

BOARD OF TRUSTEES

February 8, 2022

Pledge of Allegiance

1. Public Hearing – Bill 1 of 2022 Zoning Code Definitions & Business District

2. Clerk

- A. Minutes of December 14, 2021
- B. Tentative Assessment Roll

3. Treasurer

- A. Abstract of Vouchers
- B. January Report
- C. Bank Reconciliations
- D. Independent Audit Report

4. Reports

- A. Public Works
- B. Building Department
 - Sign Permit: Five Below, 23 Soundview Marketplace
- C. Emergency Management
- D. Beautification Commission
- E. Justice Court

5. Public Comment

6. Business

- A. Park Maintenance Contract

VILLAGE OF PORT WASHINGTON NORTH

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Port Washington North will hold a public hearing commencing at 7:30 p.m., on Tuesday, February 8, 2022, at the Village of Port Washington North, Village Hall, located at 3 Pleasant Avenue, Port Washington, New York. The public hearing scheduled is to consider the adoption of Bill 1-2022, to amend Chapter 176, Zoning of the Village of Port Washington North Village Code more particularly the following (**changes and additions are in bold except for headings**).

ARTICLE I

Definitions and Word Usage

§ 176-1. Definitions and word usage

A. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word “lot” includes the word “plot”; and the word “building” includes the word “structure.”

B. Definitions. Certain words in this chapter are defined for the purposes thereof as follows:

ALTERATION-As applied to a building or structure, any change or rearrangement of the structural parts, or any enlargement, whether by extending on any side or by increasing in height, or the moving from one location to another. It does not include ordinary repairs to buildings or structures.

APARTMENTS HOUSE-A residence building accommodating three or more families, living independently of each other, and allowed to do their own cooking on the premises.

BEVERAGE SERVICE ESTABLISHMENT-An establishment that is primarily and significantly engaged in the sale of beverages such as coffee, specialty coffees, teas, espressos, lattes, cappuccinos, juices, and blended beverages and similar like beverages, typically served in disposable cups to patrons who select their orders from posted menus offering a limited number of specialty drink items, which are prepared according to standardized procedures for consumption either on or off premises. The ancillary sale of a limited ready-to-eat food products, promotional branded merchandise, and other related products shall be permitted as a permitted accessory use. Cooking or baking of food shall be prohibited, however on-site warming and assembly of pre-cooked items, which have been prepared off-site shall be permitted. Convenience, fast food and similar type stores are strictly excluded from this definition, except for Beverage Service Establishments as defined herein.

(Everything else in this section remains the same)

ARTICLE VIII

Business District

§ 176-69. Applicability.

The provisions of this article shall apply to the Business District, as hereinafter set forth.

§ 176-70 Permitted uses.

Permitted use. A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this section and for no other.

- A. Governmental and municipal purposes.
- B. Banks and financial institutions.
- C. Offices, including professional offices and professional buildings provided that no part of such office or offices shall be used for the storage, packaging, processing, or selling of products sold at wholesale.
- D. Stores and shops for conducting any of the following retail and service businesses: **food establishments, beverage service establishments**, barbershop, beauty parlor, shoe repair, hardware, drug, tobacco, newspaper, and magazines, custom tailoring, dressmaking and millinery, clothing dry goods, furniture, home appliances, decorator goods, paints, stationary, book, fur, toys, florist, floor covering and rugs, health club, spa gymnasium, nail salon, hobby and crafts, sports and sporting goods and audio and video sales and rentals.

D (1) Drive-through facilities for beverage service establishments only shall be permitted in the Business District under this Article and shall conform to the following requirements.

(a) **A minimum of ten (10) vehicle standing spaces shall be provided, inclusive of the vehicle being served.**

(b) **Each vehicle standing space shall be clearly defined on the site plan and shall be in a location that does not conflict or interfere with other traffic entering, using or leaving the site or area.**

(c) **Vehicles located in a vehicle standing space shall not be permitted to back out into the street or within adjacent parking areas on site.**

(d) **A vehicle standing space shall be not less than twenty (20) feet in length and no less than nine (9) feet wide. Standing spaces shall be measured from the front of the service position to the rear of the vehicle standing space.**

(e) **All traffic either entering or exiting the drive through shall be directed to the parking lot and shall not directly enter or exit to a public road.**

D (2) Screening requirements for Drive-through facilities. Landscaping shall be used to screen and to minimize the visual impact of reader board signs, directional signs and/or other similar type signs utilized at the drive through facility from the public right-of-way and/or an adjacent residential use or adjacent residentially zoned property. The site plan or development plan shall indicate the type and number of trees and /or shrubs intended to be planted and the location thereof. The perimeter landscaped area shall be designed so as not to obstruct drivers' site lines from the subject property.

D (3) Lighting. A drive-through facility shall be constructed and positioned so as to ensure that the headlights of vehicles awaiting service and exiting from the facility and lighting from other sources on the site are screened from the public right ways and are not visible from any adjacent residential use or residentially zoned property.

D (4) Noise. Any noise associated with a drive through facility, including but not limited to a device used to order from, which is outside of the drive-through building or structure, shall not exceed the maximum sound levels provided for in the Village Code and shall not be audible to any residential property or from the public street or sidewalk. No audio equipment shall be located on the side of the principal structure that is adjacent to a residential or residentially zoned property.

D (5) Pedestrian conflicts. Pedestrian walkways and/or paths shall be designated so as to minimize conflicts with vehicle standing spaces, drive-through lanes, or drive-through aisles.

D (6) Signage. All menu signs, menu boards, or readerboard signs shall be designed so as not to be a nuisance or to interfere with the use of vehicles on adjacent streets or public rights-of -way. All drive-through areas or drive-through aisles shall be indicated with a drive-through entry sign.

E. Pet store, for the sale of pet food, pet toys, pet supplies and the following enumerated pets only; puppies, kittens, tropical fish, birds, hamsters, gerbils, guinea pigs, rabbits, ferrets, newts, chameleons, turtles, hermit crabs and lizards: subject to Nassau County, New York State and federal restrictions: and pet grooming. No other pets shall be sold without express authorization of the Board of Trustees

[added 6-27-1990 by L.L. No.5-1990]

F. Sale at retail or repair of jewelry, watches, clocks or optical goods, musical, professional, or scientific instruments, radio, television, record players and recorders. The foregoing permitted uses are intended to be limited to shops and stores for the sale at retail of consumer merchandise and service where the transaction with the consumer and the operation of the business is conducted entirely within a building. The following types of uses are thereof prohibited:

(1) Drive through establishments; **except for beverage service establishments with a floor area of no more than two thousand (2000) square feet, located in an existing multi-tenant shopping center with a minimum lot area per 10 acres. In no event shall there be more than one drive through beverage service establishment per lot, nor any drive through**

beverage service establishment within 2500 feet of any other drive through beverage service establishment in the Village. Shopping centers that have drive throughs shall be owned by a single owner at the effective date of this law and for purposes of this section, an owner shall include a long-term lessee.

(The balance of the section remains the same)

§ 176-71 Conditional uses. [Amended 6-14-2004 by L.L. No. 5-2004; 9-13-2004 by L.L. No. 8-2004; 12-15-2005 by L.L. 414-2005]

In addition to the permitted uses set forth in §176-70, a building may be erected altered or used and a lot or premises may be used for any of the purposes set forth in this section, when authorized by:

A. The Board of Appeals, utilizing the general standards for consideration and determination established in Section 176-149, theater, bowling alley; church or other building for religious purposes, school, telephone exchange, funeral home; and ~~food establishments (excluding the consumption of food or beverage on the premises outside a building).~~

B. The Board of Trustees, utilizing the general standards for consideration and determination established for the Board of Appeals in §176-149; shops or stores which make available any facility for , or which permit the consumption of , food or beverage on the premises outside a building; open-front shops or stores; and the outdoor display or storage of merchandise.

§ 176-126. Projection into yards.

No building or part of a building shall be erected in or project into a required rear yard, front yard or side yard with the following exceptions:

A. Cornices, eaves, gutters or chimney's projecting not more than 18 inches.

B. One-story bay windows projecting not more than three feet into any front, side or rear yard and not to exceed six feet in length and the seat and/or sill of said window shall be the entire width of the projection and shall not be less than two feet above the floor of the room that it is attached to. No foundation wall or structure shall be erected under any part of such bay window projecting into any required side yard.

C. Steps may project into a rear or front yard not more than five feet and into a side yard not more than two feet.

D. Commercial awnings and canopies when covering an egress door projecting not more than four feet into any front, side or rear yard.

§ 176-128. Setbacks.

A. No regulation or requirement hereof shall be deemed to require the setback of any building beyond the average setback line observed by the buildings existing at the effective date of this chapter on the same side of the street within the block, provided there be two or more buildings on such block.

B. The average setback line observed by buildings on the same side of the street within 200 feet on each side of the lot in question shall control in lieu of the average setback line within the block where the block affected has a length of more than 1000 feet between its intersecting streets.

C. No building which is used for any of the uses specified below shall be located in whole or in part within **50** feet of Shore Road and/or **30** feet of Soundview Drive:

[Added 7-12-2004 by L.L. 6-2004; amended 1-22-2007 by L.L. No. 1-2007]

- (1) Fast-food convenience store.
- (2) Fast food restaurant.
- (3) Fast-service store.
- (4) Take-out-food restaurant.
- (5) Beverage Service establishment.**

D. Limitation on delivery vehicles within **50** feet of Shore Road and/or **30** feet of Soundview Drive: [Added 1-23-2007 by L.L. No.1-2007]

- (1) Except as provided in subsection D2no business entity shall have more **than** one delivery vehicle in use at any one time.
- (2) Notwithstanding anything to the contrary in subsection D(2), a business entity may have not more than two delivery vehicles in use at any one time upon the following conditions:
 - (a) The parking lot wherein the delivery vehicles are parked shall have not less than two legal curb cuts to public roads.
 - (b) No vehicular egress shall be permitted from the parking lot to Shore Road except by a legal curb cut with a traffic light controlling egressing traffic from that curb cut.
 - (c) All curb cuts from Shore Road to the parking lot that are not controlled by a traffic light for egressing traffic from the parking lot shall be marked "entrance only" with such signs and pavement markings as are approved by the Village Building Inspector.
- (3) No delivery vehicle shall be parked, stopped, or standing, within the area, even while such vehicle is actually being loaded or unloaded with food or other goods, if such vehicle has any signs, logo, business name, telephone number,

address, or other commercial information or designation, unless, at the location where it is so parked, stopped, or standing, while it is actually being loaded or unloaded, it is totally screened from all public streets by fencing or a live screen in a manner approved by the Village Building Inspector.

- (4) All delivery vehicles leaving the area shall only do so by exits controlled by a traffic control signal of not less than three phases (red, yellow, green), when such exits are provided for the particular lot from which the vehicle is exiting.

E. For purposes of this section, the subject **50** foot and **30** foot measurements shall be from the closest point of ~~the curb of the property line adjacent to~~ the subject road to the closest point of the closest exterior wall of the building ~~that provides access to the building, other than access from a door that is used only by the employees at the building and not by the general public.~~

[Added 1-22-2007 by L.L. 1-2007]

§ 176-149 Consideration of applications for conditional uses.

In consideration and determination of applications for conditional uses, the Board of Zoning and Appeals shall consider the following general standards as applied to the specific application:

Deleting Section 176-149 H(1):

1. ~~No food establishment shall exceed 4,000 square feet in gross floor area. "Gross floor area" as used in this section shall include the sum of the gross horizontal areas of the several floors of the principal building and all accessory buildings, if any, measured from the exterior face of studs or masonry of outer walls or partitions or from the center line of walls separating two buildings, but not including attic space providing headroom of less than six feet or cellar space used entirely for utility installations or for storage, and the outer dimensions of all outdoor areas used for seating, drinking, or serving of food or beverages or otherwise as part of the eating establishment.~~

Any person interested in the subject matter of said hearing will be given an opportunity to be heard with reference thereto, at the time and place above designated. Anyone needing special recommendation pursuant to the American with Disabilities Act should contact the Village Clerk at least four (4) business days before the meeting.

Dated: January 24, 2022

By Order of the Board of Trustees
Village of Port Washington North
Palma Torrisi, Village Clerk