

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

**Board Present:**

Doug Vaughn, Chairman  
Michael Elsas, Member  
Doug Adil, Building Inspector  
Marty Cohen, Chairman of the Conservation Board  
Patrick Cleary, Chairman of the Planning Board  
Joseph Affrunti, Harbormaster

**Officials & Appointees:**

Bruce Migatz, Village Attorney  
Nancy Rittenhouse, Village Clerk

The Pledge of Allegiance was said.  
Proof of publication was made.

Chairman Doug Vaughn opened up the meeting and noted that this is a continued hearing for two applications submitted; one by Daniel Akeson located at 255 Asharoken Avenue and the second by Philip Giunta located at 241 Asharoken Avenue. At the last meeting the board asked for several changes to be made to the drawings.

Dan Hall went through the changes that were requested by the board. He noted that the ramp was removed and the pilings were removed. The floating dock is being secured by an anchor system. The end dock is now 4' wide and he noted that the floating dock complies with the dock code. He also made a comment about the SEQRA issue, he said the NYSDEC has their own review which includes a SEQRA review and that it has been determined that this is a Type II action. All type II actions do not require further SEQRA review.

The board asked about the step up to the dock and a possible ramp being installed later on. The board asked about the lines to the anchors and several other questions regarding the floating material, etc. refer to the transcript for more details. Dan Hall made a final statement that the docks have been revised to meet village code, refer to the transcript for full comment.

Chairman Doug Vaughn asked if anyone wants to speak in favor of the application. No one from the audience stepped forward. Chairman Doug Vaughn asked if anyone wants to speak in opposition.

Kenneth P. Savin, attorney at law with an office at 54 Main Street in Northport New York, noted that he is representing Robert Holmes. He represented the board with a packet of information. Refer to the transcript for his full presentation.

Board Member Martin Cohen noted that the very last part of the code, points out that the Board of Trustees must find an appropriate balance to be achieved between property owners' desires to access the water and the public enjoyment of water and the foreshore in the Village. It isn't that they listed and said no docks they listed everything and that a balance has to be made.

53 Kenneth P. Savin, noted that you cannot say no docks. He noted that if the code read “that all the  
54 waters of Asharoken Village are environmentally sensitive, and no docks are permitted”, would  
55 probably get thrown out as being unconstitutional. They have taken an area as being  
56 environmentally sensitive. It doesn’t say no docks, but before you consider a dock application you  
57 must consider the environmental impact. Refer to the transcript for his full comment.

58  
59 Frank Finnelli, attorney at law, Deer Park, NY, representing Anthony Sbarro. He pointed out that the  
60 code doesn’t say no docks, but you must look at the intent of the code regarding the docks.  
61 He discussed the EAF (Environmental Assessment Form) which is a 13 page document that is  
62 created by SEQRA, and commented on the questions within the form. Refer to the transcript for his  
63 full presentation.

64  
65 Board Member Martin Cohen asked why the NYSDEC considers this a Type II action.

66  
67 Dan Hall went to the podium, to discuss other docks in the area; refer to the transcript.

68  
69 Patrick Cleary pointed out a misstatement of Dan Hall; refer to the transcript.

70  
71 Joseph McCarthy at 257 Asharoken Avenue, Northport; he noted that he objects to the docks; refer  
72 to the transcript for his full statement. He submitted a letter to the board.

73  
74 Bruce Migatz village attorney; asked is it your position that you have the legal right to walk on the  
75 beach even though it is private property, Mr. McCarthy noted that he has not examined that, but  
76 that it is what the residents do.

77  
78 Mr. Anthony Wenderoth at 211 Asharoken Avenue, Northport; noted that he has never heard of  
79 objections to walking on the beach. He noted that we should have a lot more people at the meeting.  
80 He commented on the public notice letter and felt that the notice is considered faulty. He noted that  
81 the board is supposed to meet on the same day and week of the month. He noted the floating  
82 sections at the end of the dock may not be per code. Refer to the transcript for his full comment.

83  
84 Mr. Jon Small, at 239 Asharoken Avenue, Northport; noted that docks cause seaweed to be blocked  
85 by the docks and create an odor. The floating dock catches the seaweed, and he noted he is  
86 concerned about the dangers about children being pushed into the docks. Refer to the transcript for  
87 his full comment.

88  
89 Kevin Murphy at 263 Asharoken Avenue, Northport; he read a letter he submitted to the board.  
90 Refer to the transcript for his full comment.

91  
92 Anna Pollaci at 141 Asharoken Avenue, Northport; she noted that this is about docks and it is  
93 nothing personal. This is about docks, the quality of life and village laws, she noted that she had  
94 applied for a dock and decided not to pursue the application. Refer to the transcript for her full  
95 comment.

96  
97 Maria and Patrick Scarengella at 261 Asharoken Avenue, Northport; Village Clerk Nancy  
98 Rittenhouse read the letter submitted by Maria and Patrick Scarengella. Refer the transcript for  
99 their full reading of the letter.

100  
101 Mr. Robert Holmes at 205 Asharoken Avenue, Northport; has been a resident since 1989. Refer to  
102 the transcript for his full comment.

103

104 Dan Hall made a comment that public access is provided. The aesthetics would be eliminated since  
105 the pilings were removed. He noted that this is not about a boat. Refer to the transcript for his full  
106 comment.  
107

108 John Poulos at 265 Asharoken Avenue, Northport; has lived in Asharoken since 2008. He noted that  
109 he lives next to the Orofino dock. He noted that the seaweed accumulates and smells. Refer to the  
110 transcript for his full comment.  
111

112 Kristen Wendroth at 223 Asharoken Avenue, Northport; refer to her letter she submitted to the  
113 Board.  
114

115 Chairman Doug Vaughn asked if anyone else would like to speak, no one responded.  
116 The board members discussed the applications. Member Patrick Cleary discussed that in order to  
117 know more of any potential environmental impact receiving supplemental documents along with  
118 the EAF, would help.  
119

120 Village Attorney, Bruce Migatz noted that this board does not make a SEQRA finding, this board is  
121 not bound by SEQRA because you are not taking an action. You are making a recommendation, and  
122 you are to look at the affects of the environment. The purpose of SEQRA is to filter out the  
123 significant adverse impacts. The village code recognizes the environmental impact. But the question  
124 is, is it a significant environmental impact and can it be mitigated. The board of Trustees has to find  
125 an appropriate balance between owners' desires to access water and the public enjoyment of the  
126 water. Refer to the transcript for his full comment.  
127

128 Member Joseph Affrunti noted that on the EAF form page 12 of 13 it states; "is the project site  
129 located in or adjoining a state listed area", it doesn't point out the Village.  
130

131 Chairman Patrick Cleary asked Dan Hall about the software used to fill out the EAF. He also asked  
132 for the footnotes that justified the yes and no answers within the document.  
133

134 Village Attorney Bruce Migatz pointed out to Chairman Vaughn that the board should point out the  
135 additional information they need from the applicant.  
136

137 The board discussed a list of additional items that they would like to see from the applicant for the  
138 next hearing, refer to the transcript.  
139

140 A motion was made to hold the Environmental Review Board meetings on the fourth Monday of  
141 every month for the next fiscal year, provided that there are applications for it to consider.  
142 Motion was made by Doug Vaughn, seconded by Doug Adil.  
143 Vote:

144 Doug Vaughn	AYE
145 Michael Elsas	AYE
146 Doug Adil	AYE
147 Marty Cohen	AYE
148 Patrick Cleary	AYE
149 Joseph Affrunti	AYE

150 Motion Carried.  
151

152 Bruce Migatz Village Attorney pointed out that there is no need to re-advertise the continued  
153 hearing since it is being adjourned to a date that is certain.  
154

155 A motion was made by Doug Vaughn to adjourn the Environmental Review Board continued  
156 hearing to June 27<sup>th</sup> 2016, seconded by Doug Adil.

157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170

Vote:

Doug Vaughn	AYE
Michael Elsas	AYE
Doug Adil	AYE
Marty Cohen	AYE
Patrick Cleary	AYE
Joseph Affrunti	AYE

Motion Carried.

The May 23<sup>rd</sup>, 2016 Board meeting of the Environmental Review Board was adjourned at approximately 9:00 pm.

Signed: \_\_\_\_\_  
Nancy Rittenhouse, Village Clerk