

Town Board Meeting – September 10, 2020

Item

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<p><u>PUBLIC HEARING:</u></p> <p>1. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2020, ADOPTED MAY 19, 2020, TO EXTEND THE MORATORIUM IN THE WATERFRONT BUSINESS (B-W) DISTRICT.</p>	<p>2</p>
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**TOWN OF NORTH HEMPSTEAD
TOWN BOARD
VIRTUAL ZOOM MEETING**

Town Hall

220 Plandome Road

Manhasset, New York 11030

Tuesday, September 10, 2020 7:00 o'clock p.m.

P R E S E N T :

JUDI BOSWORTH, Supervisor

MARIANN DALIMONTE, Councilwoman

ANGELO FERRARA, Councilman

VERONICA A. LURVEY, Councilwoman

VIVIANA L. RUSSELL, Councilwoman

LEE SEEMAN, Councilwoman

PETER ZUCKERMAN, Councilman

WAYNE H. WINK, Jr., Town Clerk

LEONARD KAPSALIS, ESQ., Town Attorney

WAYNE H. WINK, JR., Town Clerk

MICHAEL LEVINE, Planning Commissioner

SUPERVISOR BOSWORTH: So thank you all for being here. If you'd please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

SUPERVISOR BOSWORTH: Good evening. Before we begin tonight's meeting, I'd just like to make note that tomorrow marks the 19th anniversary of September 11th. I'm sure everyone remembers where they were that morning. It was a day that began with a sense of confusion and shock as news quickly spread around the country about the attack on the twin towers. The overwhelming and unimaginable tragedy of what transpired in New York, in Washington, D.C., in Pennsylvania was felt across our entire country. Ultimately, 2,753 people lost their lives, the significance of which we still feel strongly to this day. Families across North Hempstead were forever changed by the heartless events of 9/11. The 56 members of our Town, the victims, were family members and loved ones, friends and co-workers and our neighbors. Tomorrow morning, we're going to be honoring the victims during our annual 9/11 memorial service beginning at 9:00 a.m., which is run by our great Town Clerk, Wayne Wink. This year's ceremony will be held virtually and broadcast on North Hempstead TV. It will also be available on line on the Town's social media page and on www.mynhtv.com. And although this year's ceremony may look a little different, we invite everyone in our community to join us in recognizing the lives that were so tragically lost that day. And it's so important that we let the families who lost loved ones know that they'll never be alone and their loved ones will never be forgotten. And so I'm going to ask you now to all to join me in a moment of silence to honor the memory of those who lost their lives on that fateful day.

SUPERVISOR BOSWORTH: Thank you. Mr. Wink, would you please call the meeting to order.

MR. WINK: Town of North Hempstead Board Special Board Meeting, Thursday, September 10th, 2020. Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Here.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Here.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Here.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Here.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Here.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Here.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Here. Mr. Wink, if you'd begin tonight's agenda.

MR. WINK: Public hearings. Item 1, a public hearing to consider the adoption of a local law

amending local law No. 2 of 2020, adopted May 19th, 2020 to extend the moratorium in the Waterfront Business BW District.

COUNCILWOMAN DALIMONTE: Good evening, everyone. And thank you for attending tonight's public hearing. I'd also like to thank Supervisor Bosworth, my fellow Councilmembers and our Town Clerk for accompanying me --accommodating my request for this public hearing for us to decide whether to extend the BW Zone Moratorium. Before we open this to the public for questions and comments, I'd like to take a moment to provide you with an overview of the BW Zone Moratorium and our progress and to explain the purpose of tonight's hearing. The BW District covers the private -- private, commercial properties extending from Sunset Park to Manhasset Bay Yacht Club. Rest assured, Sunset Park and the Town Dock will not be affected. The main area we are focused on is south of the Town dock. Most of you know by now that the Town of North Hempstead adopted a developmental moratorium in the BW Waterfront Business District in December of 2017. In the spring of 2019, roughly a year-and-a-half after the moratorium began, the prior councilwoman introduced a new proposed Code and held a public hearing. At that public hearing there was little support for the proposed Code and a lot of local opposition. That proposed Code was never presented to the Town Board for a vote. Instead, an advisory steering committee was formed in the summer of 2019 to help develop a balanced and acceptable new Code for adoption. The prior councilwoman invited the property owners, local civic groups and surrounding neighborhood organizations to each select two representatives to participate on the steering committee. These representatives were chosen solely by their respected agents, not by the Town of North Hempstead. The steering committee convened in the fall of 2019. My term of Councilwoman began on January 1st, 2020. Since taking office, I've conducted nine meetings of the steering committee and with their input, Planning Commissioner, Michael Levine, has drafted ten versions of a proposed new Code. The Supervisor and I have made every effort to make sure that the neighboring residents have been heard and many of their requests have been granted. For example: The height is decreased; We've increased side yard and rear yard setbacks; Increased parking requirements; and, Decreased the density. The purpose of tonight's hearing, however, is limited to the question of whether or not to extend the BW Zone Moratorium to October 30th, 2020. My rationale for this -- sorry -- for requesting this extension is to allow the community additional time to familiarize itself with the proposed Code and to provide opportunities for people to ask questions and to give critical feedback. Should the moratorium be extended? My intention is to conduct two additional public meetings about the contents of the proposed Code, which will be presented for a vote at the Town Board meeting on October 22nd, 2020. Finally, before we get to your questions or comments about extending the moratorium, I'd like to close with a few basic details. Thirty-four months have passed since the moratorium began in December of 2017; Twenty-six articles about the moratorium have been published in local papers, including Newsday; Thirteen public meetings or hearings about the moratorium have been held; Nine steering committee meetings have occurred, all public but two; Today will likely be the sixth extension of the moratorium. Thank you for joining us this evening. Unless the Supervisor or the Councilmembers would like to say something, I believe we are ready for questions and comments.

SUPERVISOR BOSWORTH: Well said, Mariann. Go ahead.

COUNCILWOMAN DALIMONTE: Thank you. So Mr. Wink, do we have anyone that would like to speak on this matter?

MR. WINK: We have a number of speakers, as well as a number of e-mails, which we will get

into as the course of the evening progresses. The first requested speaker is George Autz. Mr. Autz, if you can unmute yourself, please begin your comments. We're going to ask all speakers, as always, to limit their comments to three minutes.

MR. AUTZ: Hello. Good evening. My name is George Autz. I live on Prospect Avenue. I am a member of the F&A, which is a local community group and I sit on the Town Board steering committee for the Port Washington business owners as a resident representative. I am speaking in favor of extending the moratorium. Before I start, I do have a little prepared words. I just want to first thank Councilwoman Dalimonte and Supervisor Bosworth for holding this public meeting to talk about why we need to extend the moratorium. I do also want to thank the other members of the Town Board for taking time out. I know that this is a special meeting and we all appreciate what you're doing. The comments that I am going to make, deep down I know Supervisor Bosworth and Councilwoman Dalimonte know the reasons for extending the moratorium. I would like to make a few comments, which I think might be useful for the other board members just to educate them perhaps a little bit more so that they can make a better informed decision when they vote on this proposal to extend the moratorium. As noted in prior e-mails to Councilwoman Dalimonte and Supervisor Bosworth, dated August 26th, 2020 and August 30, 2020, the majority of resident representatives on the steering committee have deep concerns regarding the proposed changes to the current Zoning Code discussed at steering committee meetings. Our concerns relate to proposed allowable height, bulk and density and how these changes may adversely impact the local and greater Port Washington community. Extension of the moratorium and resumption of open meetings that maximize the opportunity for questions from the public to both steering committee and Town representative members will re-engage the community so that they can fully understand the impact of zoning changes. At the first four meetings of the steering committee between January and March 2020, the public was actively involved in the meetings and understood all proceedings. Unfortunately, the COVID-19 pandemic occurred and disrupted the functionality of the Town of North Hempstead, as well as the Port Washington community and our country and the world. While I am glad to see the Town of North Hempstead functionality slowly return, we all must acknowledge that many members of the community are not as fortunate. Many individuals are dealing with personal and family and physical and mental health problems, with financial stress problems, raising children and educating children problems and many other individual unforeseen problems that we are simply not aware of. To say that the community has many distractions is a pandemic understatement. We appreciate the Town Board for not being tone deaf to the community outcries and approving the extension of the moratorium is the first step. We know that this additional time will be used wisely to re-engage the community in the vital process of changing the current BW Waterfront Business District Code to a better Code --

MR. WINK: Mr. Autz, I'm going to ask you to wrap up your comments.

MR. AUTZ: -- that will (overlapping conversation) and the Port Washington community for generations to come. Thank you.

MR. WINK: Thank you, Mr. Autz. The next speaker requested is Lowell Peterson. If we can invite Mr. Peterson to be able to unmute himself to make his comments.

MR. PETERSON: Thank you very much. Members of the board, thank you. Councilmember Dalimonte, for -- thank you in advance for voting to extend the moratorium on development in the BW District. The reason the moratorium was adopted in the first place was a broad and deep

recognition by elected officials, members of the board, prior councilmember and certainly residents of the neighborhood and of the entire community, that the current zoning is inadequate to protecting the waterfront in many ways that you have heard and will hear about tonight; density, access to the waterfront and so forth. Congestion along Main Street is a primary concern and over dense development will be -- will have a tremendous negative impact on us in the neighborhood and on the entire community. And we all recognize and this was the reason that the moratorium was adopted in the first place, that the current zoning would not protect the interests of the community adequately. So we appreciate that the moratorium would be extended. We definitely appreciate the hard work that many people have done to revise the current Code. I don't think anyone would disagree that the proposal that is on the table, or will be on the table or that is being discussed, addresses to some extent the concerns that led to the imposition of the moratorium. But from the viewpoint of the residents, it is simply inadequate to the task. I don't say that lightly. I know that a lot of people put a lot of hours into it. But I would like to remind folks that a moratorium is temporary. In this case it's just another not even month-and-a-half. Changing the Zoning Code and allowing developers to build too dense, too tall developments that will increase congestion too much, that's permanent. So the reason the moratorium was adopted was to allow folks like yourselves to roll up your shirt sleeves to get to work on revising the Code. I urge you to keep your shirt sleeves rolled up for the next month-and-a-half and continue the difficult work of revising the Code to address the very legitimate concerns that you'll hear tonight, heard before and, hopefully, you will hear between now and October 22 because they're very real. We do understand that the proposal is an improvement but we think a lot more work needs to be done. So thank you for this opportunity and thanks for the extending the moratorium so more of that work can be done.

MR. WINK: Thank you, Mr. Peterson. The next speaker wishing to be heard is Laurie Rothstein. I'm going that Ms. Rothstein be invited to participate.

MS. ROTHSTEIN: Thank you.

MR. WINK: Thank you.

MS. ROTHSTEIN: Can you hear me?

MR. WINK: Yes, we can hear you.

MS. ROTHSTEIN: Thank you, Councilwoman Dalimonte and Supervisor Bosworth for extending the moratorium. Despite the challenges posed by COVID we still have the opportunity to craft a Code that respects property owner rights while minimizing negative impacts on the surrounding community and traffic overload in the Main Street corridor. The progress made by the steering committee thus far demonstrates that the collaborative process is working. As a member of the steering committee, I trust we'll soon be able to reconvene with full public participation and find reasonable compromises on the remaining issues of concern. Thank you so much.

MR. WINK: Thank you, Ms. Rothstein. The next speaker is Krista Terenzi.

MR. WINK: If Ms. Terenzi can be invited in so she can make her comments.

MR. WINK: Krista Terenzi, T-e-r-e-n-z-i.

MS. TERENZI: Good evening.

MR. WINK: Good evening. How are you?

MS. TERENZI: Good. Thank you so much for extending the moratorium. We ask that the steering committee be reconvened twice publicly. The residents of the steering committee never agreed to a three-story, 35-foot height, which is now in the proposed Code. You stated on March 10th that the height, at the height of COVID, that the proposed Code went up to 35 feet. However, on March 27th, the residents on the steering committee wrote to you stating that they had not agreed to, "height above two stories." The residents additionally followed up with a letter June 20th, once the Town opened up after COVID, stating that they did not agree to that because the plans were never shown to them. This Code is not balanced in protecting the waterfront from overdevelopment and the residents from losing their quality of life, which they moved to Port Washington to enjoy. Are you saying that this proposed Code was pushed forward without support of the residents and, therefore, not a unanimous decision? Is this issue going to be resolved by a unanimous decision? I would also like to point out that it's not clear in the Code where the 35 feet starts. We need to define the grade. Does it start at street or from the ground below the building? Because that is a very big difference. Thank you.

MR. WINK: Thank you, Ms. Terenzi. The next speaker is William Marman. If we can invite Mr. Marman in. Mr. Marman, you can unmute yourself.

MR. MARMAN: Yes. Good evening. Can you hear me now?

MR. WINK: Yes, we can hear you.

MR. MARMAN: Okay. Well, I want to thank the board and Supervisor Bosworth and Mariann Dalimonte for all your hard work. We really appreciate your attention to this. You know, the waterfront here is such a special asset to this Town, not just those of us who live near it but really the entire Town. I lived most of my life in Huntington where we had a beautiful harbor that was totally inaccessible to the public because it was all private -- privatized ownership. So I just -- I appreciate that you're taking this moratorium and that we'll have an opportunity to get this right because I think it's very important for us as a community and for the generations to come. So thank you very much. I appreciate that.

MR. WINK: Thank you, Mr. Marmon. The next speaker is Shanaz Sautz. If Ms. Sautz can be invited into the meeting.

MR. WINK: It might be with George. I'm not sure if they're watching separately or together. But yes --

MS. BRINN: It's Rachel. It's S-a-u-t-z.

MR. WINK: There we go. Ms. Sautz, if you can unmute yourself.

MR. WINK: Ms. Sautz, are you able to unmute yourself. Because as of right now we can't hear you.

COUNCILWOMAN DALIMONTE: Shanaz.

COUNCILWOMAN DALIMONTE: Should we go to the next person and go back.

MR. WINK: Yes. Mr. Sautz, with your permission we'll go on to the next speaker and when you're able to unmute yourself, we'll call you in the next available turn. The next -- the next speaker is Nick Maenhout. If we can invite Maenhout --there you are. If you can unmute yourself.

MR. MAENHOUT: Good evening, everyone.

MR. WINK: Good evening.

MR. MAENHOUT: Thank you for my call here. I just wanted to make a quick note on the actual intention, the legislative intention, on the moratorium itself. Back when it was written, it had basically three intentions: It was to support the water dependent businesses; It was to support public access to the waterfront; and, It was to preserve Port Washington's nautical heritage So that was kind of the original intention of this. So I would ask that in the time that we have during this extension that if -- if one of those aspects is not being met that we're really take a look at, especially when it comes to public access, we really take a look and make any necessary changes to the Code during this time so that the actual intention of the moratorium can be met. Because as it stands right now, I don't feel like many of the residents are in agreement that a lot of these things are being met. So thank you for your time.

MR. WINK: Okay. Thank you, Mr. Manehout. Arlene Garrett.

MS. GARRETT: Yes, hi. Can you hear me?

MR. WINK: Yes, we can hear you.

MS. GARRETT: I just wanted to thank you for the extension of the moratorium

MR. WINK: Arlene, if you could perhaps turn your own volume down a little bit because you're getting an echo and it will be easier for everyone to hear you if your volume is a little bit lower.

MS. GARRETT: Okay. Let me try that. Can you hear me now? Is that better?

MR. WINK: Yes. Yes, much better.

MS. GARRETT: I've been a resident of Port Washington for almost 35 years now and I just wanted to say, thank you for taking the time to -- to extend the moratorium. The waterfront's very important. It's the heart of Port Washington and it really is something that's going to be here for generations to come. Really it needs some careful thought and anything that we can do to help you, we appreciate it. That's all I have to say. Thank you.

MR. WINK: Thank you, Ms. Garrett. Should we take another shot with Shanaz Sautz? Is she available, unable to unmute? Ms. Sautz?

MR. WINK: Okay. By the looks of things, you appear to be unmuted but for whatever reason, we still can't hear you.

COUNCILWOMAN DALIMONTE: Could we bring George in because that's her husband and see if she can use his phone.

MR. WINK: If George is available to -- to serve that purpose, that would be perfectly fine.

COUNCILWOMAN DALIMONTE: I don't know if they're together but --

MR. WINK: Mr. Sautz?

MS. OUTZ: Can you hear me now?

COUNCILWOMAN DALIMONTE: Yes, we can.

MR. WINK: Yes, we can hear you Ms. Sautz.

MS. OUTZ: Thank you. I don't know what was wrong. Sorry.

MR. WINK: That's okay.

MS. SAUTZ: I — first I'd like to thank you for this opportunity. I am grateful to Supervisor Bosworth and our Councilwoman Dalimonte for giving us this extension. And I know that's a lot of hard work has gone into this proposed Code and the residents are not saying that we're going to have to start over again. There are several issues that I think is a big concern for everyone. And I have to tell you, we have a petition online and over 700 people have signed this petition because they are concerned with several issues that needs to be actually addressed. If we can please go back to talking about the issues of basically height and density and bulk of the building. We are very happy with many of the aspects of the Code. It is better. But, again, we need to talk about the height, the density and the bulk of the building. And I hope that in these public meetings that you're holding, we can go back and discuss these issues further and let the community at large activate and engage in understanding what is going to be the impact of this new Code in this future of our beautiful waterfront. Thank you.

MR. WINK: Thank you, Ms. Sautz. The next speaker is Nicole Avnet.

MR. WINK: Is Ms. Avnet available?

Okay. If you can unmute yourself.

MS. AVNET: Hi.

MR. WINK: Thank you.

MS. AVNET: Can you hear me?

MR. WINK: Yes, we can hear you.

MS. AVNET: Okay. Great. Thank you so much. Nicole Avnet, 14 Third Avenue. First, I'd like to thank Councilwoman Dalimonte for putting forth this proposed extension to the moratorium and to Supervisor Bosworth and the rest of the Town Board for the consideration. I am speaking in favor of extending the moratorium in order to raise public awareness of the Code revisions for the waterfront development, which has been difficult during the time of the Coronavirus. I do understand balancing the needs of businesses to be viable and profitable with the resident community needs as well. So I do appreciate the additional time and consideration to do so. Councilwoman Dalimonte, would you please clarify your specific intent on: Convening the steering committee during this extension to work to get alignment on the Code points previously not agreed? When and how many meetings and will these be public? Without laboring here on the specific points made by other previously on the Code, there is an opportunity for greater transparency and sharing and potentially modifying proof of concepts to get the community comfortable with ramifications, including environmental, density, traffic impact. Getting our resident representatives aligned with the developers is the next step in getting the community on board. How are you acknowledging requests and showing follow through by developers, for our residents both on and off the steering committee of prior commitments made? Further, in this time where public, in-person hearings are not possible, what specific new communication tactics are you taking to meet the public where they are in order to provide information served to the community at large as opposed to only the smaller subset of those who seek it out and opt in on your e-mail newsletter? I've noticed many questions posed during meetings, when heard and noted for the record, are not always addressed and answered. Thanks for listening.

MR. WINK: Thank you, Ms. Avnet. The next speaker is Rachel Amalfatano. Ms. Amalfatano.

MS. AMALFITANO: Good evening. Can you hear me?

MR. WINK: Yes, we can hear you.

MS. AMALFITANO: Okay. Thank you. I -- I too would like to thank Mariann Dalimonte and Supervisor Bosworth for extending the moratorium. I do think we have a lot of work to do. I just want to say that since this pandemic started in the last six months, it's really awoken me the importance of our waterfront and our open space and the community having access to that open space, more now than ever before. And once we remove that open space, we could never get it back. And the plans that are shown now just do not show the commitment to the public access that we need. So I ask that we focus on that aspect of it because I think that the value of that has changed significantly since the -- the proposals in the current Code were drafted. So I'd like that to be considered. And the other thing I want to note is, that, you know, during COVID people are already feeling very vulnerable. Everything's very different. All these meetings that we used to be able to attend in person and feel like that if we needed to speak up, we could, we are now doing via Zoom. And I plead with you guys, as our elected officials, to -- to really respect the fact that we need to trust that you're not going to take advantage of the fact that we're using technology to not allow our voices to be heard. Mr. Wink, I know the meeting on September 3rd there were many people waiting to speak and the clerk even indicated that to you. Yet many people were not called to speak that were waiting to. And then, also, instead of reading verbatim what was spoken to, you said you really summarized it in your own words and that lost a lot of the meaning in translation. And I just really think that that's a violation of our rights and a grave distrust that -- that you showed. And quite frankly, I've known you for a long time and I've spoken to you before and worked with you before and I was quite shocked and it was not in line with the character I knew. But it makes people feel -- people are vulnerable already. And we don't need to feel that people are going to be manipulating the technology and selectively or strategically allowing people to speak. Thank you very much for your time.

MR. WINK: All right. If I may address that -- the two issues. One, on the September 3rd meeting, it was never indicated to me and there was nothing in the chat room indicating that anyone wished to speak to the item. The only person who did indicate after the vote had taken place, that indicated that they wished to speak was Krista Terenzi, in fact, who, in fact, spoke tonight and spoke at the last meeting as well. I apologize if there was some technical difficulties but it was never made clear me either through the chat room or through raising of hands in the course of the Zoom conference on the 3rd that anyone did wish to speak with respect to that item. And I believe we also made clear at the time, after the fact when we learned of people who wished to speak, which we learned well into the calendar, we did make it clear that there would not only be this opportunity this evening, but, also, future board meetings in which the substantive items would be heard. So, Ms. Amalfitano, I apologize. And with respect to summarizing e-mails, it's a long standing policy of this Town Board to accept verbatim e-mails that are then circulated to every member of the Town Board for their consideration, to inform them of their votes on items. But the summaries have always been just that, a summary of the e-mail for the record. The record in its entirety includes the full verbatim e-mail. But at the end of the day, since we've gone to this new format by necessity, we've made it clear that we've given a more fulsome summary and a more thorough description of the e-mail. But nevertheless, please understand that every member of the Town Board has, and continues to receive all e-mails with respect to these items in their entirety and they review them and that informs their ultimate

decisions. So those are just my responses to the two issues at hand here. The next speaker we have requesting to speak is --

SUPERVISOR BOSWORTH: Mr. Wink. Mr. Wink. It's Supervisor Bosworth.

MR. WINK: Yes.

SUPERVISOR BOSWORTH: So I have really not been commenting, I've been listening as have all the Councilmembers and I feel I have to say something now. And I so appreciate all of you who are taking the time to get on this Zoom meeting. We know this is not the perfect way to do it. COVID-19 has presented challenges to us that really were unimaginable. And we're still in the middle of a pandemic and we're still facing those challenges. And I think we're all trying our very best to make sure that government is continuing, that we are here, that we're listening. And, you know, we can spend a lot of time about who was called to speak at the last meeting, who wasn't. And I can imagine if you were here and you wanted to speak and you didn't have the opportunity, how frustrating that must have been. But we're here tonight. And the technology seems to be working a lot better. I am very taken with how to the point each of the comments have been. We hear how passionately you feel about this. And I hope that you also see that Councilwoman Dalimonte has been so committed with the way she's running the steering committees, with the conversations that have been had, that we've been having, to make sure that the needs of the residents of Port Washington are always uppermost being considered. We hear how passionately you feel about protecting the waterfront. I hope you understand, we feel that passionately as well. The Code that is under review is, you know, as one of the speakers had said, is to make it better than what the present Code is. And we hear very clearly your concern about density, your concern about height, your concern about access to the waterfront, the preservation of the nautical characteristics of the Waterfront District. These are all things that are being worked on. And my hope is that as the steering committee meets, and there will be several meetings and we're going to have, you know, better open to the public and, you know, public hearings as Councilwoman Dalimonte had said, where all of these concerns hopefully will come together so that the Councilwoman will be comfortable with the proposed Code, that the Councilmembers will be comfortable, that I will be comfortable and, most importantly, that you will be comfortable and that it will represent a real consensus of coming together, wanting to do the right thing -- doing it together, doing it as the family that we are. And even though we're not able to see each other face to face, it doesn't take away from the fact that we care about each other, that we care about the concerns that you have raised, that you continue to raise and --and I am very optimistic that there will be a resolution to this maybe everybody won't be thrilled with but will feel that their needs and concerns have absolutely been taken into account and addressed.

COUNCILWOMAN DALIMONTE: I'd like -- Supervisor Bosworth, thank you very much for saying that. And as everyone on the Town Board knows, that I have put my heart and soul into the steering committee. We've had nine meetings and I've only been in office since January 1st. I've met with people outside this office. I've, you know, any time they've called me and stopped me, I've talked to them about it. So it's, you know, we care about them. I'm fourth generation in this Town. You know, I care about the waterfront just as much as they do. So, you know, we'll continue with this and hopefully everyone will support this extension of this moratorium on the board. Do we have any more comments, Wayne?

MR. WINK: Yes, we have a few more. But I am going to take the liberty of inviting Rachel

Amalfitano back in. Ms. Amalfitano.

MS. AMALFITANO: Thank you. I appreciate that. I definitely appreciate, Mr. Wink, you acknowledging that what was common practice before is probably not appropriate now given the change in circumstances and the fact that people aren't able to attend in person if they so choose. So thank you for that. Supervisor Bosworth, I am not here to throw stones. I am just here as a constituent to voice my concerns. And this --the meeting on the 3rd was not the first meeting that we felt railroaded as constituents when it came to voicing our opinion. Mariann is familiar with that and I understand that had extenuating circumstances that really backed Mariann into a corner. So I understood and spoke to her at length after that. I have no doubt about her commitment to the Town. I worked hard towards her campaign to be our Councilwoman. So I have the utmost respect for her and I value all of the work she's doing here throughout this crisis. I am constantly seeing people post on Facebook, you know, things how Mariann went above and beyond to help individual residents throughout the Town. So please don't interpret this as throwing stones. It is somebody that feels really strongly about civil rights and people having their voice heard and I just want to make sure that your constituents are afforded that. So thank you.

MR. WINK: Thank you.

SUPERVISOR BOSWORTH: Okay. So I can never let anything lie. And please know, if you thought that I thought that you were throwing stones, that certainly was not the intent. I just wanted to make sure that that we're -- we're doing this together. And that even though it's a little awkward because you're sitting by your computer and I'm sitting by my computer, Mariann's sitting by hers, as everybody else is by theirs, that we don't lose the humanity of just being together, working things out. And, you know, again, it's --you know, I think this evening, is a good example of just having the opportunity to say the things that are of concern, knowing that every Councilmember is listening, that -- that we care, as you care. And that -- as we go forward and as we go forward together, it's not an adversarial situation here. We want -- we want to make sure that what we ultimately, you know, adopt is something that -- that the community can celebrate. And so that's the goal and I'm glad that we're working together to try and get there.

MR. WINK: All right. The next speaker is Kevin Muller. Good evening, Mr. Muller.

MR. MULLER: Hi. Thank you very much. Can you hear me?

MR. WINK: Yes.

MR. MULLER: Great. Thank you to Councilwoman Dalimonte for her tireless work on this compromise and for e-mailing back -- and for e-mailing me back at 2:00 in the morning on my many, many, many questions. I'm in favor of extending the moratorium for six months. The steering committee must meet again to work towards a consensus that accomplishes the legislative intent of increased access to the waterfront for the public, the balance of the developers and the community and so the community can understand the impact of the proposed Code. Despite all the efforts put forth thus far, that is not a done job. With the proposed Code, the changes that we could see are a potential 200 additional condos, 400 additional residents. There has been no effort put forward to understand what the impact to the surrounding area will be with this massive increase in traffic. We need -- will we need more stop signs. Will we need a traffic light in that area? We don't know. We don't know and frankly it seems like the board doesn't know. The steering committee doesn't know. None of that work has been done yet.

There is one crosswalk on lower Main Street and one stop sign. As I've mentioned in previous meetings, there's 25 children under the age of 18 on Third Avenue alone. Before any zoning is approved, the Town owes it to its voters to understand the impact of this additional traffic. The steering committee can work towards a resolution but they need to meet. The community is not aware of the details. As many people have mentioned, the pandemic has stopped life and made things harder on everyone. Getting public attention is hard but it's important to make major efforts to get the community involved and aware so that in ten years no one's comparing about another Knickerbocker. Case in point, Shanaz tried to speak and had trouble. As Ms. Amalfitano, Rachel, said earlier, many people tried to speak at the previous meeting. It's very challenging. Mr. Wink, you were on video being told by your aide that people were waiting. You did not give a fulsome summary of the e-mails that were sent forward. That is not an accurate depiction of the e-mails that were sent to you.

COUNCILWOMAN DALIMONTE: Kevin, I'm going to stop you there.

MR. MULLER: There's a chance for us to comment and ask questions. We have not heard any answers. Where is the dialogue? Where are all the answers to some of these questions? Ms. Avnet just asked five pointed questions to the Councilwoman. This is not just a place for us to comment but, also, for us to hear answers. Supervisor Bosworth --

COUNCILWOMAN DALIMONTE: Wait, hold on. Kevin -- Kevin --

MR. MULLER: What you said on --

COUNCILWOMAN DALIMONTE: Kevin. Kevin. Kevin.

MR. MULLER: — and feeling our passion but allowing an extension and telling when the steering committee can meet.

COUNCILWOMAN DALIMONTE: Kevin, are you --

MR. MULLER: No, I'm not. Confirming that the steering committee will meet, widely publicizing those meetings, widely publicizing them, not just use this extension for a time for public hearings but actually as an opportunity to change the Code. We have had about three weeks since our last meeting. I would like to know when the steering committee will meet. When those public hearings will commence. The extension is only another couple of weeks. Time is running out. Thank you.

COUNCILWOMAN DALIMONTE: Okay. So, Kevin, first of all, this is regarding extending the moratorium. This is not -- this is not about the proposed Code. That --

MR. MULLER: They are interrelated and there's no way --

COUNCILWOMAN DALIMONTE: Wait. Excuse me. Kevin. It's my turn. It's my turn.

MR. MULLER: I don't know if my three minutes were up -- but please go ahead.

COUNCILWOMAN DALIMONTE: Yeah, your three minutes have been up for awhile. So that's number one. Number two, this is about extending the moratorium. I can't set the dates. I have a meeting -- I have an e-mail ready to go. I cannot set the dates of the meeting until I find out from the board if they're extending the moratorium. So if we don't get to vote tonight, the moratorium expires on Monday. Then I don't have -- I can't have any more meetings if there's going to be no new proposed Code. So you can demand all you want, how you want this stuff but I cannot do it until the board approves the moratorium to be extended because then there's no

purpose of me having a meeting. Okay. Regarding Mr. Wink, he -- he is an amazing Town Clerk and he sends every one of us every comment that is sent -- not comment, every letter that is sent. We read them before the board meeting. That is up to us. That's why he doesn't go in detail on it. Okay. Anybody else, Mr. Wink.

MR. WINK: Yes. Next speaker is Michael Scharpf.

MR. WINK: Mr. Scharf, if you can --

MR. SCHARPF: Hi. Sorry. I just had the option -- can you hear me?

MR. WINK: Yes, we can.

COUNCILWOMAN DALIMONTE: We can hear you.

MR. SHARP: Okay. Good evening, everybody. While the residents were requesting a three to six-month extension, I'm still in favor of extending the moratorium even for one month. But I'm a little confused and this is very pertinent to the extension of this moratorium, this question. And it's a question directed to Councilwoman Dalimonte. And I'm hoping that she can clarify for the residents on this call, because there's a little bit of confusion, whether this one-month extension is strictly for informational purposes, i.e. to inform the public on the revisions the Town has made thus far to the Code, which the Town intends to vote into law or whether this one-month extension also serves the dual purpose of not only educating the residents as to the revisions made thus far but, also, providing the opportunity for residents to have input and suggestions for the Code itself, so that the Town will actually consider making further revisions to the Code. I also want to say that I agree 100 percent with Supervisor Bosworth that we should all work together. I think that any frustration that comes out on this is not personal, it's merely the feeling of residents, especially during this pandemic and Zoom meetings and not having a personal relations that our voices aren't necessarily being heard. And, you know, so that's why my question to the moratorium extension is important to me because I received a letter to my home address from Mr. DiConza, where he wrote that after the public hearing the other night he immediately pushed for in support of delaying the process so that the public could be brought up to speed with what has been done. And so I want to understand if this one-month extension is merely serving that purpose to let the public know what the Town revisions are going to be for the Code or if it's really to have a dialogue and actually listen to the residents and take their considerations, their input and possibly make changes to the Code before it is voted on. Thank you.

MR. WINK: Thank you, Mr. Scharf. I have -- no one else has requested to make public comment. With your permission, Councilwoman, I will reference the fact that we have received a number of e-mails with respect to this. As the policy, as I set out previously, I am going to acknowledge, particularly those who made their verbal comments and, I believe, incorporated their e-mails but the e-mails themselves will be part of the record and have been distributed to the entire Town Board. We have received in no particular order, I believe, two e-mails from Ms. Terenzi and both of them have been -- I believe they've been addressed by the Councilwoman prior to the meeting as well. We received an e-mail from Matthew Frankel, who has expressed opposition to the proposed Code. He believes the moratorium needs to be extended and that the proposed Code does not guarantee public access to the waterfront. The residents have not approved the proposed building heights and no one understands the impact of multi-family development will have on safety, schools, traffic and overall congestion. He also indicates that

the

community is going to benefit from this -- if the community is going to benefit from this, which it must, we need true commercial development on the ground floor. And that he and his wife, Rachel, have signed the e-mail, indicating that they are not opposed to a private property owner developing their land but that that development needs to be under the terms of the Code, which benefits the community and that is, again, as I say, that is what I consider a fulsome summary of the e-mail that Mr. Frankel submitted. He may be the one person who has not commented for himself so far tonight. So I took the liberty of doing that. We did receive an e-mail from Mr. Manhout, which I believe he referenced in his remarks as well. We received an e-mail from Kevin Muller, who referenced his -- made his comments as well. As well as Nicole Avnet, who made her own comments for the record as well. Those are the e-mails I've received up until this moment. We have one more person wishing to be heard, I'd like to invite Laurie Williams to join the meeting. And to unmute yourself, please.

MS. WILLIAMS: Yes, hi. I would just like to get clarity on the questions that have come up, including from Michael just now -- from Nicole Avnet earlier. When are those questions going to be addressed? And is the next forum, or the next public meeting, where you will address those questions that were asked previously?

COUNCILWOMAN DALIMONTE: Yes. They can e-mail me and I will answer them. But this public hearing is about extending the moratorium.

MS. WILLIAMS: Well, I understand that but I think everyone on this call, who took the time to be on this call, would like to know the answer to those questions not just to them individually.

COUNCILWOMAN DALIMONTE: Well, Nicole's questions regarding newsletters, she says, except for the people that answer -- that get the District 6 newsletter, as I stated in my statement, there's been 26 articles about the moratorium that have been published in the local papers, including Newsday. Also, it's on social media. It's -- we have an agenda and then it's also on that as well. There have been -- how many meetings? Thirty -- 20. I don't know, you know, I don't recognize Nicole's name from any of the prior, before COVID, the prior steering committee meetings. But since I took office, there's been nine of them. They were all open to the public but two.

MS. WILLIAMS: I understand that. I understand that and I think, you know, what happened for many of us, again, in addition to COVID, when you were elected, we had attended meetings at the Landmark that were attended by many, many people, like hundreds of people who were concerned. And I think, as you know, life goes on. People get busy and we are here now asking these questions.

MS. WILLIAMS: So we'll continue to know that we're going to get those questions answered.

COUNCILWOMAN DALIMONTE: Yes, you will. Just -- I ask them to e-mail me. I'm not going to waste the entire board's time here. All they have to do is e-mail me and I respond. As Kevin said, even at two o'clock in the morning. And just -- and I know Michael, maybe the one response that he does want to hear, that the meeting, the meeting that's going to be taking place, I said I would have two more meetings. The first one is going to be with the steering committee and we're going to go over the proposed Code. And we're going to explain to everyone what we can do. Because I heard a lot tonight about public access. The public access -- you have to give the builders density. You have to give them height. And the neighbors don't want that. This is

private property. So we've looked into case studies about how we can have public access. So we have definitely looked into that. And in order to get like a boardwalk like they have in the City, you have to give them height and you have to give them density and the neighbors don't want that. Residents Forward has been advocating for public access on the steering committee since day one. And that is something that we would have to do in the site plan review. It cannot be in the Code. It's a public taking. Our attorney, Len, is on this call. He could speak to that.

MR. KAPSALIS: Sorry. We have brought this up and discussed it at previous meetings that we understand the desire for public access to the waterfront and the public access is not something that we can legislate. But it's something that we can incentivize and something that we can actually accomplish during the site plan review process. It's something that has happened many, many times and will likely happen again.

COUNCILWOMAN DALIMONTE: Right. You would have to save that for their property. It's --

MR. KAPSALIS: Exactly. To do otherwise, to try to legislate it would be --it would be a taking.

COUNCILWOMAN DALIMONTE: So we have looked at all those options. And everybody on the steering committee has definitely -- definitely knows that, that we have been advocating for that. And, also, what we did is, the original Code that was proposed was 33 feet. We gave them an extra two feet in height -- it's a proposed Code. We got 25 feet rear yard access and, also, a larger side yard and a larger, I believe, rear yard -- side yard and front yard. So it was definitely a give and take during these steering committee meetings. But that's for right now. But they can e-mail me with any questions. I'm more than happy to meet with them. Wayne, do we have anyone else to speak? Or Laurie, are you done? I don't even know if you're done, Ms. Williams.

COUNCILWOMAN DALIMONTE: Is she still there?

MS. WILLIAMS: Yeah, I'm still here. As someone who lives right above the Knickerbocker and is looking at what was explained as access and eventually led to a hotel, I just have concerns about what we're talking about in real life. Because we walk by it every day.

COUNCILWOMAN DALIMONTE: Right. And I can understand your concerns. That was brought up several times with the Knickerbocker at the steering committee.

MR. WINK: Okay. Ms. Williams, thank you for your comments. Mr. Scharf has requested an opportunity for a brief response. Mr. Scharf.

MR. SCHARPF: Hi. I'm here. Can you hear me?

MR. WINK: Yes.

MR. SCHARPF: Yes. Just to the private talking point. And I know that I've e-mailed Councilwoman Dalimonte about this but I still haven't really understood or received an explanation as to why the Town can't itself condition its sole discretionary approval of a special use to the criteria that is already in the existing Code of whether the proposed access will create - will create opportunities for increased public access to the waterfront. This isn't a private taking. This is not under permitted use. All of the developers -- all the people who own there, owned when it was a business district when it didn't even have residential use in the existing Code in '08, '09, except for the Knickerbocker and that's done with. And except for the current

owner of LaParma, which -- who bought after the moratorium was put in place and was well notified that this was -- that the Code was going to be looked at for the various three reasons that Nick had responded earlier. So I can't quite understand this. The Town is in its sole discretion to give a special use. And they can put their middle finger up every time they want to for their own reasons. There's nothing in here that says that they can only deny it for certain criteria. It says that if they choose to do it, it's their sole discretion and then they have to look at the criteria of approval for special uses and one of which is about creating increased public access to the waterfront. The problem is that these criterias are in the Town's complete discretion and we don't know if Judi Bosworth will be in office some day or if Councilwoman Dalimonte or other people who we know care about the waterfront. And so it's important that the Town takes this opportunity to restrict their own discretion and make it conditional, that they will not grant a mixed use or multiple use building with residential condos to be built on the top, unless that condition is not just looked at with all the other ones but that it is actually met and that there's access to the rear yard provided. I still don't understand why and I haven't received an explanation. But this is not a private taking.

MR. WINK: Thank you, Mr. Scharpf. We have someone requesting to speak by the name of Dave. I don't know which Dave that is but Dave -- Dave if you can unmute yourself. You have three minutes, please.

(No response.)

MR. WINK: I'm sorry. I saw Dave. Now I don't see Dave.

(No response.)

MR. WINK: Okay. I don't see Dave any longer. With your permission, we're going to move on. Ms. Autz has requested to make one more comment. Ms. Autz, are you available?

MS. AUTZ: Yes, thank you. Now I received an unmute. I didn't receive it before, thank you so much. I just wanted to say that the last comment is very important and I was wondering if Mr. Kapsalis has an answer for this.

COUNCILWOMAN DALIMONTE: All right. This is -- Shanaz, this is a hearing to extend the moratorium.

MS. AUTZ: Okay.

COUNCILWOMAN DALIMONTE: We will have a public meeting regarding the Code. And our Town Attorney will be there. Just so you know, I don't want to -- there's all these other Town officials on this that have to do things with their District. They were so kind to come tonight and I thank each and every one of them.

MS. AUTZ: We do too.

COUNCILWOMAN DALIMONTE --to this special meeting. We want this -- I want this moratorium extended to October 30th. I would rather get them to vote so we can move on and I can set up meetings and start meeting and aren't looking at things that I want to do. So I --

MS. AUTZ: I just want to say one last thing, is that we have trusted in you. We have trusted you and we are going to keep trusting that this process will work and we can work together and hopefully we will have a waterfront that we will all be proud of. Thank you.

COUNCILWOMAN DALIMONTE: Thank you, Shanaz.

MR. WINK: Thank you, Mr. Autz.

COUNCILWOMAN DALIMONTE: Any more comments?

MR. WINK: We have one more comment so far from Hank Ratner. Mr. Ratner, if you're available, please unmute yourself.

MR. RATNER: I'm unmuted.

MR. WINK: Okay. You're unmuted.

MR. RATNER: Can you hear me loud and clear?

MR. WINK: As loud and clear as day.

MR. RATNER: Listen, I want to compliment you guys. You're running a great meeting and I think everybody is very sincere in their efforts to do the right thing for the good citizens of Port Washington and the Greater Port Washington peninsula, as well as Great Neck, Roslyn, et cetera, et cetera. I have a question. I'm not an attorney. Is there any -- is -- could the developers sue the Town if in their wisdom that they don't feel the process is moving quickly for them. If we keep extending the moratorium could they sue us? And I'm in favor of extending the moratorium even beyond October. Did I make sense of my question?

COUNCILWOMAN DALIMONTE: Yes.

MR. WINK: Yes, it does.

SUPERVISOR BOSWORTH: Mr. Kapsalis is getting ready to answer.

MR. KAPSALIS: Yes, it does make sense and yes, they could. People who feel aggrieved are certainly free to start lawsuits. And it would be possible, yes.

MR. RATNER: And I would just say, I don't think this is the case at all. I would hope that the Town Board does not make any decisions with that thought in mind. And I thank you. You guys are all doing a very good job, particularly Judi. Judi Bosworth is the best.

SUPERVISOR BOSWORTH: Hank, thank you.

MR. RATNER: You're all okay. Wayne, you're a great guy.

MR. WINK: Thank you, Hank.

MR. RATNER: And I feel bad that you were -- I hate to use the word attacked. I don't think you were attacked but they were disparaging and I know you a long time.

MR. WINK: No. I don't think I was attacked but I hope they understand the limitations of this technology. When someone referred to the fact that I was told there were people waiting to speak, I was told that after we had gone on to another public hearing. So to the extent that we did our best to try to bring people into the process and inform them of the fact that the vote had taken place already, you know, unfortunately that was part of the -- the technology we're dealing with.

MR. RATNER: And by the way, one last thing since my three minutes are not up. As many of you know, I'm a fairly active guy in this Town for many, many years. I keep on top of all the developments going on in Port Washington. And shame on me, I was not all that educated or aware of this waterfront situation until just a month or two. So if I wasn't all that aware, let alone understanding of what the situation and what the development proposals were. I can't imagine

how many hundreds and hundreds of people in this Town had no clue what was going on. And maybe it's shame on us for not being aware but it is what it is, in the words of our president. And you guys have a great night. Everyone stay healthy.

MR. WINK: You too.

SUPERVISOR BOSWORTH: You too.

MR. WINK: The next speaker I have is Joel Ziev. I invite Mr. Ziev on.

COUNCILWOMAN DALIMONTE: Judi, you have to buy Hank a subscription to the local papers.

MR. WINK: Mr. Ziev, if you could unmute yourself.

MR. WINK: Mr. Ziev.

MR. WINK: All right.

MR. ZIEV: Hello. Are you getting me now?

MR. WINK: Yes.

SUPERVISOR BOSWORTH: Yes.

MR. ZIEV: Okay. Great. In the interim time between now and the next meeting of the group, I'm going to bring up something that I brought up in the beginning of the process and I laid off for a long time. We believe, and it is clear, that some of the land may still be Town owned. Are we starting to -- are we able to define what is Town-owned land and what we're giving to the developers without any action on behalf of the Town?

COUNCILWOMAN DALIMONTE: Joel, is that your question? Is that --

MR. ZIEV: It's just a statement that are we using that time to redefine clearly what is Town and what is not.

COUNCILWOMAN DALIMONTE: I know our Town Attorney has spoken to you in the past about this.

MR. ZIEV: It would be good to define that.

COUNCILWOMAN DALIMONTE: So do you have any other comments?

MR. ZIEV: No. That's just I really want to be clear that we have the right to give away land without Town Board action?

COUNCILWOMAN DALIMONTE: We're not giving away Town Board land.

MR. ZIEV: Good. Excellent.

COUNCILWOMAN DALIMONTE: You know that answer.

MR. ZIEV: I do, of course.

COUNCILWOMAN DALIMONTE: Thank you.

MR. ZIEV: But I have to put it up there. It's not being discussed very often.

COUNCILWOMAN DALIMONTE: Well, because it's not Town Board land. It's not our land.

MR. ZIEV: Well, that's the question. I think what you'll see is some other things that will

evolve. Okay. We just want to make sure it's not Town land. That'll come in a title search and the survey and all the other stuff that needs to happen in the process.

COUNCILWOMAN DALIMONTE: Right. There has to be plans submitted first before the survey is done.

MR. ZIEV: Right. That's why I laid off the question until -- it just reminded me that we have an opportunity now of additional time to carry out that function. Thank you.

MR. WINK: Thank you, Mr. Ziev. Ms. Amalfatano is requested an opportunity for one more brief comment. Ms. Amalfatano, can you unmute yourself.

MS. MALFATANO: Thank you very much. Just one comment. Of course, anyone can sue anyone for any reason at any time. In this instance they would be suing the hand that feeds them so it would not be something that they would take lightly to proceed. Following that, I just have a quick question, Councilwoman Dalimonte, would you mind just answering the question about during the moratorium, is this the sole purpose of the moratorium is to educate us on the -- the existing Code or is there going to be opportunity for recommended changes to that Code. I just think -- I agree with you that we don't want to belabor the specific nuances of the Codes but -- but I'd like to know during this moratorium what is the intent? Is it strictly educational and it's locked down. The proposed Code is the Code that's moving forward or is there any type of opportunity to address the Code if warranted?

COUNCILWOMAN DALIMONTE: Rachel, it is both things. It is to educate and, also, we will list -- the Town, we will be listening. So we might -- say someone suggests something then we would research it and see if it could be done or would it fit. The steering committee is an advisory role to the Town Board. So they have developed a proposed Code. We will have one more steering committee meeting and then we will definitely -- we will be educating the community but we will also be telling, you know, we will listen. It's going to be -- it's really going to be both. But you've got to understand that some of the things, our hands are going to be tied because -- for example, I know that we want public access and you'll hear Len, the Town Attorney and you'll the Commissioner of Planning explain to you, well, if you want to have guaranteed public access, you have to give up something. You have to give up, you know, your height. You have to give up your density. And that the community doesn't want. So we think that by making the first floor 75 percent commercial is allowing for public access. The reason why I say 75 percent and not 100 percent is because 25 percent right now in the proposed Code, it could change, is for parking within the building footprint. And the reason why I agreed to that change is because of the residents in the area always are complaining about people visiting the shops and the restaurants and parking, blocking their driveway. So that's why I agreed to giving up 25 percent of the commercial space for parking, was for the residents. So that could always change back to 100 percent. You know, we definitely are going to be listening. You know, I can't tell you there's going to be major changes but I think they'll be, you know, they'll probably be some changes. It's going to be -- you might bring something up, Rachel, that we never thought of and we'd be like, okay, that's great and let's research it. Can we do this? But I can't -- I have two e-mails ready to go and I can't send them out unless I know the moratorium's extended. So that's why I have been, you know, holding off on giving any information on that.

MR. WINK: Councilwoman, we have one more person asking to be heard at this time .

COUNCILWOMAN DALIMONTE: Okay.

MR. WINK: Hilda and Vincent Deliacano.

COUNCILWOMAN DALIMONTE: Deliacano.

MR. WINK: Deliacano. Right. Hilda, if you can access the meeting and unmute yourself, we'll hear your comments at this time.

MS. HILDA DELIACANO: Can you hear me?

COUNCILWOMAN DALIMONTE: We hear you.

MR. WINK: Yes, we can.

MS. HILDA DELIACANO: Okay. Wonderful. Well, we live at -- next to the waterfront and -- but I'm also very concerned about the environmental impact and just recently been doing research on boat yards. So I have a question. Are there plans to develop in the boat yard? Because the paint that's used to, you know, paint the bottom of boats is extremely toxic, neuro toxins are in the ground right there in the boat yard. So I need to -- I just wanted to know if there are plans to develop those grounds because that would mean piercing the entire area -- radius that's actually. So that's just one question that I have.

COUNCILWOMAN DALIMONTE: So, Hilda, just so you know, there are no plans submitted to the Town of North Hempstead because we're in a moratorium. So I can't -- I can't answer that. But there is somebody on the steering committee that represents Manhasset Bay Yacht Club and he did tell the steering committee, Manhasset Bay Yacht Club at this time has no plans of developing their boat yard or knocking down their yacht club.

MS. HILDA DELIACANO: Yes. So that area will stay -- remain.

COUNCILWOMAN DALIMONTE: That's what he told us in a steering committee meeting.

MS. HILDA DELIACANO: Good. I just wanted to make that point. And, again, safety. We're concerned about safety. Just -- as we feel -- weekends, especially on summer nights, it can get very busy right here where we live right by Louie's. So we just want to make that comment as well. It gets very congested in terms of traffic. So thank you. Thanks for hearing us out.

MR. DELIACANO: Thank you.

MR. WINK: Thank you very much. One have one more request from Michael Scharpf for a brief comment. Mr. Scharf, if you can keep your comment brief, we'd appreciate it.

MR. SCHARPF: Yes, sorry. It will be brief. I just want to make sure that everybody who's listening on this call takes away from this that it is not a private taking, that it is in the Town's sole discretion in the current Code to give special use and to condition public access recording it -- about it. You don't need to negotiate. You don't have to do density. It's already provided in the Code of the special use. And so I hope in the future the Town can express why they're hesitant to address this. Because I think this is why everyone is so confused. Thank you.

MR. WINK: All right. We've also received a request for Kevin Muller to give one more comment.

COUNCILWOMAN DALIMONTE: We keep on going back and forth. This is about extending the moratorium. You know, there's a public meeting on October 22nd regarding the Code with everyone on the Town Council. I receive daily e-mails from Kevin -- or I should say weekly e-mails from Kevin. Michael I haven't heard from in a while. But this is really about

extending the BW and it's 8:17. You guys, I asked you to extend this and I hope you vote yes. But I just, you know, when are we going to end? We're going to be here until 11:00 at night for one item on the agenda. I mean, Supervisor, tell me if I'm wrong.

SUPERVISOR BOSWORTH: You know, Mariann, you know, especially since we're now getting to someone speaking the third time --

COUNCILWOMAN DALIMONTE: Third and fourth.

SUPERVISOR BOSWORTH: — I think in terms of hearing people and their concerns about extending the moratorium, I think we've done that. And certainly a lot about the different ramifications of the Code. I believe that we've heard the concerns. There are going to be many opportunities between now and October 22nd for people to ask those questions to make those concerns known. We all want to hear them and we have full confidence that you will be making sure that all concerns are listened to, are taken seriously working with our Town Attorney Len Kapsalis, our Commissioner of Planning, Michael Levine and the steering committee that has worked so hard. So many different stakeholders coming together to try to find a Code that is -- is one that would be the right thing for Port Washington. I think we all understand the desire for the Business Waterfront District to keep the beautiful characteristics that it currently has. And I know that we'll all be working very hard to -- to make sure that we present a Code that will take into account all of those things.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: Supervisor, if I could just comment. Mr. Muller in the chat has made comment to me. I just -- I just want to tell him there's no need for an apology. I appreciate his comments. And, you know, I don't feel the need for him to have to put that on the record if he's okay with that -- so.

COUNCILWOMAN DALIMONTE: So thank you everyone for attending tonight. And thank you to my colleagues for being here for the last hour-and-a-half hearing about this item, which is very, very important. And as you all know, that I'm asking for all of you to vote yes on extending this moratorium so I can hold two more meetings so the people that were on this call, I can hear from them and they can hear from our attorney and our Planning -- Commissioner of Planning. Maybe they were not able to attend the other meetings or they just found out about it now, but we want to explain to them a lot of the things that they talked about tonight. And we've researched. We've done court cases and we will go by our attorney's recommendations on things. So I just wanted to make sure that that was clear because of the last comment about the taking and everything. So -- but we will research that. I know, Len, you definitely will be researching that to make sure. So I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: COUNCILWOMAN Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

COUNCILWOMAN DALIMONTE: Thank you everyone.

MR. WINK: Thank you.

COUNCILWOMAN DALIMONTE: I really appreciate it. Thank you.

SUPERVISOR BOSWORTH: Good job.

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 387 - 2020

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2020, ADOPTED MAY 19, 2020, TO EXTEND THE MORATORIUM IN THE WATERFRONT BUSINESS (B-W) DISTRICT.

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Local Law No. 2 of 2020, adopted May 19, 2020, in order to extend the building moratorium in the Waterfront Business (B-W) District through October 30, 2020; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on the 10th day of September via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on September 10, 2020 via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the “Secretary of State”).

NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 9 of 2020 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 9 OF 2020**

**A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2020, ADOPTED MAY 19, 2020,
TO EXTEND THE BUILDING MORATORIUM IN THE WATERFRONT BUSINESS
(B-W) DISTRICT.**

Section 1. Legislative Intent.

Since the adoption of Local Law No. 11 of 2017, establishing a building moratorium in the Waterfront Business (B-W) District, the Town has received invaluable comment from interested residents, businesses, community groups and public officials as to zoning code changes affecting the District. In order to give thorough consideration to the comments received, the Town Board has extended the building moratorium, most recently on May 19, 2020, when the Town Board passed Local Law No. 2 of 2020 to extend the moratorium until September 14, 2020. While the moratorium has been in effect the Town Board has continued to receive additional comment from all parties interested in zoning code changes affecting the District. In order to allow the Town the additional time needed to finalize the proposed zoning code changes, due to the closures of Town facilities as a result of the coronavirus pandemic, the Town Board of the Town of North Hempstead finds that it is in the best interest of the Town to amend Local Law No. 2 of 2020, adopted May 19, 2020, in order to extend the moratorium through October 30, 2020.

Section 2.

Section 2 of Local Law No. 2 of 2020 is hereby amended as follows:

During the period commencing December 28, 2017 and terminating on [~~September 14~~] **October 30**, 2020, the Town’s Department of Building Safety, Inspection and Enforcement shall not issue any building permits, demolition permits, special permits or any other discretionary approval for any property within the Waterfront Business District (B-W), including the following properties, which are identified by reference to the Land and Tax Map of Nassau County:

Section 5, Block B, Lots 171, 46, 500

Section 5, Block C, Lots 9, 431, 2, 428, 427, 462, 463, 16, 429, 430

Section 5, Block H, Lot 2 and 43

Section 3.

Section 3 of Local Law No. 2 of 2020 is hereby amended as followed:

This local law shall take effect upon filing with the Secretary of State and shall remain in full force and effect through [~~September 14~~] **October 30**, 2020.

Section 4.

This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLVED that the Town Clerk be an hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on September 10, 2020 via Zoom, Local Law No. 9 of 2020 was adopted. The local law amends Local Law No. 2 of 2020, adopted May 19, 2020, to extend the building moratorium in the Waterfront Business (B-W) District through October 30, 2020.

DATED: Manhasset, New York
 September 10, 2020

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
Town Clerk**

Dated: Manhasset, New York
September 10, 2020

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey,
Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman,
Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk Planning Building

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 31st day of August, 2020, he posted the attached Notice of Hearing to consider the adoption of a local law amending Local Law No. 2 of 2020, adopted May 19, 2020, extending a building moratorium in the Waterfront Business (B-W) District, in order to extend the moratorium through October 20, 2020, at the following locations:

Town Clerk Bulletin Board

Great Neck Post Office

Manhasset Post Office

Port Washington Post Office

Greenvale Post Office

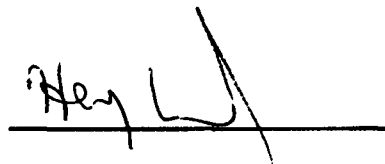
Roslyn Heights Post Office

Albertson Post Office

Carle Place Post Office

Westbury Post Office

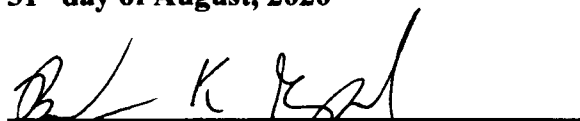
New Hyde Park Post Office



Henry Krukowski

Sworn to me this

31st day of August, 2020


Notary Public

Brandon K Gimpelman
Notary Public, State of New York
No. 01GI6371819
Qualified in Nassau County
Commission expires March 5, 2022

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMPSTEAD
220 PLANDOME RD.
MANHASSET, NY 11030-2327

REC
6 31 '20 PM 3:24
CLERK

STATE OF NEW YORK)

Legal Notice No.

0021603525

:SS.:

COUNTY OF SUFFOLK)

Darryl Murphy of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Saturday

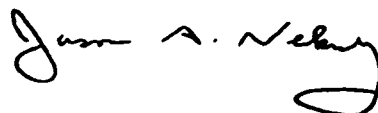
August 29, 2020

Nassau

SWORN to before me this
31 Day of August, 2020.



Jason A. Nekmez
Notary Public - State of New York
No. 01NE6219108
Qualified in Suffolk County
My Commission Expires 03/22/2022



Ad Content

Legal Notice # 21603525

NOTICE OF HEARING

PLEASE TAKE NOTICE that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the meeting. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 10th day of September, 2020, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Local Law No. 2 of 2020, adopted May 19, 2020, extending a building moratorium in the Waterfront Business (B-W) District, in order to extend the moratorium through October 30, 2020.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be posted on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

Dated: Manhasset, New York

August 27, 2020

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
Town Clerk

NEWSDAY PROOF

Advertiser: TOWN OF NORTH HEMPSTEAD
Agency: TOWN OF NORTH HEMPSTEAD
Ad Number: 0021603525
Start Date: 08/29/2020
End Date: 08/29/2020
Price: \$328.00
Ordered By: Legaladv@newsday.com

Phone: 5168697649
Contact: Nick
Section: Legals
Class: 11100
Size: 2 x 41 Times: 1
Date: 8/31/2020
Zone(s): C-Nassau

Signature of Approval: _____ Date: _____

SUPERVISOR BOSWORTH: I move to adjourn.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: COUNCILWOMAN Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

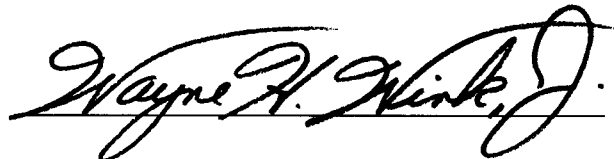
COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye. Okay.

Good night, everybody. (At 8:19 p.m., the proceedings were concluded.)

Compiled from Stenographer's Transcript, MGR Reporting, File Name 091020TNHTB.docx

A handwritten signature in cursive script, reading "Wayne H. Wink, J.", written over a horizontal line.

Town Clerk

