

A **Special Meeting** of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **December 20, 2023** at 6:00 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
		-	Steven Cohen
		-	Matthew Kepke
		-	Andrea Scheff
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen
	Court Reporter	-	Joanne Horrocks

Excused: Trustee Malatino

1. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the budget modification, adding \$2,000.00 to the temporary help budget line by transferring \$1,000.00 each from the newsletter and office expense lines, be and hereby is approved as recommended by Treasurer Bella.

2. Public Hearing: PEBB Soundview LLC & Soundview PW LLC Conditional Use

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the public hearing be opened. Whereupon, Mayor Weitzner opened the Public Hearing, duly advertised in the December 8, 2023 *Port Washington Times*, to consider the application of Evan Rosenblatt, for Conditional Use approval for the building comprising **135, 139 and 143 Shore Road**, Port Washington, NY 11050. The proposed conditional use includes outdoor seating and modifying the existing building from two tenants to three tenants to accommodate a new salad restaurant tenant. Premises is owned by PEBB Soundview LLC & Soundview PW, LLC, 7900 Glades Road, Suite 600, Boca Raton, FL 33434, and is designated on the Nassau County Land & Tax Map as Section 4, Block 129, Lots 1, 10, 12 & 14C. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, on motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the public hearing be closed. Whereupon the Mayor closed the public hearing. On motion of Trustee Scheff, seconded by Trustee Kepke, the following resolution was unanimously adopted:

WHEREAS, Soundview PW LLC, and PEBB Soundview LLC as owner of 101 Shore Road, Port Washington, New York 11050, a/k/a Soundview Market Place and more particularly designated as Section 4 Block 129 Lot(s) 1, 10, 12, & 14C on the Land and Tax Map of Nassau County, and Evan Rosenblatt as applicant came before the Board for a conditional use permit pertaining to the consumption of food and/or beverage on the premises outside the building at said location pursuant to the Village of Port Washington North Village Code Section 176-71(B). Additionally, the applicant and owner seek to modify

the existing building from two tenants to three tenants to accommodate the food establishment “Just Salad.”

WHEREAS, the Applicant and Owner are seeking a conditional use permit to permit the consumption of food and/or beverage at the outdoor location(s) previously approved by the Village of Port Washington North Village Board on a decision dated April 12, 2022, regarding revised plans submitted on March 15, 2022, with Drawing No.: SP-5.2.

WHEREAS, on March 31, 2022, the Nassau County Planning Commission at its regular meeting determined that the Port Washington North Board of Trustees could take whatever action it deemed appropriate in reviewing the Soundview Market Site Plan pursuant to Section 239-m of the General Municipal Law.

WHEREAS, the Village Board of Trustees as lead agency for the action contemplated herein, after review of the proposed action 6 NYCRR Section 617, the EAF, other relevant documents and testimony received, has determined that the above- described conditional use application is a Type II action and adopts the SEQRA negative declaration and the determination that the proposed action will not result in any significant adverse impacts to the environment.

WHEREAS, the Village Board of Trustees for the Village of Port Washington North conducted a public hearing for the conditional use permit to permit outdoor seating for the consumption of food and beverage after notice was given to the public through the official newspaper of the Village of Port Washington North, The Port Washington Times, dated December 4, 2023, and the required posting of the notice of the public hearing was completed pursuant to Port Washington North Village Code Chapter 137, and all documents submitted, testimony received from, persons in support of and in opposition to the site plan.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Port Washington North Board of Trustees hereby approves the conditional use permit to permit the consumption of food and/or beverage for the outdoor seating areas at the two locations for the existing tenant Starbucks and the proposed tenant Just Salad, and permits the consumption of food and beverage at the outdoor seating areas shown on the previously approved site plan submitted by owner(s) on March 15, 2022 with Drawing No.: SP-5.2, and approved by the Village Board of Trustees on April 12, 2022. The conditional use permit for the consumption of food and/or beverage is hereby granted with the following conditions: (1) In the event that Just Salad and/or Starbucks vacates the shopping center, the conditional use permit for the consumption of food and/or beverage hereto granted shall cease and no longer be valid **only with respect to the respective tenant’s space**. The owners and any future owners and/or tenants shall have the right to submit an application to the Board of Trustees for a new conditional use permit to permit food and/or beverage consumption at the outside building locations, and the granting of said application shall be at the discretion of the Village Board; (2) that no logos, commercial advertising or any advertising shall be placed in the outdoor seating area including but not limited to umbrellas, tables, chairs, trash cans without prior

approval from the Village Board; (3) That together with the Owner(s) that Starbucks and Just Salad are both jointly responsible to maintain the area and to clean any and all debris to the satisfaction of the Superintendent of Buildings; and (4) **the layout of any outdoor furniture is subject to the approval of the Port Washington North Building Department.** The Board also approves the proposed space in the said building from two tenants to three tenants.

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

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 7:10 p.m.

Palma Torrisi, Village Clerk