

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **June 20, 2018** at 7:30pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present:	Mayor	-	Robert Weitzner
	Trustees	-	Steven Cohen
		-	Matthew Kepke
		-	Michael Malatino
		-	Sherman Scheff
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen
	Court Reporter	-	Jennifer Brennan

1. Recognition of Planning Board Member Stanley Ronell

Mayor Weitzner and the Board presented retiring Planning Board Member Stanley Ronell with a plaque. He and his wife, Eileen Ronell, are moving to Great Neck.

2. Public Hearings

A. Bill 1 of 2017 Amending Economic Development B District Uses

Mayor Weitzner adjourned the public hearing, duly adjourned from May 16, 2018, with respect to the adoption of Bill 1 of 2017, a proposed local law to amend the uses in the Economic Development B zoning district, to Wednesday, July 18, 2018 at 7:30 p.m.

B. Site Plan Review – TJ Maxx, 1 Soundview Marketplace

1. Mayor Weitzner opened the public hearing, duly advertised in the June 1, 2018 *Port Washington Times*, to consider the application of Rosenbaum Design Group for Site Plan Review of proposed TJ Maxx façade renovations and a receiving area canopy at 1 Soundview Marketplace, Port Washington, New York (premises designated on the Nassau County land & Tax Map as Section 4, Block 129, Lots 1, 10, 12 & 14C). A stenographic transcript of the public 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 Malatino, seconded by Trustee Kepke, the following resolution was unanimously adopted:

RESOLUTION approving TJMAXX of Soundview Market Place, Port Washington, New York site plan for the premises located at 101 Shore Road, Port Washington, New York and more particularly designated on the Nassau County Land and Tax Map as Section 4 Block 129 Lots 1, 10, 12 14B and 14C dated June 20, 2018, after site plan review pursuant to Chapter 137 of the Code of the Village of Port Washington North.

WHEREAS, the Village of Port Washington North Board of Trustees has reviewed the application and site plan of Rosenbaum Design Group architects and applicant on behalf of TJMAXX and LBUBS 2007-C7 Shore Road, LLC., as owner of the premises located at 101 Shore Road, Port Washington, New York and designated on the Nassau County Land and Tax Map as section 4, Block 129, Lots 1, 10, 12, 14B and 14C.

WHEREAS, the Board of Trustees has determined that the Application is subject to site plan review pursuant to Chapter 137 of the Port Washington North Village Code.

WHEREAS, all necessary applications, drawings, plans, maps notices and comments on the proposed project have been filed with the Clerk of the Village of Port Washington North.

WHEREAS, a public hearing was held on June 20, 2018, and all people present at the hearing were heard or were given an opportunity to be heard.

WHEREAS, The Board of Trustees established itself as lead agency and has determines that the action constitutes a type II action pursuant to Section 617.2 of the SEQRA Regulations and has further determined that the action will not result in any significant adverse impacts on the environment.

WHEREAS, the Board of Trustees has carefully considered the Application, testimony and all other relevant evidence at the Public Hearing held on June 20, 2018.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees finds that the application and site plan submitted by Rosenbaum Design Group dated April 30, 2018 and revised on June 6, 2018 is acceptable pursuant to Chapter 137 of the Village of Port Washington North Village Code and is consistent with the intent of the Village of Port Washington North; and be it further

RESOLVED that the revised site plan dated June 6, 2018 drafted by Rosenbaum Design Group on behalf of TJMAXX is hereby approved and the applicant is directed to build in accordance with the final site plan submitted to the Village of Port Washington North, which is subject to the Superintendent of Buildings issuing a Building Permit and subject to the following conditions:

1. All tractor trailer deliveries to TJMAXX shall be from 8:00 am to 12:00 noon and 7:00 p.m. to 10:00 p.m. No other times for delivery shall be allowed for tractor trailers. Additionally, all other deliveries shall be made in the designated loading dock area.
2. The loading dock on Waterview Drive shall be closed and no deliveries shall be made through this area.
3. TJMAXX shall install a stop sign and pedestrian walkway at or near its entrance and shall install other traffic control devices and walkways where the Village of Port Washington North deems necessary for the safety of the public.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-aye, Trustee Malatino-aye, Trustee Scheff-aye, Mayor Weitzner-aye.

2. TJ Maxx Signage

On motion of Trustee Cohen, seconded by Trustee Scheff it was unanimously

RESOLVED that the following Sign Permits, applications for which were submitted on April 4, 2018 by Rosenbaum Design Group – Jay Tuller, for 1 Soundview Marketplace, Port Washington, New York (designated on the Nassau County Land & Tax Map as Section 4, Block 129, Lots 1, 10, 12 & 14C), be and hereby are approved:

- 1) #S2018-90, to install a 3-foot high by 18-foot 6-inch wide by 5-inch deep "TJ MAXX" storefront/wall sign on the south façade facing the parking lot;
- 2) #S2018-91, to install a 3-foot high by 18-foot 6-inch wide by 5-inch deep "TJ MAXX" storefront/wall sign on the west façade facing Shore Road;
- 3) #2018-95, to install a 2-foot high by 6-foot long "TJ MAXX" ground/pole/tower sign on the pylon at the main Shore Road entrance to Soundview Marketplace;
- 4) #2018-96, to install a 12-inch high by 2-foot 6-inch high by 4-inch deep "TJ MAXX" wall/storefront sign on the under-canopy of the south façade facing the parking lot;
- 5) #2018-97, to install a 12-inch high by 2-foot 6-inch high by 4-inch deep "TJ MAXX" wall/storefront sign on the under-canopy of the west façade facing Shore Road; and

BE IT FURTHER RESOLVED that Sign Permit Applications #PA2018-52 and #PA2108-55, submitted on April 4, 2018 by Rosenbaum Design Group – Jay Tuller, for "TJ MAXX" wall/storefront advertising signs on two brick columns at 1 Soundview Marketplace, Port Washington, New York (designated on the Nassau County Land & Tax Map as Section 4, Block 129, Lots 1, 10, 12 & 14C), be and hereby are denied.

3. Clerk

A. Minutes

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously

RESOLVED that the reading of the minutes of the Board of Trustees meetings of April 4 and 24, 2018 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. Tax Lien Sale

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that this Board, pursuant to Article 14 of the Real Property Tax Law of the State of New York, determines to collect the amount of such unpaid taxes levied or assessed for the year **2017** by a **Tax Sale** in the manner and after the form and requirements as provided and prescribed by said Article and completed subsequent to the 20th day of March **2018** but not later than July 31, **2018** in accordance with Section 1452 subdivision 4 of the Real Property Tax Law; and BE IT FURTHER RESOLVED that pursuant to Section 1452 of the Real Property Tax Law, the Treasurer of the Village of Port Washington North will sell at Public Auction in the manner provided by law on the **24th day of July 2018** at 12:00 noon at the Village Hall, 3 Pleasant Avenue, Port Washington, New York, parcels of real estate to discharge taxes as assessments for the fiscal year ending May 31, **2017**, fees, interest and charges which may be due thereon at the time of such sale.

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

4. Treasurer

A. On motion of Trustee Kepke, seconded by Trustee Malatino, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #198, totalling \$466,711.68, and the Trust & Agency Abstract of Vouchers #144, totalling \$3,661.90, be waived and that they be and hereby are approved as presented by Treasurer Bella.

B. Trustee Scheff stated that he reviewed the bank statement reconciliations for April 2018.

5. Reports

A. Public Works

1. On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the report of the Public Works Department for the month of May 2018 be accepted as presented by Superintendent Novinski.

2. On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that Port Plumbing Inc. be engaged to install an independent water meter and line at the Radcliff Community Garden at a cost not to exceed \$2,500.

B. Building Department

1. On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the Building Department report for May 2018 be and hereby is accepted as prepared by Superintendent Barbach and Inspector Lauria.

2. Sign Permit Application – Village Dental, 85 Old Shore Road

The Board considered the application of Andrew Levy for a permit for Village Dental at 85 Old Shore Road (premises designated as Section 4, Block Q, Lot 1 on the Nassau County Land & Tax Map) for a 4-foot high by 80-inch long by 4-inch deep illuminated wall front advertising sign. The Board reserved decision on the application.

C. Emergency Management & Traffic Safety

On motion of Trustee Malatino, seconded by Trustee Kepke, it was unanimously RESOLVED that the Emergency Management & Traffic Safety reports for the month of May 2018 be and hereby are accepted as presented by Commissioner Kaplan.

D. Beautification

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Beautification report for May 2018 is hereby accepted as presented by Commissioner Roth.

E. Justice Court

The Board accepted the Justice Court report for April 2018 submitted by Court Clerk Kropacek.

6. Business

A. NYS DEC Stormwater Management MS4 Report

Mayor Weitzner announced that the 2017-2018 draft MS4 Annual Report for the Village of Port Washington North was made available for public review on May 15, 2018. The report was made available to solicit comments from the general public on the Village's stormwater management program. The final 2017-2018 MS4 Annual Report was filed on June 1, 2018. The final report is posted on the Village's website and is available for review at the Village Hall. On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the MS4 Annual Report 2017-2018 for the Village of Port Washington North is hereby approved.

B. Concrete Repair & Replacement Contract

Clerk Torrisi reported that the following is a summary of the bids received by 12:00 noon on June 14, 2018 for the Concrete Repair & Replacement contract:

<u>Name of Bidder</u>	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>3 Yr.Total</u>
BIB Services Corp.	\$173,300.00	188,755.00	211,325.00	\$573,380.00
E. Cook Industries	54,346.80	54,346.80	54,346.80	163,040.40
Graci Paving Assocs.	70,300.00	70,300.00	73,630.00	214,230.00
LandTek Group Inc.	83,825.00	87,765.00	92,017.50	263,607.50
Stasi General Contr.	106,570.00	106,570.00	122,275.00	335,415.00
Stasi Industries Inc.	57,390.00	57,390.00	61,475.00	176,255.00
TDI Construction Inc.	97,625.00	109,037.50	120,450.00	327,112.50

Superintendent Novinski recommended E. Cook Industries, Inc. as the lowest responsible bidder. On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously RESOLVED that E. Cook Industries Inc., as the lowest responsible bidder, be and hereby is awarded the contract for Concrete Repair and Replacement work for the term to begin August 1, 2018 and end July 31, 2019, upon the terms, conditions and prices set forth in the bid proposal, dated June 8, 2018, and contract for Concrete Repair and Replacement Work.

C. Asphalt (Road Repair) Contract

On motion of Trustee Malatino, seconded by Trustee Kepke, it was unanimously RESOLVED that the Village of Port Washington North hereby exercises its option to extend the contract for Road Repairs (Asphalt) with American Paving & Masonry Corp., for the period September 1, 2018 through August 31, 2019, in accordance with its bid dated June 20, 2017.

D. Conditional Use & Sign Permits – Cactus Café, 19 Old Shore Road

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

WHEREAS, the Applicant and Owner of the premises Delco Development Company of Port Washington LP., requested from the Village of Port Washington North Board of Trustees a conditional use permit in order for Cactus Café to operate a fast-food casual café establishment at the premises located at 19 Old Shore Road aka Delco Plaza, Port Washington, New York. More specifically designated on the Nassau County Land and Tax Map as Section 4, Block Q Lot 244 which is Business District which does not permit the above requested use without a resolution by the Board of Trustees granting a Conditional use Permit.

WHEREAS, the applicant is repurposing existing commercial space to a casual fast food establishment in the Village of Port Washington North at 19 Old Shore Road, Port Washington, New York. The Board of Trustees after reviewing the application and having heard the applicant finds that that the change in use in the shopping center is de minimis. Additionally, if the conditional use application is not granted the applicant would suffer undue hardship especially as compared to there being no impact to the surrounding neighborhood and community for said use at the Delco Plaza. That the Board of Trustees finds that the amended conditional use permit is needed by the applicant in order that they may establish their casual fast food establishment.

WHEREAS, the applicant appeared before the Board of Trustees on July 18, 2018, where the applicant and owner presented testimony that the conditional use permit they were seeking to obtain would not change or alter the exterior structure of the building and would not increase the amount of traffic and the granting of the conditional use permit would not interfere with the quiet enjoyment of the Village of Port Washington North.

WHEREAS, The Board of Trustees as lead agency for the action contemplated herein, after review of the proposed action 6 NYCRR Section 617.4 and 6 NYCRR Section 617.5, the Environmental Assessment Form and other relevant documents and testimony received, has determined that the above described project is an unlisted action and has determined that the proposed action will not result in significant adverse impacts to the environment and previously adopted a Negative Declaration;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Port Washington North hereby authorizes the applicant/owner to have a conditional use permit to occupy and operate a casual fast-food establishment known as Cactus Café at 19 Old Shore Road aka Delco Plaza.

2. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the sign permit application of Delco Development Company of Port Washington LP for a 13-foot long by 2-foot high by 11-inch deep wall front advertising sign for Cactus Café at 19 Old Shore Road, Port Washington, New York (premises designated on the Nassau County Land & Tax Map as Section 4, Block Q, Lot 244), be and hereby is approved.

E. Abandoned Vehicle Disposition

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that Village Court Clerk Kropacek is authorized to mail a letter demanding the removal of the abandoned vehicle in front of 26 Soundview Drive to its owner, at the owner's last known address, via certified return receipt and first-class mail.

F. Unpaid Taxes on Vacant Lots 4-J-636 and 5-2-1

The Board directed Village Attorney Besen to research the procedure and costs of in rem foreclosure proceedings for the vacant lots designated on the Nassau County Land & Tax Maps as Section 4, Block J, Lot 636 and Section 5, Block 2, Lot 1.

G. Safavieh Conditional Use Application

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees will hold a public hearing to consider the application of Kevin Yaraghi for a conditional use permit for an outdoor store including display patio at 2 Channel Drive (premises designated on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 8 & 54).

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:30 p.m.

Palma Torrisi, Village Clerk