

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on June 14, 2010.

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

The flag salute was made. Mayor Pontieri read the safety message.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff and unanimously carried, the Board approved the minutes of May 24, 2010, as presented.

Village Clerk Seal stated: The bills for the period ending June 14, 2010 totaled \$651,284.25. The five highest bills were: Patchogue Ambulance Co. \$285,600.00 for ½ year service, State Insurance Fund \$180,786.96 for annual works comp., Town of Brookhaven \$25,000.00 for dredging, NYCOM \$5,131.00 for annual dues, and Local 342 Insurance Trust \$2,396.92 for monthly dental bill.

General Fund	\$586,944.88
Trust & Agency	38.66
CAP Projects	25,886.90
Sewer Fund	29,534.57
BID Fund	2,004.49
Housing Fund	0.00
CDA Fund	6,279.75
General Bills	595.00
Totals	\$651,284.25

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved payment of the bills as presented.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, June 14, 2010, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, 11772, by the Village Board of the Incorporated Village of Patchogue to consider a request by 600 South Ocean Realty Corp. as contract vendee and James Gillis as contract vendor/owner for a Special Permit pursuant to Chapter 435031©(2) for permission for increased parking in an “A” Residential zone located at 16 Smith Street. At said Public Hearing any person interested will be given the opportunity to be heard.

Alfred & Sutton, architects for the applicant, stated: We are here tonight for the proposed additional parking area that is adjacent to the existing Village parking area. We can park an additional 33 parking stalls if we do it in a valet manner. We established a buffer against the close proximity of the existing home. Along Smith Street there will be no ingress or egress. This property line will have a 6 foot high fence which is reduced once it reaches the front setback on Smith Street to 4 feet high. This is essentially to offset the overflow parking that we obviously need at this facility. The entrance to that will be off the Village lot that we are leasing from the Village. It is 40 ft wide x 176 feet long. It has one side longer than the other. The cars will not be parked by anyone but professional valet parking personnel. It is not a standard parking lot, meaning that the aisle width is only 10 feet wide, the stalls--most cars average 6 ½ feet wide by 15 feet long for a sedan-type car. So, the stalls were reduced along that line—we keep it then 8 feet wide, not 9 x 19 the way a standard stall is, because the valet parkers push the mirrors in, they back the cars in and out, and have cue up and have time to move them around. Otherwise, we could not meet the radiuses to turn, we would absolutely need ingress and egress off Smith Street. By making this a valet parking lot, it allows us to function without a curb cut on Smith. We don't have any plans for gated access along Smith Street but it is easy enough to provide for that. We are going to match the gravel that is on the Village parking lot. It actually facilitates percolation, it is not a solid surface where you would have to have storm drainage and everything like that. The parking lot would operate from 10 a.m. to midnight or 1 a.m. The restaurant closes at 10 or 11 p.m. We have two poles on the property now which light filters onto this lot. If we need another, we could certainly provide it. As far as side yard, we don't believe we need any relief at this point. If it were a conventional parking lot, we would, but we don't. We are simply

requesting the use of it. The aspect of it that makes it not conventional is that when you look at it with respect to parking lots, it is paving, curbing, drainage and all the things like that. Because of its limited usage as valet, we are not having that full development spectrum included in this. It is pretty straight forward. When it is not being used, it will look like a grass/stone lot.

Village Attorney Egan stated: The reason why the applicant is here tonight is because under 435-31-C-2, which the Board of Trustees in 1995 enacted; they found that an excess number of vehicles parked on residential properties could be indicative of overcrowding or a reduction of open space and/or the deterioration of property values. With that as the background, the Board of Trustees is vested with the power of Special Permit to approve any kind of increased density of parking such as proposed here on a residential parcel. Aside from that, it is really the Board's discretion. This is an application for a Special Permit.

Trustee Devlin asked: Can you avoid using Arborvitae? I can give you some suggestions.

Alfred & Strom architect stated: I believe it is a contract vendee relationship and they are working on purchasing it.

Trustee Crean stated: This takes 33 cars off the street basically. Are there plans for any other opportunities?

Ms. Lombardi stated: We are working on it.

Resident asked: Where are the cars going to cue up while they wait for the valets to take it off their hands?

Alfred & Strom architect stated: Currently, the cue is directly before the restaurant and they pick it up at the same place.

Mayor Pontieri stated: Once the pool opens, those cars have to come out of the pool lot. So these cars will then be going basically from the pool lot over to there. Then they are looking for other properties to put vehicles on also.

Trustee Krieger stated: Having observed the situation down there a number of times, it seems that it is just as much of a problem with people driving and looking for a space. There are things that have to be worked out and we discussed it with the Lombardis and are working on plans to better utilize the valet system over there. We realize that there are issues and are working with them and trying to alleviate that, to take the parking and making it more valet, I think it is a lot safer because as I observed people who are driving are not paying attention to the road and looking frustrated. We have already alleviated the problem on Smith Street and Maiden Lane and hopefully getting more cars into the parking lot and are looking for other locations to park cars so, hopefully, shortly we won't have this on-street parking. At least the valet problem has to be worked out.

Ms. Lombardi stated: The valet service is subcontracted out and it depends on what functions are happening and how many people we are expecting for the evening. Usually there is a minimum of two to three of them if there are no catered events. People don't show up all at once. For a wedding for every 50 people there are two valets and is how we plan staffing. The safety of the dock is our concern as well.

Trustee Krieger stated: I notice on this plan that they have a couple of crosswalks in there too to help alleviate crossing. I notice when I was down there with Trustee Keyes that there were a couple of blind spots we need to take care of as well.

Village Attorney Egan stated: Mr. Mayor, I just want to correct one thing I said before. There is a provision in the parking lot code under 435-34 that speaks about the development of off street parking spaces. And it specifies under the code that such a parking lot would be improved by concrete or asphalt surface which might not be in the best interest for this area any way. That is one potential variance. The other variance is that the entire parking area should be fully illuminated at night—given the surrounding residential parcels and that also might not be the best interest for the parking lot. However, one of the things the applicant should definitely consider and probably the Board should consider in mandating as part of this Special Permit is that they consider the drainage of the site which I don't see on the plan. You might want to consider the

drainage, especially given the proximity of the residences. I don't know if the architect has given any consideration to that.

Alfred & Strom architect stated: The existing Village lot has no drainage and the reason is that the water table is actually quite high. The only way you could contain a 2" runoff which is a typical engineering standard and have clearance above the water table predominant, we explored that and it seemed really prohibitive because there was no place to put the water unless we elevated the entire parking lot. On such a small, narrow lot it would be awkward in terms of retaining walls and things like that in order to accomplish that. It just seemed if we do it with completely permeable surface, they have a geo grid lot if necessary that is just like gravel which percolates into the ground. The only need for the drainage structure would be absolutely mandated is if the surface was a hard surface because now you would have 100% runoff wanting to go someplace and you have to provide it. By not having that hard surface, you no longer have an actual drainage structure because it is going to percolate into the ground.

Trustee Devlin asked: Ryan, are you saying that because of the way the code is written they would need a variance? In the LWRP draft even though this parking lot is in the area that we are proposing to rezone, what they are recommending for waterfront parcels for parking is exactly what the architect is suggesting. Is there a way we can put that in a Special Permit or does it have to go to zoning?

Village Attorney Egan stated: We can waive that from here and make it a variance upon granting the Special Permit. On the planting line, one of the suggestions from the visions of the code—does your firm propose to do elevating with plantings in it?

Alfred & Strom architect stated: Yes. I would suggest we do something like that.

Village Attorney Egan stated: One of the other provisions required is installation of bumper guards throughout the area.

Mayor Pontieri stated: That would keep any runoff from that property and be set either north or south and would send it out to the street or send it out to the other lot and protect the adjacent properties if there is a heavy rain.

Trustee Krieger stated: Looking at the access from Smith Street, what kind of fence were you going to put up?

Alfred & Strom architect stated: We were looking for suggestions actually. We were thinking of some stockade. It is mostly about not seeing the cars.

Mayor Pontieri stated: If you are going to put a hedgerow you could put a black chain link. There needs to be a gate, 36-42 inches. Black chain link melds into anything you put up.

Trustee Crean asked: What about the west side of the lot with no bushes?

Alfred & Strom architect stated: The fence is going all around, except on the south side.

Trustee Devlin stated: Maybe on the Smith Street side you could have something—not wrought iron, black like we have at the Beach Club.

Alfred & Strom architect stated: If we had chain link we could introduce slats.

Mayor Pontieri stated: The motion is basically to approve this with provisions for 36-42" black chain link gate, to coincide with hours of restaurant, lighting sufficient enough to make it safe, types of plants to be specified in the Special Permit upon consultation with Trustee Devlin, waiver required for non-asphalt or concrete.

Trustee Crean stated: One of the other issues that I have with this valet lot that we have granted them permission to use is that what defines the boundary between our park land and our existing parking lot right now is telephone poles. And those poles seem to go back and forth. What I would like to see is something a little more permanent along that boundary line which actually defines the spaces a little bit more permanently and I would love to see something immovable. I

would prefer more of a posted split rail, like goes along Maiden, that would prevent them from parking their cars on our park and.

Trustee Keyes asked: How many spots are in that parking lot right now?

Alfred & Strom architect stated: There are 41 stalls that we are showing for conventional parking. We almost could almost double that if we valet. We did have a plan done that did show conventional parking to be 41, maximum which is almost 60.

Trustee Crean stated: I don't know if it is their obligation or ours to put that fence in. If it is ours, I would love to get it done sooner rather than later, similar to the post and rail along Maiden Lane.

Mayor Pontieri asked: How about you provide the wood and we will install the fence. The other thing I would ask is that you replace the stockade that is falling apart.

Upon a motion made by Trustee Krieger, seconded by Trustee Devlin, and unanimously carried, the board approved request to issue a Special Permit to 600 South Ocean Realty Corp, as contract vendee and James Gillis as contract vendor/owner pursuant to Chapter 433-3C(2) for permission for increased parking in an "A" residential zone located at 16 Smith Street

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, June 14, 2010, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York 11772 by the Village Board of the Incorporated Village of Patchogue to amend Sections 415-15 of Article VII of Chapter 415 of the Village Code regarding parking restrictions on Waverly Avenue, a copy of which proposed local law is on file at the Office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Resident stated: This is just south of 56 Waverly Avenue and the parking is very restrictive, it has "No parking from 6 pm to 6 am." It is a time issue. It has been a beauty parlor for the last forty years.

Village Attorney Egan stated: The Board could do whatever it likes, but the pattern of the code is generally on the top of the hour, not at the bottom, so "No parking from 10 p.m. to 6 a.m." That is a most unusual cutout on Waverly probably which was enacted in 1961, probably just for that building.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to amend Sections 415-15 of Article VII of Chapter 415 of Village Code regarding parking restriction on Waverly Avenue, south of 56 Waverly Avenue to be designated "No parking from 6 pm to 6 am."

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, June 14, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, 11772 by the Village Board of the Incorporated Village of Patchogue to amend Section 435-1 of Article I and 435-21 of Article III of Chapter 435 of the Village code regarding formula or franchise food establishments in business districts, a copy of which proposed local law is on file at the Office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: This is a request from the Building Dept. and the Planning Board with the regard to the established of formula or franchise food establishments in the downtown D3 business district, D2, but anything that is in D2 is really in D3. D2 is pretty much is surround of the core. It provides for a Special Permit only by the Board of Trustees if a formula or franchise food establishment would be established in the D2 or D3 business district which is defined in 435-1 as set forth, a food establishment required by contractual or other arrangement to maintain any of the following: standardized array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, menus, ingredients, food preparation, or similar standardized features. This is an attempt to try to at least have some control over the D core business district when a franchise food application presents themselves to the Planning Board. It would be granted by a Special Permit from the Board of Trustees.

Trustee Crean stated: We have had many business owners requesting for us to place a moratorium on the allowance of additional restaurants within the downtown district. While not in approval of a moratorium, but this would allow our current merchants and owners of businesses in town to create a layer of protection against national chains or franchise restaurants that might look to infiltrate our downtown business district, the Pizza Huts and McDonald's of the world and other establishments we might like to see in our Village, but not in the heart of the district. It will allow restaurants such as Pera Bel, The Brick House, and some other restaurants in town to be able to compete and keep a foothold in our "business district." I appreciate the Village Attorney's time and effort in crafting this language. I think it creates that layer of protection that we are looking forward.

Trustee Keyes stated: This is an exciting piece of legislation and I commend Attorney Egan and think it is a good idea.

Trustee Crean asked: Who determines what can come and what cannot come?

Village Attorney Egan stated: The Board discretion as set forth in a regular Special Permit application just as tonight. Consideration and discretion as to what it is trying to protect against, as to what the proposed application is. In this case you are trying to protect against any kind of formula or franchise restaurant that may want to open up in an area that could as a restaurant open up "as of right." A retail store like Gap could open up as of right. In this case it is only limited to formula or franchise food establishments.

Mayor Pontieri stated: One of the issues that you find with food establishments, where it is a retail establishment they have a certain set number of hours, certain affect on the Main Street itself. This is more pertaining to protection of the Theatre and the type of food establishments you put around a place such as the Theatre, the size and breadth of a restaurant establishment and the amount of people that they can bring in at any given time has a much larger affect than what it would be on a retail establishment. If you bring in a Gap, you will bring in people that will continue to shop in your downtown. If you bring in a Hooters—is it that what you want to have on Main Street near the Theatre or on that block. My point is there are ones open until 4 a.m. establishments. That when you take a look at their profile, they are not closing at 1 but at 4 a.m. I think this is a protection so the downtown will not gravitate toward that use.

Trustee Crean asked: How is it determined whether it be an Olive Garden or Red Lobster or Applebee's?

Village Attorney Egan stated: Those would all fit within it. The application would be made to the Building Department and if the Building Department in its planning process determines that this may fit the formula or food franchise establishment definition which the board is going to enact tonight, the applicant would then be told by the Building Department that they would need a Special Permit from the Board of Trustees. That application would then come before the Board to consider whether they want to grant that Special Permit with conditions or otherwise. It is a prohibition subject to a Special Permit by the Board of Trustees in the D2 and D3 Business District. D3 is the entire business core, what we call downtown, D2 is generally the surrounding areas, stretches down South Ocean Avenue and up North Ocean and west and east along Main Street.

Mr. Schrader, Shore Road, asked: How do you make it stick? I think that you are going in the wrong direction; I don't know the right direction. A place like Dominos, a franchise who suppose he decides he wants to move downtown. How do you make that stick because he can say there is one there, maybe two, but because he is a franchise you will not allow it. It seems to me you need something a little stronger to give a leverage than just the fact it is a franchise. I know what you mean—if somebody wants to open a Checkers downtown with a real gregarious look to it downtown, I understand what you are getting at and I thoroughly approve of it. But it seems to me you need as little more leverage.

Mayor Pontieri stated: You want your downtown to have a certain sense and feeling about it. And many of your franchise-type restaurant/bars--there are some out there--that you just don't want to have in your downtown. Yet, you may not have a choice but to have without at least having them come before us and defend what they do and how they go about doing it.

Mr. Schrader stated: Maybe you can at least put some restrictions on their facades. An ordinary pizza place like Gino's—it is basically a walk-in/walk-out restaurant—no different than Dominos, except it isn't a franchise. I am trying to find a basis for you to make this thing spin.

Trustee Crean stated: Say for instance, J&R's Steak House goes out of business and Olive Garden wants to go in and we say no, do they have any kind of fight back?

Village Attorney Egan stated: No. If you look at the Legislative Content and Findings. It is hereby found and established that the Village of Patchogue has a strong interest in creating and maintaining a desirable living, working and business environment for all visitors and residents of the Village. It is further found that the addition of formula and/or franchise food establishments, if not monitored and regulated, will frustrate the Village's goal of achieving a unique and diverse retail business and food establishment base, comprised of a mix of businesses, both local and national in nature, and that the unregulated establishment of formula or franchise food establishments will unduly limit or eliminate business establishment opportunities for local and smaller- or medium-sized businesses. That being said, the Board of Trustees really is only exercising its general stewardship to the Village on a Special Permit application. For example, if the Board doesn't approve Olive Garden, it would then go to the Planning Board for the rest of its planning process, however limited that may even be as a restaurant application given an as of right application in the downtown district. Once it gets the green light from the Board of Trustees, it just adds one more level of control that the Board of Trustees have given the ordinance of the D3 business district.

Trustee Krieger stated: Cold Stone Creamery may want to come into the Village of Patchogue, and for some reason we say we don't want them in our downtown. They can say just down the street is a Carvel, so why can't I come downtown?

Village Attorney Egan stated: Not in a D3 or D2 business district.

Trustee Crean stated: That is a particular use that we might want to have in our downtown. But, five years from now when we aren't here, what then?

Deputy Mayor McGiff stated: They can give them a special permit. This legislation already worked and is good; it gives us control. If they want to put a Hooters type place and see this, they will want to go to another place where they don't have this restriction. Why do you think things like this don't pop up in East Hampton and Westhampton? We have a little more self confidence.

Village Attorney Egan stated: I think some of the absolute legitimate and realistic concerns is that zoning by itself is an arbitrary nature to a certain extent in that it says what we can and cannot have in certain districts. There is a loading X district that the Village has, but thankfully is not used but it is nonetheless out there. So there is arbitrary decisions that are made all the time on zoning decisions by its own nature as to what the government would and would not permit. This is merely an expression by the Board what should and should not be in the D3 and D2 districts.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the Board approved request to amend Section 435-1 of Article I and 435-21 of Article III of Chapter 435 of the Village Code regarding formula or franchise food establishments in business districts.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing was set for Monday, June 10, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York 11772 by the Village Board of the Incorporated Village of Patchogue to amend Section 435-31 of Article IV of Chapter 435 of the Village Code regarding parking spaces required for restaurants, catering halls, etc., a copy of which proposed local law is on file at the Office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: This is also an outgrowth of the recent zoning explosion in the Village of Patchogue with regard to parking restrictions. It has been often times suggested that the Board reconsider its parking requirements. Right now the restaurant/catering facilities is one parking space for each four seats determined by the total seating capacity for the facility. Our office took an analysis of surrounding towns and facilities. Their parking based a great majority of this on the Town of Brookhaven's zoning regulation which is semi-modeled after the Town of

Islip. The recommendation is to amend 435-31 Spaces Required (11) to read Restaurants: 1 per 2 seats, or 1 per 100 square feet of floor area, or 1 per 3 persons legally accommodated, whichever is greater. So it would actually radically change the parking calculation given that it is unrealistic to really even believe that one parking space for each 4 seats, that any one would ever come to a restaurant with four people in a car. Catering halls would be 3 per 100 square feet. Bars, Taverns and Nightclubs will be a new addition which did not exist before with 1 ½ per 2 persons legally accommodated and Restaurants, take out would be 1 per 150 square feet of floor area. It also provides parking calculations for Industrial--manufacturing warehouse, multi-tenant, and mini-storage warehouse.

Mr. Schrader asked: How does this match up with our current ratios, the realistic parking vs. all the restaurant seats—what would the ratio be?

Village Attorney Egan stated: No. That would be impossible to calculate. If you are asking for it on restaurants down on the river that would be relatively easy to calculate because they are isolated spots. In D3 it is impossible to calculate because all the combined uses downtown has its own parking district without any parking calculations.

Trustee Devlin stated: I would like Attorney Egan to explain to me the difference between 1 per 2 seats or 1 per 3 persons legally accommodated; would that be for a place where people would be standing?

Village Attorney Egan stated: Not necessarily. That would be 1 per 3 persons legally accommodated if there was already an occupancy calculation already in the restaurant.

Trustee Devlin stated: What happens if there is a restaurant that exists now and is sold to a new owner, are they grandfathered into the old calculations?

Village Attorney Egan stated: It depends as what would be calculated as preexisting. If they stay the same they would be grandfathered into the old code.

Paul Pontieri stated: If they substantially change the use of the restaurant. But, what happens if somebody has an establishment and then adds another piece to it, like catering where it was just a restaurant before?

Village Attorney Egan stated: That would get to the edge of change in use. Trustee Krieger the Harbor Crab bought the old Riverside next to it and turn it into a catering something, this would definitely apply to that. A perfect example as it is isolated and away from the downtown parking district.

Trustee Krieger stated: I think this code is long overdue.

Upon a motion Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to amend Section 435-31 of Article IV of Chapter 435 of the Village code regarding parking lot spaces required for restaurants, catering hall, etc., as presented.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board set a Public Hearing for July 12, 2010, to hear a request for change of zone for Capital Management Development, LLC for a proposed project located at the S/W corner of East Main Street and Bay Avenue.

Dennis Smith, B.I.D., stated: I have the 2009-2010 B.I.D. Annual Report. The 2009-2010 fiscal year was an extremely busy, but vastly rewarding year for the B.I.D. in all that they have accomplished. We are using the same assessment that we have been applying for several years now; we afford a budget of \$168,500. A monetary value has been consistent for three years. I am happy to report that for the year coming up, we have maintained the same assessment. However, the monetary value of the same assessment has dropped to \$163,000 with a reduction in usable resources of \$55,000. Due to efficiencies that were gained over the past couple of years, we are confident at the B.I.D. that there will not be a reduction in the services that they provide. These efficiencies include in-house watering in the summer as opposed to contracting that job out, irrigation installment in some areas, defoliation spraying as opposed to manual weeding, bidding out for lowest costs of major expenses, and relocating to a rent free office that is here. In addition, most extraordinary major expenses such as trash receptacle

purchasing/replacement, hanging basket bracket installment, holiday decoration purchases and website development have already occurred so that will not be a recurring expense. This year the biggest project we had going on throughout the entire year which was the implementation and administering of the 2008 NYS Main Street Grant. This \$200,000 grant was received in late August, 2008, for the façade and building improvements for portions of East Main Street as well as South Ocean Avenue. In total, we had a total of seven projects that have been started and were completed with this program, some small and a lot of them rather large. The smaller projects were sign projects with signs being replaced at the Patchogue-Medford Library and a sign that is planned for Remember Yesteryears. In addition, a new sign is being constructed to replace the Chamber of Commerce sign that is located on the O'Neil Building on the four corners. There are four major projects that we have undertaken. One of the largest and most visible is the Dove Building on the four corners. The project is just about finished and the new look is nothing short of beautiful. The finishing touches of this building will be the new matching awnings and signs that are planned and should be installed by the end of July. Again, thank you to Marion Russo of the CDA for making that a part of the project. Another large project just down the street from that is the Bridgehampton Bank and coffee shop on 41 East Main Street. We are providing the funds from our grant to help with the façade work and some of the interior renovation. This entire renovation is valued just about \$600,000. The coffee shop will be located on the front side of East Main Street and the bank entrance will be from the Oak Street parking field. This is going to be a great addition to that particular portion of Main Street as well as the Village of Patchogue as a whole. The two remaining projects include a façade improvement at the old Jay's Fabric Store on South Ocean Avenue and that was completed last December and a planned upgrade at 82 East Main Street, also known as the Village Mall. At this location we plan to do a general sprucing up—we are not going to rip facades down and build new ones. We are going to take what we have and try to make it better than what it is. We are going to repair the front and back of it, there is going to be sign work on both sides, and a nautical scene painted on the rear of the building. Hopefully, what is going to happen here is in doing so it will attract more people to park in the Terry St. parking field and walk to East Main Street, which is not necessarily happening now and alleviate some of the parking problems that we have within the Village. The true success in how this grant was administered and the positive impact on Village can be measured by the amount of monies leveraged against it. The original \$200,000 which we had received was used in what has amounted to about \$900,000 in total investments to these buildings previously mentioned. In most instances, this improvement might have never occurred without this grant money providing the seed money to make building owners improve their properties. I am happy to report that with a lot of help from Village CDA Director Marian Russo and B.I.D. member Joel Peck, we have made another application for another grant that is occurring this year. That funding is \$500,000 and if we are fortunate to receive it then there will be a lot more improvement not only to the other side of South Ocean Avenue and West Main Street as we head west towards Waverly Avenue. I am happy to be able to report that the B.I.D. website went live in December 2009. The site not only offers information and news about the B.I.D. in Patchogue Village, but leads to most other community websites. In addition, the interactive map of Main Street which is part of the website is operable and it can be enhanced and expanded for future use. The address to the website is www.patchoguebid.com. Another extraordinary item that was accomplished was the rebuilding and replanting of the Waverly Avenue Spur park which had to be dismantled with the construction of the YMCA Building. The Village DPW, Dept. of Recreation, and the Chamber Beautification Committee gave us a lot of help with this project which we are extremely grateful year. In the course of the year there are a lot of ordinary things that we do and maintain, services which would be noticed more probably if we didn't do them. If didn't maintain the streets and if we didn't paint, people would notice it. Valentin, our man on the street, is still out there, washing, painting and shoveling snow as needed to help keep our Village looking good year round. The Beautification budget has grown in excess of \$40,000. It includes the flowering hanging flower basket program, gardening maintenance in the parking areas throughout the Village, tree trimming, fertilization and the watering of the entire package. In addition, this is the third year that we had Main Street and South Ocean Avenue professionally sprayed to control weeds. This year we were able to include Oak Street and the Oak Street parking lot as well. It has been very successful and we have seen a decrease in the weeding problem that we had in those areas as a result. We still provide the holiday decorations throughout the Village—including the transport, maintenance and storage of them. In closing, I would like to recognize the B.I.D. Board of Directors, a group of people donating their time and talent for the betterment and good of Patchogue Village, and commend them for their hard work and positive efforts. They are a great group to work with. As always, the B.I.D. Board are thankful to this Board, Village government, for their help, assistance and support in the many endeavors that they have become involved with each year. Also, the B.I.D. would like to thank

DPW, the Department of Recreation, Chamber of Commerce, Garden Club and all the other groups throughout the Village that we have a great mutual support system with. We continually just help each other and for that we cannot be more thankful. I want to close as I probably do every year. I want to say that Patchogue is a great place to work and by working together with all facets of the Village and Village government, we get a lot done and much accomplished and we look forward to another great year on the horizon.

Trustee Crean stated: Dennis has put his comments in pretty concise terms. The impact of the efforts of the B.I.D. creates a ripple pretty far and wide. We get a lot of credits and comments from visitors and residents of our community and we take credit for the work that you do. When the plantings are done, the flags go up on the flagpoles, and all the little things that the B.I.D. does to beautify our Village, I can't thank you enough. It makes it a much more appealing place to live. I appreciate all the hard work that you and the rest of the Board does.

Mayor Pontieri stated: You make us look good every day and we much appreciate it.

Trustee Reports

Trustee Krieger stated: First, I would like to apologize to the store and merchants behind the Theatre this weekend. Unfortunately, we had two events going on in the Village at the same time and one of our guys called in sick. They were tailgating in the parking lot and barbecuing. Gateway come in on July 7th, *Hairspray* and then *Hello Dolly*—a good summer at the Theatre, thanks to you patrons.

Upon a motion made by Trustee Krieger, seconded by Trustee Devlin, and opposed by Trustee Crean and Deputy Mayor McGiff, the Board approved request to appoint John Ashline as a full time Executive Director of the PTPA at a salary of \$50,000 per year, at no cost to the Village and who was appointed by the Theatre Board.

Trustee Krieger stated: Originally there was approval to amend restrictions from 1 a.m. to 10 a.m. in the red designated parking stalls. We have since learned that some people and workers are there after 1 a.m. Therefore, we would like to amend the time to 4:00 a.m. to 10:00 a.m. We are going to post signs at the stalls and at the entrances of all the parking lots to designate restrictions.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to amend the parking restrictions in the red designated parking stalls to “no parking from 4:00 a.m. to 10:00 a.m.”

Trustee Krieger stated: At the railroad parking lot we are going to make it ½ parking permit and ½ metered. All the signs will be done as part of this project.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to award low bidder for the purchase and installation of a new municipal parking meter for the Patchogue Railroad Station to McKay Meters for \$11,489.00.

Trustee Crean stated: For the past 80 years or so the Village has been home to the business that we all see—trucks around town and all over the Island. Due to their success Clare Rose has outgrown the property on West Avenue. It has been a business that the Village knows the family quite well and they have been a philanthropic family that has provided tremendous amount of financial assistance, not only to Brookhaven Hospital, but also the YMCA and many other public benefits not only in the Village but throughout the surrounding area at large. Their success and their moving out of our Village has created an opportunity for us to craft a design that connects our Main Street to our riverfront. They put forward a proposal to make certain improvements and transform their properties from a very heavy commercial to a much more pedestrian friendly residential use. They have spent many, many months in design, acquired continuous properties around the boundaries of their existing property and have put together a site plan that is pretty impressive. There has been a lot of discussion going back and forth and they are looking to put forth an application of approximately 160 units of residential owner-occupied housing in and around the downtown area right in the geographical heart of our Village. One of the steps necessary to move this project forward is to adopt an environmental impact statement that they completed. It is rather large and cumbersome and I have read some of it and at this point and

time I consider that document as a complete document. That is taking into consideration traffic, lighting, landscaping, tax revenue. They have done a rather thorough job. At this point and time I am requesting approval from this Board to accept the Draft Environmental Impact Statement for the Clare Rose Residential Development. This will start the Public Review portion of that document. These documents are available for review at the Clerk's Office and at the Patchogue-Medford Library.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the Board accepted the DEIS for the Clare Rose Residential Development as complete and distribute Notice of Completion and DEIS to involved agencies and interested parties.

Mayor Pontieri stated: Basically, there is now a 30 day review period and then we will have a public hearing to go over any concerns or comments made by the public after public review.

Trustee Crean stated: To continue in this same vein, it will allow the public comment and review of this document for the next 30 days. At this point and time, I would ask for the Board's approval to set a Special Public Hearing date for Thursday, July 15, 2010, at 7 p.m. for this application only to consider Special Use Permit and Change and Zone.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board set a combined Public Hearing to be held on Thursday, July 15, 2010, at 7:00 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York 11772, by the Village Board of the Incorporated Village of Patchogue to hear request for the DEIS/Special Use Permit/Change of Zone for the proposed Clare Rose Residential Development.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hang two banners promoting *Alive After Five* on Main Street.

Mayor Pontieri stated: Basically, what we are going to discuss for a moment is the use of the Beach Club as a rental and the concerns that we have about the use both from both a liability position and management and those types of uses.

Village Attorney Egan stated: It was proposed by the Board of Trustees to discontinue the Beach Club Party Rentals given not only the liabilities that are potentially there for the Village, the parking problems, the abuses that have been happening with regard to actual incidents that happened at it—circulated to the Board a 2009 memo about a party that had gotten widely out of control and involved code enforcement, was a troublesome situation, as well there was an analysis as to how many residents actually used it, with regard to outside nonresidents and the majority were nonresidents. Often times the only person who rents the building is one resident and the attendees were nonresidents. The financial analysis of the cost for combining the net after the cost given the profit for making it was only \$1,000. So the exposure to the Village is obviously more than \$1,000. It was the recommendation of the Board to discontinue Beach Club party rentals at this point by a Resolution of the Board.

Mayor Pontieri stated: One of my concerns also has always been the use and amount of alcohol being used on the property. The concern of the Board and Trustee Hilton is rightly taken.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request to discontinue Beach Club party rentals.

Upon a motion made Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request by Kiwanis Club to hold a 2010 Twilight Trout 5K Run on July 25th, beginning at 6 pm and 7 pm. All proceeds will go to the Patchogue Kiwanis and will be making a donation to Friends of Shorefront Park.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request for the Boy Scouts of America to hold their "Ten Commandment Hike" on Friday, November 26th beginning at 8 a.m.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved the termination of employment of James Mylett.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire additional summer staff as per list presented.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the board approved request for Grace Gospel Church to use Rider Avenue fields for their softball camp August 23rd through August 27th at 9 a.m. to noon.

Trustee Devlin stated: We did some plantings in back of Village Hall with the help of the summer Parks staff. I would like to thank Village resident Karen Ferb for her help in choosing the plants.

Trustee Keyes stated: DPW Report - DPW is currently in negotiations with several companies and is seeking to lower the cost of the pick up of the brush and the leaves. We have a company who is willing to take it without us having to separate it for a lower rate than we are paying right now. However, the final negotiation is not finalized yet. We are also in negotiation with several companies to find somebody who will pick up electronic appliances which also be a cost saving to the Village. The Suffolk County program has been highly successful; we have three people working with DPW Department and so far they have been proven to be very ambitious and productive workers and the best part, they don't cost the Village anything. They get along with the guys down there and we hope to perhaps add to them not only this year but next. The fuel tanks are almost completely installed in the DPW yard and the wastewater treatment plant is still ahead of schedule.

Trustee Keyes stated: I would like to read a letter of resignation into the record dated June 6, 2010. "To Whom It May Concern: This is a letter of resignation for the position which I hold as a sanitation worker effective June 4, 2010. Ryan Pontieri."

Upon a motion made by Trustee Keyes, seconded Deputy Mayor McGiff, and unanimously carried, the board accepted the resignation of Ryan Pontieri as temporary sanitation laborer effective June 4, 2010.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire Ryan Pontieri as a full time seasonal custodian worker at \$14.00 per hour.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request to hire Charles Collins as a temporary sanitation laborer at \$14.00 per hour.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to go out to bid for a nine yard sewer and storm sewer vacuum truck.

Mayor Pontieri stated: This is through a grant through New York State--the \$355,000 for these trucks. This is at no cost to the Village. It is through State money and we will share vehicles with Bellport Village

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved authorizing the Superintendent of Public Works to retain services of landscapers for maintenance of properties cited by the Building and Housing Dept.

Mayor Pontieri stated: For those Village properties that are not being property maintained, we will hire landscaper to do the job, the cost of which is billed to the owner and becomes a tax lien.

Trustee Keyes stated: We are currently in the process of applying for two separate Environmental Protection Fund grants. One would be for the completion and restoration of 380 Bay Avenue. And the second grant would be for developing a master plan for the rehabilitation/development of Shorefront Rider Avenue Bandshell and Winona Park. We would like to start somewhere; we think that we can get the funds to have a comprehensive survey done and some sort of master plan as to what we would want done at the park.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to adopt a resolution declaring the Village of Patchogue as Lead Agency, Type II Action as per SEQRA purposes.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to adopt a resolution declaring the Village of Patchogue as Lead Agency for the Shorefront Planning Grant Project and to determine that it is an unlisted action. The Village will then submit the short form Environmental Assessment Form required.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to adopt a resolution authorizing the Mayor to apply for grant funds to assist in the completion of the Parks & Recreation Community Center.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to adopt a resolution authorizing the Mayor to apply for grant funds to assist in the development of a comprehensive master plan for Shorefront Rider Beach Club Band Shell and Rider Park.

Trustee Keyes stated: We have awarded the signage for the Dove Building to Norstar Signs. Before we can do the Bay Avenue sidewalks we finally got clearance from the Preservation Society and now we have to go before the County. We will be out to bid very shortly on the Roe Walkway. And we are working on the sound issues at the Bandshell.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to award (in conjunction with the CDA) the bid for the installation of the Shorefront Park playground equipment to Louis Barbato Landscaping Inc. at a cost of \$33,000.00.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to authorize the Mayor to execute the contract with Louis Barbato Landscaping Inc. for the installation of the Shorefront Park playground equipment.

Upon a motion made by Deputy Mayor McGiff, seconded Trustee Devlin, and unanimously carried, the board set a public hearing to be held on Monday, June 28, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York 11772 by the Village Board of the Incorporated Village of Patchogue to enact Chapter 163, public nuisance.

Public to be Heard:

Mr. Bogack stated: I would like to say I am opposed to any issuance of a certificate of occupancy for the Tikki Bar. The editorial in the *Advance* is very superficial. The Village has given at least two years effort to get themselves together. As most of you know, the Planning Board did make a ruling on the Tikki Bar application and it is a pretty devastating document which outlines a series of health and safety issues that any legitimate owner would try to overcome before he would ever try to make an application. For all those reasons I think a certificate of occupancy should be opposed. In addition, as things have moved along towards the final conclusion of the Planning Board, more things start to come out. For example, in reviewing this entire area to make sure it has no chance of succeeding in its present form, let alone an expansion. And there is some sort of activity with SLA.

Mayor Pontieri stated: At this point, because it is going to litigation tomorrow morning, there is no comment by this board.

Village Attorney stated: There has been a threat of renewed litigation by the Tikki Bar owners new attorney, Kevin Brosnahan from Babylon.

Mr. Bogack stated: I had hoped that the decision of the Planning Board would have offered some finality, but it hasn't. But, there are also some remaining issues at the Tikki which regardless of what happens tomorrow should also be addressed. For example, a ticket that has been hanging out in Village Court for six months about the Tikki Bar being open on the day of the boat show when it didn't have its CO and did so.

Village Attorney Egan stated: I know there were certain adjournments given by the Village Prosecutor given the pending site plan application. Now that there has been a site plan determination, if in fact that ticket has not been disposed of, will be certainly calculated by the Village Prosecutor as to whether any further adjournments should be granted or if that decision has not been already done, that ticket will come to resolution.

Mr. Bogack stated: I am bringing this back up because I think it ought to be. For accountability basis, one way or another we need to have some accountability about having a place open when he didn't have a CO in the first place. Also, only recently it has come to my attention that Baker Place has been rerouted in terms of traffic and I don't know how long this has been going on. But, if you leave the Tikki Bar going down to River Avenue, there is a sign that says One Way so that you have to go down to Knoxon Street and you can't see the sign. Somehow or another it got usurped to a one way street. Since the closing of the Tikki Bar there has been a considerable amount of activity on Friday and Saturday nights, maybe a woodshop or maybe live bands—some activity is going on. That is why that ticket is important, for them to know that there are laws about operating places without a CO.

Mayor Pontieri stated: I know two weeks ago there was a party at the house itself because we had code go over and it was a private party. If there is a private party going on, we only have control over noise and nuisance. We have control over commercial properties as far as decibels.

Mr. Bogack: Six months later, there has been no accountability and I think we need it. We have to get the traffic sign rerouted so the people are going the right way on both streets.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned.