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VILLAGE OF ASHAROKEN
BOARD OF TRUSTEES

-----X
PUBLIC HEARING, BOARD OF TRUSTEES to
Amend Chapter 125 of the Code of the
Village of Asharoken entitled "Zoning"
to comply with the provisions of Article
25-AA of the New York State Agricultural
and Markets Law

-----X
October 6, 2015
7:30 p.m.

HEARING, in the above-captioned
matter, was held on the 6th day of
October 2015, 7:30 p.m. at Northport
Power Plant, 301 Waterside Road,
Northport New York and before
Charmaine DeRosa, CSR.

2

3 APPEARANCES:

4 Gregory Letica, Mayor

5 Mary Pierce, Deputy Mayor

6 Melvin Ettinger, Trustee

7 Laura Burke, Trustee

8 Ian Jablonski, Trustee

9 Nancy Rittenhouse, Village Clerk

10 Emily Hayes, Treasurer

11 Doug Adil, Superintendent or

12 Building

13

14 Albanese & Albanese LLP

15 Village Attorney

16 1050 Franklin Avenue

17 Suite 500

18 Garden City, New York 11530

19 BY: BRUCE MIGATZ, ESQ.

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1 -Board of Trustees- 3

2 MAYOR LETICA: Everyone please rise
3 for the Pledge of Allegiance.

4 [PLEDGE OF ALLEGIANCE]

5 This is the regular Board Meeting of
6 October 6, 2015. Our first order of business
7 is the public hearing, October 6, 2015 is
8 125 the Code of the Village of Asharoken
9 zoning by provisions of Article 25-AA New
10 York State Agricultural and Markets Law.

11 Nancy, if you would please read the
12 public hearing notice.

13 MS. RITTENHOUSE: Incorporated
14 Village of Asharoken, One Asharoken Avenue,
15 Northport, New York 11768. Notice of Public
16 Hearing. To amend the Chapter 125 of the
17 code of the Village of Asharoken. Entitled:
18 Zoning, to comply with the provisions of
19 Article 25-AA of New York State, Agriculture
20 and Markets Law.

21 Please take notice that a public hearing
22 will be held at the Board of Trustees of the
23 Incorporated Village of Asharoken on Tuesday,
24 October 6, 2015 at 7:30 p.m. at the Northport
25 Power Plant, 301 Waterside Road, Northport,

2 in the Village is known as Sand Piper Farm,
3 which is owned by Eaton's Neck LLC. It
4 is a 441.45 acre parcel. This property
5 is currently zoned Resident C, which zoning
6 permits single family dwellings on two
7 acre lots.

8 An application was submitted by Sand
9 Piper Farm to Suffolk County and to New York
10 State to include the following, in a Suffolk
11 County Agricultural District. That
12 application was approved by both Suffolk
13 County and certified by New York State.

14 So, the Sand Piper Farm property is now
15 in a certified Suffolk County Agricultural
16 District. As such, the property is subject
17 to the regulations of the New York State
18 Agricultural and Markets Law, which permits
19 farm operations as a right in any
20 agricultural district.

21 The State Law defines farm operation
22 to mean the land and on farm buildings, the
23 equipment, the manure processing and handling
24 facilities and practices, which contribute to
25 production and preparation and marketing of

2 the crop, livestock, and livestock products
3 as a commercial enterprise, including a
4 commercial horse boarding operation, as
5 defined in subdivision 13 of this section.
6 A timber operation as defined as subdivision
7 14 of this section. Compost, mulch or other
8 bio-mass crops, as defined in Subdivision 16
9 of the section. Commercial Equine operation
10 as defined in Subdivision 17 of this section.

11 Such farm operation may consist of one or
12 more parcel of owned or rented land, which
13 the parcel being contiguous or non-contiguous
14 to each other.

15 Section 305-a of the Agricultural and
16 Markets Law, which is State Law, again,
17 provides that local zoning authorities can
18 not unreasonably restrict or regulate farm
19 operations as defined, and as I just read, in
20 an Agricultural District. That State Law
21 supersedes Village Law, yet the Village Law
22 is inconsistent with the State Law.

23 The Village of Asharoken Zoning Code,
24 in Resident C Districts does not permit
25 farm operations as defined in the

2 Agricultural and Markets Law. Furthermore,
3 there is a Section 125-3b of the zoning code
4 that expressly prohibits all agricultural
5 activities.

6 Now, those provisions unreasonably
7 restrict or regulate farm operations
8 because it prohibits. Any prohibition is
9 an unreasonable restriction. So, it is
10 necessary for the Village to amend the
11 Village Code in recognition of the mandate
12 of New York State.

13 The proposed local law is drafted with
14 that intent and purpose in mind. It provides
15 that, notwithstanding any other provision of
16 the zoning code of the Village, that a farm
17 operation as defined in New York State
18 Agricultural and Markets Law, Section
19 301(11), shall be a permitted use on
20 property located within an agricultural
21 district adopted by the County of Suffolk,
22 and certified by the Commissioner of
23 Agricultural and Markets, regardless of what
24 zoning district the property is located in.

25 The proposed law provides that although

2 a farm operation is a permitted use, it is
3 subject to site plan review. Before land can
4 be used as a farm operation, and I'm now
5 paraphrasing the law and not quoting it,
6 and copy is available and it is available on
7 the website. Before property can be used for
8 a "farm operation" or buildings constructed
9 next to a farm operation, a site plan
10 application must be submitted to the Board of
11 Trustees, a public hearing held on that site
12 plan application. And the proposed law sets
13 forth criteria for the Board of Trustees to
14 evaluate the application by.

15 This criteria is derived from guidelines
16 that have been published by the Department of
17 Agricultural and Markets. I will now quote
18 what the proposed law says as far as
19 guidelines. "Site plan application shall
20 be reviewed for the following standards:
21 A) Overall impact on the neighborhood,
22 including but not limited to compatibility
23 of design considerations and adequacy of
24 set back and screening from adjacent
25 property. B) Adequacy of the site plan to

2 avoid a negative impact on the health, safety
3 and general welfare of the public, including
4 but not limited to noise and odor. C)
5 Adequacy of the site plan to mitigate the
6 impact of traffic on surrounding streets.
7 D) Adequacy of drainage systems to contain
8 storm water on the property."

9 On the application the property owner
10 would submit a site plan showing the existing
11 uses, the proposed uses, existing structures
12 and proposed structures. Before a building
13 permit can be issued for those uses, the
14 Board would have to review the application
15 with this criteria in mind. So the Board
16 of Trustees has the discretion to impose
17 reasonable conditions, and to prohibit
18 certain buildings and certain uses if it's
19 deemed to have an adverse impact following
20 these guidelines.

21 So, the proposed law, as I said is
22 prepared after the guidelines set forth in
23 the literature we talked about, Agricultural
24 Markets, and is designed to reasonably
25 regulate farm operation as we discussed.

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2 MAYOR LETICA: Thank you, Bruce.
3 We're going to open it up for public comment.
4 No one has requested additional time. If
5 anyone would like to come up and speak,
6 public comment is three minutes. Mrs.
7 Pollaci?

8 MS. POLLACI: Anna Pollaci. Back
9 in August 2012, and I'm quoting this: "The
10 Board of Trustees and other officials will
11 meet with the property owners to reach an
12 agreement pertaining to the Village in lieu
13 of taxes." Three years later we're here and
14 we're including agriculture in our zoning
15 laws. What is the agreement you reached
16 for payments in lieu of taxes? The second
17 question I have is, why is this coming up
18 now, when the Town of Huntington has a
19 current lawsuit that is not settled yet?
20 What is the rush to do this?

21 MR. MIGATZ: Mayor, if I can answer?

22 MAYOR LETICA: Oh, please do.

23 MR. MIGATZ: Tax assessment and
24 zoning are two different things. The lawsuit
25 in the Town of Huntington has to do with tax

1 -Board of Trustees- 11

2 assessments that are appropriate for the Sand
3 Piper. That has nothing to do with what the
4 zoning can permit and cannot permit.

5 The Sand Piper has not grieved or
6 challenged the Village taxes. So, there
7 has been no discussion on payments in lieu of
8 taxes. Of course they are not at that point.
9 Their representative had told us that they're
10 going to resolve the issue of tax assessment
11 with the Town, and at that point they then
12 discuss the tax assessment with the Village.

13 Up until now they have not challenged
14 the tax assessment. That has nothing to do
15 with the zoning. Whether or not they
16 challenge the tax assessment, our zoning code
17 has to comply with the State mandate. We can
18 not prohibit farm operations. This is coming
19 up now only because, and in fact it hasn't
20 been rushed but should have been done a while
21 ago. We've had meetings with the
22 representatives of the Sand Piper and we have
23 asked them to assist us in drafting a
24 proposed regulation --

25 MS. POLLACI: [INTERPOSING]

2 To what?

3 MR. MIGATZ: To assist us in
4 drafting proposed regulations by letting us
5 know what they intend to do with the property
6 so that we could see if we can fit some of
7 those concerns and validate them. They did
8 not come forward with that. I recommended to
9 the Mayor that it's time that we adopt this.
10 We have to be in compliance with the State
11 Law. That is why this is before you now. It
12 should have been before you sooner.

13 MS. POLLACI: Has anyone, like the
14 Mayor, met with anyone from the Sand Piper,
15 and spoke about if they were going to do in
16 lieu of taxes? It's a substantial amount of
17 money.

18 MAYOR LETICA: We have not. As
19 the Village Attorney said, they have not
20 discussed with us whether they intend to or
21 do not intend to seek alterations in their
22 assessment. This public hearing has nothing
23 to do with their assessment, nothing. These
24 are two completely separate issues. One can
25 not be held as a bargaining chip against the

2 other. It's that simple.

3 You're asking very reasonable questions
4 but Sand Piper Farm may choose not to ask for
5 a reduction in their assessment.

6 MS. POLLACI: So, there's no
7 negotiations before we pass this? Is there
8 a deadline? Is there a deadline for this -- I
9 don't understand that.

10 MR. MIGATZ: I'll tell you if you
11 don't understand that. Taxation has nothing
12 to do with zoning. This is based upon the
13 State mandate that our zoning code cannot
14 prohibit or unreasonably regulate farm
15 operations. We are mandated to change our
16 code to be consistent with State Law.
17 It has nothing to do with the assessment
18 for the payment of taxes for the property.
19 That's a separate issue.

20 As I have said and the Mayor has said,
21 Sand Piper is paying their Village Taxes.
22 There's nothing for us to do. They are
23 paying their taxes.

24 If there comes a point in time where they
25 grieve their taxes, that's the time to have

2 negotiations on the taxes.

3 MAYOR LETICA: They have told us
4 that if it comes to a point where they seek
5 an assessment reduction, they will talk to us
6 about payments in lieu of taxes to try and
7 make it with Village Hall.

8 MS. POLLACI: This mandate that came
9 down from the State, does it have a deadline?

10 MR. MIGATZ: It's not a mandate that
11 came down from the State. It's embodied in
12 the State Law. So, it's as soon as any
13 property falls into Agricultural and Markets
14 District, the zoning code can not
15 unreasonably regulate it.

16 What has happened in other municipalities
17 where the Village did nothing, or the Town
18 did nothing to amend their zoning code, the
19 property owner brought a lawsuit against the
20 Village or Town to have their zoning code
21 declared illegal or prohibitive or
22 unreasonably regulating farm operations.
23 Then the court mandated that the Village was
24 made to revise their code. We don't want to
25 wait for that to happen.

1 -Board of Trustees- 15

2 We recognize that our code prohibits
3 farm operations. It has to be changed.
4 We're waiting for some input from Sand Piper.
5 They didn't challenge our code. I had
6 discussions with their attorney over the past
7 year or so. They didn't challenge our code,
8 nor did they give us input on what they
9 thought changes should be made. We didn't
10 want to wait any longer and be criticized
11 so we came forward ourselves and proposed
12 to amend the code to comply with State Law.

13 MS. POLLACI: So, the next step, if
14 they -- I understand zoning is separate from
15 tax assessment. If they come in the future
16 for a reduction in their taxes, that is when
17 you will sit down and have a conversation?

18 MAYOR LETICA: Correct.

19 MS. POLLACI: So, in these three
20 years, from when this started, there has been
21 no, or you have not had a conversation with
22 them about it?

23 MAYOR LETICA: In regards to their
24 tax assessment, absolutely not.

25 MS. POLLACI: In regards to what the

2 plan is?

3 MAYOR LETICA: Which plan?

4 MS. POLLACI: Their plan.

5 MR. MIGATZ: For the use of their
6 land or for taxes?

7 MS. POLLACI: For the use of their
8 land, negotiating. We're changing the
9 rules. And they're going for this not to
10 feed the world but to get a reduction in
11 taxes.

12 So, the two things are really one thing.
13 That's what it comes down to. What is the
14 change that's going to happen? That is why
15 the Town of Huntington is in this lawsuit.
16 It's \$750,000.

17 MR. MIGATZ: It's already changed.

18 MS. POLLACI: Yes.

19 MR. MIGATZ: It's already an
20 Agricultural District by Suffolk County and
21 New York State.

22 MS. POLLACI: Yes.

23 MR. MIGATZ: We're not changing
24 that. It's changed.

25 MS. POLLACI: Yes.

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2 MR. MIGATZ: All we are doing is
3 making our zoning code consistent with State
4 Law.

5 MAYOR LETICA: Thank you Mrs.
6 Pollaci. Next is Mr. Holmes.

7 MR. HOLMES: I'll talk a little bit
8 and to follow up with what Anna said. I
9 understand completely what Mr. Migatz is
10 saying that they are two separate issues.
11 The question is, are we negotiating?
12 I wonder whether or not we are better served
13 waiting for the adjudication from Huntington
14 to do the assessment. I understand there
15 will be financial implications. I was
16 wondering if there are any implications by
17 not sitting with them.

18 MAYOR LETICA: There is no
19 implication to us if Huntington changes their
20 assessment. It would then be up to Sand
21 Piper Farm to come and talk to us about the
22 assessment after.

23 MR. HOLMES: I understand.

24 MAYOR LETICA: So, what happens in
25 Huntington is irrelevant in this process,

2 irrelevant.

3 MR. HOLMES: It's your opinion. I'm
4 not sure I agree with it.

5 MR. MIGATZ: That's not an opinion.
6 It's a fact. There is no quid pro quo.

7 MR. HOLMES: We know there is a
8 negotiation on the horizon.

9 MR. MIGATZ: There is no quid pro
10 quo here. You can't negotiate the
11 constitutionality of the zoning code.

12 You can't say we'll make our zoning code
13 constitutional if you agree to pay us more
14 taxes. You can't do that.

15 MR. HOLMES: August 7th, there
16 was a letter written by Greg with the
17 representatives from Sand Piper that same
18 day Suffolk County had passed an ordinance to
19 try and get agricultural status. It wasn't
20 the position of the Village and I honestly
21 don't know what happened.

22 MAYOR LETICA: It's very simple.
23 We had a Board meeting the night before the
24 Suffolk County Legislature met. The Board of
25 Trustees was shocked by the response of the

2 Village.

3 Clearly the overwhelming desire of the
4 residents of the Village was to see this
5 project go forward. Anna Pollaci stood up
6 and she was one of the leaders in making sure
7 that the Sand Piper Farm became an
8 Agricultural District.

9 She basically said that, don't worry
10 about the tax increase. She said we won't to
11 get this thing done and she said we don't
12 want this property developed.

13 We are here to represent the Village
14 residents. It was very clear to us that the
15 Village residents had different feelings
16 than I did when I ran for Mayor. I took
17 those feelings to the Suffolk County
18 Legislature.

19 Basically when I was in front
20 of them, I told them that the Village
21 had no opposition. The legislature voted
22 that evening. We reached an understanding
23 with Sand Piper Farm, that if they seek a
24 reduction of their assessment we would talk
25 about pilots, and that was all we can do it

1 -Board of Trustees- 20

2 at that time. It was pretty much a fait
3 accompli and the Suffolk Legislature
4 was going to vote.

5 MR. HOLMES: [INTERPOSING] That was
6 the reduction of the assessment strictly with
7 the Village and not with the Town?

8 MAYOR LETICA: [CONTINUING] It was
9 three of us, a fait accompli, that the
10 legislature was going to vote putting it in
11 the Agricultural District. Regardless of
12 what as said, it only seemed to make sense.
13 It was what the residents asked to do the
14 night before. Those were the words to Sand
15 Piper Farm, and that is where we are today.
16 Their lawsuit is against Huntington.
17 That's Huntington's assessment. We're not
18 bound to use Huntington's assessment.

19 MR. HOLMES: I was trying to ask --

20 MAYOR LETICA: I want to stress
21 this point, what Bruce said, that this
22 zoning change has nothing to do with
23 the assessment, nothing. It cannot be used
24 as a bargaining chip, in any regard
25 whatsoever. It's a completely separate

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2 issue. Also, there is nothing to negotiate
3 because they haven't asked us for it.

4 MR. HOLMES: So I understand, it's
5 completely up to Sand Piper when this process
6 begins?

7 MAYOR LETICA: If Sand Piper would
8 like to ask the Village for a change in their
9 assessment, they can do that. Just like
10 you, Mr. Holmes, you can challenge your taxes
11 too and a lot of other people. That's the
12 prerogative of the property owners.

13 MR. HOLMES: I agree they should
14 when the time comes?

15 MAYOR LETICA: Sure.

16 MR. HOLMES: Are there any properties
17 that fall under the Agricultural Law or
18 qualify or setting precedent for
19 filing a grievance of the assessment?

20 MAYOR LETICA: No.

21 MR. MIGATZ: It's not setting
22 a precedent. It is complying with the State
23 Law.

24 MR. HOLMES: Would this be for other
25 properties for which this might apply?

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2 MAYOR LETICA: We have other
3 properties more than seven acres as you all
4 know.

5 MR. HOLMES: Correct.

6 MAYOR LETICA: If they would like to
7 make themselves a farm and put themselves
8 into an Agricultural District, then it's the
9 same. We don't have a choice right now. We
10 need to have this because we have an
11 Agricultural District. This will not in and
12 of itself encourage other Agricultural
13 Districts.

14 MR. HOLMES: There is a type-o
15 in one of the sections J-1, regardless of
16 what zoning districts property is located,
17 you're trying to say in which -- the
18 very last sentence.

19 MR. MIGATZ: I've had this
20 discussion with you on some other issues.

21 MR. HOLMES: Yes.

22 MR. MIGATZ: As far as drafting
23 and --

24 MR. HOLMES: One area --

25 MAYOR LETICA: Mr. Holmes --

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2 MR. HOLMES: [INTERPOSING] One area
3 that I would suggest you do take my advice is
4 you already have a 125-7J in the code. How
5 is this a new one with the same number?

6 MR. MIGATZ: You are correct.
7 I did notice that. This was already on the
8 website and after you are done with all your
9 comments --

10 MR. HOLMES: So, this is 125-7k.

11 MR. MIGATZ: Yes.

12 MAYOR LETICA: Mr. Giordano
13 [phonetic]?

14 AUDIENCE MEMBER: How are
15 you? Sand Piper Farm, your name is on
16 here. Dear Neighbors; on Tuesday, August
17 7th, the Suffolk County Legislature
18 unanimously voted to approve Sand Pipers
19 Farm where it is currently located, as an
20 Agricultural District. This is not a
21 guarantee that this would not be over-
22 developed.

23 Hopefully this will currently preserve
24 this beautifully parcel. I recognize the
25 desire of the residents to preserve open land

2 and prevent development. The Board of
3 Trustees dropped its opposition and reached a
4 written understanding with the property
5 owner. Once Sand Piper's application was
6 approved the State Commissioner of
7 Agriculture, the Board of Trustees, and other
8 Village officials, will meet with the
9 property owners to reach an agreement for the
10 payments in lieu of taxes on the land.

11 It says three members of the Board of
12 Trustees agreed, and it says there were five
13 members on the Board. So, it wasn't
14 unanimous so it was three out of five that
15 did agree.

16 Another question I want to ask too is
17 back in 2012, and you do agree in that
18 regard, is it retro-active back to 2012?

19 MR. MIGATZ: No.

20 MR. GUARDINO: They can't say this
21 was the agreement in 2012, agreed upon that
22 and it won't be retro-active back to 2012?

23 MR. MIGATZ: No.

24 MR. GIORDANO: They can't negotiate
25 that?

1 -Board of Trustees- 25

2 MAYOR LETICA: When you grieve the
3 taxes this year, you are grieving this year.
4 You can't go back to 2012. It's just like
5 everybody else, no more than that. Thank
6 you.

7 Alright, if there are no other comments
8 -- Mr. Mendelson? I remind you of the three
9 minutes.

10 MR. MENDLESON: First of all, there
11 were laws on the books that said there will
12 be no commercial agriculture in the Village.
13 So, you violated your oath to uphold the
14 Village Laws.

15 Secondly, it wasn't a fait accompli
16 as you suggested. It's far from a fait
17 accompli. You could have let it run. I
18 think the tide was going with you, but then
19 you capitulated. So, I think most of the
20 laws have since, right to farm laws, are very
21 strong. Most of the things we are going to
22 try to do to keep the farms from doing this
23 or that. It's not going to hold up. Right
24 to farm laws are very strong.

25 Payment in lieu of taxes will be

2 conditional. For instance, attempts to
3 preserve the property, perhaps by
4 conservation zoning, will go nowhere if the
5 farm is utilized as leverage. So, the
6 Village is in a very compromised situation.

7 It's not correct that other people can't
8 farm in the Village. There are properties
9 over seven acres are in favor and can earn
10 \$10,000 in income. If you have ten horses
11 and \$10,000 in income gross revenue, and all
12 the properties over seven acres can become
13 farms. Small properties to become farms, all
14 you have to do is show \$50,000.00 in income,
15 and they probably won't get the tax benefits.

16 The interesting thing also is that Duck
17 Island was actually a property up for sale.
18 So, you know a lot was said that this
19 would preserve the property forever. This
20 property can be sold tomorrow to a developer.
21 It can be sold at any time to a developer.
22 The rules are you have to pay five years of
23 back taxes and 6% interest on those five
24 years of back taxes. This does nothing at
25 all to preserve that farm into the future.

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2 I think we are lucky we have a resident,
3 a long time resident, who owns the farm. This
4 doesn't mean that they can't sell the farm
5 wholesale as a farm, and that person can do
6 with it what they want. I think actually you
7 can make a case that it's much more likely
8 the farm would be developed, because you'll
9 be selling at the top of the real estate
10 market and somebody could hold it as an
11 investment. They can sell it at the top of
12 the real estate value. That's it.

13 MAYOR LETICA: And in three minutes.
14 Anyone wish to speak?

15 [THERE WAS NO RESPONSE]
16 Since there are no other people who wish to
17 speak, we will close the public session part,
18 of the public hearing.

19 MR. MIGATZ: If I may?

20 MAYOR LETICA: Sure.

21 MR. MIGATZ: As Mr. Holmes pointed
22 out correctly, and I did notice it myself,
23 that the proposed local law is proposing to
24 amend a new subsection J, and it should be
25 a new subsection K.

1 -Board of Trustees- 28

2 So, regardless of what actually the
3 Board votes on the proposed local law, I
4 would request a motion be made to amend the
5 proposed local law to provide as subsection
6 K, and not subsection J.

7 MAYOR LETICA: I would start it by
8 a motion to amend the proposed local law
9 3-2015 J, change in Section 2 from J to K.

10 MR. ETTINGER: Second.

11 MS. BURKE: Second.

12 MAYOR LETICA: All those in favor?

13 [AYE - ALL IN FAVOR]

14 Does the Board of Trustees have any
15 changes or anything they'd like to see
16 made in the local law that they like to see
17 amended based on comments made on the
18 record?

19 MS. BURKE: No.

20 MR. ETTINGER: No.

21 MR. LETICA: I know that Bruce has
22 spoken to the Sand Piper Farm attorney and
23 there were a couple of minor modifications
24 that you discussed.

25 MR. MIGATZ: Yes. I had a

2 conversation with Mr. Anthony Guardino who
3 represents Sand Piper Farm. He could not be
4 at the meeting tonight. What he did discuss
5 with me were two revisions to the proposed
6 law that he requested on behalf of his
7 client.

8 The first one has to do with
9 subsection J through A, which talks about
10 the site plan drawings to be filed with
11 the application. Among the things that are
12 to be included on the site plan are
13 water and sewer systems. Mr. Guardino asked
14 if the Board would consider amending that
15 to read the approximate location of water
16 and sewer systems, as opposed to what could
17 be referred to the exact location which might
18 entail probing or digging to find the exact
19 location of pipes as opposed to the exact
20 location.

21 I did seek the advice of the building
22 superintendent and did not have a problem
23 with the approximate location of water and
24 sewer system. Is that correct?

25 MR. ADIL: That's correct.

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2 MR. MIGATZ: If I may, the second
3 and final requested revision by Mr. Guardino
4 had to do with subsection J5, which sets
5 forth the site plan standards that the Board
6 should apply in application, and I read them
7 verbatim earlier. Mr. Guardino asked that a
8 new subsection E be added to provide among
9 the criteria standards to be considered
10 would be "compliance with the provisions of
11 Article 25-AA of the New York State
12 Agriculture and Markets Law". To me
13 that's superfluous language. It goes without
14 being said that the application must be
15 reviewed in compliance with the State
16 standards. I have no objection to being
17 superfluous if you want to add that to
18 the criteria.

19 MAYOR LETICA: You want to add --

20 MR. MIGATZ: It would be J5E to read
21 "compliance with the provisions of Article
22 25-AA, New York State Agricultural and
23 Markets Law."

24 MAYOR LETICA: You consider that a
25 minor alteration to the law?

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2 MR. MIGATZ: Yes.

3 MAYOR LETICA: I propose a motion
4 to modify the proposed law to add section J5E
5 stating compliance with the provisions of
6 Article 25-AA of the New York State
7 Agricultural and Markets Law.

8 MR. ETTINGER: I second that.

9 MR. JABLONSKI: I second that.

10 MAYOR LETICA: All those in favor?

11 [AYE - ALL WERE IN FAVOR]

12 Based upon the commentary from our
13 residents --

14 MR. MIGATZ: You need to make a
15 determination on SEQRA. This would be an
16 unlisted action. It complies with New York
17 State Law, and follows the guidelines of the
18 New York State Department of Agriculture and
19 Markets Law. In my opinion and it's the
20 Board's opinion that controls, this would not
21 have an adverse impact on the environment and
22 is in compliance with the State Law.

23 MR. HOLMES: It's in compliance?

24 MR. MIGATZ: It's in compliance with
25 State Law and would not have an adverse

2 impact on the environment. If you agree with
3 the motion, it would be a negative
4 declaration.

5 MAYOR LETICA: I make a motion
6 to say that the proposed law would have no
7 adverse impact.

8 MR. MIGATZ: The motion is to adopt
9 a negative declaration under SEQRA.

10 MAYOR LETICA: I'd like to make a
11 motion to adopt a negative declaration under
12 SEQRA. Do I have a second on that?

13 MS. BURKE: Second.

14 MR. ETTINGER: Second.

15 MAYOR LETICA: All those in favor?

16 [AYE - ALL WERE IN FAVOR]

17 I propose a motion to adopt proposed
18 Local Law, 3-2015, Chapter 125, Village of
19 Asharoken entitled Zoning, to comply with
20 provisions of Article 25-AA New York State
21 Agricultural and Markets Law, and to adopt it
22 as amended. I'll make the motion.

23 MS. PIERCE: Motion.

24 MAYOR LETICA: Motion made by
25 Deputy Mayor Pierce.

1 -Board of Trustees- 34

2 MR. ETTINGER: I'll second it.

3 MAYOR LETICA: Nancy, roll call
4 vote please.

5 MS. RITTENHOUSE: Are we going to
6 number that Resolution 2015-121?

7 MR. MIGATZ: Okay.

8 AUDIENCE MEMBER: You can amend the
9 law without having it publicly posted?
10 You're taking a vote on it?

11 MR. MIGATZ: We already discussed
12 that.

13 MAYOR LETICA: We already discussed
14 it.

15 MS. RITTENHOUSE: Roll call. Deputy
16 Mayor Pierce?

17 MS. PIERCE: Aye.

18 MS. RITTENHOUSE: Trustee Ettinger?

19 MR. ETTINGER: Aye.

20 MS. RITTENHOUSE: Trustee Burke?

21 MS. BURKE: Aye.

22 MS. RITTENHOUSE: Trustee Jablonski?

23 MR. JABLONSKI: Aye.

24 MS. RITTENHOUSE: And Mayor Letica?

25 MAYOR LETICA: Aye.

1 -Board of Trustees- 35

2 Okay. We have all that. At this point I

3 make a motion to close the public hearing.

4 All those in favor?

5 [AYE - ALL WERE IN FAVOR]

6 [TIME NOTED: 8:20 P.M.]

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CERTIFICATION

COUNTY OF SUFFOLK)

SS:

STATE OF NEW YORK)

I, CHARMAINE DEROSA,
Certified Court Reporter, in the
State of New York, do hereby certify:

THAT, the foregoing is a
true and accurate transcript of my
stenographic notes taken in the
matter of the BOARD OF TRUSTEES
PUBLIC MEETING, on October 6, 2015.

I HAVE HEREUNTO set my hand on
this 6th day of October 2015.

Charmaine DeRosa, CSR

