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Big-box ban

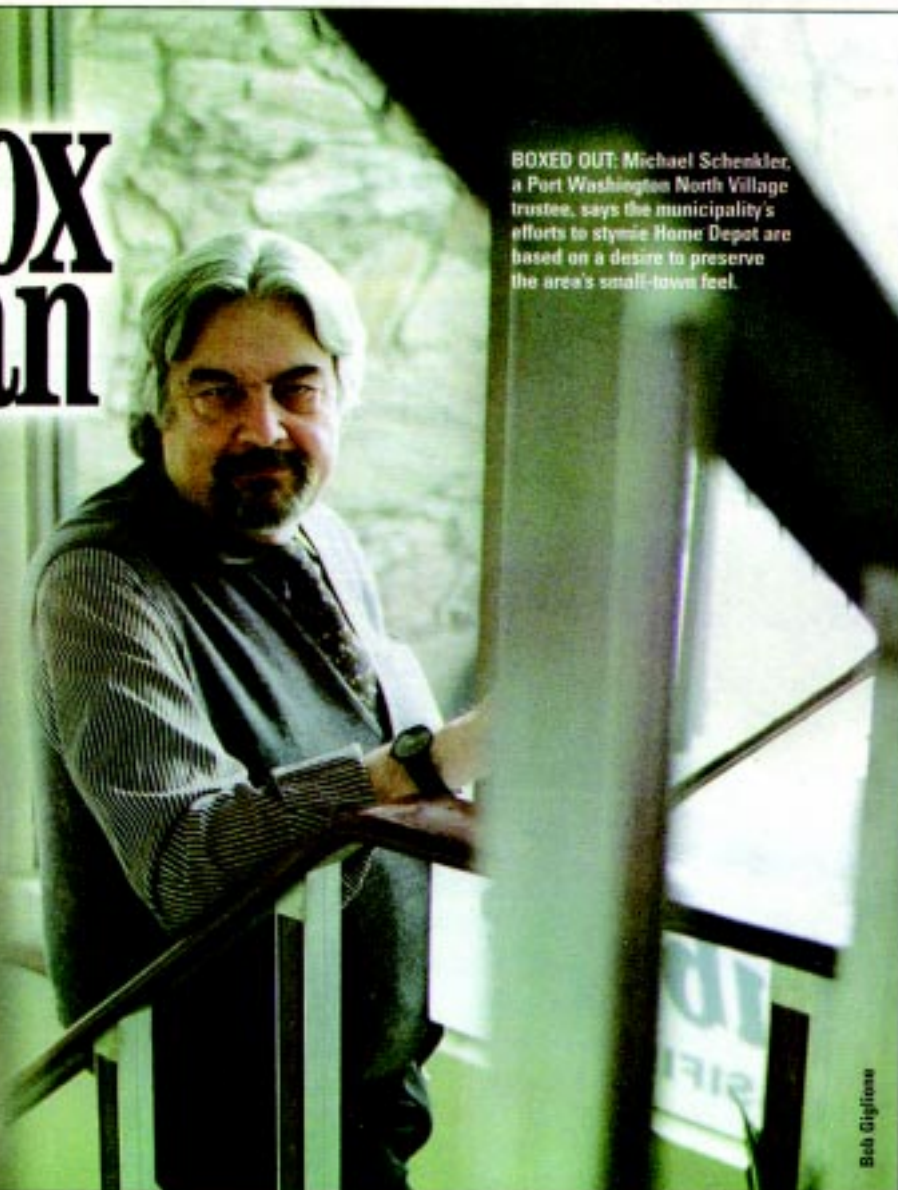
By
NICK
ANASTASI

If you're a Port Washington North resident with a penchant for power tools, or you just like to browse for home hardware and accessories on the weekends, you'd best not pin your hopes on a Home Depot coming to town.

It's not for any lack of trying on the do-it-yourself giant's part. As it turns out, village officials have told the Atlanta-based retailer, and all of its big-box brethren, to keep out.

Port Washington North's board of trustees, in fact, went as far as to pass a bill in October amending the village's industrial district zoning provisions to prohibit the development of big boxes — including distribution centers, retailers and whole-

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BOXED OUT: Michael Schenkler, a Port Washington North Village trustee, says the municipality's efforts to stymie Home Depot are based on a desire to preserve the area's small-town feel.

Bob Giffone

Wireless Ink reverse merger hangs in balance

By KEN SCHACHTER

COLD SPRING HARBOR — A plan by Wireless Ink to go public in January is shrouded in uncertainty as key parties issued conflicting forecasts on prospects for the reverse merger.

Under the proposed arrangement, New York-based MaxPlanet Corp. (OTC: MXNT) would be the acquirer, but the surviving company would be renamed Wireless Ink Inc. Should the deal proceed, it would allow angel-funded Wireless Ink, a startup that seeks to convert cell-phone talkers into cell-phone Web surfers, to tap the capital markets.

In a reverse merger, a private company purchases a public company as a way to obtain a stock listing.

Though pink-sheet-traded MaxPlanet said in a Dec. 20 news release that it expects to complete the acquisition close to the target date of Jan. 31, a filing by a related company cast doubt on the plan.

A Securities and Exchange Commission filing dated Dec. 21 by Exus Global Inc. (OTCBB: EXGOE), which owned 68.2 percent of MaxPlanet as of April 30, said its management "has reservations" about whether the transaction will close.

Wireless Ink co-founder and President William Munch declined comment on the proposed acquisition, and calls to MaxPlanet were not returned.

In a May news release, Isaac Sutton, chief executive of Exus and interim chief executive of MaxPlanet, called the reverse merger "a win-win deal" that would relieve Wireless Ink



William Munch

Anti-war holiday message creates stir

By KEN SCHACHTER

CENTERPORT — A day after sending an e-mail to members of Long Island Mid-Suffolk Business Action criticizing the war in Iraq, the group's chairman, Ernie Fazio, said the opinions were entirely his own and were not cleared with the board of directors.

The whole thing began on Thursday, Dec. 23. In an e-mail labeled "LIMBA Christmas/Hanukkah message," Fazio wrote that "this costly and ill-conceived war has been a

hammer blow to us all," that Congress should have exercised its Constitutional prerogative in deciding whether war should be declared and that the war's lesson is "don't trust government."

A LIMBA officer, however, chided Fazio for putting LIMBA's name on a politically charged statement before consulting the group's leaders and membership, which includes defense contractors such as Northrop Grumman, and asked him to issue a clarification.

In the following day's e-mail, Fazio, acknowledged that his earlier message had "created a stir," and that the "opinion expressed was mine and mine alone."

Fazio's e-mails prompted a flurry of rejoinders from LIMBA members, both for and against the group's chairman.

Said one respondent: "I'm honored to know a man with a head, heart and cojones."

"I wish YOU were President," said another. "The entire country would be a better

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100 MOST INFLUENTIAL LONGISLANDERS 15A

Short-changed 5A

Homes of Distinction 1H

SHOULD I BE MORE FREAKED OUT ABOUT HOMELAND SECURITY OR IDEAL SECURITY? 6A

THE QUEENS TRIBUNE
174-15 HORACE HARDING BLVD.
FRESH MEADOWS, NY 11365

Village bans big boxes, squashing plans for a Home Depot

VILLAGE, From Page 1A

salers — in that sector.

"This is a beautiful waterfront community," said Michael Schenkler, a trustee of the village and publisher of the Queens Tribune. Port Washington North intends to stay that way, he said. The introduction of retail behemoths such as Home Depot could pose a threat to the region's way of life, resulting in traffic congestion and a strain on municipal facilities, according to village officials.

The address targeted by Home Depot is 2 Channel Drive, near the intersection of Channel Drive and Shore Road. The board said traffic generated by a big-box retailer at that location would likely spill onto Shore Road, one of the municipality's main traffic arteries.

But Port Washington North's opposition to big boxes isn't anything new. The village enacted a yearlong development moratori-

This fall, Home Depot officials met with village trustees, including Schenkler, to discuss the potential use of 2 Channel Drive as a home improvement center.

Port Washington North, vehemently opposed to the idea, moved quickly to amend the commercial building codes in its industrial district, prohibiting the development of a big-box retailer such as Home Depot. It took the village only 40 days to officially modify its zoning laws, which were approved on Oct. 21.

So what's a retail leviathan like Home Depot to do? Clearly, it still has plans to expand on Long Island, with or without the store in Port Washington North.

The retailer, which currently operates 19 locations in Nassau and Suffolk, perceives the region as a strong market capable of absorbing still more stores. As to how many, Home Depot is playing that card close to its chest, but Garza said the company will continue to pursue stores based on need, and as far as Home Depot execs are concerned, Long Islanders need more places to buy their lumber, saws, lighting fixtures and sod.

The retailer already has its sights set on a location in North Bellport, on the south side of the Bellport Outlet Center, now owned by AIRose Bellport LLC.

But there are hurdles on Home Depot's path to home-store domination.

As the number of big-box operations continues to grow on Long Island, approvals for new develop-

ments become harder to come by. Many markets for expansion are in residential areas located farther from major roads and highways. And those areas — as evidenced by the situation in Port Washington North — are much wrier of any development efforts that might tear at the community fabric.

In some cases, too, Home Depot has proposed setting up shop in areas deemed envi-



Bob D'Agostino

KEEPING THE STATUS QUO: Michael Schenkler, a Port Washington Village North trustee, says the municipality's efforts to stymie Home Depot are based on a desire to preserve the area's small-town feel.



UP FOR GRABS: Danaher Corp., which owns 2 Channel Drive (above), is still negotiating with the Village of Port Washington North as to how the property could be re-used.

um in January 2004 that included efforts to assess what role the industrial sector will play in the region's future.

According to Schenkler, industry might not even make a cameo.

"This doesn't mean that we won't continue to talk to the community in an effort to establish a relationship," said Diane Garza, spokeswoman for the retailer. "Things may change."

At this point, though, that doesn't seem likely, as the village and Danaher Corp., the company that owns the property Home Depot is eyeing, have entered discussions about alternative uses for the site.

Among the possibilities: a land-swap deal under which Danaher would relinquish its 2 Channel property (two buildings on 11 acres) to the village in exchange for about seven village-controlled acres nearby. There, Danaher would build up to 40 residential units. Meanwhile, Port Washington North would use the smaller of the two buildings at 2 Channel for municipal purposes — possibly as a new village hall — and demolish the other.

Brian Lee, Danaher's real estate representative on Long Island, said the company is open to options for re-using the property. Currently, Danaher uses only the smaller facility, as an office and data center. The larger one, Lee said, has been vacant since the end of this year's first quarter.

Home Depot's interest in 2 Channel Drive was piqued in January 2003, when Danaher, which gained control of the address through its acquisition of Thompson Industries, put those facilities on the market for \$14 million.

ronmentally sensitive.

In Shirley a few years ago, for instance, Home Depot wanted to open a store on Montauk Highway near Carman's River but was compelled to build on William

Floyd Parkway instead because civic and environmental groups feared that a big-box retailer so close to the river would harm a federal wildlife refuge close to the proposed development.

Wireless Ink, MaxPlanet seek merger

WIRELESS, From Page 1A

managers of financing and administrative tasks so they could "concentrate on exploring the tremendous opportunity in the wireless universe."

Among those on the advisory board of Wireless Ink are Yacov Shamash, vice president for economic development and dean of the College of Engineering and Applied Sciences at Stony Brook University, and Richard Lippe, a partner at Meltzer, Lippe, Goldstein, LLP and general counsel of the Long Island Software and Technology Network.

Wireless Ink (www.winksite.com) provides tools for users of Web-enabled cell phones and Pocket PCs, Blackberrys



and Palm devices to build their own mini-portals.

David Harper, Wireless Ink senior vice president and co-founder, said about 7,000 sites have been built using the com-

pany's tools, which have generated more than 100 million mobile screen views in 2004.

"Mobile access to the Internet already has surpassed desktop access," Harper said. "You have people in Japan who have never sent e-mail over a computer. They send it through their phone."

In one of its more audacious initiatives, Wireless Ink has rolled out a program to allow surfers to read books on their mobile phones. Initially, the site offers six books, including "Monster Island" and "Monster Nation," the first two parts of a trilogy in which zombies overrun New York City.