

A **Regular Meeting** of the Board of Trustees of the Village of Port Washington North was held on Thursday, **September 5, 2019** at 6:00pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present: Mayor - Robert Weitzner  
Trustees - Steven Cohen  
- Matthew Kepke  
- Michael Malatino  
Clerk - Palma Torrisi  
Attorney - Stuart Besen

Excused: Trustee Scheff

### 1. Clerk

A. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the reading of the minutes of the meeting of the Board of Trustees of June 26, 2019 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the time of the regular monthly meeting of the Board of Trustees on September 25, 2019 is hereby changed to 5:30 p.m.

### 2. Treasurer

A. On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the reading of the Abstract of General Fund vouchers #212, totalling \$295,474.10, and Trust & Agency vouchers #155, totalling \$712.50, be waived and that they be and hereby are approved as presented by Treasurer Bella.

B. Treasurer Bella stated that Trustee Scheff reviewed the bank statement reconciliations for July 2019.

### 3. Reports

#### A. Public Works

On motion of Trustee Malatino, seconded by Trustee Cohen, it was unanimously RESOLVED that the Public Works Department report for the month of July 2019 be and hereby is accepted as submitted by Superintendent Novinski.

#### B. Building Department

1. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Building Department report of Superintendent for the month of July 2019 be and hereby is accepted as submitted.

#### 2. Sign Applications

##### a. Stop & Shop, 65 Shore Road

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the following sign permit applications, submitted by the Stop & Shop Supermarket Co., 65 Shore Road, Port Washington, NY 11050 (premises designated on the Nassau County Land & Tax Map as Section 4, Block Q, Lots 10, 34 & 128 and Section 4, Block 48, Lot 8, 27, & 34-37), to be located at the eight online pickup parking spaces in the parking lot:

- 1) #2019-140 for five non-illuminated 18-inch high by 24-inch wide direct burial "pick-up" signs, having an overall installed height of 60 inches;
- 2) #2019-141 for four non-illuminated 42-inch high by 24-inch wide double-mounted parking directional signs on concrete bases, having an overall installed height of 84 inches; and
- 3) #2019-146 for one non-illuminated 18-inch high by 24-inch wide double-sided directional sign.

be and hereby are approved in accordance with the schematics prepared by VHB Engineering, Surveying & Landscape Architecture PC and bearing the latest revision date of June 27, 2019, on the condition that the existing Pick-Up signs that are not in use are removed.

b. Walgreens Pharmacy

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that Sign Permit application PA2019-151, which was submitted on August 15, 2019 by Jamie Shea of Mineola Signs for Walgreens Pharmacy at 14 Soundview Marketplace, Shore Road, Port Washington, New York 11050 (designated on the Nassau County Land & Tax Map as Section 4, Block 129, Lots 1, 10 12 & 14C), to install two illuminated 1-foot high by 4-foot wide "Walgreens" face signs on the pylon sign of the aforementioned premises, be and hereby is approved in accordance with the schematic bearing the latest date of 7-17-19; and be it further

RESOLVED that Sign Permit application PA2019-152, which was submitted on August 15, 2019 by Jamie Shea of Mineola Signs for Walgreens Pharmacy at 14 Soundview Marketplace, Shore Road, Port Washington, New York 11050 (designated on the Nassau County Land & Tax Map as Section 4, Block 129, Lots 1, 10 12 & 14C), to install an illuminated 4-foot 1-inch high by 18-foot 4.25-inch wide by 9-inch deep two-sided "Walgreens Pharmacy Dept Within" sign on the store-front sign at the aforementioned premises, in accordance with the schematic bearing the latest date of 6-12-19, and one under-canopy sign, be and hereby are approved.

c. Harris Tell, D.V.M.

On motion of Trustee Malatino, seconded by Trustee Kepke, it was unanimously RESOLVED that Sign Permit application PA2019-143, submitted on August 19, 2019, by Harris Tell to install an illuminated 29.25-inch high by 96-inch wide by 0.5-inch deep "Old Shore Animal Clinic" wall-front sign on the premises located at 81 Old Shore Road, Port Washington, New York 11050 (designated on the Nassau County Land & Tax Map as Section 4, Block Q, Lot 228), be and hereby is approved in accordance with the schematic prepared by A+ Graphics & Signs.

C. Beautification Commission

On motion of Trustee Malatino, seconded by Trustee Kepke, it was unanimously RESOLVED that the report of the Beautification Commissioner as of August 19, 2019 be accepted as prepared by Howard Roth.

4. Business

A. Sanjiv Mody, 85 Channel Drive: Conditional Use & Site Plan Review

**DECISION ON THE APPLICATION OF ETHNIC FOODS, INC., d/b/a BOMBAY KITCHEN FOR CONDITIONAL USE PERMIT AND SITE PLAN REVIEW FOR 85 CHANNEL DRIVE PORT WASHINGTON, NEW YORK**

**APPLICATION – Ethnic Foods Inc., d/b/a Bombay Kitchen, 85 Channel Drive, Port Washington, New York 11050. Request for a conditional use permit pursuant to Section 176-106(14) of the Port Washington North Village Code to permit applicant the conditional use of**

processing and manufacturing certain foods on premises at 85 Channel Drive, Port Washington, New York, more fully described as Section 4 Block 123 Lot(s) 29 & 30. The Zoning District is Economic B which does not permit as of right the processing and manufacturing of any foods.

Meeting of the Village of Port Washington North Board of Trustees held at Port Washington North Village Hall located at 3 Pleasant Avenue, Port Washington New York 11050, on May 22, 2019 and June 26, 2019, respectively.

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

WHEREAS, the property that is the subject of this application is Zoned Economic Development B District since July 2005.

WHEREAS, the applicants seek permission to process and manufacture certain foods on-site at its premises located at 85 Channel Drive, Port Washington, New York.

WHEREAS, the applicant is before the Port Washington North Board of Trustees as it seeks a conditional use permit to permit the processing and manufacturing of certain foods on premises and to be permitted to construct an addition of the building located at 85 Channel Drive, Port Washington, New York, consisting of a nine foot by thirty six foot addition to the building and constructing a covered loading dock on said building.

WHEREAS, after hearing all the evidence and testimony and examining the exhibits the Village of Port Washington North Board of Trustees determines that due to the unique circumstances regarding this property, and the development of properties in the surrounding community, that the general character of the neighborhood will not change if said application is granted, under certain conditions. There will not be a detriment to nearby properties if the Conditional Use Permit is granted with certain specified conditions.

WHEREAS, the Board of Trustees established itself as lead agency and 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 applicant's real estate expert testified that the use of processing and manufacturing of certain foods on premises and the addition to the building, does not alter or change the essential character of the surrounding properties and neighborhood., will not create undue traffic congestion or hazard, will not adversely impact on value of property in the neighborhood, and will not impair the public health and safety.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees has determined after weighing the testimony and exhibits that the application for a conditional use permit to process and manufacture certain foods at the premises is granted conditionally upon compliance with the following conditions:

**Operation of delivery trucks:** All delivery trucks to and from the premises shall be from the hours of 7:00 a.m to 4:00 p.m, Monday through Saturday. No other times for delivery shall be allowed. All deliveries shall be limited to the designated loading dock that is part of this application.

**All refrigeration truck motors** shall be turned off while parked at the premises. Applicant will be permitted to operate the cooling units in said truck(s) from the hours of 9 a.m to 5 p.m. Thereafter applicant shall be permitted to operate the cooling unit in said truck(s) on Monday through Saturday from the hours of 5:01 p.m to 8:59 a.m. and all of Sunday, but only in the loading dock and only plugged in to the building's electrical service. All other operation of the refrigerated trucks are prohibited at said premises.

**Applicant shall submit proof of inspections** and reports to the Superintendent of Buildings of the Village of Port Washington North upon request, but no greater than once every three (3) months from the following governmental agencies, vendors/contractors and non-governmental groups: New York State Department of Agriculture and Market Food Inspection, New York State Department of Agriculture and Milk Division, BRC/GFSI third party food safety audit reports, Halal Watch halal food processing protocols and hygiene, OU Kosher food processing protocols and hygiene, QAI Organic Certification, Interstate Milk Shipper Audit, IFANCA

Halal Certification, GFCO Gluten Free Certification. In addition applicant shall have pest control both interior and exterior done weekly by a duly licensed pest control vendor and have all required ventilation ducts and system cleaned by a duly licensed ventilation cleaning contractor. Applicant upon request by the Superintendent of Buildings shall submit proof the pest control and ventilation cleaning, but no greater than once every three (3) months.

**The applicant is limited to processing and manufacturing the following foods:**

Roasted snack foods that include nuts, beans, dry foods, potatoes, seasoning and flour. Ice cream, frozen yogurt, yogurt, sorbets, cheeses and smoothies. All other products for processing and manufacturing are prohibited under this conditional use permit.

**The Conditional Use permit shall expire on September 1, 2020**, and applicant shall appear before the Board of Trustees prior to said expiration for an extension to the Conditional Use Permit for a period of time as decided by the majority of the Board of Trustees. Any extension of the Conditional Use Permit is in the sole discretion of the Board of Trustees.

Accordingly, this application is granted with conditions the conditions as outlined above.

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

**SITE PLAN REVIEW**

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

WHEREAS, the Village of Port Washington North Board of Trustees has reviewed the application and site plan of Ethnic Foods, Inc., d/b/a Bombay Kitchen by its architect John C. Moccio for the premises located at 85 Channel Drive, Port Washington, New York.

WHEREAS, the application is subject to site plan review pursuant to Chapter 137 of the Port Washington North Village Code. All necessary applications, drawings, plans, maps notices and comments on the proposed project have been filed with the Village Clerk of Port Washington North.

WHEREAS, public hearings on the site plan review along with the application for a conditional use permit were held jointly on May 22, 2019 and June 26, 2019, respectively.

WHEREAS, the Board of Trustees established itself as lead agency and 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.

NOW, THEREFORE, BE IT RESOLVED that the Port Washington North Board of Trustees finds that the application and site plan submitted by Applicant through its architect John C. Moccio, R.A. dated March 23, 2018, and submitted to the Village of Port Washington North on June 20, 2019, for a new addition to the building of 9 feet and 36 inches, and a covered loading dock with a rear wall on the west side and a roof to contain any noise that may emanate is hereby approved; and be it further

RESOLVED that no permit may be issued, however, until the applicant has completed and filed all of the requisite plans with the Superintendent of Buildings subject to his discretion and in substantial conformity with the plans dated March 23, 2018, and submitted to the Village of Port Washington North on June 20, 2019.

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

B. Pleasant Avenue House Address

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

RESOLVED that the Village of Port Washington North hereby establishes 27 Pleasant Avenue as the street address of the property, recently created by subdivision, designated on the Nassau County Land & Tax Map as Section 4, Block J, Lot 776.

C. Leaf Removal 2019 Contract

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the Village of Port Washington North will accept sealed bids for the Leaf Removal from Village Streets during Fall 2019, 2020 and 2021 contract at the Village Hall, 3 Pleasant Avenue, Port Washington, NY 11050, until 12:00 noon on September 24, 2019 at which time all bids will be publicly opened and read aloud.

On motion of Mayor Weitzner, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 7:00 p.m.

Palma Torrisi, Village Clerk