

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on June 8, 2009.

The meeting was called to order at 7:30 p.m. by Deputy Mayor McGiff with Trustees Crean, Dean, Devlin, Hilton and Krieger, Village Attorney Egan, Village Clerk Seal and Village Treasurer Krawczyk present. Mayor Pontieri was not present.

The flag salute led by Al Costello.

Deputy Mayor McGiff read the safety message.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the Board approved the minutes of May 26, with corrections.

Village Treasurer Krawczyk stated: The bills for the period May 26 through June 8, 2009 totaled \$441,300.86, with the five largest bills being: Patchogue Fire Department Ambulance \$260,007.50 for half of ambulance yearly services, Town of Brookhaven \$25,000.00 for dredging spoils, NYCOM \$5,212.00 for annual dues, Ed Cork & Sons \$2,200.00 for demolition work, Future Holdings \$2,143.98 for tax redemptions.

General Fund	\$392,775.31
Trust & Agency Fund	\$6,118.98
Capital Projects	\$25,000.00
Sewer Fund	\$8,910.79
BID Fund	\$1,656.00
Housing/Code Fund	
Community Development Fund	\$5,889.78
General Bills	\$950.00
 Total	 \$441,300.86

Upon a motion made by Trustee Dean, seconded by Trustee Krieger, and unanimously carried, the Board approved payment of the bills as presented.

No public hearings were held.

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the board closed previous public hearing that was heard regarding noise regulation.

Deputy Mayor McGiff stated: Village Attorney Egan has done extensive research and work and has fine tuned the noise legislation as it will be presented at a public hearing. It is going to involve technology and also observation. I think that is a combination that should withstand any assault in court. As you know, we are encountering a lot of noise from some establishments down on the river. This will balance those concerns between the businesses and the residents.

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the board set a public hearing to be held on June 22, 2009 at 7:30 p.m., 14 Baker Street, Patchogue, New York to repeal Chapter 281 of the Village Code and enact a new Chapter 28 regarding noise regulation.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board set a public hearing to be held on June 22, 2009, at 7:30 p.m. at 14 Baker Street, Patchogue, New York, to amend Section 435-21 of the Village Code to prohibit tattoo parlors, water-mats and cabarets without a special permit issued by the Board of Trustees in B-2 Business zoned district.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board set a public hearing to be held on June 22, 2009, at 7:30 p.m. at 14 Baker Street, Patchogue, New York, to amend Section 7-1C of Chapter 7 of the Village Code to authorize public safety officers to issue appearance tickets.

B.I.D. Report & Chamber Report – None

## Board Meeting

June 8, 2009

Trustee Krieger stated: The Theatre is now in the recital season and I need to commend Deputy Mayor McGiff, Village Code Enforcement, the Highway Dept., Patti Seal and guys like Al who go back in that parking lot during these recitals and keep the traffic under control and safe. Secondly, I want to commend the Parks Dept. and went to the park Saturday with my wife and baby and have never seen it look better. It is really maintained well and very inviting.

Upon a motion made by Trustee Krieger, seconded by Trustee Dean, and unanimously carried, the board approved request by Avenue Sound to hold outside sales event on June 27<sup>th</sup> and 28<sup>th</sup> at their premises. Requested road closure of Potter Avenue from 9 a.m. to 5 p.m.

Upon a motion made by Trustee Krieger, seconded by Trustee Crean, and unanimously carried, the board approved request by the Iglesia Pentecostal Church to hold services in their parking lot at 102 Railroad Avenue on June 26 and 27 from 7 to 10 p.m., June 28 from 5 to 9 p.m., August 21 and 22 from 7 to 10 p.m. and August 23 from 5 to 9 p.m.

Trustee Crean stated: They are about to start the rehabilitation of 31 West Main Street next week. We received a request from Tritec, Patchogue Downtown Redevelopment LLC, to close the alley way that connects Main Street to the Lake Street parking lot. They want it secured and to be made a safe working environment, probably until the end of September when they anticipate the work to be completed on the Wedgewood Building. Last week I met with members of the Fire Department and Tritec, trying to put the final touches on the relocation of the Library. I met with a couple of Fire Chiefs to make sure that they will have access to their parking lot. Some initial designs have been put into place to build a pad to set the Library on. It will be on the north side of Lake Street next to the apartment buildings. That will be the second phase before they start the demolition of the old Swezey Dept. Store. We want to get that building off site, get it secured and then they will start the demolition

Upon a motion made by Trustee Crean, seconded by Trustee Dean, and unanimously carried, the board approved request for Downtown Patchogue Redevelopment LLC to close, enclose and utilize the alley to the west of 31 West Main Street, the Wedgewood Building, and Main Street sidewalk, on or about June 8, 2009, during façade renovation.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Patrick Severance as a Park Laborer at the rate of \$10.75 per hour.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Nicholas Kraemer as a Park Laborer at the rate of \$12.00 per hour.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request for F.I.N.S. to use the Beach Club on Monday, July 20, 2009 from 6 p.m. to 9 p.m. for an educational program. Fees to be waived.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request for the Greater Patchogue Chamber of Commerce to use the Beach Club for General Meeting to be held Tuesday, August 25, 2009 from 7 a.m. to 9:30 a.m.

Trustee Devlin stated: Friends of Shorefront Park was organized about three years ago to build a completely new handicap accessible playground at Shorefront Park. Maria Hendrickson attended a conference in New Orleans and learned about the concept of having a playground where handicap children could play side by side with able bodied children. Marian Russo and Maria Hendrickson, during these difficult financial times, went out for a grant. We did get \$93,000 from the State and that is going to be matched by the monies that have already been raised by the friends of Shorefront Park and the money that the Community Development Agency has from Federal Community Development Block grants. It now looks like we have enough money to do the playground and perhaps have additional funds towards the rehabilitation of Shorefront Park.

Trustee Devlin stated: I am looking for volunteers to help my Tree Board with the restoration project that we are doing on Bay Avenue. We have a parcel of land just north of the Winona that we will be planting native trees on. The Parks and DPW guys have been trying to keep the weeds down, but we do have a situation where we could really use a little more attention than they can give. Please get in touch with me if you know of anyone who could help keep the weeds down.

Trustee Devlin stated: On June 11<sup>th</sup>, the Patchogue Arts Council at 6:30 p.m. in the Lobby of the Theatre we are having a reception for the current artist whose works are hanging, Jason Paradis.

That same night at the Library the Quilting group is meeting, a group constructing a quilt in memory of Marcelo Lucero.

Trustee Devlin stated: At the Roe Walkway that goes between Stanley's and Remember Yesteryears, we had the test borings done and found an abandoned oil tank buried underneath the walkway. The CDA got bids from some firms to remediate the situation.

Trustee Devlin stated: The Chamber grants submitted for the Round 9 Suffolk County Downtown Revitalization..... That is going to be matched with CDA money and will be used to rehabilitate the parking lot behind the Theatre.

Trustee Dean stated: The final phase of the dredging of the Patchogue Project is underway. Last week they started to remove the dewatered spoils off the Hess property to the Town of Brookhaven Landfill. I don't know exactly how long this is going to take. Once that is done we will tidy up the Hess property and return it to the Hess people. It took a lot longer than we thought it was going to take, but the project is finally going to be done. We just have to figure out how to fix the jetty on the east side.

Public to be heard:

Dick Schroeder, Shore Road, stated: I attended the Zoning Board of Appeals hearing last week on the Lombardi project. There was quite a vigorous exchange of opinions. My concern was the way they described the parking, it was not like they were taking into account their parking needs, including on street parking. I am concerned that the other businesses, basically Nancy's Crab Shack and the Italian Ice place, could be swamped sometimes by their parking. There will be no place for people who come for a short time to park. I suggested that they consider time-limited parking spaces near those businesses. I was told I had to go see the big Board. That is my suggestion, when the dust settles on this thing, that you designate some spaces for these businesses at the very least for 15 or 20 minutes parking so transient parkers can find something.

Deputy Mayor McGiff stated: I know that is one of the solutions people have been bantering about and also I think the Mayor spoke to Nancy at the Crab Shack and she has 3 or 4 dedicated spots right now dedicated for her establishment. This is a problem and it is going to have to go through the system and hopefully there is a solution in those details. It is something that the Zoning Board is working on extensively and something we have all talked about and went down and took a look to see. I think there will be progress to get to a solution. The Mayor is committed to looking at it and not doing anything rash, trying to see how it plays out before we start sticking signs up and everything else. Chief Building Inspector Sarich will be going there tomorrow.

Bernie Siepman, Wiggins Avenue, stated: I also attend the board meeting last Thursday night and I repeat the objections tonight. Not one square inch of parkland ever again is to be given up for parking any time or any place. The parking lot now is reserved for the boaters. There are 60 slots in the marina and there are 8 parking spots. The other parking lot behind Nancy's is for Village residents and in the summer time they can't even park there.

Jeff Moore, 4 Hulse Court, asked: Is the parking lot across from Lombardi's for their use now?

Village Attorney Egan stated: The history of that parking lot was when Louis XVI was built, that parking was used by those restaurants for 70 years and prior to Lombardi's, Louis XVI had a license for almost 15 years. They leased it from the Village, but it was not exclusive. If the Village residents wanted to use it they could use it.

Trustee Hilton stated: We have dockmasters on all night. The dockmasters know all the boats. Typically the marina parking lot has been extremely underutilized by the boaters. My point is that during the day when the dock is open to everyone, people park next to their boats and I encourage that. The ones who are going out overnight or coming back late will use the marina parking lot. After 6 p.m. Mascot Dock is open to only Village residents and on the average use of the dock is maybe 15%. I feel that we can handle after 6 o'clock out on the dock easier rather than putting it out on the road. Most of the residents that utilize the dock walk there with their children, only occasionally do the residents drive there. When the dock is closed and just for Village residents, there is a tremendous amount of parking that is available.

Deputy Mayor McGiff stated: These are unique problems that have to be addressed and it is that constant balance between property that is zoned for business and the residents. We are dealing with it on the river and it is a concern. It is that constant balance of rights that we are trying to wrestle with. We are setting a public hearing for noise ordinances and trying to address all these issues as they come. As a board all of us are very cognizant of what's going on down there, on the river, and everywhere else.

Jeff Moore stated: We have been trying to get our street repaved. Last year they came and did a couple of spots, the east end of the street floods, and there are pot holes.

Trustee Dean stated: We have Federal appropriations to resurface various roads throughout the Village. We did a survey and I was more familiar with certain roads on that survey at one point, but am not right now. Give the Village Clerk a call and I will inform her.

Jeff Moore stated: The street lights in front of our school have been out since February. I called the School and they said to call Central Maintenance. I called there and they said to call the Highway Department. The Highway Department said they would take care of it in February, and now it is June and still has not been done.

Deputy Mayor McGiff stated: We will look into it tomorrow.

Jeff Moore stated: During the boat races there were no handicap parking places.

Trustee Hilton stated: The first year it was the usual handicap parking lot was across from the bathrooms down by the softball field. What we did was anybody who was driven up to the dock in a car was allowed to come through, we took it from there and they had complete accessibility to any part of the park and they were allowed to park their car there. It has been a concern because the Fire Inspector would tell us what percentage we have to dedicate to handicap parking and it has been underutilized to the percentages that we anticipate. So, recently we have decided to deal on it on a one-to-one basis. The Sergeant will tell you that last year, if anyone came up with a handicap sticker, they would direct them to the end of the dock....

Mary Clohesy, Hulse Court, stated: I would like to say one thing about the condition of that road. I spoke to the Mayor and another department. They came down this morning, spent five minutes filling a hole that was a crater. There are other holes in the road; someone walking down there could really trip over, it is heaving in the middle and slants down the sides so with all the rain we have been getting it has been really flooding. I know we are not going to have drainage problem down there, but if no funds are available, can the Village at least fix what they can until funds are available?

Trustee Dean stated: I said we have funds, but don't know if Hulse Court is on the list of roads to be done with that money. I will find out and let the Village Clerk know tomorrow. I will also call the Highway Department tomorrow and if there is something that they could temporarily and make it safer, I will tell them to take care of it.

Heather Georgio, Hulse Court, stated: I also live on the street and it is very bad. I was also at the Planning Dept. meeting last week. My primary concern is the same issues with Lombardi's parking lot. I realize they do have a lease, but don't understand how a public parking lot is leased to a private business. I know the first time I walked down there with my children when Lombardi's was open; it was so congested and chaotic. You had these 17 year old kids driving someone else's BMW, ripping across the grass, jumping off the curb, darting back and forth, speeding in and out of this parking lot. It was not a safe situation at all.... Next morning there was litter everywhere. It took away from the nice peaceful atmosphere that we had.....

Deputy Mayor McGiff stated: Lombardi's bought the building which was an existing restaurant. It would be a different scenario if they bought an open field on the water and constructed this building. Fortunately for them, it was already there. They have not come before this Board, but have been talking with Peter Sarich from the Building Department. Any application goes through Planning, Zoning and sometimes us. Nothing has been before this board.

Jeff Moore stated: They are talking about putting 100 cars in the parking lot across the street....

Deputy Mayor McGiff stated: That is a zoning board issue and there is a separation of government here. Maybe they will ask for a traffic study. I don't know..... Every member of this board is not in favor of that--to lose one inch of that park.

Cheryl Forgione, Smith Street, stated: .... they did file for a 45 sq. ft. outside extension and we do feel that is a foundation to proceed that enclosure. Getting back to the restaurant that was there previous, it was a restaurant not a catering.... Back to the park, I do believe it is protected by the Land-Water Conservation Fund.... How could we the Village after being funded money from this Land-Water Conservation Fund to protect the park, how do we have the right to rent that parking lot? I think that is an issue....

Trustee Krieger stated: On that parking lot there was a structure and it was never part of the park.

Deputy Mayor McGiff stated: There is a due process and they have a right to make an application and the board has a right to deny it. But, it has to go through that process. We are not going to give an inch of parkland.

Trustee Krieger stated: Another issue that needs to be realized, in order for your opinions to get to those boards, you have to be diligent and go to the meetings. If you don't want it, you have to fight it and don't give up.

Cheryl Forgione stated: We inquired at the zoning board also if they acquired any SEQRA permits. They said they applied for it and somehow got a permit to build a patio/foundation. I am letting you know as of Friday they have not filed any kind of applications with the Health Dept. or DEC regarding anything they are doing there and they already have started work there.

Deputy Mayor McGiff stated: As I stated earlier, our Senior Building Inspector Peter Sarich is going there tomorrow.

Jeff Tyler, Smith Street, stated: Concerning this parking problem down here, the architect designer went to the corner of Rider and Smith parking lot that exists there now and said it is all painted wrong. He said we got 20 parking spots, but we are gong change it to 60 parking spots so that we can get the additional parking spots we need as a satellite parking lot..... I think we should eliminate their satellite parking and abolish the whole extension they are going to apply for.... There is no parking, the bathroom facilities, drainage, cesspools, everything goes into the Bay that we are trying to get clean again, runoff, everything.

Trustee Crean stated: I don't recall his saying that. He might have said it in some conversation, but I was at the hearing and he did not say that. He said that the lines were not efficient, but didn't say he was going to go down there and re-stripe it himself.

Village Attorney Egan stated: They have filed a request to extend the sewer line down South Ocean Avenue so it will eliminate any environmental concern and also abandon their cesspools and they are going to pay big money to do that. It is an out-of-district connection that they are going to have to pay for and they would be paying for the extension of the sewer line down South Ocean Avenue. At this point, there is no plan to extend it down Smith Street. Certainly if those 18 residents on Smith Street want to get together and willing to bear the cost of the extension, it is certainly a possibility. To extend it down from Bay Village condos to Lombardi's is probably is going to run Lombardi approximately ½ million dollars.

Jeff Tyler asked: Why couldn't they set up their own bus service to Terry St. .... They could get a couple of trolleys and put them up there. Also, the parking on Smith Street is encroached on already during the summer with all the concerts coming, and now they want to come in and take over with two weddings on Friday and two on Saturday—500 cars a day in and out of that place. Drinking at the new extension at the outside bar, yesterday the music was blasting. What are the noise levels?

Village Seal stated: 7 a.m. to 9 p.m. Monday through Thursday, and Saturday and Sunday 7 a.m. to 11 p.m.

Lauren Tyler, 20 Smith Street, stated: I am a resident well over 30 years there and we are aware that at one point there once was a restaurant in the parking lot which then turned into a nightclub called Pivots which caused a stir in Patchogue which quickly turned into a nightmare for the residents and businesses--the parking situation.... We really do have a paradise down there and

people are stunned about what is going on there and how fast it is happening. On a good time the Village is crowded down there—a good crabbing night, normal situation, couple of things going on, nice night—those parking lots fill up.... There is a big green sign that says “Parking for Mascot Dock and Marinas Only.” And that is the parking lot that has been marked off with valet parking ropes and people that stand there and guard it. The other day I saw a sign that said “Official Parking for Villa Lombardi Only”... While they have all these things planned for the Village, the times down there on a Friday night for the cocktail hour or because it is so popular a place right now, there will be no parking spots... Most of the events down there start with the best intentions, and even when we try and control the traffic.... There are only three commercial buildings down South Ocean Avenue,—little deli, Nancy’s Crab Shack and an ice cream parlor... The rest of it is residential. Louie XVI usually contained themselves. The parking lot leased to Louie’s has the floating docks stacked there in the winter; during festivals and fairs it is used for the vendors to park, and it all fills up. I understand that they are the restaurant that they are, but to allow them to expand far beyond their capacity is an unfair burden to put on everybody else down there.... The only other thing down there is Recreation which draws tons of kids and families—and at the same time they want to add that traffic, it doesn’t seem conducive. We understand there is going to be a business and we accept that—the idea that it doubles in size.... Before the pool even opens, we see that the parking lot and all the parking lots around the surrounding are filled just with their normal bar traffic Friday nights, their Sat. & Sunday afternoon catering events.. In addition to that they have it open to the public at the same time and it is a pretty popular bar spot. Since the board meeting where they announced the plans where they wanted to add over 4,000 sq. ft. space and with that additional it requires 169 parking spaces, where they say have only 44, but can certainly satisfy parking the people by using the Mascot dock, using Mascot dock parking lot, by using the Rider Avenue parking lot, and by using surrounding streets. What does that leave for anybody else, it doesn’t leave anything. Every one of the events run doesn’t leave anything—do they realize that during the Battle of the Bay those streets are completely closed off? There are about 25 dates on Saturday and Sunday and there will be times where brides can’t even get down the road.... If they really want to bring that amount of people down, it has to be without the vehicles.... In the past on those weekends when there was no parking and we had to call Village Hall and they would pacify us by saying it is only a special event. They will never be able to tell us that again. Catering events will be going on every week, every month, every year for quite possibly for the rest of our lives. While they are coming before you to double the size, we are saying to you this is perhaps the last administration who has the last opportunity to preserve what we have because once it is gone we will never get it back. This is over 100 years of people coming down to enjoy for the leisure and enjoy. Not just the people in the immediate area will be impacted, but those people who want to come down for the breeze and sit...

Deputy Mayor McGiff stated: Everything you have stated is very valid and we wrestle with it on other locations within the Village—progress brings problems. We take that all into heart; this is not an easy situation. I have a seven year old and we use the park a lot. It has evolved from its heyday, to not so good into this now. It has to be vetted through the system. In terms of expansion, we have not approached that subject as a board. We have been concentrating on the parking. I appreciate everyone coming out and talking. We get feedback from hearing you. It is something that has to go through the system. Because they are applying for something, it doesn’t mean they are going to get it. Everything you say, we hear.

Village Attorney Egan stated: I certainly appreciate everything you said tonight because it was very genuine and very articulate in your positions as to the challenges down there. Jurisdictionally, this is an issue that is before the zoning board and then hopefully before the planning board. It is not jurisdictionally something that the board of trustees here can even vote on. They are really not even supposed to influence that decision. If you gave that same articulate argument to the zoning and planning board—and I encourage you to do it—because that’s the board that has the jurisdiction to make those types of determinations. On larger issues when this board is the lead agency, on that it is not, just jurisdictionally. The concept of the law called “prior pre-existing non-conforming uses” you laid it out perfectly when you said there are three businesses south of South Ocean Avenue, otherwise it is primarily a residential area. When you said you have people, parking and trouble with that..., those are all issues because that restaurant is a pre-existing non-conforming use so it has a property right to exist as a restaurant. The question becomes is how does the zoning or planning board using their tools which this board doesn’t possess shift that so that it is in harmony with you guys in the neighborhood. That is the challenge which every municipality on Long Island, New York State and the country has to deal with when there is a pre-existing non-conforming use—something that is there and the neighborhoods have all been a different way. All different uses. Now they are residential areas.

Trustee Krieger asked: The parking lot on Smith Street and Rider, are there any restrictions on that?

Laura Tyler stated: There are none. It is first come, first serve apparently and unfortunately, depending on each person's event whether it is their catered event and all trying to get there for the same time or if the Village has a Recreation event planned they will coincide and I have checked I counted about 25 different times that they will. So far it has been too early in the season to see the impact. The trolley would be great. We are begging you not to let it grow to this size. To allow it to be twice its size would be impossible. In the winter it is desolate, in the summer during one of the events we don't leave home because we would never be able to get back.....

Deputy Mayor McGiff stated: Your comments will be taken under consideration.

Conversation ensued.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the meeting was adjourned at 8:55 p.m.