

CC: Mayor, Bot, Atty

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held at 3 Pleasant Avenue, Port Washington, New York, on Tuesday, **August 14, 2025** at 7:30 pm at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present:	Mayor	-	Robert Weitzner
	Trustees	-	Steven Cohen
		-	Matthew Kepke
		-	Michael Malatino (late)
		-	Andrea Scheff
	Clerk	-	Angelique Melnyk
	Attorney	-	Christopher Prior
	Stenographer	-	Sheryl Fitzpatrick

Whereupon, Mayor Weitzner opened the public hearing, duly advertised in the July 31, 2025 *Port Washington News*, to consider the Application of Ethnic Foods, Inc., d/b/a Bombay Kitchen, for extension of Conditional Use Permit under Village Code Section 176-106(14), to permit applicant to continue to process and manufacture certain foods on premises at 85 Channel Drive, Port Washington, New York (Sec. 4, Block 123, Lots 29 and 30 on Nassau County Land and Tax Map), located in Economic B Zoning District, in which the use proposed to be continued is not permitted unless a Conditional Use Permit is issued. The Conditional Use Permit proposed to be continued was initially granted by the Board on September 5, 2019 and subsequently extended, most recently on September 10, 2024, for a period expiring on September 15, 2025.

A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, and on motion of Trustee Scheff seconded by Trustee Cohen it was unanimously **RESOLVED** that the public hearing be closed. Whereupon the Mayor closed the public hearing.

BE IT RESOLVED, that:

WHEREAS, the Board is considering the application of Ethnic Foods, Inc., d/b/a Bombay Kitchen (the "Applicant"), for extension of conditional use permit under Village Code Section 176-106(14), to permit Applicant to continue to process and manufacture certain foods on premises at 85 Channel Drive, Port Washington, New York (Sec. 4, Block 123, Lots 29 and 30 on Nassau County Land and Tax Map), located in Economic B Zoning District, in which the use proposed to be continued is not permitted unless a conditional use permit is issued (the "Application"); and

WHEREAS, the conditional use permit proposed to be continued was initially granted by the Board on September 5, 2019 and subsequently extended, most recently on September 10, 2024, for a period expiring on September 15, 2025 (the "Conditional Use Permit"); and

WHEREAS, the Board has opened a public hearing with respect to the Application on August 14, 2025 (the "Public Hearing"), and finds that more information is required for the Board to reach determinations with

respect to (i) whether the Application is a Type II action for purposes of the New York State Environmental Quality Review Act, and (ii) whether the Application should be granted; and

WHEREAS, the Board notes the Applicant's representation on the record that, while certain remedial equipment to address concerns about odors emanating from the Applicant's facility has recently been installed, other such equipment to work in conjunction with currently installed equipment has been ordered and paid for, but is not expected to be shipped until September 23, 2025, more than a week after the expiration of the Conditional Use Permit; and

WHEREAS, the Board desires to understand whether the proposed remediation can be effective before it is able to make the determinations described above, and it is necessary for the equipment identified by the Applicant to be received, installed and made operable in order to ascertain its effectiveness; and

WHEREAS, the Board is mindful of the fact that complaints relating to odors from the facility have been relayed to the Applicant for well over a year, and effective remediation has to this point failed, leading to the Village's receipts of numerous complaints from impacted residents and neighbors describing adverse impacts upon health, safety and welfare and their ability to enjoy their homes and properties; and

WHEREAS, the Board cannot entertain an extended period of trial and error with respect to proposed remediation, as adverse impacts must effectively be remediated in a reasonable period of time;

NOW, THEREFORE, for the reasons described above, the Board hereby (i) adjourns the Public Hearing until Tuesday, October 14, 2025, 7:30 p.m., at the Village Hall, and (ii) temporarily extends the expiration date of the Conditional Use Permit from September 15, 2025, to October 15, 2025.

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, to consider the application for site plan approval of New Oasis Development LLC, the applicant and contract vendee for 7.45 acres of vacant land at Valley Road and Avenue C, situated south of Radcliff Avenue and northwest of Valley Road in the Village of Port Washington North and designated as Section 4, Block 28, Lot 82 (formerly Section 4, Block J, Lot 755) on the Land and Tax Map of Nassau County and located in the Village's Apartment District Zone.

A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, and 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 Kepke seconded by Trustee Scheff, it was unanimously RESOLVED that the request for a three-month postponement in a letter dated July 21, 2025, submitted by Forchell, Deegan & Terrana be approved; and be it further RESOLVED a public hearing be set for Thursday, November 13th, 2025 at 7:30pm in Village Hall, 3 Pleasant Ave., Port Washington, NY 11050.

1. Clerk

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the minutes of the meeting of the Board of Trustees of July 8, 2025 be waived and that they be and hereby are approved as prepared by Clerk Melnyk. Trustee Malatino was absent for the vote.

2. Treasurer

A. On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the Abstract of General Fund vouchers # 284, totaling \$260,584.98 and Trust & Agency vouchers #213 totaling \$1,126.30, be waived and that they be and hereby are approved as presented by Treasurer Bella. Trustee Malatino was absent for the vote.

B. Treasurer Bella stated that Trustee Scheff had reviewed the bank statement reconciliations for June 2025.

3. Reports

A. Public Works

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Public Works Department report for the month of July/August 2025 be and hereby is accepted as submitted by Charles Poole and read by Mayor Weitzner.

B. Building Department

1. On motion of Trustee Malatino, seconded by Trustee Scheff, it was RESOLVED that the Building Department report of Superintendent Barbach for the month of July/August 2025 be and hereby is accepted as submitted by Superintendent Barbach.

2. On motion of Trustee Kepke, seconded by Trustee Scheff unanimously RESOLVED that the following Sign Permit Application for which was submitted on August 8, 2025 by Patricia Gargani for NY Dance Works at 12 Soundview Market Place, Port Washington , New York, (designated on the Nassau County Land & Tax Map as Section 4, Block 29, Lots 1, 10, 12 & 14C), be and hereby is approved:

- a) #S20250204 - to install a 1-foot 8-inch high by 10-foot 5-inch wide by 5-inch deep "NYDANCEWORKS" storefront/wall sign on the west façade facing Shore Road.

C. Traffic Safety & Emergency Management

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Traffic Safety and Emergency Management reports for July/August 2025 be and hereby are accepted as presented by Commissioner Steven Kaplan.

D. Beautification Commission

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the report of the Beautification Commissioner for July/August 2025 be accepted as presented by Commissioner Citker.

PUBLIC COMMENT – Wendy Gelman, 2 Angler Lane, stood to report of her dissatisfaction with PSEG, who recently removed a utility pole in her backyard, while unfortunately destroying her garden. It was discussed that PSE&G has the right of easement to access private property for their operations and that any damage occurring due to those operations should be take up with PSE&G directly.

4. Business

A. Bill No. 2 of 2025 – Amending Article III of Chapter 143 "Streets & Sidewalks"

On motion of Trustee Malatino seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees will hold a public hearing on Wednesday, September 10, 2025 at 7:30 p.m. at 3 Pleasant Avenue, Port Washington, New York 11050, on the proposed adoption of Bill No. 2 of 2025, a Local Law to Amend Article III of Chapter 143 "Streets & Sidewalks", to require Prior Written Notice of Defect.

Amendment of § 143-22 "Prior notice required," of Article III, "Notification of Defects," of Chapter 143, "Streets and Sidewalks," of the Village Code of the Village of Port Washington North is hereby amended to read in its entirety as follows:

"§ 143-22 Written notice required. No civil action shall be maintained against the Village for damages or injuries to person or to property, including those arising from the operation of any mechanical or transportation device or equipment, sustained by reason of any highway, street, crosswalk, bridge, culvert, street marking, sign or device or any other property owned, operated or maintained by the Village being defective, out of repair, unsafe, dangerous or obstructed unless, before the occurrence resulting in such damages or injury, (a) notice of such defective, out-of-repair, unsafe, dangerous or obstructed condition of such highway, street, crosswalk, bridge, culvert, street marking, sign or device or any other property owned, operated or maintained by the Village was delivered to the Village Clerk at Village Hall located at 3 Pleasant Avenue, Port Washington, New York 11050, in the form of a written physical hard copy, manually subscribed, and (b) the Village failed or neglected to repair or remove the defective, unsafe, dangerous or obstructed condition within a reasonable time after receiving such notice.

No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, street, bridge, culvert or any other property owned by the Village, unless (a) notice thereof relating to the particular place was delivered to the Village Clerk at Village Hall located at 3 Pleasant Avenue, Port Washington, New York 11050, in the form of a written physical hard copy, manually subscribed, and (b) the Village failed or neglected to cause such snow or ice to be removed or to otherwise reasonably make safe the place within a reasonable amount of time after receiving the notice. Notice of a defect submitted via email, the Village's website, any service,

website, or application the Village uses to allow the public to submit reports or service requests to the Village, comments on a social media page maintained by the Village, or any other electronic means does not satisfy the process and procedure for submitting written notices of defect required by this section."

Section 4. **Severability.** If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision or part of this local law, or the application thereof to any person, firm or entity, or circumstance, is invalid or unconstitutional, then such court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law, or in its application to such person, individual, firm or entity or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. **Effective Date.** This local law shall take effect immediately upon filing with the Secretary of State.

B. Bill No. 3 of 2025 - Amend Chapter 116 - "Noise"

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board of Trustees will hold a public hearing on Wednesday, September 10, 2025 at 7:30 p.m. at 3 Pleasant Avenue, Port Washington, New York 11050, on the proposed adoption of Bill No. 3 of 2025, a Local Law to Amend Ch. 116 – "Noise", to restrict hours for commercial garbage pick-up.

§ 116-2, "Definitions," of Chapter 116, "Noise," of the Code of the Village of Port Washington North, is hereby amended to include, in alphabetical order, the following definitions, to read in their entirety as follows:

"COMMERCIAL SOLID WASTE All SOLID WASTE that is collected by private carting services from any premises located in any zoning district of the Village other than a residentially zoned district."

"SOLID WASTE All GARBAGE, LITTER, REFUSE, and RUBBISH, as those terms are defined for purposes of Chapter 140, "Solid Waste," of the Code of the Village of Port Washington North."

Section 3. § 116-3, "Certain Noises prohibited; standards for determining Violations," of Chapter 116, "Noise," of the Code of the Village of Port Washington North, is hereby amended by adding at the end thereof a new clause "(17)", to read in its entirety as follows:

[The introduction of § 116-3 provides that "[t]he following acts...are declared to be loud, disturbing and unnecessary noise in violation of the chapter..."]

"(17) The use and operation upon private property or the public way anywhere within the Village of vehicles and equipment for the collection of Commercial Solid Waste other than between the hours of 7:00 a.m. and 6:00 p.m., on Mondays through Saturdays."

Section 4. Effective Date. This local law shall take immediately, after the filing hereof with the Secretary of State.

C. RESOLUTION - Local Towing Services

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the following **RESOLUTION** was adopted:

RESOLUTION authorizing the Port Washington Police Department to direct requests for towing services related to vehicles on public streets of the Village of Port Washington North to Chester Towing & Recovery and Sands Point Towing.

D. Street Light Maintenance Bids

On motion of Trustee Cohen, seconded by Trustee Malatino, it was unanimously RESOLVED that the invitation for bids for the Street Light Maintenance 2025/2026 contract be advertised in the *Port Washington Times* and that the bids be received at the Village Hall by 11:00 a.m. on Wednesday, September 3rd, 2025, at which time all bids will be publicly opened and read aloud.

E. Leaf Removal Contract

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the invitation for bids for the Leaf Removal from Village Streets during Fall 2025, 2026 and 2027 contract be advertised in the *Port Washington Times* and that the bids be received at the Village Hall by 11:00 a.m. on Thursday, September 4th, 2025, at which time all bids will be publicly opened and read aloud.

F. USGS

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village enter into the agreement as presented with USGS, NY Water Science Center, to install and maintain a gaging station located at Bay Walk Park, Port Washington NY, 11050, Lat. 40.836732 Long. and allow access to the site, as it reasonably deems necessary for streamflow measuring and/or water-quality sampling during the life of the agreement.

G. Opioid Litigation

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village attorney will contact the Tate Law Group, in reference to their letter dated July 24, 2025, and terms associated with withdrawing from the pending National Prescription Opiate Litigation, MDL 2804, in the U.S. District Court for the Northern District of Ohio.

On motion of Trustee Cohen seconded by Trustee Scheff, it was unanimously RESOLVED that the Board enter into Executive Session at 10:09 p.m.

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board reconvene the regular meeting at 10:30 p.m.

Mayor Weitzner reported that no action had been taken.

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

Respectfully submitted,


Angelique Melnyk,
Village Clerk

