payment Return

On motion of Trustee Schenkler, seconded by Trustee Scheff, the following resolution was unanimously adopted:

**RESOLUTION AUTHORIZING return of \$100,000.00 down payment to Shree Ganesh Realty, L.L.C., and authorizing Mayor to execute and exchange mutual Releases for the property designated as Section 4 Block J Lot 754 on the Nassau County Land and Tax Map**

WHEREAS, the Village of Port Washington North is the owner of a parcel of unimproved real property of approximately 7.5 acres, located in Port Washington, on the West side of Valley Road, and further identified as section 4, Block J Lot 754, on the Land and Tax Map of Nassau County hereafter referred to as the "Village Parcel"; and

WHEREAS, the Village of Port Washington North previously solicited Requests for Proposal and same were received and reviewed by counsel to the Village after it was determined by the Village that it was in the best interest of the Village at that time to sell said "Village Parcel"; and

WHEREAS, On June 5, 2009, The Village of Port Washington North and Shree Ganesh Realty, L.L.C., entered into a contract for the purchase of said "Village parcel". That thereafter, the Village of Port Washington North was unable to convey title to Shree Ganesh Realty, L.L.C., due to litigation commenced by a third party and the subsequent filing of a Lis Pendens on said "Village Parcel"; and

WHEREAS, on March 2, 2011 the Mayor of the Village of Port Washington North was authorized after negotiations to execute an amendment to the contract between the parties; and

WHEREAS, the Village of Port Washington North and Shree Ganesh Realty, L.L.C., have decided that it is in the best interest to cancel the contract and return the 100,000,00 down payment to Shree Ganesh Realty, L.L.C., and that mutual releases be hereto executed and no liability based on the contract, amendments be attached to either party to the transaction;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North hereby authorizes the return of the \$100,000.00 to Shree Ganesh Realty, L.L.C., that the contract and any amendments are hereby canceled for the sale of the Village

Parcel as hereby defined and that the Mayor is hereby authorized to execute a Release running to Shree Ganesh Realty, L.L.C., and hereby accepts a Release running to the Village of Port Washington North from Shree Ganesh Realty, L.L.C.

B. Park Maintenance Contract

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the Village of Port Washington North hereby invites the submission of sealed bids on the Park Maintenance 2012/13 & 2013/14 contract. Bids for the contract will be received until 11:00 a.m. on Thursday, August 30, 2012 at the Village Hall, 71 Old Shore Road, Port Washington, New York 11050.

C. Hereford Insurance Company Proposal

On motion of Trustee Cohen, seconded by Trustee Malatino, the following resolution was unanimously adopted:

WHEREAS Hereford Insurance Company has found its insured, Port Conveyance Inc., to be 100% liable for the loss sustained to Village property as the result of a motor vehicle accident in Baywalk Park on June 26, 2012; and

WHEREAS Hereford Insurance Company has offered to pay \$3,459.04 to the Village, which amount would make the Village whole for its loss;

NOW, THEREFORE, BE IT RESOLVED that the Village of Port Washington North hereby accepts the \$3,459.04 settlement offered by Hereford Insurance Company, and releases Hereford Insurance Company from further liability, and that the Mayor is hereby authorized to execute any documents necessary to effect the settlement.

D. Shake-N-Go Contribution

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village of Port Washington North hereby accepts the contribution of \$10,000.00 in-lieu-of a fine for the removal of trees from the property of Shake-n-Go in the course of construction at 83-85 Harbor Road, Port Washington, New York.

6. Executive Session – Lawsuit Settlement

On motion of Trustee Schenkler, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board enter into executive session to discuss settlement of a lawsuit with counsel.

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

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

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

Palma Torrisi, Village Clerk