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8 **Board Present:**

9 Doug Vaughn, Chairman  
10 Doug Adil, Building Inspector  
11 Michael Elsas, Member  
12 Marty Cohen, Chairman of the Conservation Board  
13

14 **Officials & Appointees:**

15 Bruce Migatz, Village Attorney  
16 Nancy Rittenhouse, Village Clerk  
17

18 The Pledge of Allegiance was said.  
19

20 Chairman Doug Vaughn opened up the meeting and noted that the board just received a letter from  
21 Counsel McCarthy and Reynolds. Village Attorney Bruce Migatz noted that the letter dated July 25,  
22 2016 should be marked as (Exhibit 1-Letter from Michael McCarthy presented at the hearing July  
23 25<sup>th</sup>, 2016).  
24

25 Bruce Migatz noted that the letter should be addressed to the Board of Trustees since it has to do  
26 with SEQRA determination. The ERB Board is not making a SEQRA determination, the  
27 determination is made by the Board of Trustees, and the ERB is only making a recommendation to  
28 the Board of Trustees and is not taking any action as defined by SEQRA pursuant to the Village Code  
29 framework for the dock applications. Under SEQRA regulation in the Village Code the SEQRA  
30 determination will be made by the Board of Trustees. It doesn't mean that the ERB is not concerned  
31 with environmental issues it's just not concerned in the SEQRA context. The code deals with  
32 criteria and concerns with elements that have to do with the environment, by all means they are  
33 within the purview in making a recommendation to the Village Board but not in a SEQRA context.  
34

35 Mr. M. McCarthy located at 7 Carver Street; in Huntington NY presented to the ERB that he  
36 represents the Giunta and Ackeson Families. He noted that Mr. Giunta and Mr. Ackeson gathered 21  
37 letters from residents in support of the Giunta and Ackeson efforts. (Exhibit 2- 21 letters  
38 collectively presented at the hearing July 25<sup>th</sup>, 2016) Marty Cohen asked how many of the 21 letters  
39 are located in the Ida Smith property area. Ken Murphy 263 Asharoken Avenue asked if the ERB can  
40 read out the addresses from the 21 letters presented by Mr. M. McCarthy. Village Attorney Bruce  
41 Migatz began reading the list and Doug Vaughn took over reading the names and addresses; Behr  
42 35 Asharoken Ave., John Ruggerio, Harris at 391 Asharoken, Ave, Wurzel at 6 Beach Plum Dr., Kevi  
43 and Steven Murphy at 277 Asharoken Ave., Jeff Steinlauf at 108 Asharoken Ave., Ackeson at 405  
44 Asharoken Ave., Steinlauf at 106 Asharoken Ave., Michael Cox at 225 Asharoken Ave., 114  
45 Asharoken Ave., Orofino at 271 Asharoken Ave., 296 Asharoken Ave., Casamassima 110 Asharoken  
46 Ave., 114 Asharoken Ave., 124 Asharoken Ave., 147 Asharoken Ave., DosSantos 245 Asharoken Ave.,  
47 Orofino Jr. 275 Asharoken Ave., Ross at Bevin Road, Angelo at 116 Asharoken Ave.  
48

49 Robert Holmes located at 205 Asharoken Avenue presented booklets, maps, renderings of the  
50 beach and docks. (Exhibit 3- Booklet presented by Robert Holmes at the July 25<sup>th</sup>, 2016 hearing).  
51 Village Attorney Bruce Migatz made a comment about a response from the audience, he noted that  
52 his function is to preserve the record in an orderly fashion in the event there may be a legal

53 challenge about the proceedings, that is my function to make sure the testimony is clear, and  
54 documents are clearly marked and clearly identified.

55

56 Mr. Holmes began discussing his discovery of Asharoken and further went through the booklet he  
57 presented to the ERB. Please refer to the transcript for his full presentation.

58

59 Ken Savin 54 Main Street, Northport, he noted that he represents Mr. Holmes in connection with his  
60 opposition with these applications. He noted that this is the fourth time he was addressing the ERB  
61 board. He noted that you need enough information so you can make an informed decision and or  
62 recommendation. He went on to discuss the accuracy of some of the information that was provided  
63 by the applicants. He then began to address the application and the dock plans. He addressed four  
64 of the appendices in the applications. Please refer to the transcript for his full presentation.

65

66 Ken Savin introduced Fred Eisenbud, environmental attorney. He noted that Fred Eisenbud will  
67 focus his presentation on why there is insufficient information for the ERB to make substantive  
68 recommendation to BOT without the information that is obtained from the environmental impact  
69 statement and he will demonstrate that an EIS should be required by the Board of Trustees before  
70 anyone makes a determination on these applications. Please refer to the transcript for his full  
71 presentation.

72

73 Village Attorney, Bruce Migatz, noted that SEQRA is not before this board, whether or not an  
74 Environmental Impact Statement is required is not before this board. Those are issues that are  
75 before the board of trustees.

76

77 Fred Eisenbud the head of the environmental practice group, Campolo, Middleton and McCormick,  
78 LLP located at 4175 Veterans Memorial Highway, Suite 400, Ronkonkoma NY. He called up Dr.  
79 Ronald Abrams; Dr. Abrams is here as an environmental expert to talk about the studies which he  
80 noted has to be done so the ERB can make a determination. He further noted that he will  
81 summarize everything. Please refer to the transcript for his full presentation.

82

83 Dr. Ronald Abrams has a PHD in Ecology and is the head of Dru Associates Inc. 40 Hitching Post  
84 Lane, Glen Cove NY. He noted that he was asked by Robert Holmes to take a look at this case. He  
85 noted that he has been involved in this type of work since 1986. The intent of our review is to  
86 ensure that the agency to whom you will be making a recommendation to have sufficient  
87 information to make an informed decision. At this point the record he has seen does not have  
88 sufficient information. (Exhibit 4 -A report written by Ronald Abrams reviews the record that he  
89 was given access to). Please refer to the transcript for his full presentation.

90

91 Fred Eisenbud, presented and handed in a letter to the ERB (Exhibit 5 -Letter/summary to the  
92 Environmental Review Board). Fred Eisenbud noted that the ERB does not have the information  
93 they need to approve these applications. He noted that your recommendation must be to deny  
94 based on the lack of information. He noted that the only way to get that information is by requiring  
95 an Environmental Impact Statement. He noted that there is the possibility of so many more docks  
96 as per Mr. Holmes' presentation. In addition he noted that the EIS has to be prepared when it is  
97 shown that the actual cause changes in two or more elements of the environment. He noted that  
98 the ERB must determine if the reason for protecting the area from docks that exist are going to be  
99 implicated here, and if the board concludes that they are; then he believes the law requires the ERB  
100 to make a recommendation that the applications are to be denied. Please refer to the transcript for  
101 his full presentation.

102

103 Mr. A. Wenderoth located at 211 Asharoken Avenue noted that he swims in the bay, and he said that  
104 the temperature of the water should be looked at in any environment statement. The second item  
105 that he noted was on the length of the dock. Please refer to the transcript for his full presentation.

106

107 Kristen Wenderoth located at 223 Asharoken she noted that she had a letter to submit. She noted  
108 that she read the last communication from Land Use, and found it to have little value. (Exhibit 6-  
109 Letter from Ms Wenderoth).

110

111 Pip Sarsar located at 200 Asharoken Avenue he noted that he is opposed to the docks, and  
112 suggested that the board look out the window and appreciate what we have today.

113

114 Chairman Doug Vaughn asked if the applicant would like to speak this evening. Mr. McCarthy noted  
115 that he needs to discuss all the information that was presented with Mr. Hall. Mr. McCarthy noted  
116 that he would like an opportunity to review with Mr. Hall Mr. Abrams' report to determine how he  
117 came to a different conclusion.

118

119 Bruce Migatz noted that there are typical procedures that counsel present deal with and it is a  
120 matter of courtesy to view the applicants information and give the opposition time to respond.  
121 When Mr. McCarthy submitted his last submission from Mr. Hall the day of the hearing, the  
122 opposition requested additional time and it was granted. The opposition presented a lot of material  
123 the day of the hearing and as a courtesy the applicant needs time to respond. Counsel will need to  
124 work this schedule out. Bruce indicated that we meet the fourth Monday of August. Mr. McCarthy  
125 noted that he will meet with Ken Savin and Mr. Eisenbud and discuss with Mr. Hall and try to come  
126 up with a response date. Ken Savin suggested that he and Mr. McCarthy will present a schedule to  
127 the Village Clerk with a time frame.

128

129 Bruce Migatz recommended to the board that the meeting can be adjourned without a further date  
130 and Mr. McCarthy and Mr. Savin will submit a schedule to the Village Clerk.

131

132 Doug Vaughn adjourned the Environmental Review Board continued hearing to August 22<sup>nd</sup>, 2016.

133

134 Vote:

135 Doug Vaughn            AYE

136 Doug Adil                AYE

137 Michael Elsas           AYE

138 Marty Cohen            AYE

139 Motion Carried.

140

141 The July 25th, 2016 Board meeting of the Environmental Review Board was adjourned at  
142 approximately 9:00 pm.

143 Signed: \_\_\_\_\_

144            Nancy Rittenhouse, Village Clerk