

A Regular Meeting of the Board of Trustees of the Village of Port Washington North was held on Tuesday, **March 10, 2026** at 7:30 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

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

1. Clerk

A. Minutes

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of February 10, 2026 be waived and that they be and hereby are approved as prepared by Clerk Melnyk.

B. Board of Assessment Review

The Board of Trustees and the Assessor, sitting as the Board of Assessment Review, dealt with applications for correction of assessment and for exemptions. Assessor Melnyk reported that Grievance Day was held on February 17, 2026 from 10:00 a.m. to 2:00 p.m. at the Village Hall.

On motion of Trustee Kepke, seconded by Trustee Scheff it was unanimously RESOLVED that the following **Applications for Corrections of Property Assessments** be and hereby are denied and that the tentative assessments remain unchanged on the 2026 Village Assessment Roll.

Applications for Correction of 2026 Property Assessments

<u>Name</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Unit</u>	<u>Tentative Assessment</u>	<u>Requested Assessment</u>
Rosa Amon	4	J	3		2,410	603
Sonia & Miguel Barrera	4	J	13		5,500	1
Carla Barone	4	J	42		4,025	1,006
KBH 85 Harbor Road LLC	4	J	716		100,000	1

75 Harbor Road LLC	4	J	735		13,700	1,370
75 Harbor Road LLC	4	J	750		21,300	2,130
Bd of Managers of Mill Pond Acres Condominiums				300-302, 306-309,- 311-312, 314 - 332, 335, 337- 356, 358, 359,361- 363, 365- 369, 371- 372, 374 - 376, 378 - 381, 383- 385,387- 389,391- 406, 408 - 414,416- 423, 425- 443	3,900	975
Bd of Managers of Mill Pond Acres Condominiums	4	J	775	334	3,920	980
Barbara Serrett	4	J	775	100	3,200	800
Michael Arnopp	4	J	775	103	3,200	800
Jean Incorvaia	4	J	775	120	3,200	800
William & Carolyn Belinsky	4	J	775	125	3,200	800
Ronnie Heller	4	J	775	223	3,200	800
Martin Farber	4	J	775	225	3,200	800
Vicki Windler	4	J	775	228	3,200	800
Mary Suzanne Barry	4	J	775	234	3,200	800
Neal Teeman	4	J	775	317	3,900	975
Michael Brass	4	j	775	333	3,900	975
Raymond & Laura Furey	4	J	775	336	3,900	390
Carlo & Kathleen Manganillo	4	J	775	364	3,900	390
Elizabeth Biordi	4	J	775	368	3,900	975
Elizabeth Viola	4	J	775	424	3,900	975
84 Shore Road Development Realty	4	N-2	411		14,250	3,563
Bill Wolf Petroleum Corp.	4	N-2	412		21,500	5,375
Old Shore Realty LLC	4	Q	1		30,000	3,000
Stop & Shop Supermarket Co.	4	Q	10, 34, 128		67,632	6,763.20
Tomas Pol & Paz Panjoj	4	Q	125		4,900	490
Bernie Yatauro	4	Q	226		9,500	950

15 Smull Place LLC	4	Q	227	17,280	4,320
Cave Canem Realty LLC	4	Q	228	7,700	1
Grantor Rtd Annuity Trust Amrit Sethi	4	Q	236	11,000	1
Anthony Bellomo	4	Q	239	9,800	1
Delco Development Co Pt. Washingt	4	Q	244	120,000	12,000
Ayako Norton	4	Q	253	7,080	1,770
Natasha Moskvina	4	Q	260	8,110	2028
Christiane Franzese	4	28	72 & 73	8,520	1
William E. Bonnie	4	29	223	8,703	1
Albert Bartkoski	4	29	225	7,100	1,775
Francesco & Luisa Capogna	4	31	29	6,000	600
33 Avenue B LLC	4	31	31	3,150	788
Dmitry Lukyanov	4	31	74	5,020	1,255
Christina Decurtis	4	31	88	3,830	958
John Fico	4	31	99	5,790	1,448
John Fico	4	31	106	7,950	1,988
Michael A. & Rose M. Malatino	4	31	110	8,920	1
Jiansheng Chen & Yun Min	4	31	115	7,910	1,977
Paul Cicchetti	4	32	114	2,200	550
Stop & Shop Supermarket Co.	4	48	8, 27, 34-37	93,124	9,312.40
Bay Land Leasing LLC	4	48	38	3,750	1
Jack Santomauro & V&S Realty Corp.	4	48	39	6,380	1,595
Jack Santomauro & V&S Realty Corp.	4	48	40	6,380	1,595
MNK Management Corp.	4	48	41	21,850	2,185
15 Smull Place LLC	4	48	49	6,720	1,680
7 Mill Pond Rd LLC	4	51	8	5,800	1
S K Foods Corporation	4	51	17	3,066	1
S K Foods Corporation	4	51	109	3,807	1
S K Foods Corporation	4	51	111	13, 627	1
Craig Partovich	4	115	23	9,760	1
Evan Wollis	4	115	43	6,800	1,700
Joshua & Jessica Costner	4	115	53	9,000	1
Robyn Perlman	4	115	57	7,600	1,900
David & Mardi Braun	4	115	63	9,940	1
Stephen Newman	4	115	72	8,550	1
Tonia Finkelstein	4	115	74	7,500	1,875
Jake Agoos	4	115	77	10,100	5,000
Evan & Lisa Shlofmitz	4	115	85	1,070	1
Mu Fung	4	116	10	8,300	2,075
Anne Marie Iannizzi	4	116	19	7,900	1,975
Jiya Chatrath	4	116	24	7,700	1,925

William Lacal	4	116	26	7,800	780
Julie Lorenzini	4	116	32	6,320	1,580
Glenn Kustal	4	117	4	6,650	1,663
Elena Goloubeva	4	117	5	7,128	1,782
Andrew Hausspiegel & Shelly Goodman	4	117	9	7,968	797
Dirk Ket	4	117	10	8,930	1
Matthew & Amanda Cataldi	4	117	26	8,950	1
Alexander Hoffman	4	117	32	7,460	1,865
Robert & Mary Schiemel	4	118	12	9,650	1
Joshua & Jenna Kovacs	4	118	13	9,000	1
Martin Smolowitz Living Trust	4	118	14	10,420	1
Valerie & Cory Mingelgreen	4	118	37	8,980	1
Edward & Alice Chang	4	118	40	9,290	1
Hillary & Jay Beberman	4	118	42	7,450	1,862
Bruce & Carol Barron Trust	4	118	48	7,000	1
Laura Turoff	4	119	6	9,480	2,370
Andrew Hollander	4	119	17	8,300	2,075
Gregory & Alyssa Raddock	4	120	5	6,842	1,711
Thomas E. Hoar Inc.	4	123	15	32,000	1
			18, 20, 23, 24,		
Parviz Farahzad	4	123	43	350,000	1
Pleasant Avenue Realty LLC	4	123	21	12,375	1
Albert Oswald Realty Holding Corp.	4	123	27	32,000	8,000
Fab-Con Machinery Development Co.	4	123	28	34,000	1
Sara Mody Holdings Inc.	4	123	29 & 30	33,173	1
Channel Drive Holdings LLC	4	123	42	4,100	410
Parviz Farahzad *	4	123	50	60,000	1
Channel Drive 53A LLC	4	123	53A	9,957	1
Pleasant Avenue Realty LLC	4	123	56	4,090	1
Matthew Wiesenfeld	4	124	9	7,500	1,875
Arlene Cummings	4	124	26	6,920	1,730
Richard Drazal & Maria Molynas-Drazal	4	125	4	9,240	1
Giovanni Cerroni	4	125	16	6,390	1,598
New York Community Bank	4	125	19	1,560	390
New York Community Bank	4	125	22	16,670	4,168
New York Community Bank	4	125	23	1,770	442
Bonnie Kline	4	126	16	6,610	1,653
Maureen Lee	4	127	9	7,480	1,870
Heath Levine	4	127	24	6,570	1,643
Soundview Gardens Inc.	4	128	17	120,881	1
Spivack Realty Co. Inc.	4	128	21	93,000	1

Spivack Realty Co. Inc.	4	128	23	99,800	1
Spivack Realty Co. Inc.	4	128	24	97,200	1
PebbSoundview LLC & Walgreen Eastern	4	129	1	84,318	8,432
99 Shore Road LLC	4	129	7 & 15A	20,000	5,000
PEBB Soundview LLC & Soundview PW	4	129	10, 12 & 14C	227,682	22768.20
Marc Kaplan	4	134	6	7,460	1,865
Nancy Fung	4	134	12	7,500	1,875
Warren Elkins	4	134	14	9,290	1
Trace Cohen	4	134	17	8,850	1
Beth Burstein	4	134	21	7,500	188
Jack & Debbie Mishan	4	134	30	8,360	1
Michael & Julie Richter	4	134	33	8,270	1
Richard Gallucci	4	134	41	7,512	1,878
Mona Davis	4	135	20	7,900	790
Kenneth & Lisa Roedel	4	135	25	7,115	712
Vincent Cascio	4	136	8	7,820	1,955
George & Paulianthi Diamantakis	4	136	19	7,380	
Steven & Alyssa Cohen	4	136	21	7,250	1
Maxine Felsen	4	136	29	7,500	1,875
Benjamin & Lisa Buetas	4	136	31	10,200	1
Ian & Shari Forman	4	136	39	9,500	1
Joseph Visco	4	137	1	10,090	1
Marie DiLeo	4	137	7	8,350	2,088
Jeremy Kreitman	4	137	11	6,320	1,580
Thomae Boyiakis	4	137	16	8,700	1
William Guillouard	4	137	22	10,827	1
Vasilios Petratos	4	137	26	6,500	1,625
Ruth Pleines	4	137	27	6,195	1,549
Robert & Jane Weitzner	4	137	29	8,690	2,173
Carly & Jordan Gropper	4	137	30	9,230	4,615
Marsha Javer	4	137	33	7,110	1,778
Alexander Khaykin & Rafova Yana	4	137	35	8,980	2,245
Sheldon Greenbaum	4	137	47	6,390	1,598
Marisa Kaufman	4	137	49	10,310	2,578
Ilissa & Joshua Sternlicht	4	138	4	7,600	1,900
Emily & Scott Baxter	4	138	8	8,840	1
Esther Levine	4	138	10	7,900	1,975
Peter & Nancy Verdi	4	138	12	8,260	2,065
Janet Effman 2023 Rec Trust	4	138	21	8,590	1
Herbert Wing	4	138	23	7,965	1,991
Adriana Llewellyn	5	2	4	3,412	85

* Owner Village of Port Washington North

^ Lot 14C not in the Village

C. Senior Citizens Exemptions

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the following applications for **Senior Citizens Exemption**, totaling \$14,623 for the 2026 Assessment Roll be and hereby are approved:

<u>Name</u>	<u>Section-Block-Lot-Unit</u>					<u>\$ Amount</u>
Joan Byrne	4	J	775	200		160.
Nicoletta Chimienti	4	J	40	--		4,778.
Melba Molson	4	J	775	252		1,600.
Shahin Farahan	4	125	9	--		3,135
Sandra Rosseland	4	J	775	248		1,600
Thomae Boyiakis	4	137	16	--		4,350.

D. Veterans Exemptions

On motion of Trustee Malatino, seconded by Trustee Kepke it was unanimously RESOLVED that the following applications for Veterans Exemptions for the 2026 Assessment Roll, in the net amount of \$5,170, be and hereby are approved:

<u>Name</u>	<u>Section-Block-Lot-Unit</u>					<u>\$ Amount</u>
Ruth Armenio	4	J	775	127		\$1,600
Anthony & Patricia Pacquadio	4	31	44			\$840
Albert Scott & Patricia Gordon Wilson	4	J	775	420		\$2,730

E. Payments in Lieu of Taxes

On motion of Trustee Malatino, seconded by Trustee Scheff, the Board approved the following resolution; Be It RESOLVED that, pursuant to New York State's LIPA Reform Act of 2013, which limits the authority of the Long Island Power Authority (LIPA) to make payments in lieu of taxes to municipalities that exceed the payments in lieu of taxes made in the immediately preceding year by more than two percent (2%), the following payments in lieu of taxes, as determined by the Village Assessor, are established for LIPA for the fiscal year commencing June 1, 2026 and ending May 31, 2027:

Utility	\$8,436.19
Special Franchise	\$969.21

and, be it further RESOLVED that the Village Clerk is hereby directed to remit invoices to PSEG Long Island in the amounts set forth above, which invoices shall be due and payable on June 1, 2026 without penalty and, if the invoices remain unpaid after July 1, 2026, five percent (5%) interest will be added for the first month and an additional one percent (1%) for each month or fraction thereof thereafter.

The Vote was recorded as follows: Mayor Weitzner – aye; Trustee Kepke – nay; Trustee Scheff – aye; and Trustee Malatino – aye. The motion carried.

F. Budget Hearing & Annual Meeting

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a Public Hearing with respect to the Tentative Budget of the Village for the fiscal year June 1, 2026 to May 31, 2027 at 7:30 p.m. on Tuesday, April 14, 2026 at the Village Hall, 3 Pleasant Avenue, Port Washington, New York. The Tentative Budget provides an annual salary of \$10,000 for the Mayor and an annual salary of \$6,000 for each Trustee; and be it further RESOLVED that the Board of Trustees will hold the Annual Meeting of the Village of Port Washington on Tuesday, April 14, 2026 at 7:30 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York. 11050.

2. Treasurer

A. Abstract of Vouchers

On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously RESOLVED that the reading of the Abstract of General Fund Vouchers #291, totaling \$146,544.42, and the Abstract of Trust & Agency Vouchers, #220 totaling \$897.65, be waived and that they be and hereby are approved as submitted by Treasurer Bella.

B. Bank Reconciliations

Treasurer Bella stated that Trustee Scheff has reviewed the bank statement reconciliations for January 2026.

3. Reports

A. Public Works

On motion of Trustee Scheff, seconded by Trustee Kepke, it was unanimously RESOLVED that the Public Works Department report for the month of February/ March 2026 be and hereby is accepted as submitted by Charles Poole.

B. Building Department

On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously RESOLVED that the Building Department report for February/March 2026 be and hereby is accepted as submitted by Superintendent Barbach.

1. The Board considered sign permit application A2026-0030 submitted on February 27, 2026 by Cody Ringle, for **Active Life**, 59 Shore Road, Port Washington, NY (premises owned Stop & Shop Supermarket Co.), designated on the Nassau County Land & Tax Map as Section 4, Block Q, Lots 10, 34 & 128.

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the following sign permit application sign reading "Active Life" at 59 Shore Road, Port Washington, NY (premises owned Stop & Shop Supermarket Co.), designated on the Nassau County Land & Tax Map as Section 4, Block Q, Lots 10, 34 & 128 be and hereby is approved.

- A2026-0030 for a 29-inch high by 184-inch wide by 2-inch storefront advertising sign

C. Traffic Safety & Emergency Management

There was no Traffic Safety & Emergency report.

D. Beautification Commission

Mayor Weitzner reported that new sunshades have been ordered for Bay Walk Park and are expected to arrive in April. The solar compacting garbage can will be installed at the park within the next few weeks.

E. Communications Commission

On motion of Trustee Scheff, seconded by Trustee Malatino, it was unanimously RESOLVED that the Communications Commission reports for February/March 2026 be and hereby is accepted as prepared by Commissioner Summa.

4. Public Comment

5. Business

A. Insurance 2026/2027

On motion of Trustee Kepke, seconded by Trustee Scheff, it was unanimously RESOLVED that the Village of Port Washington North hereby authorizes Salerno Brokerage Corp. to place the following insurance with NYMIR and Cowbell/Spinnaker for the period 3/26/2026 to 3/26/2027 for a total cost of \$50,955.55., as more particularly set forth below:

<u>Policy</u>	<u>Renewal Premium</u>	<u>Carrier</u>
Package Policy including Property, Equipment Breakdown, Crime, General Liability, Inland Marine & Public Officials Liability	\$32,528.55	NYMIR
Municipal Automobile	\$ 4,320.00	NYMIR
Municipal Umbrella - \$10MM	\$ 11,415.00	NYMIR
Cyber Insurance	\$ 2,692.00	Cowbell/Spinnaker
TOTAL		\$50,955.55

B. Street Sweeping Contract 2026, 2027 & 2028

Clerk Melnyk reported that the following bids were received by NOON on March 5th, 2026 for the Street Sweeping 2026, 2027 & 2028 contract:

<u>Name</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
John McGowan & Sons			
Lump sum for initial cleanup & 14 scheduled sweeps	\$9,000/\$14,000	\$9,000/\$14,000	\$9,000/\$14,000
Extra Sweeps During/Outside	\$1,000/\$1,000	\$1,000/\$1,000	\$1,000/\$1,000
Jamaica Ash & Rubbish Removal			
Lump sum for initial cleanup & 14 scheduled sweeps	\$8,150/\$28,150	\$8,310/\$28,900	\$8,495/\$29,650
Extra Sweeps During/Outside	\$2,500/\$2,500	\$2,550/\$2,550	\$2,600/\$2,600

Chuck Poole recommended John McGowan & Sons as the lowest responsible bidder.

On motion of Trustee Malatino, seconded by Trustee Scheff, it was unanimously

RESOLVED that the contract for Street Sweeping, for the year 2026 be and is hereby awarded to John McGowan & Sons, Inc., as the lowest responsible bidder and as more particularly set forth in its bid document dated February 12th, 2026.

C. Tax Certiorari – 1 Pleasant Avenue

On motion of Trustee Kepke, seconded by Trustee Scheff, the following RESOLUTION was unanimously adopted:

WHEREAS, there is now pending in the Supreme Court, Nassau County, proceedings brought by the owner of certain property within the Village of Port Washington North, New York, to reduce the assessed valuation placed on its property for Village tax purposes; and

WHEREAS, the Village Attorney, in his written memorandum to this Board dated December 18, 2025, has recommended to the Board that said proceedings be settled in accordance with said memorandum;

NOW, THEREFORE, the Village Attorney is hereby authorized to settle the pending tax certiorari proceedings described in the Village Attorney's December 18, 2025 memorandum and the exhibits thereto, on the basis indicated below.

Subject Assessment & EQ Values			
Tax Years	Actual AV	EQRate	EQValue
2019/20	22,000	1.11	\$1,981,982
2020/21	22,000	1.04	\$2,115,385
2021/22	22,000	.95	\$2,315,789
2022/23	22,000	.95	\$2,315,789
2023/24	22,000	.78	\$2,820,513
2024/25	26,090	.75	\$3,479,667
2025/26	26,090	.75	\$3,478,667

SETTLEMENT

NEW AV	\$12,375
EQ VALUE	\$1,650,000
REFUND	\$7,500

D. 85 Channel Drive, Sara Mody Holdings LLC - Decision

VILLAGE OF PORT WASHINGTON NORTH

BOARD OF TRUSTEES

FINDINGS OF FACT AND DECISION

Application of Ethnic Foods, Inc., d/b/a Bombay Kitchen, under
 Village Code Section 176-106(15), to Extend Previously Granted
 Conditional Use Permit for
 Food Processing and Manufacturing at 85 Channel Drive

(Public Hearing opened August 14, 2025, closed February 10, 2026)

WHEREAS, there has come before the Board of Trustees (the “Board”) the application (the “Application”), of Ethnic Foods, Inc., d/b/a Bombay Kitchen (“Applicant”), as tenant/occupant of the premises located at 85 Channel Drive, Port Washington, New York, located in an Economic Development B (“ED-B”) zoning district of the Village, and identified on the Nassau County Land & Tax Map as Section 4, Block 123, Lots 29 and 30 (the “Premises”), seeking to extend a previously issued conditional use permit (“CUP”) under Village Code § 176-106(15) to permit food processing and manufacturing at the Premises (the “Bombay Business”); and

WHEREAS, the CUP was initially granted conditionally for a limited period by written decision of the Board adopted September 5, 2019 (the “Original CUP Decision”), and subsequently extended conditionally for a limited period by written decisions of the Board, including by decision adopted September 10, 2024, through September 15, 2025 (collectively, the “CUP Extension Decisions”); and

WHEREAS, the Application was submitted prior to the September 15, 2025 scheduled expiration of the CUP, and the public hearing was opened on August 14, 2025, thereafter adjourned through several continuation sessions, including most recently on February 10, 2026, at the conclusion of which the public hearing (the “CUP Hearing”) and record of the proceedings were closed;

WHEREAS, in light of issues arising from odors generated by the operation of the Bombay Business, which had been identified for the Applicant on numerous occasions during the year preceding the opening of the CUP Hearing and again during the CUP Hearing, the Board conditionally extended the CUP after each CUP Hearing Session through the following meeting of the Board, enabling the Applicant to attempt to address the concerns;

WHEREAS, the Application to renew a conditional use permit is a Type II “action” for purposes of the NYS State Environmental Quality Review Act (“SEQRA”), and the regulations promulgated thereunder, pursuant to NYCRR § 617.5(c)(18) (i.e., authorizing a commercial premises for a commercial use permitted by special use permit, without meeting or exceeding any thresholds for Type I actions under SEQRA);

WHEREAS, all interested persons were given an opportunity to be heard at each session of the CUP Hearing; and

WHEREAS, the members of the Board have inspected the Premises and have carefully reviewed the applications and all matters offered in support thereof and in opposition thereto; and

WHEREAS, the Board has made the following findings of fact:

- 1) The record of the proceedings relating to the Application and upon which the decision contained herein is made, include, without limitation: (i) the Application, with all exhibits and amendments made thereto by Applicant; (ii) all related submissions to the Village made at any time through the closing of the CUP Hearing by Applicant, or by any of Applicant’s consultants; (iii) any submission to the Village pertaining to the Application made at any time through the closing of the CUP Hearing by any persons interested in the Application, or by any Village officer or employee; (iv) the transcripts of all sessions of the CUP Hearing; and (v)

all materials incorporated by reference into the record during all sessions of the CUP Hearing (collectively, the "Record").

2. The Board, in originally issuing and then extending the CUP, effectively determined that the Bombay Business as proposed to be conducted (or continued) was in the general character of uses permitted in the ED-B District, provided that the conditions imposed were adhered to. The condition imposing an expiration date enabled the Village to monitor and reevaluate the use periodically to understand whether the determination to allow the use was appropriate, and whether changes in the use over time warranted additional conditions to allow the use to continue, or whether the use should be terminated.
3. Applicant's conduct of the Bombay Business at the Premises since 2019 has periodically created concerns on the part of neighbors and the Village, which were brought to the attention of Applicant and eventually addressed by Applicant to the Village's satisfaction, in certain cases promptly and in other cases over time, including through enforcement action by the Village.
4. The provisions of Village Code § 176-106, "Purpose; permitted uses," of Article XI, "Economic Development B District," of Chapter 176, "Zoning," tightly restrict the commercial activities permitted in the Economic Development B district as of right, as compared to commercial activities permitted as of right in other commercial districts in the Village.
5. Clause "B.", "Uses permitted," of § 176-106 authorizes certain other uses if so permitted by the Board after a public hearing and a determination that they are similar to the uses permitted in ED-B District as of right.
6. § 176-106.B.(15)(d) authorizes the Board to issue conditional use permits for eligible uses "for a limited period of time ... subject to such conditions and safeguards as shall be deemed appropriate, when ... [the Board] shall find that such proposed use ... will conform to the general character of the neighborhood ... and the public health, morals, safety and general welfare of such neighborhood will be secured... and to protect and secure the nature and character of the existing neighborhood and the values of property therein."
7. § 176-106.C, "Performance Standards," provides in part as follows: "No use shall be established, expanded, maintained, or conducted in the ED-B District unless the same **shall comply with all of the performance standards** [emphasis added] set forth in this subsection." Among the purposes of those performance standards is to

“reduce to a minimum dissemination of ... odor or any other atmospheric pollutant outside of the building in which the use is conducted...”.

8. § 176-106.G, “Performance Standards regulating odorous matter,” provides as follows: “In the ED-B District **no odor shall be permitted outside the building in which the use is conducted** [emphasis added].”
9. The Village Code, therefore, establishes a zero threshold for the emission of odors detectable outside of any building in the ED-B District. The Code does not characterize the prohibited odor as ‘offensive’ or otherwise. The Code simply prohibits any odor generated by a use in the ED-B District that is detectable outside of the building housing the operation.
10. Early during 2025, the Village was made aware through neighbor complaints of odors detectable from areas in the residential neighborhood in close proximity to, and apparently emanating from, the Premises. The complaints became more frequent. The Village received odor complaints from neighbors in phone calls, letters and e-mails. The Board has reviewed the written complaints, all of which are part of the Record.
11. The Village investigated the odor complaints, including through site visits by Superintendent of Buildings Robert Barbach to the Premises and to neighboring properties whose occupants complained of the odors. Mr. Barbach confirmed the existence of odors apparently emanating from the Premises in those locations, which include residential neighborhoods.
12. Members of the Board also visited locations in close proximity to the Premises in response to resident complaints and have also confirmed the existence of odors apparently emanating from the Premises in those locations.
13. Applicant’s representatives, including principal Sanjiv Mody (“Mody”), readily acknowledged during the CUP Hearings and in written materials submitted to the Village and made part of the Record, that the Premises are the source of the odors complained of.
14. Prior to the commencement of the CUP Hearing, Mr. Barbach issued orders to Applicant directing that Applicant cease activities and uses that generate odors that are not contained in the building at the Premises. Prior to and during the many months while the CUP Hearing remained open, instances of non-compliance with those orders were observed.

15. Through the course of the CUP Hearing, Mr. Mody and his representatives identified specific food products cooked by frying at the Premises as the source of the odors that concerned the neighbors, and Superintendent of Buildings Robert Barbach confirmed the identity of the products identified by Mr. Mody as at least some of the sources of the odor, through his site visits while Applicant was cooking those products.
16. Mr. Mody acknowledged that the frying of the specific products that he identified as sources of the odors were not part of the Bombay Business at the Premises prior to the onset of neighbors complaints.
17. The Board understands that the Bombay Business conducted prior to the emergence of the odor issue included the processing, storing and packaging of yogurt, dairy products and other products not requiring cooking with heat (the "Original Bombay Business"). The cooking with heat of products at the Premises that generate odors not contained in the building, including, without limitation, those products identified by Mr. Mody, and confirmed by Mr. Barbach as creating such odors, is referred to herein as the "Cooked Products Business."
18. Mr. Mody and Applicant's other representatives described during the CUP Hearings the remediation measures that Applicant had taken since it became aware of the odor complaints, and told the Board that, as measures were implemented and proved ineffective, Applicant introduced different measures, of increasing cost. None achieved the Code mandate of 'no odor.'
19. At times during the CUP Hearing, Mr. Mody suggested that Applicant could achieve a goal of minimizing without eliminating odors. The Board repeatedly reminded Mr. Mody that the Code standard allows for no odors detectable outside of the building housing the use.
20. As the CUP Hearing proceeded, and as neighbor complaints of odors continued, Applicant advised that its consultants, Bendix Engineering and Meyer Mechanical, had recommended an air filtration system including mechanical controls manufactured by CaptiveAire ©, as the best potential solution.
21. Notwithstanding the continuing odor complaints by residents, the Board determined that it was reasonable to balance the concerns of the residents with an accommodation of Applicant's continuing efforts to address the odor issue. To that end, the Board afforded Applicant additional time and opportunity to purchase and

implement the CaptiveAire © solution, and then to adjust and calibrate same following installation, and notwithstanding the continuing order to cease the Cooked Products Business, to permit Applicant to conduct the Cooked Products Business for purposes of testing the CaptiveAire © system at times approved by the Village Building Department.

22. After several months of installation, modification, and testing, Applicant's representatives acknowledged at the February 10, 2026 CUP Hearing session that the CaptiveAire © solution could not achieve the standard of no odors required for the ED-B District.
23. Applicant's representatives noted the presence of commercial premises in other zoning districts in the Village in which food is cooked and odors from those premises are detectable outside of the building, including one or more that use the CaptiveAire © solution.
24. The Board finds that stringent standards were enacted for the ED-B district due to its unique nature, including its close proximity to residences. That the standards applicable in other Village zoning districts might allow the Cooked Products Business in those districts does not support the conclusion that the Cooked Products Business should be permitted in the ED-B district. To the contrary, that fact supports the conclusion that the Cooked Products Business should be located only in a zoning district with standards that allow such a use, where the associated odors detectable outside of a building are deemed acceptable burdens on its non-residential neighbors.
25. The Board requested that Applicant provide the Board with a report from an authority or expert qualified to opine as to any potential health and safety risks posed by the air-borne substances that were creating the odors detectable in nearby residential neighborhoods, so that the Village might share same with residents concerned about such risks. While the Board did receive some third party material from Applicant in response to the request, Applicant acknowledged that it was unable to locate a qualified consultant able to opine as requested by the Board.
26. In his letter dated December 8, 2025, Michael H. Sahn, Esq., counsel to Applicant, advised the Board that Applicant had determined "in the best interest of the continued, long term growth of the business" to relocate that portion of the Bombay Business that involves the frying of foods to a new facility and that Applicant's search for a new site was underway. The letter (part of the Record) proposed an extension of the CUP to allow the Cooked Food Business through December 31, 2026, and a five year CUP extension restricting the use to dairy products, specifically yogurt and yogurt-based smoothies, that do not involve cooking with heat. The

letter notes that Applicant's ability to use the Premises for dairy products would constitute a "productive and financially feasible" use of the Premises.

27. The Board appreciates that Applicant on its own, prior to a determination by this Board, has recognized that the Cooked Products Business is not appropriate at the Premises in the ED-B District.
28. With respect to the request to allow the Cooked Products Business to continue throughout 2026, the Board notes that its accommodations to date including allowing the Cooked Products Business to continue on a limited basis during the many months of the CUP Hearing, and that neighbor complaints about odor continued through the closing of the CUP Hearing. The Board is not willing to permit the use of the Premises for the Cooked Products Business that is demonstrably unable to comply with the odor standard of the Code, to the detriment of surrounding neighbors, beyond the short period that the Board allowed following the closing of the CUP Hearing to enable Applicant to work through related inventory for a reasonable time.
29. The Board agrees that the dairy products business described in the Sahn Letter may continue on certain conditions, as same appears to be an appropriate use for the ED-B District and one able to satisfy the applicable Performance Standards.
30. As Applicant has acknowledged that new products introduced only after the 2024 CUP extension are the source of the odors, the Board is concerned that similar issues may arise with products not yet in production. For that reason, among others, the Board finds that it is reasonable and appropriate for this Board to have the opportunity on a periodic basis to confirm the appropriateness of the ongoing use under the applicable standards, and that the permitted use as actually conducted does not adversely impact the neighborhood and the community. The Board finds that an extension term of six months from the date this decision is adopted, restricting use to the dairy products business, packaging and storage, will preserve this Board's opportunity to consider how implementation of the CUP is impacting the community.
31. Furthermore, in light of the history of the operation at the Premises under the CUP, the Board finds that it is necessary and appropriate for the Village Superintendent of Buildings or his subordinate(s) to have the right to enter the Premises during any hours of operation to inspect for compliance with all conditions of the conditionally permitted use.

NOW, THEREFORE, based upon the foregoing findings of fact, this Board hereby grants the application for extension of the CUP for the Premises subject to the following conditions:

(a) All conditions imposed on the CUP under the Original CUP Decision, as modified by all CUP Extension Decisions, shall apply in full force to the extension period hereby authorized, except to the extent inconsistent with the further conditions hereof.

(b) The approval granted hereunder is granted for a period of six months from the date of adoption hereof, expiring September 10, 2026 (the "Extension Period").

(c) The use permitted hereunder shall be consistent with the use at the Premises prior to the commencement of the frying of food products by Applicant, but further limited as follows: (a) to the current office use of Suite A of the Premises; (b) to the current as-of-right use in Suite B of the Premises, which are sublet; (c) to the packaging and storage of food products in Suite C of the Premises; (d) to the production, packaging, storing and shipping of yogurt products, including yogurt-based smoothies, sorbets and cheese products, solely within Suite D of the Premises; and (e) to the storage of food products within Suite E of the Premises. Furthermore, any change in the use of any Suite from that presently conducted therein, or from that expressly permitted in such Suite pursuant to this decision shall be allowed only to the extent that (i) it is expressly identified as a permitted use in the ED-A District, and (ii) prior to the implementation thereof, Applicant notifies the Superintendent of Buildings of the proposed change in use, and the Superintendent confirms that the proposed use is permitted as of right in the ED-A District.

(d) There shall be no cooking, frying or other preparation of food products that involves the application of heat from any source ("Heated Food Preparation") allowed at the Premises at any time after March 13, 2026. Nothing herein is intended or shall be deemed to restrict the use of machines, including microwave ovens or hot beverage machines for use at the Premises by Applicant's employees or guests for their on-premises consumption.

(e) Through the end of the Extension Period, the Village Building Department shall have the right to enter the Premises during any hours of operation to inspect for compliance with all conditions of the conditionally permitted use.

Date: March 10, 2026

E. Responsibility For Animal Waste

Marc Silverstein of 42 Marlin Lane addressed the Board regarding concerns that some residents are not complying with the Village Code

ordinance related to animal waste. Chapter 57-1 of the Village Code, *Responsibility for Animal Waste*, states that a pet owner shall not allow their pet to soil or defecate on any street, sidewalk, private property, or the area between the curblines. Pet owners are required to immediately remove any waste deposited in these areas. The Board requested that Mr. Silverstein provide evidence, such as photos or videos with a date and time, so the Building Department can investigate and issue violations if necessary. A discussion followed regarding whether the current \$250 fine is sufficient to deter residents from violating the ordinance. The Board thanked Mr. Silverstein for his input and will await any information he may provide in the future to assist in addressing this matter.

F. LGRMIF Grant Application

On motion of Trustee Malatino seconded by Trustee Scheff, it was unanimously RESOLVED that the Board of Trustees authorizes Mayor Weitzner to submit the 2026–2027 AGS Archives Grant Application in an amount not to exceed \$75,000 to digitize oversized records to ensure the data is preserved and accessible in the event of a disaster, while also reclaiming workspace and increasing productivity.

The Board motioned moving into Executive Session at 8:42 p.m.

The Board reconvened the regular meeting at 9:37 p.m. and reported no action was taken.

On motion of Trustee Kepke seconded by Trustee Malatino, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 9:37 p.m.

Respectfully submitted,

Angelique Melnyk, Village Clerk