

MINUTES
OCTOBER 18, 2022 – 6:00 PM.
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
REGULAR MEETING

Meeting was held live at Village Hall, 224 Main Street Northport, NY 11768 and also via Zoom.

PRESENT: Mayor Koch, Deputy Mayor Sabia, Trustee Weber, Trustee Pucillo, Trustee Dolan, Assistant to the Mayor Don Tesoriero, Village Administrator Roland Buzard, Village Clerk Georgina Cavagnaro, Treasurer Siobhan Costello, Lieutenant Thomas Endee, Attorney Ed Gathman

ABSENT: Chief of Police Christopher Hughes

ZOOM PARTICIPANTS: David Weber, Joanne Kountourakis, Joseph Cavagnaro, Austin Weber, Cynthia Destefano, Chrissy Ruggeri, Bernhard Meyburg, Brett Jones

OPEN MEETING: Meeting was called to order at 6:00 PM.

SALUTE TO THE FLAG: Pledge of Allegiance was recited.

ANNOUNCEMENTS: Tax Grievance Day is November 15, 2022, 8:30 AM - 12:30 PM with Mayor Koch, Deputy Mayor Sabia, Trustee Pucillo and Trustee Dolan to be in attendance.

PRESENTATION: None

PUBLIC HEARINGS: None

PUBLIC PARTICIPATION: Recording available on website, Northportny.gov

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Weber and seconded by Trustee Sabia the following warrant was unanimously approved.

Fiscal Year 2022/2023 General Fund bills in the amount of \$387,833.27

On the motion of Trustee Sabia and seconded by Trustee Dolan the following warrant was unanimously approved.

Fiscal Year 2022/2023 Sewer Fund bills in the amount of \$11,087.58

On the motion of Trustee Sabia and seconded by Trustee Dolan the following warrant was unanimously approved.

Fire Bills 10/11/2022 in the amount of \$18,052.02

On the motion of Trustee Sabia and seconded by Trustee Dolan the following warrant was unanimously approved.

General Utility Bills and Special Request 10/12/22 in the amount of \$23,171.51

On the motion of Trustee Sabia and seconded by Trustee Weber the following warrant was unanimously approved.

Sewer Utility Bills 10/12/22 in the amount of \$11,599.00

On the motion of Trustee Sabia and seconded by Trustee Dolan the following warrant was unanimously approved.

Fiscal Year 2022/2023 Payroll week 10/7/22 General fund \$269,781.19

On the motion of Trustee Sabia and seconded by Trustee Dolan the following warrant was unanimously approved.

Fiscal Year 2022/2023 Payroll week 10/7/22 Sewer fund \$14,175.15

BUSINESS/COMMISSIONERS REPORTS: Recording available on website, Northportny.gov

TREASURER REPORT: Recording available on website, Northportny.gov

CHIEF OF POLICE REPORT: Recording available on website, Northportny.gov

CORRESPONDENCE: None

Board unanimously approved the following request.

REQUESTS: The Visiting Nurse Service and Hospice of Suffolk annual Tree Lighting Memorial Service is being held on November 6, 2022 from 4:30pm – 5:30pm at 505 Main Street. Requesting road closures from the intersection of Main Street & Norwood Road ending at Cherry Street and rounding the corner to Center Street.

RESOLUTIONS:

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

RESOLUTION: 2022 – 222 ~ APPROVAL OF MINUTES

BE IT RESOLVED: The minutes of the October 5, 2022 meeting are hereby accepted.

On the motion of Trustee Sabia and seconded by Trustee Pucillo the following resolution was approved with Trustee Dolan and Trustee Weber opposing.

RESOLUTION 2022 – 223 ~ SCHEDULING A PUBLIC HEARING TO CONSIDER MODIFYING NORTHPORT VILLAGE CODE SECTION 306-18.1 (B), REGARDING OUTDOOR DINING ON PRIVATE PROPERTY

WHEREAS: THE VILLAGE BOARD OF TRUSTEES SHALL HOLD A PUBLIC HEARING on the 6th day of December 2022, at 6:00 p.m. at 224 Main Street, Northport, NY 11768 to consider amending Local Law Introductory “E” to consider amending

section 306-18.1 (B), and

WHEREAS: the scheduling of a public hearing to consider a code amendment is not an action pursuant to SEQRA and no further SEQRA review is required at this time.

THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW

Local Law Introductory "E"; as follows:

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTHPORT
CONSIDERS AMENDING VILLAGE LAW ARTICLE 306-18.1 (B), AS FOLLOWS:

§ 306-18.1 Outdoor dining

B. Outdoor dining on private property, meaning that such dining is not located on a sidewalk or other public property or right-of-way, shall be permitted in the Central Business A and B Districts and in the Highway Business District **and Marine Business District**, subject to compliance with the following:

(1)

All of the requirements for outdoor sidewalk dining shall be applicable and are hereby incorporated herein by reference thereto, except for Subsections **A(2), (4), (6), (8)** and **(9)**.

(2)

The permit for outdoor dining on private property is a required permit for outdoor dining that is located on private property and not on a sidewalk or other public property or right-of-way. An eligible business may hold both permits provided they satisfy the requirements for each such permit.

(3)

Outdoor dining areas shall not be enclosed or maintained for year-round use unless all required building, zoning and other applicable permits for a permanent structure and/or use have first been obtained.

(4) The installation, use or maintenance of radios, speakers, televisions or like apparatus and live entertainment shall be prohibited in outdoor dining areas, unless separately authorized by resolution of the Board of Trustees.

(5)

No variance shall be required from the Board of Zoning Appeals for outdoor dining in compliance with this section.

(6)

Applicants shall provide a survey for the premises for which the permit is requested showing all structures thereon, a sketch showing the proposed number of tables and chairs and the approximate area to be used for outside dining with a proposed seating plan for the same.

(7) Outdoor dining on private property in the Highway Business District shall only be permitted during the period of May 15th to October 15th of each year. Outdoor dining must be adjacent to the restaurant and is prohibited in areas designated for parking in all districts.

(8) The installation of Yurts for outdoor dining is prohibited.

RESOLVED: that a public hearing to consider a code change to section 306-18.1 (B) of the code of the Village of Northport is hereby scheduled for December 6,2022 at 6:00pm.

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

RESOLUTION 2022 – 224 ~ HARBOR CIRCLE SEWER FEES SETTLEMENT

WHEREAS: The Village of Northport commenced legal proceedings against Anthony Chillemi for non-payment of sewer rent fees and

WHEREAS: Anthony Chillemi has agreed to pay outstanding sewer rent fees and penalties of \$8,999.48 in three installments in the amount of \$2999.82 in the months of November, December and January and

BE IT RESOLVED: The Village of Northport agrees to settle and discontinue the case against Anthony Chillemi upon payment by him of three payments in the amount of \$2998.82.

On the motion of Trustee Sabia and seconded by Trustee Pucillo the following resolution was approved with Trustee Dolan and Trustee Weber opposing.

RESOLUTION 2022 – 225 ~ TO SCHEDULE A PUBLIC HEARING TO CONSIDER MODIFYING NORTHPORT VILLAGE CODE SECTION 243-2 AND 243-3 REGARDING SIDEWALK SIGNS IN CENTRAL BUSINESS A DISTRICT AND CENTRAL BUSINESS B DISTRICT

WHEREAS: THE VILLAGE BOARD OF TRUSTEES SHALL HOLD A PUBLIC HEARING on the 1st day of November, at 6:00 p.m. at 224 Main Street, Northport NY 11768 to consider amending Local Law Introductory “F” to consider amending Sections 243-2 and 243-3 and

WHEREAS: the scheduling of a public hearing to consider a code amendment is not an action pursuant to SEQRA and no further SEQRA review is required at this time.

THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW Local Law Introductory “F”; as follows:

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTHPORT CONSIDERS AMENDING VILLAGE LAW CHAPTER 243, AS FOLLOWS:

§ 243-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

ANIMATED SIGN

Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

BANNER

Any sign of fabric or similar material mounted to a pole or a building at one or more

edges. National flags, state or municipal flags shall not be considered banners.

BLADE SIGN

A sign attached to a wall with the exposed face of the sign in a plane perpendicular to the plane of the building wall and with a total surface area of less than four feet.

CANOPY SIGN

Any sign that is imprinted on, a part of, or attached to the upper portion (i.e., not the valance) of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

CHANGEABLE COPY SIGN

A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged either electronically or manually, without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this chapter.

FREESTANDING SIGN

Any sign not imprinted on or affixed to a building.

ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

PENNANT

Any plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN

Any sign intended and installed to be permanently in place at a given location by means of suitable fastening to a building or to a structure specifically erected to hold such sign(s) or to the ground.

POLE SIGN

A freestanding sign with visible support structure.

ROOF SIGN

Any sign in which all or any part extends above the wall of any building or structure, where said wall does not extend above the roofline. In no event shall a sign permitted

as defined by "wall sign" extend beyond the actual wall surface.

SIDEWALK SIGN

A two-sided sign, hinged at the top, which is temporarily located on or near a sidewalk.

[Added 9-1-2009 by L.L. No. 4-2009]

SIGN

Any structure or part thereof, or any device or group of letters attached to, painted on or represented on a building, fence or other structure on or in a window or temporarily or permanently on a vehicle or trailer, upon which is displayed or included any letter, symbol, trademark, model, banner, flag, pennant, insignia, decoration, device or representation used as or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign does not include the flag or pennant or insignia of any nation or association of nations or of any state, city or other political unit or of any charitable, educational, philanthropic, civic or religious organization.

WINDOW SIGN

A sign installed inside a window for purposes of viewing from the outside of the premises. This term does not include merchandise located in a window.

§ 243-3 General restrictions; prohibited signs; permits.

In any district, no lands shall be used and no buildings shall be erected, altered or used, insofar as the location and affixing of signs thereon are concerned, unless such signs conform to the following requirements for the districts in which located:

A. All districts. No signs shall be erected or maintained which:

(1) Extends outward over a sidewalk or street, except for:

(a) Signs installed parallel to a building that project no more than 15 inches from the building facade, or less when required by the Americans with Disabilities Act (ADA), the building codes of New York State, or other controlling regulations.

[Amended 12-21-2021 by L.L. No. 2-2022]

(b) Blade signs that maintain a minimum clearance of eight feet above the level of the sidewalk or grade immediately below.

(c) One sidewalk sign, permissible only in the Highway Business district and Neighborhood Business district, one sign per ~~building~~ **store** and only during business hours, which must be located so that a minimum sidewalk clearance of 48 inches is maintained and wheelchair passage is not hindered. The message area is restricted to

24 inches wide and 36 inches high. Height from the pavement may not exceed 43 inches. The sign surface must be black chalkboard, and the message must be written in white or colored chalk. The business name or logotype may be screen-printed onto the message area, provided it is not taller than four inches. Photographic depictions are prohibited. A sidewalk sign must be framed in wood, and the finish must be natural, stained or painted. If painted, the color must be muted and relate to colors visible on the premises. Sidewalk signs require a sign permit, payment of the fee and proof of insurance coverage in favor of the Village, except sidewalk signs conforming to the special menu sign standard for outdoor dining in Chapter 306, Zoning, § 306-18.1.

[Added 9-1-2009 by L.L. No. 4-2009] **Sidewalk signs are not permitted in the Village of Northport in the Central Business A or Central Business B District.**

(2) Are affixed to, painted on or supported by or from trees, stones or other natural objects, vehicles or objects other than buildings or signposts or sign frameworks erected for the support of such signs.

(3) Move or simulate motion by electrical, mechanical, natural or other means, except such signs within any commercial or industrial establishment not visible from any road, street, highway, walk or right-of-way, or residential use.

(4) Contain or depict scandalous, indecent or immoral matters.

(5) Are so illuminated at night as to interfere with the reasonable comfort of the inhabitants of adjacent residential uses.

(6) (Reserved)^[1]

[1]Editor's Note: Former Subsection A(6), which prohibited certain signs from extending horizontally or vertically beyond the building to which they are attached, was repealed 12-21-2021 by L.L. No. 2-2022.

(7) Are located on the roof of any building unless no permissible location is a viable alternative when taking into consideration both the type of building and the lack of other alternatives that would provide decent exposure and visibility to pedestrians or vehicular traffic.

[Amended 12-21-2021 by L.L. No. 2-2022]

(8) Are illuminated in such a manner that any red, green or amber light source is located in the line of vision from any highway, road, street or public way of a traffic light or signal.

(9) Have an illuminated surface with more than a maximum of 50 footcandles.

(10) Are comprised of attention-getting devices such as banners, pennants, flags, streamers, posters, searchlights, string or festoon lights, flashing lights, inflatable

objects or similar devices designed for purposes of attracting attention, promotion or advertising, except:

(a) Governmental or institutional flags;

(b) When approved by the Architectural Review Board as an component of a building's facade;

(c) When used to for special events on a temporary basis and with a temporary sign permit.

(11) Are affixed to utility poles.

(12) Advertise a business not located at the premises of the sign.

(13) Utilize highly reflective materials such as mirrored glass or chrome metal.

(14) Are so located, illuminated or of such a type as to interfere with or detract from the public health, safety and welfare.

B. Residence districts. No signs shall be erected or maintained except:

(1) Name plates and signs not exceeding 90 square inches in area designating the occupant or occupants and any accessory use authorized by this chapter or permitted by law. Not more than one such sign shall be allowed for each family dwelling unit on the premises.

(2) "For Sale," "For Rent" or "To Let" signs which do not exceed four square feet in area. Not more than one such sign shall be allowed on any plot which shall include the buildings thereon. No such sign, if detached, shall be within 10 feet of any boundary line nor shall be more than six feet above the ground surface on which it is erected unless such ground surface be below the grade level of the property frontage in which case the six feet shall be measured from the grade level of the frontage.

(3) Signs advertising the owner and/or nature of any other business conducted on the premises as valid and nonconforming use and for which no other provision has been made, provided that:

(a) The permit therefor has been obtained as provided in § 243-4 hereof.

(b) The size, design and location thereof have been approved by the Board of Architectural and Historic Review.^[2]

[2]Editor's Note: See Ch. 13, Board of Architectural and Historic Review.

(c) The size and numbers thereof do not exceed the regulations provided in business districts.

C. Nonresidential uses. A valid permit and design approval from the Architectural Review Board is required to erect, alter, paint with a new message, redesign, relocate or reconstruct any sign associated with a nonresidential use, except for:

(1) Copy replacement on an approved sign designed for the use of replaceable text; and

(2) Normal sign maintenance, such as cleaning, painting and structural repair, that does not alter sign design or location.

D. Temporary signs.

(1) The Architectural and Historic Review Board may, upon application, grant permits for the locating of temporary signs not in conformity with the provisions of this section for single periods not to exceed 60 days, provided that the location and maintenance of such signs will not create any safety hazard and provided that the temporary sign is located on premises owned by the applicant and the activity on said premises is advertised and/or referred to in said temporary sign. Temporary indoor sales signs for supermarket and other retail uses shall be exempt from permitting requirements provided that they do not exceed 50% of window space.

(2) In the event that a second application, prior to the expiration of the first sixty-day period, is submitted to continue the use of the same sign for an additional sixty-day period, the application shall be deemed a new application for the erection of a temporary sign.

(3) Additional applications for subsequent periods of 60 days may be made pursuant to Subsection **D(2)** above.

(4) In nonresidential districts, temporary "For Rent" and "For Sale" signs that conform to one of the sample sign formats preapproved by the Board of Architectural and Historic Review shall be exempt from review and permitting requirements. Such signs shall be permitted only when the premises or a portion thereof is available for rent or sale. Therefore, such signs shall be removed as soon as the property is sold or rented. The Board of Architectural and Historic Review is hereby authorized and directed to create a sample sign format of multiple formats for use in nonresidential districts. In addition, property owners and real estate agencies may submit their standard signs for review to become approved sign formats for the sale of property on which the sign is displayed. Two signs such as manufactured by Ty-Ko Products Co.

are approved for use and will not need a permit: the first is 12 inches in length and nine inches in height; the second is 24 inches in length and 18 inches in height; both of which are available for reference in the office of the Village Clerk. From time to time, the Board of Architectural and Historic Review shall review additional off-the-shelf signs for approval. The Code Compliance Officer may consult with the Board if he needs assistance to determine whether a temporary sign complies with the sample sign format(s) approved by the Board. Alternatively, all persons and entities retain the option of applying to the Board of Architectural and Historic Review for approval of a sign design other than the preapproved sample sign formats. Notwithstanding any other provisions of this chapter, a telephone number may be included on these signs if the seller, lessor, sublessor, agent or representative does not maintain a presence, such as an office or store, at the site at which the sign is located.

[Added 9-1-2009 by L.L. No. 4-2009]

RESOLVED: that a Public Hearing to consider a Code Change to Section 243-2 and 243-3 of the Code of the Village of Northport is hereby scheduled for November 1, 2022 at 6:00 p.m.

On the motion of Trustee Sabia and seconded by Trustee Pucillo the following resolution was unanimously approved.

RESOLUTION 2022 – 226 ~ BUDGET TRANSFERS

BE IT RESOLVED: The Village Treasurer is hereby authorized to make the following budget transfers; see attached Schedule “A”.

On the motion of Trustee Sabia and seconded by Trustee Dolan the following resolution was unanimously approved.

RESOLUTION 2022 – 227 ~ PROMOTION

WHEREAS: Philip Macedonio has been a Maintenance Mechanic III for the Village of Northport at a pay rate of \$36.10/hourly,

WHEREAS: the Village Board of Trustees has determined that the action is a type II action pursuant to 6 NYCRR part 617.5 (c) 26 and not subject to any further action under SEQRA;

BE IT RESOLVED: Philip Macedonio is hereby promoted to the position of Automotive Mechanic for the Incorporated Village of Northport, at an hourly rate of \$37.98/hour.

On the motion of Trustee Sabia and seconded by Trustee Dolan the following resolution was unanimously approved.

RESOLUTION 2022 – 228 ~ LOCAL 342 CONTRACT

BE IT RESOLVED: The mayor is hereby authorized to sign the collective bargaining agreement dated March 1, 2022 - February 28, 2026 between the Incorporated Village of Northport and Long Island Public Service Employees Local 342.

FURTHER RESOLVED: This is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c) and, therefore, no further SEQRA review is required.

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

RESOLUTION 2022 – 229 ~ ENGINEERING SERVICES FRANSAL CT

BE IT RESOLVED: The Village Administrator is hereby Authorized to sign an agreement with J.R. Holzmacher Consulting Engineers, not to exceed \$8,000.00. To design Fransal Court drainage system improvements which will mitigate the continuing flooding occurring during heavy rain events. Work will include additional investigation and Fransal Court drainage improvement plans.

FURTHER RESOLVED: This is Type II Action pursuant to 6 N.Y.C.R.R. Section 617.5, and, therefore, no further SEQRA review is required.

On the motion of Trustee Sabia and seconded by Trustee Pucillo the following resolution was unanimously approved.

RESOLUTION 2022 – 230 ~ AGREEMENT WITH COMTECH FD COMMUNICATIONS

BE IT RESOLVED: To authorize the removal & replacement of radios for 2 Engines, 1 Ladder Truck and 2 Chief cars with Comtech Communications in an amount not to exceed \$9,185.00 and to be paid from Fire Department Radio Maintenance fund.

FURTHER RESOLVED: This is Type II Action pursuant to 6 N.Y.C.R.R. Section 617.5, and, therefore, no further SEQRA review is required.

The next meeting of the Board of Trustees will be Tuesday November 1, 2022 at 6:00 PM. Budget workshop will be on Thursday October 20, 2022 at 9:00 AM.

RESOLUTION FOR AN EXECUTIVE SESSION: On the motion of Trustee Sabia and seconded by Trustee Dolan and approved by all, a motion was made for an executive session for pending litigation matter with the Kehoe property at 51 Mariners Lane.

On the motion of Trustee Sabia and seconded by Trustee Weber and approved by all, a motion was made at 7:25 PM to exit out of executive session.

On the motion of Trustee Sabia and seconded by Trustee Pucillo and approved by all, a motion was made at 7:25 PM to close the meeting.

Respectfully submitted,

Georgina Cavagnaro
Village Clerk