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8 **Board Present:**

9 Doug Vaughn, Chairman  
10 Michael Elsas, Member  
11 Marty Cohen, Chairman of the Conservation Board  
12 Patrick Cleary, Chairman of the Planning Board  
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14 **Officials & Appointees:**

15 Bruce Migatz, Village Attorney  
16 Nancy Rittenhouse, Village Clerk  
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18 The Pledge of Allegiance was said.  
19 Proof of publication was made.  
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21 Chairman Doug Vaughn opened up the meeting and noted that this is a continued hearing for two  
22 applications submitted. One by Daniel Akeson located at 255 Asharoken Avenue and the second by  
23 Philip Giunta located at 241 Asharoken Avenue. He noted that at last meeting the board asked Mr.  
24 Hall to put together additional information for the board. He asked if the applicant's  
25 representatives would like to step forward.  
26

27 Michael McCarthy, attorney located at 7 East Carver Street, Huntington NY noted that he is  
28 representing both Mr. Akeson and Mr. Giunta. He handed out a report from Land Use dated June  
29 24<sup>th</sup>, 2016. Appendices A-K was marked as (exhibit #1 at the 6/27/16 hearing) and five pages of 11  
30 x 17 sketches was marked (exhibit #2 at the 6/27/16 hearing). The poster board represents  
31 exhibit #2. Please refer to the transcript for his full statement.  
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33 Michael McCarthy asked the board if they have any questions; ERB member Michael Elsas asked a  
34 question regarding the sketch at low tide, he noted that it seems that there is much less beach  
35 shown on the sketch. Michael McCarthy responded that it maybe the angle. Please refer to the  
36 transcript. Dan Hall with Land Use Inc. pointed out the spaces between the floats allow for water  
37 flow.  
38

39 Member Patrick Cleary asked about consistency, please refer to the transcript.  
40 Bruce Migatz pointed out that this board does not make a SEQRA finding, the board of Trustees will  
41 make the SEQRA determination.  
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43 Chairman Doug Vaughn asked if anyone else would like to speak on behalf of the applicants. No one  
44 came forward.  
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46 He then asked if anyone would like to speak in opposition.  
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48 Kenneth P. Savin, Attorney at Law located at 54 Main Street in Northport New York. He noted that  
49 he agreed with what Mr. McCarthy said about treating dock applications as type II. He noted that  
50 Mr. McCarthy is taking a position that the village board is in conflict with state law. He disagreed  
51 with that statement. He noted that Mr. Migatz said that there is a provision in the state SEQRA that  
52 the local municipality in the case the Village of Asharoken can classify other things as type I actions.  
53 The state has treated docks as Type II actions the Village of Asharoken is not treating docks as type

54 I actions they are treating docks in the Ida Smith property as type I actions. He noted that section  
55 61 and 122 of the village code are all about docks in an environmental sensitive area. The village  
56 classified under the state SEQRA that certain applications are to be classified as type I, that is the  
57 difference it's not a conflict it's because of the environmentally sensitive area in the Ida Smith  
58 property. He noted that material from Mr. McCarthy's office was delivered at approx 2pm the day of  
59 the hearing. He asked the board not to make a decision but to postpone the hearing so the material  
60 can be reviewed and the community can review as well. Please refer to the transcript for his full  
61 statement.

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63 Robert Holmes at 205 Asharoken Avenue, Northport, NY 11768, asked the board why there is an  
64 application having a different name included in the material presented by Land Use Inc. Michael  
65 McCarthy pointed out that it was an error. Mr. Holmes requested that his comments be submitted in  
66 this hearing. Mr. Holmes submission was marked (exhibit #3 for the 6/27/2016). Please refer to  
67 the transcript for his full statement.

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69 Kristen Wenderoth 223 Asharoken Avenue, Northport, NY 11768 she wanted her letter re-  
70 submitted of May 19<sup>th</sup> re-submitted for today's hearing, Village Attorney Bruce Migatz noted that  
71 you do not have resubmit its part of the record.

72  
73 Mr. Ken Murphy 263 Asharoken Avenue, Northport, NY 11768 he noted that he submitted a letter  
74 at the last hearing. He showed a display of the stretch of beach that has been unchanged; the photos  
75 were taken approximately three weeks ago. His photos of the beach were marked as (exhibit #4 at  
76 the 6/27/2016 hearing). Refer to the transcript for his full presentation.

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78 Chairman Doug Vaughn asked if anyone would like to speak. He noted that with the responses we  
79 just heard and the timing of the material received today with no time to review we will reschedule  
80 the continued hearing to July 25<sup>th</sup>, 2016 at 7:00pm.

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82 Doug Vaughn adjourned the Environmental Review Board continued hearing to July 25th 2016.

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84 Vote:  
85 Doug Vaughn            AYE  
86 Michael Elsas         AYE  
87 Marty Cohen           AYE  
88 Patrick Cleary         AYE  
89 Motion Carried.

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91 The June 27th, 2016 Board meeting of the Environmental Review Board was adjourned at  
92 approximately 7:30 pm.

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