

?A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Monday, **November 13, 2025** at 6:00 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

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

PUBLIC HEARING A & B - Bill No. 4 & 5 of 2025

Mayor Weitzner opened the public hearing, duly advertised in the November 6, 2025 *Port Washington Times*, to consider the adoption of **Bill No. 4 of 2025** - a proposed local law amending Chapter 170, "Behavior and Conduct in Village Parks, Piers, Beaches, Ballfields and Docks," of the Code of the Village of Port Washington North, to restrict the use of Village parking lots servicing Village public recreational facilities to users of those facilities, and to establish time limits on the period during which motor vehicles may be parked at those facilities; and **Bill No. 5 of 2025**, a proposed local law amending Chapter 176, "Zoning," of the Code of the Village of Port Washington North, to regulate as a temporary permitted use the conducting of all yard, garage, tag and other similar sales of personal property within all residential zoning districts of the Village by, among other things, requiring a permit issued by the Village and restricting the frequency thereof to not more than two per calendar year.

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

On motion of Trustee Cohen, seconded by Trustee Scheff, it was RESOLVED that **Bill No. 4 of 2025** be and hereby is adopted as **LOCAL LAW 4 of 2025** to read as follows:

A local law amending § 170-10, "Hours of Use; opening and closing of parks," of Article II, "Behavior and Conduct in Village Parks, Piers, Beaches, Ballfields and Docks," of Chapter 170, "Village Parks, Piers, Beaches, Ballfields, Docks and Village Hall," to restrict parking to Users of Village Recreational Facilities.

Section 1. **Legislative Findings.** The Board of Trustees of the Village of Port Washington North has determined that the health, safety and welfare of the Village and its residents is served by amending Article II, "Behavior and Conduct in Village Parks, Piers, Beaches, Ballfields and Docks," of Village Code Chapter 170, "Village Parks, Piers, Beaches, Ballfields, Docks and Village Hall," to restrict the use of Village parking lots servicing those public recreational facilities to users of those facilities.

The Board recognizes that the Village parking lots ancillary to its parks, piers, beaches, ballfields and docks (collectively, "Village Recreational Parking Lots"), have limited capacity. Therefore, the use of Village Recreational Parking Lots must be limited to persons lawfully using or otherwise present at the facilities and amenities for which those parking spaces are provided. Any person who parks a vehicle in a Village Recreational Parking Lot who is not authorized to use or be present at, or who is not using or being present at, the related Village facility or amenity, prevents use of the space by the intended users, persons lawfully using the facility or amenity.

Furthermore, to the extent that a Village Recreational Parking Lot space is used by a patron of some nearby commercial enterprise, Village property is being used unlawfully for private benefit.

The Board of Trustees desires to amend the Village Code in order to restrict use of Village Recreational Parking Lots to enable the intended users of such spaces to do so, and to prohibit use of such lots other than for the intended purpose, and, in so doing, to protect the health, safety and welfare of the Village and its residents.

Section 2. **Authority.** This local law is adopted pursuant to New York State Municipal Home Rule Law § 10.

Section 3. **Amendment of Village Code § 170-2.** Village Code § 170-2, **"Definitions,"** of Article I, "Smoking in Village Parks, Piers, Beaches, Ballfields and Docks," of Chapter 170, "Village Parks, Piers, Beaches, Ballfields, Docks and Village Hall," of the Village Code of the Village of Port Washington North, which definitional section applies to the entirety of Chapter 170 and not only to Article I thereof, is hereby amended to include the following definition, to be inserted in said section in alphabetical order, and to read in its entirety as follows:

"Village Recreational Parking Lot

Any parking lot owned by or leased or licensed to the Village, and appurtenant or ancillary to any Village park, pier, beach, ballfield, dock or other Village owned or leased recreational amenity, and intended by its proximity thereto to provide vehicular parking for users of such Village recreational amenity."

Section 4. **Amendment of Village Code § 170-10.** Village Code § 170-10, "Hours of Use; opening and closing of parks," of Article II, "Behavior and Conduct in Village Parks, Piers, Beaches, Ballfields and Docks," of Chapter 170, "Village Parks, Piers, Beaches, Ballfields, Docks and Village Hall," of the Village Code of the Village of Port Washington North is hereby amended to read in its entirety as follows:

"§ 170-10 Hours of Use; opening and closing of parks; use of Village Recreational Parking Lots restricted.

A.

All Village parks, piers, beaches, ballfields and docks and their facilities shall be closed to the public from 11:00 p.m. to 6:00 a.m. except as specifically posted, and all activities will be restricted to those areas specifically designated; provided, however, that group activities may be permitted if a permit has been obtained from the Village Board of Trustees. In all cases, the Village Board of Trustees shall have the authority by resolution duly adopted to adjust the opening and closing hours of all parks, piers, beaches, ballfields and docks as particular conditions may require. All motor vehicles must be removed from Village Recreational Parking Lots upon the close of the park, pier, beach, ballfield and dock serviced by such Village Recreational Parking Lots except for official vehicles.

B. No Village Recreational Parking Lot shall be used for the parking of motor vehicles other than motor vehicles of person who are lawfully entitled to use or be present upon the Village facility or amenity serviced by such Lot. Furthermore, no person who is lawfully entitled to use or be present upon a Village facility or amenity may park a motor vehicle in any space in a Village Recreational Parking Lot except during periods while such person is using or is otherwise present upon the Village facility or amenity serviced by such Lot, and only during times while such facility or amenity is open for use.

C. It shall be unlawful for any person to park a motor vehicle in any Village Recreational Parking Lot for a period longer than the parking time limitation established for such Lot as shall be clearly marked on a sign or signs erected at such Lot pursuant to resolution duly adopted by the Board of Trustees."

Section 5. **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 6. **Effective Date.** This local law shall take effect immediately upon filing with the Secretary of State.

On motion of Trustee Kepke, seconded by Trustee Cohen, it was RESOLVED that **Bill No. 5 of 2025** be and hereby is adopted as **LOCAL LAW 5 of 2025** to read as follows:

A local law amending Chapter 176, "Zoning," to add new Article XXIV, "Permitted Temporary Use Regulations," to regulate the conducting of garage, yard, tag and similar sales of personal property within residential zones by requiring permits for, and restricting frequency of, such sales,

Be it enacted by the Board of Trustees of the Village of Port Washington North:

Section 1. **Legislative Findings.** The Board of Trustees of the Village of Port Washington North has determined that the health, safety and welfare of the Village and its residents is served by amending Chapter 176, "Zoning," of the Village Code, to regulate the conducting of temporary uses such as garage, yard, tag and similar sales within any zoning district zoned for residential use by permitting such sales only after applying for and obtaining a permit for same from the Village.

The Board recognizes that the unregulated use of residential properties in the Village for conducting yard, garage, tag, estate and similar sales can create circumstances inconsistent with the intended residential uses of such properties. The Board is aware of instances in which certain residential parcels have been the site of many such sales during the course of the year, creating disruptions to neighbors resulting from vehicular and pedestrian traffic, concentrated parking needs on residential streets and a commercial atmosphere that is properly restricted through zoning to commercial and business districts. At the same time, the Board recognizes that very occasional and limited yard, garage, tag, estate and similar sales of used personal property is consistent with residential use as an ancillary use.

Therefore, the Board finds that a permitting process coupled with a restriction on the frequency of such sales will serve to protect the residential characteristics of the Village's residential neighborhoods, while allowing homeowners to conduct sales in a limited and infrequent manner that is consistent with a reasonable, temporary ancillary use of residential properties within the Village.

The Board of Trustees desires to amend the Village Code accordingly, and, in so doing, to protect the health, safety and welfare of the Village and its residents.

Section 2. **Authority.** This local law is adopted pursuant to New York State Municipal Home Rule Law § 10.

Section 3. **Amendment of Village Code Chapter 176, "Zoning" to Add New Article XXIV, "Permitted temporary use regulations."** Village Code Chapter

176, "Zoning" is hereby amended to add a new Article XXIV, "Permitted temporary use regulations," to read in its entirety as follows:

"Article XXIV Permitted Temporary Use Regulations

- A. **Legislative Intent.** The Board of Trustees hereby determines that the interests of the Village and its residents are advanced by regulating the conduct of sales of personal property upon residential premises within the Village. It is the intention and purpose of this Section to impose such regulations to prohibit the intrusion of commercial activities in residential areas and to regulate the conduct of such personal property sales to protect the residential character of the community and minimize traffic, noise and other disruptions or disturbances.
- B. **Definitions.** For the purposes of this Section, the following terms used herein have the following meanings:
- "Garage Sale" shall mean the sale or offering for sale of any new, used or secondhand items of personal property at any time, including all sales commonly known or referred to as 'garage sale,' 'yard sale,' 'tag sale,' 'attic sale,' 'basement sale,' 'rummage sale,' 'flea market sale,' 'estate sale' or any similar sale; provided, however, that no re-sales of personal property purchased for the purpose of re-selling same shall be allowed to be sold in any Garage Sale.
- "Personal Property" shall mean any items, goods, merchandise, clothing, furniture, or other tangible property of any kind.
- C. **Permit Required.** No person shall hold or conduct, or cause to be conducted, in or on any residential premises within the Village of Port Washington North any Garage Sale without first obtaining a permit duly issued by the Superintendent of Buildings.
- D. **Application.** Application for a permit shall be made to the Village Clerk at least seven days prior to the scheduled date of sale, on a form to be supplied by the Village.
- E. **Limitation of Garage Sales.** No permit shall be issued for any Garage Sale extending beyond a period of two consecutive days, and not more than two permits for Garage Sales shall be issued for any residential premises in one calendar year. No Garage Sale shall begin prior to 10:00 a.m. or continue after 4:00 p.m. on any day.
- F. **Issuance of permit.** A permit for a Garage Sale regulated by this Section shall be issued by the Superintendent of Buildings, upon a proper and sufficient showing by the applicant and a determination by the Village that proper safety and environmental precautions have been or will be taken to protect the public and that proper precautions have been taken to minimize traffic congestion.
- G. **Right of inspection; closing of Garage Sale.** A building official, a police officer, or any other person designated by the Village shall have the authority and right of entry to any premises where a Garage Sale regulated by this Section is being conducted, for the purposes of inspection for a permit, and such person may direct the immediate closing of such Garage Sale upon a determination that the Garage Sale is being conducted in violation of this Section or that the public safety and welfare is being imperiled thereby.
- H. **Display of permit.** A permit issued pursuant to this Section shall be prominently and conspicuously displayed at the premises at all times during such Garage Sale and shall be presented for examination to any person upon request.

- I. **Signs.** No more than two signs advertising such Garage Sale, each of which is no larger than 24 inches by 12 inches in size, shall be permitted. One sign shall be located on the premises that are conducting the Garage Sale, and the other shall be located suitably within an unpaved area of the Village right-of-way. Garage Sale signs must be removed at the conclusion of the Garage Sale each day.
- J. **Penalties for Violations.** Any person who violates any provision of this Section shall, upon conviction thereof, be guilty of a violation and shall be punished by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day on which any violation of this Section occurs shall constitute a separate and distinct violation hereunder."

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.

PUBLIC HEARING C – 85 Channel Drive

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 October 14, 2025, for a period expiring on November 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.

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the public hearing be postponed until Thursday, December 11, 2025 at 7:30 p.m. at Village Hall, 3 Pleasant Ave., Port Washington, NY 11050.

On motion of Trustee Scheff, seconded by Trustee Malatino, the following RESOLUTION was adopted.

RESOLVED that the conditional use permit extension application submitted by 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, is granted for a period expiring on December 11, 2025.

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

PUBLIC HEARING D- New Oasis Development, LLC

On motion of Trustee Cohen, 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 Cohen seconded by Trustee Scheff, it was unanimously RESOLVED that the request for a three-month postponement in a letter dated November 7th, 2025, submitted by Forchelli, Deegan & Terrana be approved; and be it further RESOLVED a public hearing be set for Tuesday, February 10th, 2026 at 7:30pm in Village Hall, 3 Pleasant Ave., Port Washington, NY 11050.

1. Clerk

A. On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of October 14, 2025 be waived and that they be and hereby are approved as prepared by Clerk Melnyk.

2. Treasurer

A. Abstracts of Vouchers / Budget Modifications

On motion of Trustee Kepke, seconded by Trustee Malatino, it was unanimously RESOLVED that the reading of the Abstract of General Fund Vouchers #287, totaling \$115,272.56, and Abstract of Trust & Agency Vouchers #216, totaling \$4,506.36, be waived and that they be and hereby are approved as presented by Treasurer Bella.

B. Bank Statement Reconciliations

Treasurer Bella reported that Trustee Scheff reviewed the bank statement reconciliations for September 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 October/November 2025 be and hereby is accepted as submitted by Charles Poole.

B. Building Department

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Building Department report for October/November 2025 be and hereby is accepted as submitted by Superintendent Barbach.

C. Emergency Management & Traffic Safety

On motion of Trustee Scheff, seconded by Trustee Cohen, it was unanimously RESOLVED that the Emergency Management and Traffic Safety report for October/November 2025 be and hereby is accepted as presented by Commissioner Kaplan.

D. Beautification Commission

On motion of Trustee Cohen, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board accept the Beautification Commission report for the month of October/November 2025 as presented by Commissioner Cirker.

E. Communications Commission

On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board accepts the Communications Commission report for the month of October/November 2025 as presented by Commissioner Summa.

4. Public Comment – Mrs. Glasser of 154 Soundview Drive encouraged the Board to connect with outside art organizations who highlight and display juried artwork at Bay Walk Park during the Summer months for residents and passersby to enjoy.

5. Business

A. Fire Protection & Emergency Medical Service

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a public hearing on Thursday, December 11, 2025 at 7:30 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York, with regard to a proposed contract with the Port Washington Fire Department, Inc. for the furnishing of fire protection and emergency medical service within the Village for the period of January 1, 2026 through December 31, 2026 at a cost to the Village of \$327,897.97.

B. Municipal Food Scraps Recycling Grant

Mayor Weitzner reported that the Village of Port Washington North received pre-notification confirmation of a pending grant in the amount of \$75,300.00. The award is conditional upon certain requirements including a required match of 25% the total cost of the projects. The Mayor will keep the community informed and will provide regular updates on the progress of the project as new details become available.

C. Tax Certiorari Settlement – 85 Channel Drive

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North table approval of the Tax Certiorari Settlement for 85 Channel Drive, Port Washington, New York, 11050 until December 11, 2025 at 7:30 p.m.

Tax Certiorari Settlement – 55 Shore Road

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North table approval of the Tax Certiorari Settlement for 55 Shore Drive, Port Washington, New York, 11050 until December 11, 2025 at 7:30 p.m.

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North approved a contract with North East Recreation submitted through Source Well, a co-op government agency, for the purchase and installation of playground equipment in the amount of \$1,260,000.00, to support the development of our Together We Play All-Inclusive Playground. The cost is being fully funded by New York State Grants. More details will follow soon.

On motion of Trustee Scheff seconded by Trustee Cohen, it was RESOLVED that the meeting be and hereby is adjourned at 9:28 p.m.

Respectfully submitted,



Angelique Melnyk, Village Clerk