

MINUTES
June 1st, 2021 – 6:00 PM.

MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING

American Legion Hall – 7 Woodside Ave, Northport, NY 11768

PRESENT: Mayor McMullen, Trustees Milligan, Kehoe, and Weber, Village Attorneys Stuart Besen and Edward Gathman, Treasurer Len Marchese, Police Chief Chris Hughes, Assistant to the Mayor Don Tesoriero, Village Administrator Roland Buzard, Village Clerk Amy Grandy.

OPEN MEETING: Meeting called to order at 6:00pm by Mayor McMullen

SALUTE TO THE FLAG: The Pledge of Allegiance was recited.

PROCLAMATIONS: None

ANNOUNCEMENTS: None

PRESENTATIONS: None

BOARD APPROVAL OF WARRANTS:

On the motion of Trustee Kehoe and seconded by Trustee Milligan, the following warrant was approved.

Fiscal Year 2021/2022 General Fund bills in the amount of \$86,499.85

On the motion of Trustee Weber and seconded by Trustee Milligan, the following warrant was approved.

Fiscal Year 2021/2022 Sewer Fund bills in the amount of \$3,251.13

On the motion of Trustee Milligan and seconded by Trustee Kehoe, the following warrant was approved.

Fiscal Year 2021/2022 Payroll General Fund bills in the amount of \$250,751.53

On the motion of Trustee Milligan and seconded by Trustee Kehoe, the following warrant was approved.

Fiscal Year 2021/2022 Payroll Sewer Fund bills in the amount of \$14,299.31

Trustee Kehoe raised the question as to why they payroll had to be read and voted upon every two weeks and Treasurer Marchese responded that is appropriate for the board to authorize all expenditures although for many years it was not included but it is considered a best practice.

BUSINESS/COMMISSIONERS REPORTS:

Trustee Kehoe reported one the re-opening and ribbon cutting at Skippers the prior week which was attended by over 100 people and reported on by the Observer and wished then the best of luck going forward.

Trustee Milligan reported that he dock ad pump out boat are now on a full 7 day per week schedule. The dock is already busy and the pump out boat is especially important since the Town of Huntington will not be operating at the Woodbine Marina and our boat is needed to keep the Harbor clean. He mentioned that the pump out expenses are covered by a state grant.

Trustee Weber mention the Highway and Parks departments have finalized their seasonal and have several projects planned and are looking forward to starting them. Additional gate attendants are also being hired since some of the rehires have ended up taking other jobs. He also gave an update that the second FLUPSY dock has been built and will be in the water soon.

TREASURER REPORT:

Len Marchese reported that the annual audit would be starting on Monday and they will be spending a few weeks. He also stated that he hoped to have financial statements prepared for late August.

CHIEF OF POLICE REPORT:

Chief Hughes distributed his monthly report and mentioned that there were 531 calls for service, 152 summons were issued and 12 arrests made. Trustee Kehoe asked about 2 of the arrests which were cannabis related – one for smoking cannabis in a vehicle and the other for consumption in a vehicle. Chief Hughes explained that although the law allows you to smoke cannabis anywhere you can smoke a cigarette and possess up to five pounds for personal use, you still cannot smoke in a vehicle. He equated it to driving with an open container of alcohol and mentioned that they have already seen an uptick in usage and that the violation has to be witnessed.

CORRESPONDENCE:

The first piece of correspondence was a letter from the Northport Historical Society announcing that they are opening the museum to visitors on Wednesday, June 2nd. The second letter was from the Chamber of Commerce asking for use of the Village Park for the Halloween Hayride on Oct 24th. The Mayor responded and the board agreed that they need to understand that they have permission provided that it can be done in light of whatever COVID restrictions may be in place at that time.

REQUESTS: None

NOTICES: None

RESOLUTIONS:

On the motion of Trustee Milligan and seconded by Trustee Kehoe, the following resolution was unanimously approved.

RESOLUTION: 2021 – 145 ~ APPROVAL OF THE MINUTES

BE IT RESOLVED: The minutes of the May 18th, 2021 meeting are hereby accepted.

On the motion of Trustee Milligan and seconded by Trustee Weber, the following resolution was unanimously approved without a complete reading. Upon the suggestion of Trustee Kehoe, the details of the section that were being changed were read aloud for the benefit of the audience.

RESOLUTION: 2021 – 146 ~ APPROVAL OF LOCAL LAW INTRODUCTORY NO. 2021-C AMENDING SECTION 306-39(H) OF THE VILLAGE CODE TO PERMIT DRIVE THROUGH FACILITIES IN LIMITED LOCATIONS

WHEREAS: a public hearing was conducted on May 18th, 2021 and the public had an opportunity to be heard;

WHEREAS: on May 12th, 2021 the proposed Local Law D of 2021 amending code section 306-39 was referred to the Suffolk County Planning Commission pursuant to the requirements of section A 14-14 to A 12-25 of the Suffolk County Administrative Code and on date the Suffolk County Planning Commission issued a letter stating that the local law is a matter of local determination

WHEREAS: on May 12th, 2021 said local was sent to the neighboring jurisdiction, Town of Huntington and no comment was received.

BE IT RESOLVED: that the board of trustees of the Village of Northport hereby adopts village law section 306-39(h), as follows:

306-39(h) Drive through facilities

~~(1) Drive through facilities shall be permitted only in the Highway Business District~~

(1) Drive through facilities shall be permitted only in the Highway Business district on parcels that are fronting on a state highway on a parcel of land in excess of one half acre and cannot be adjoining any residentially zoned or used property and upon a finding by the Planning Board that the general standards for the issuance of a special permit as set forth in Northport Village Code section 306-39(B)(1) have been met.

Applications for special use permits for drive through facilities shall be made to the Planning Board which shall have jurisdiction to issue special use permits for drive through facilities by applying the standards set forth in section 306-39(B)1

~~(2) Drive through facilities shall not be permitted for restaurants or food shops (see 306-5-Definitions Food shop with limited service restaurant) of any kind~~

~~(3)~~ (2) A traffic impact study must be provided, including accident data for all roads and streets where an access connection will be located. The study shall demonstrate that:

(a) All streets and intersections to be impacted by the project shall have the same level of service or better than predevelopment conditions.

(b) All vehicle stacking for the proposed drive through facility will be contained completely on site at all times.

(c) All customer transactions in the drive through lane shall be accomplished in six minutes or less from the time of ingress to the time of egress.

~~(4)~~ (3) Drive through facilities shall have one stacking lane only, unless the applicant can demonstrate a need for a second lane to facilitate traffic flow. No more than two stacking lanes shall be permitted.

~~(5)~~ (4) Any outdoor service facilities including but not limited stacking lanes and transaction windows shall ~~be a minimum of seventy five feet from the property line of residential uses~~
not be adjoining residentially used or zoned property.

The balance of this statute items (h) 6-16 shall be renumbered 5-15 and shall remain unchanged.

On the motion of Trustee Milligan and seconded by Trustee Weber, the following resolution was unanimously approved without a complete reading. Upon the suggestion of Trustee Kehoe, the new section #10 was were read aloud for the benefit of the audience.

RESOLUTION: 2021 – 147 ~ APPROVAL OF LOCAL LAW INTRODUCTORY NO. 2021-D AMENDING SECTION 306.13 OF THE VILLAGE CODE WITH REGARD TO THE ESTABLISHMENT OF DRIVE THROUGH FACILITIES AS FOLLOWS

WHEREAS: a public hearing was conducted on May 18th, 2021 and the public had an opportunity to be heard;

WHEREAS: on May 12th, 2021 the proposed Local Law D of 2021 amending code section 306-39 was referred to the Suffolk County Planning Commission pursuant to the requirements of section A 14-14 to A 12-25 of the Suffolk County Administrative Code and on date the Suffolk County Planning Commission issued a letter stating that the local law is a matter of local determination

WHEREAS: on May 12th, 2021 said local was sent to the neighboring jurisdiction, Town of Huntington and no comment was received.

BE IT RESOLVED: that the board of trustees of the Village of Northport hereby adopts village law section 306-13(10), as follows:

Proposed Local Law to add to Local Law 306-13 A (10) Drive Through Facilities

306-13 Highway Business District.

A. Permitted uses. In the Highway Business District, lands shall be used and buildings shall be erected, altered and used only for the following purposes:

(1) Any use permitted in the Central Business A District, § 306-11.

(2) Place of business of a tradesman, such as a builder, cabinetmaker, carpenter, contractor, painter, electrician, mason, plumber, plasterer, printer, roofer or tinsmith.

(3) Motor vehicle salesroom.

(4) Business or public garage, automobile service or filling station, automobile repair

shop or automobile body shop, provided that a permit is first obtained from the Board of Zoning Appeals under the provisions of § 306-39B hereof.

(5) Wholesale business, including lumber and other building products for retail and wholesale, provided that a permit is first obtained from the Board of Zoning Appeals pursuant to § 306-39B hereof.

(6) Storage or warehousing of materials, provided that a permit has first been obtained from the Board of Zoning Appeals pursuant to § 306-39B hereof.

(7) Light industry of a type and nature approved by and subject to conditions required by the Board of Zoning Appeals and for which a permit has been issued pursuant to § 306-39B.

(8) Boat sales, marine sales, boat rental and boat repairs, provided that a permit has first been obtained from the Board of Zoning Appeals pursuant to § 306-39B (1) hereof.

(9) Place of entertainment, such as an indoor motion-picture theater, bowling alley, roller- or ice-skating rink, but not including nightclubs or dance halls, provided that a permit is first obtained from the Board of Zoning Appeals pursuant to § 306-39B (1) hereof.

(10) Applications for the establishment of drive through facilities shall require a Special Use Permit to be issued pursuant to conditions set forth in section 306-39 of the Village Code and shall be referred to the Planning Board for review. Drive through facilities which may include a restaurant, shall be permitted only in the Highway Business district where the property is fronting on a state roadway on a parcel of land of at least one half acre in size and which is not adjoining to a residentially zoned or used property, upon a finding by the Planning Board that the general standards for the issuance of a of a special use permit as set forth in Village code section 306-39B(l) (b) have been met.

On the motion of Trustee Milligan and seconded by Trustee Weber, the following resolution was unanimously approved without a complete reading. Upon the suggestion of Trustee Kehoe, the added section B (4) was read aloud for the benefit of the audience.

RESOLUTION: 2021 – 148 ~ APPROVAL OF LOCAL LAW INTRODUCTORY NO. 2021-E AMENDING VILLAGE CODE SECTION 247-2 (B) REGARDING SITE PLAN REVIEW OF DRIVE THRU FACILITIES

WHEREAS: a public hearing was conducted on May 18th, 2021 and the public had an opportunity to be heard;

WHEREAS: on May 12th, 2021 the proposed Local Law D of 2021 amending code section 306-39 was referred to the Suffolk County Planning Commission pursuant to the requirements of section A 14-14 to A 12-25 of the Suffolk County Administrative Code and on date the Suffolk County Planning Commission issued a letter stating that the local law is a matter of local determination

WHEREAS: on May 12th, 2021 said local was sent to the neighboring jurisdiction, Town of Huntington and no comment was received.

BE IT RESOLVED: that the board of trustees of the Village of Northport hereby adopts village law section 247-2(B), as follows:

Proposed Local Law to add to Local Law Section 247-2 (B) (4)

247-2 Objectives

In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular. The Planning Board may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of chapter 306, zoning, of the Village of Northport and chapter 219, Planning Board Article IV, of the code of the Village of Northport and the accomplishment of the following objectives in particular:

A. Traffic access,

- (1) All proposed traffic access drives are adequate but not excessive in number
- (2) Traffic access is adequate in width, grade alignment and visibility.
- (3) Traffic access is not located too near street corners or places of public assembly.
- (4) Access points are spaced and situated to avoid conflict.
- (5) Traffic flow into and out of access points is controlled and clearly marked.

B. Vehicular circulation and parking.

- (1) Off street parking and loading spaces are provided that are adequate in size and quantity.
- (2) The number of parking and loading spaces provided is sufficient, but not excessive, for the use of uses(s) on the site. Opportunities for shared parking are factored into assessments for parking needs.
- (3) The interior circulation system is adequate to provide safe accessibility to all required off street parking.

247 (B) (4) Required loading zones and loading areas shall not utilize any area designated as a driveway, an aisle way, parking stall or walkway and shall be designed to adequately protect nearby parking stalls during vehicle maneuvering, and shall be physically separate from off-street parking stalls, parking lot aisles, vehicular stacking or drive-through lanes, and driveways to prevent conflicts with internal vehicular maneuverability as determined necessary and at the discretion of the reviewing agency. Where a loading space is not required by the Zoning Code, the Planning Board may require an unmarked loading space to be shown on the site plan. Any expected delivery trucks must be able to fit and maneuver into the unmarked space and must not need to back into or out of the property from/to the street. Unmarked spaces may block dumpsters or parking spaces, but cannot block handicapped parking spaces or site entranceways. Where the site development incorporates a drive-in facility, queuing or stacking lanes no less than twelve (12) feet in width (typical of that required for minimum one-way driveway circulation) for queued vehicles shall be provided. The minimum number of vehicles stacked shall be eight (8) vehicles for one drive-in facility and five

(5) additional vehicles for each additional drive-in facility. The reviewing agency may permit a lesser number of stacked vehicles if determined reasonable for the use proposed only upon receipt of a stacking study for the same use or a use similar in character to that proposed. Each vehicular stall within the stacking lane shall have a dimension of no less than nine (9) feet wide by twenty (20) feet in length and shall be oriented through practical vehicular turning radii to fit within the confines of the stacking lane width. The vehicle one-way stacking lanes shall be separate from and shall not interfere with parking stalls, parking and driveway aisles, and loading spaces through installation of a physical separation barrier. The stacking lanes shall not cause any hazard or congestion to occur on a public street or highway or restrict ingress, egress or parking.

Trustee Kehoe asked Asst. Village Attorney to explain the physical separation barrier. Ed Gathman explained that this could be a curb and it is intended to separate the lanes, especially if there is more than one lane. A modification could be granted if the site plan justified it. The Wendy's in East Northport was discussed as an example. It was discussed that this helps maintain the stacking lane, this is a conservative template and the planning board could decide to modify.

On the motion of Trustee Weber and seconded by Trustee Milligan, the following resolution was unanimously approved.

RESOLUTION 2021 – 149 ~ SEASONAL HIRING

BE IT RESOLVED: Ryan Kennedy is hereby hired for the seasonal position of Highway/Parks Department worker for the Incorporated Village of Northport.

BE IT FURTHER RESOLVED: Ryan Kennedy will work no more than 40 hours a week at a rate of pay of \$16.00 per hour, and

FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

On the motion of Trustee Milligan and seconded by Trustee Kehoe, the following resolution was unanimously approved.

RESOLUTION 2021 – 150 ~ SEASONAL HIRING

BE IT RESOLVED: Aidan Larsen is hereby hired for the seasonal position of Highway/Parks Department worker for the Incorporated Village of Northport.

BE IT FURTHER RESOLVED: Aidan Larsen will work no more than 40 hours a week at a rate of pay of \$16.00 per hour, and

FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

On the motion of Trustee Weber and seconded by Trustee Milligan, the following resolution was unanimously approved.

RESOLUTION 2021 – 151 ~ SEASONAL HIRING

BE IT RESOLVED: Andrew Havrilla is hereby hired for the seasonal position of Highway/Parks Department worker for the Incorporated Village of Northport.

BE IT FURTHER RESOLVED: Andrew Havrilla will work no more than 40 hours a week at a rate of pay of \$16.00 per hour, and

FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

On the motion of Trustee Milligan and seconded by Trustee Weber, the following resolution was unanimously approved.

RESOLUTION 2021 - 152 ~ FIRE MARSHAL

BE IT RESOLVED: Steve Rostern is hereby appointed to the position of Fire Marshal, pending the outcome of a background check. Term to expire at the annual organizational meeting April 2022, and

FURTHER RESOLVED: Steve Rostern will be compensated at \$40.00/hr. not to exceed 17.5 hours a week, and

FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

A question was asked by Trustee Weber regarding if this was a standard rate of pay to which Mayor McMullen responded that it was in line for part-time work.

On the motion of Trustee Weber and seconded by Trustee Milligan, the following resolution was unanimously approved.

RESOLUTION 2021 – 153 ~ SEASONAL HIRING

BE IT RESOLVED: ~~BE IT RESOLVED:~~ Caleb Hamada is hereby hired for the seasonal position of Life Guard/Gate attendant for the Incorporated Village of Northport.

BE IT FURTHER RESOLVED: Caleb Hamada will work no more than 40 hours a week at a rate of pay of \$15.00 per hour as Lifeguard and \$14.00 per hour as Gate Attendant, and

FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

On the motion of Trustee Kehoe and seconded by Trustee Milligan, the following resolution was unanimously approved.

RESOLUTION 2021 – 154 ~ SEASONAL HIRING

BE IT RESOLVED: ~~BE IT RESOLVED:~~ Luc Wagner and Dylan Pelkowski are hereby hired for the seasonal position of Gate Attendant for the Incorporated Village of Northport.

BE IT FURTHER RESOLVED: Luc Wagner and Dylan Pelkowski will work no more than 40 hours a week at a rate of pay of \$14.00 per hour and

FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

On the motion of Trustee Weber and seconded by Trustee Milligan, the following resolution was unanimously approved.

RESOLUTION 2021 – 155 ~ SEASONAL HIRING

BE IT FURTHER RESOLVED: Sarah Pitfick is hereby hired as a Summer Intern for the Village of Northport for the Incorporated Village of Northport.

BE IT FURTHER RESOLVED: Sarah Pittfick will work no more than 120 hours for the months of June, July and August. at a rate of pay of \$14.00 per hour and
FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

On the motion of Trustee Weber and seconded by Trustee Milligan, the following resolution was unanimously approved.

RESOLUTION 2021 – 156 ~ AGREEMENT WITH THE ROTARY CLUB OF NORTHPORT

WHEREAS: The Village of Northport and the Rotary Club of Northport are both desirous to desirous to work together to achieve the goal of clean waterways in Northport Harbor

WHEREAS: The Village and the Rotary Club have determined that the installation and maintenance of an Oyster floating, upwelling system a/k/a FLUPSY which will grow shellfish in the Northport Harbor is a desirous project to help clean Northport Harbor

WHEREAS: the Flupsy program naturally filters toxins from Northport Harbor, helps in the re-establishment of the shell fish program, provides educational opportunities and brings awareness to the community of the importance of Northport Harbor and our surrounding environment.

WHEREAS: in order to fund the “Flupsy” program the Rotary Club has agreed to solicit, collect and donate funds from the sale of bricks that will be placed in Cow Harbor Park entryway which will further celebrate and honor the 125th anniversary of the Incorporation of the Village of Northport.

BE IT RESOLVED, the Mayor is hereby authorized to sign a contract agreement with the Northport Rotary to solicit, collect and donate funds from the sale of bricks, subject to Attorney review for form and content and

FURTHER RESOLVED: this is an unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26), and, therefore, no further SEQRA review is required.

PUBLIC PARTICIPATION:

The first speaker of the evening was Joe Sabia asking if Northport Bay Estate homes were ever attached to the sewer system. The mayor responded that Cairo and Duffy had been done and the new pumpstation for the town house and then the Yacht Club and some curb line connections but then as the project went north, the issue arose with the bird shot and pea gravel. He mentioned that Trustee Weber was working with the Holzmacher engineers to use a forced main feed to hook up the rest of Bluff Point Road. Joe asked if the Pit area would also be hooked up but the Mayor explained that since the bird shot gravel won't catch and stabilize, a new design had to be figured out. There is grant money available to continue into Steers Pit but we have to make sure Bluff Point is done properly first. An additional 10 spots are being identified for more core samples. The project on Bluff point road was 1.5 million, mainly for the pump station by the town houses. Mr Sabia questioned the \$11 million grant which the mayor explained was completely different and was for the denitrification upgrade at the Sewer building and that there was a different grant as well that built the new concrete pipe that was built out from Scudder Beach. The funding for the Bluff Point project is already in place through the DASNY (Dormitory Authority of NY) grant, Trustee Weber added that the next phase of the project will be time consuming because of

the complexity of the engineering needs.

Mr. Sabia then went on to question the ownership and management of the parking lot behind the businesses on Scudder and Woodbine and he complained about the state of the parking lot with overgrown trees and overflowing dumpsters. The mayor responded that this has an ongoing issues with the businesses not properly disposing of their garbage, not flattening boxes and other people using these dumpsters for construction debris. The Village has brought in exterminators for the rats. Extra dumpsters have been brought in and weekend collection was considered but the cost was prohibitively high. The Building department is installing cameras to prevent construction dumping and Trustee Kehoe is working with the Chamber to have the business take a week to monitor themselves, which has worked in the past and pruning has also been scheduled. A suggestion was also made regarding a platform that would help them throw garbage into the back of the dumpster to fill them more completely.

The last thing Mr. Sabia brought up was the Fish Market and the Mayor responded that more violations and summons have been issued and they are on the court docket for June 7th. The Mayor empathized that it is extremely frustrating and the Village is trying to do everything it legally can. Ray Gneiser, another resident on Cherry Street, asked if there were any plans or blueprints filed for the Market's project. Roland Buzard stated that the projects are considered property maintenance to replace rotted walls and floors and upgrade the bathroom. The bathroom vent was questioned again as well as the unlicensed trailers and other ongoing activities. Mr. Gneiser also asked about requiring a fence to be installed on the residential road side but Mr. Roland responded that there is no requirement in the village code.

The next resident to speak was Effie Huber who asked if there had been a decision regarding the no parking signs on the west side of Bluff Point Road. She recounted her experience from the 80's where her reporting of kids illegally parked on the road ended up being related to the 1984 Lauwers murder case. Trustee Weber kidded her that he doubted that most murders would not read no parking signs but Effie just wanted to emphasize the importance that it is a no parking zone and that the signs should be visible.

EXECUTIVE SESSION: None.

The next meeting of the Board of Trustees will be June 15th, 2021 at 6:00 PM.

On the motion of trustee Milligan and seconded by Trustee Kehoe the meeting adjourned at 7:36pm.

Respectfully submitted,
Amy Grandy
Village Clerk