

AGENDA
May 18th, 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

OPEN MEETING:

SALUTE TO THE FLAG:

PROCLAMATION:

ANNOUNCEMENTS:

PRESENTATIONS:

BOARD APPROVAL OF WARRANTS:

Fiscal Year 2021/2022 General Fund bills in the amount of \$656,756.44

Fiscal Year 2021/2022 Sewer Fund bills in the amount of \$86,936.21

Fiscal Year 2021/2022 Fire Dept bills in the amount of \$10,925.83

Fiscal Year 2021/2022 Payroll General Fund bills in the amount of \$239,493.57

Fiscal Year 2021/2022 Payroll Sewer Fund bills in the amount of \$14,054.00

PUBLIC HEARINGS:

THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW
INTRODUCTORY "C" OF 2021 TO CONSIDER AMENDING SECTION 306-39(H) OF
THE VILLAGE CODE TO PERMIT DRIVE THROUGH FACILITIES IN LIMITED
LOCATIONS 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.

THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW INTRODUCTORY "D" OF 2021 AMENDING SECTION 306.13 OF THE VILLAGE CODE WITH REGARD TO THE ESTABLISHMENT OF DRIVE THROUGH FACILITIES 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.

THE VILLAGE BOARD HEREBY PROPOSES THE FOLLOWING LOCAL LAW INTRODUCTORY "E" of 2021 AMENDING VILLAGE CODE SECTION 247-2 (B) REGARDING SITE PLAN REVIEW OF DRIVE THRU FACILITIES 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 it's 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.

BUSINESS/COMMISSIONERS REPORTS:

TREASURER REPORT:

CHIEF OF POLICE REPORT:

CORRESPONDENCE:

REQUESTS:

NOTICES:

RESOLUTIONS:

RESOLUTION: 2021 – 131 ~ APPROVAL OF THE MINUTES

BE IT RESOLVED: The minutes of the May 4th, 2021 meeting are hereby accepted.

RESOLUTION: 2021 – 131 ~ ACCEPTANCE OF DONATION

WHEREAS: In a letter dated May 12, 2021, Joseph Schmitz states that he would like to donate plantings and 4 picnic tables to improve the southeast corner of Woodbine Avenue and Scudder Avenue, and

WHEREAS: It is understood that said improvements will be available for public use, and

WHEREAS: The Board of Trustees has considered this contribution, and has determined that the acceptance of such gift(s) is in the best interest of the village, now therefore

BE IT RESOLVED: That the Village of Northport gratefully accepts the generous donation by Joseph Schmitz of plantings and picnic tables, in a manner and form to be approved by the Village Administrator, and hereby directs the Village Clerk to forward the donor a letter of appreciation.

RESOLUTION: 2021 – 133 ~ NYS RETIREMENT STANDARD FOR JUDGE BIUNNO

BE IT RESOLVED: That the Village Board of Trustees approves and posts a standard workday for Judge Mary Louise Biunno that she be reported 3.65 days for days in months with two pay-periods and 5.47 for days in months with three pay-periods. For years with 27 bi-weekly pay-periods, she should be reported for 3.52 days in months with two pay-

periods and 5.27 days in months with three pay-periods as per NYS Retirement Systems Standards.

RESOLUTION 2018- 134 ~ DETECTIVE APPOINTMENT

WHEREAS: Due to the retirement of Detective Pete Howard, the Northport Police Department is in need of a replacement and

WHEREAS: after deliberation and due diligence and upon the recommendation of Chief Hughes;

BE IT RESOLVED: That the Village Board of Trustees hereby authorizes the Mayor to sign an agreement with the Northport Police Benevolent Association (PBA) and the Incorporated Village of Northport (Village) to promote Stephen Kerekes to a full time position as Detective in the Northport Police Department effective immediately at the annual salary and other conditions and benefits of employment, as outlined in a memorandum of Agreement between the Village of Northport and the Northport Police Department .

BE IT FURTHER RESOLVED: The Stephen Kerekes will not receive the additional pay and benefits he is entitled to under the collective-bargaining agreement (CBA) until the day after Detective Peter Howard vacates his current position of detective.

RESOLUTION 2021 – 135 ~ POLICE OFFICER OFFER OF EMPLOYMENT

BE IT RESOLVED: That the Village Board of Trustees hereby authorizes an offer of employment to Justin Solof who has been certified by Suffolk County Civil Service and the Suffolk County Police Department applicant investigation unit to the position of Police Officer, and that upon such certification Justin Solof shall receive all compensation and benefits associated with said position pursuant to the agreement between the Village and the Northport Police Benevolent Association, Inc, effective on or about March 18th, 2021.

WHEREAS: the offer of employment to the Northport Village Police Department is a Type II Action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(26) and, therefore no further SEQRA review is required.

RESOLUTION 2021 –136 ~ APPROVAL OF TRAINING AND TRAVEL FOR POLICE OFFICER SEAN SAGISTANO

BE IT RESOLVED: That the Village Board of Trustees approves Police Officer Sean Sagistano to attend a Drug Recognition Expert Training offered by the New York State Governor's Traffic Safety Committee at a time and location to be determined. Officer Sagistano is authorized in accordance with the Village of Northport's Travel Policy to be reimbursed for travel, lodging and meal expenses not to exceed \$5,000. . Officer Sagistano is authorized to use a village vehicle as appropriate.

RESOLUTION 2021 – 137 – APPOINTMENT OF ASSISTANT HIGHWAY SUPERVISOR

WHEREAS: The Assistant Highway Supervisor position includes, but is not limited to, the following job duties: Organizes, assigns, supervises and participates in the work of highway

crews engaged in a variety of routine tasks related to all Highway Department duties; Computer literate - ability to use all necessary related programs; Ability to complete work orders; Assists in the maintenance of time records; Purchasing of material; Must obtain and maintain the "C" operator certification for fuel operations (will train); AB operator certification for fuel operations preferred (will train); Maintains fuel logs; Oversees vehicle logs; Fabrication/maintenance of signs; CDL license required.

BE IT RESOLVED: After a thorough evaluation of all candidates by the Village Administrator, the Commissioner of Parks, and the Commissioner of Public Works and Highway, William S. Forster is hereby appointed to the position of Assistant Highway Supervisor for the Village of Northport, and

BE IT FURTHER RESOLVED: The Assistant Highway Supervisor is a union position, and will be full-time at a rate of pay of \$37.98 per hour, with the possibility of overtime. William S. Forster will be subject to a job performance review after 4 months, as well as complete a 6-month probationary period, as per the Union Local 342/LISPSE Collective Bargaining Agreement and

BE IT FURTHER RESOLVED: that 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;

RESOLUTION 2021 – 138 ~ HIGHWAY/PARKS DEPARTMENT LABORER

BE IT RESOLVED: Philip F. Macedonio is hereby appointed to the position of Laborer for the Incorporated Village of Northport, and

BE IT FURTHER RESOLVED: The Laborer position is a union position, and will be full-time at a rate of pay of \$23.20 per hour with the possibility of overtime. Philip F. Macedonio will be subject to and must pass a full background check as well as complete a 6-month probationary period, as per the Union Local 342/LISPSE Collective Bargaining Agreement.

BE IT FURTHER RESOLVED: 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

RESOLUTION: 2021 – 139 ~ AUTHORIZING THE MAYOR TO EXECUTE A INTERMUNICIPAL AGREEMENT WITH TOWN OF HUNTINGTON

WHEREAS, the Village of Northport is desirous to enter into an intermunicipal agreement with the Town of Huntington for the use of Woodbine Marina

WHEREAS, the execution of an intermunicipal agreement is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c) (18)(21), and therefore no further SEQRA review is required.

BE IT RESOLVED: The Northport Village Board hereby authorizes the Mayor to execute an intermunicipal agreement with the Town of Huntington for the use of marina with water and electricity for a sum not to exceed \$100.00 per month for one year. Subject to attorney review for form and content.

RESOLUTION 2021 – 140 ~ MS-4 REPORTING

BE IT RESOLVED: The Northport Village Board hereby accepts the draft MS-4 annual report for the period of March 10, 2020 to March 9, 2021 and makes the draft MS-4 report available to the public through its website at Northportny.gov “for a period of 30 days for public comment.”

RESOLUTION 2021- 141 ~ FLUPSY

BE IT RESOLVED: The Mayor is authorized to procure services and execute contract for services to Advanced Plastic Fabrications to construct 4 High Density polyethylene plastic FLUPSY boxes in support of the Village Aquaculture program, in the amount not to exceed \$1,520.00.

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

RESOLUTION 2021- 142 ~ FLUPSY

BE IT RESOLVED: The Mayor is authorized to procure services and execute contract for services to Advanced Plastic Fabrications to construct 4 High Density polyethylene plastic FLUPSY boxes in support of the Village Aquaculture program, in the amount not to exceed \$1,520.00.

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

RESOLUTION 2021- 143 ~ FLUPSY

BE IT RESOLVED: The Mayor is authorized to procure services and execute contract for services to Advanced Plastic Fabrications to construct High Density polyethylene plastic welded joints to construct FLUPSY boxes in support of the Village Aquaculture program, in the amount not to exceed \$710.00.

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

RESOLUTION 2021 – 144 ~ TO SCHEDULE A PUBLIC HEARING TO CONSIDER LOCAL LAW INTRODUCTORY “F” OF 2021 AMENDING SECTION 207-8: USE REGULATIONS AND RESTRICTIONS WITH REGARD TO PROHIBITING SMOKING IN VILLAGE OF NORTHPORT PARKS AND BEACH AREA

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.

BE IT RESOLVED: that the Village of Northport Board of Trustees will hold a Public Hearing on the 15TH day of June, 2021 at 6:00 p.m. at American Legion Hall at 7 Woodside Ave, Northport, NY 11768 to consider adopting Local Law Introductory No.2021-F to amend section 207-8(A)(1) and (2) of the Northport Village Code to prohibit smoking at all times in

all parks, athletic fields and beaches located within the lands and jurisdiction of the Incorporated Village of Northport, and

Local Law Introductory No. 2021-F as follows:

Chapter 207: PARKS AND BEACH AREAS

Section 207-8 Use regulations and restrictions.

A. Smoking prohibited

(1) No person shall smoke a tobacco product; herbal product; **marijuana; marijuana derivatives**, electronic cigarette; pipe or cigar; vapors; e-liquids; or other smoking devices in an outdoor playground, **park, athletic field or beach** located within the lands and jurisdiction of the Incorporated Village of Northport. This prohibition applies ~~only~~ to public playgrounds **parks athletic fields and beaches** and is not intended to include private property to which the general public does not generally have access or private areas used exclusively for private functions. "No Smoking" signs, or the international "No Smoking" symbol which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, or such other sign that is reasonably calculated to give notice of the no-smoking restrictions imposed by this section, shall be prominently posted where smoking is regulated by this section. ~~In the event a playground is not enclosed by fencing or other partition, no smoking shall be permitted beyond the signs posted in accordance with the section.~~ This prohibition is not intended to include parking lots of beaches.

~~(2) No person shall smoke a tobacco product, herbal product, cigarette, pipe, cigar or other smoking device during a public event or public gathering, including but not limited to concerts, holiday services, fairs, charity events and arts and crafts displays and/or sales, occurring on public property within the lands and jurisdiction of the incorporated Village of Northport. "No Smoking" signs, or the International "No Smoking" symbol which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, or such other sign that is reasonably calculated to give notice of the no-smoking restrictions imposed by this section, shall be prominently posted where smoking is regulated by this section, or, alternatively, public announcement of this prohibition and/or temporary signs will be sufficient compliance with this requirement.~~

Everything else in this section remains unchanged.

PUBLIC PARTICIPATION:

EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

The next meeting of the Board of Trustees will be June 1st, 2021 at 6:00 PM.

Respectfully submitted,
Amy Grandy
Village Clerk