

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

**Present**

Mayor Michael Levine  
Trustee Gail Habicht  
Trustee Jeffrey Owen  
Trustee Ted Rosenberg  
Trustee Stephen Shybunko  
Village Attorney Anthony Guardino  
Village Building Inspector Joseph Arico  
Village Clerk Dale Salzberg  
Village Treasurer Andrea Brosnan

**Residents Present**

Angelika Bergamaschi	John Casciano	Jody Casciano	Doug Casimir
James D'Amico	Judy D'Amico	Donna Deedy	Paul Deedy
Bruce Feller	Marianne Feller	Harriet Gerber	Oded Gerber
Alexandra Leighton (for Laufer)		Jill Loesch (for Della Pietra)	
Debra Masino	Richard Masino	James O'Rourke	
Stacey Paezel (for Stony Brook Foundation)		Bernard Portnoy	Nancy Portnoy
Don Pius	Jeff Schnee	Haig Seferian	Tom Taranto
Ron Torre	John VonLintig	Maryann VonLintig	

**PUBLIC HEARING ON PROPOSED LOCAL LAW**

The Mayor opened the Public Hearing on Proposed Local Law No. 7 -2010 at 7:10 p.m.

**PROPOSED LOCAL LAW NO. 7 OF 2010 AMENDING  
CHAPTER 70 OF THE CODE OF THE VILLAGE OF OLD  
FIELD AS IT RELATES TO REGULATING VILLAGE  
PARKS AND ON OTHER VILLAGE-OWNED  
PROPERTIES**

Be it enacted by the Board of Trustees of the Incorporated Village of Old Field as follows:

**Section 1. Repealer.**

Chapter 70, Article III of the Code of the Village of Old Field entitled "Penalties" shall be repealed in its entirety.

**Section 2. Amendments.**

Chapter 70 of the Code of the Village of Old Field is hereby amended to read as follows:

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

\* \* \*

Article III  
Village Parks and Beaches

§ 70-6. Legislative findings; intent.

The Board of Trustees hereby finds that the Village parks and beaches are matters affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safe-guarding the public health, safety and general welfare of the public and the people of the Village of Old Field. Some of these properties contain bluffs and revetment areas, which are fragile ecosystems that are generally subject to extensive erosion by natural forces, but are susceptible to increased erosion and damage from direct human interaction.

Accordingly, in order to protect the natural resources of the Village Old Field, it is the intent of this local law to regulate and monitor access to, and the use of, Village parks and other Village-owned properties in order to preserve the natural beauty and ecological value of these recreational areas and to protect them against damage, erosion, litter and vandalism.

§ 70-7. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

**ALCOHOLIC BEVERAGE** - Includes alcohol, spirits, liquor, wine, beer, cider and every liquid or solid containing alcohol and capable of being consumed by a human being, but excludes malt beverage products which are labeled as "nonalcoholic" in accordance with the regulations of the Federal Bureau of Alcohol, Tobacco and Firearms.

**OLD FIELD LIGHTHOUSE PROPERTY**- All lands and improvements thereon, including the Old Field Lighthouse, the Light Keeper's Cottage and other buildings.

**POSSESSION WITH INTENT TO CONSUME** - Having in one's possession or control an alcoholic beverage in a glass, open bottle, open can, tapped keg or other open container so as to permit consumption by the person in possession thereof, or another person, having the purpose of consuming such alcoholic beverage in a public place.

**SPECIAL EVENT** - A fair, picnic, block party, wedding or other gathering held at the Old Field Lighthouse Property that has been approved by the Board of Trustees.

**VILLAGE PARKS** - With the exception of the Old Field Lighthouse Property, all parks, playgrounds, beaches, bluffs, and other recreation areas owned by the Village of Old Field.

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

VILLAGE RESIDENT - A resident of the Village of Old Field is a person who currently resides in the Village of Old Field.

WHITEHALL LANE PASSWAY - A certain easement for the benefit of the residents of the Village of Old Field to access Whitehall Beach, recorded in the Office of the Clerk of Suffolk County on September 16, 1939 at Liber 2063, Page 94, and referred to therein as the "Passway"

§ 70-8. Restriction on use of village parks.

- A. With the exception of the Old Field Lighthouse Property, the use of Village Parks and the Whitehall Lane Passway shall be restricted to Village residents.
- B. The Old Field Lighthouse Property shall be available for use by the general public for public park purposes, during the hours set forth in Section 70-9.
- C. There shall be no access to or from the Old Field Lighthouse Property to or from the bluffs and revetments located on or adjacent to the Old Field Lighthouse property.

§ 70-9. Restriction on hours at the Old Field Lighthouse Property.

Use of the Old Field Lighthouse Property including the presence of persons or parking of vehicles shall be restricted to the hours between 8:00 a.m. and 6:00 p.m. Said hours may be temporarily extended by resolution of the Board of Trustees. This section shall not apply to employees or officials of the Village or other governmental entities while engaged in the performance of their official duties.

§ 70-10. Prohibited acts at the Old Field Lighthouse Property and Village Parks.

The following activities are prohibited at the Old Field Lighthouse Property and all Village Parks.

- A. Parking of any vehicle outside of the restricted hours set forth in Section 70-9.
- B. Consumption of an alcoholic beverage or possession of an open container containing an alcoholic beverage with the intent to consume the same.
- C. Depositing or abandoning any garbage, sewage, refuse, trash, grass clippings, branches, leaves or other waste material, except in receptacles provided for such purpose.
- D. Depositing or abandoning any material which may be hazardous to public health or safety.

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

- E. Kindling, building, maintaining or using a fire or grill for any purpose.
- F. Firing, discharging or having in his/her possession any gun, pistol, firearm, slingshot, rocket, torpedo or other fireworks or explosives of any kind.
- G. Trimming, cutting down, digging up, removing, injuring or destroying any tree, shrub, plant, flower or wild animal.
- H. Disobeying a lawful order of a police officer, Code Enforcement Officer, or other person duly empowered and authorized to enforce the provisions of this Chapter, or disobeying the notices, prohibitions, instructions, directions or rules and regulations on any sign as shall be established by the Board of Trustees from time to time.

§ 70-11. Special event permit application.

- A. At least 45 calendar days prior to the proposed date of a special event, any person may apply to the Village of Old Field, on his own behalf or on behalf of an organization, for a permit to possess and consume alcoholic beverages and to park vehicles outside of the restricted hours set forth in Section 70-9 on the Old Field Lighthouse Property during the conduct of a special event.
- B. All application for a special event permit shall be submitted to the Village Clerk and shall contain the following information:
  - (1) The name of the applicant(s) and the address and telephone number of each. Where the applicant is an organization, the name and address of the organization and its officers shall be given.
  - (2) The purpose of the special event, the date when it is proposed to be held, the approximate time when this special event will start and terminate.
  - (3) Such other information as the Village Clerk may deem reasonably necessary.

§ 70-12. Special event permit application.

Where the Village Board of Trustees shall determine that the proposed special event is of such character, size and location as to be appropriate to and in harmony with the surrounding area and that the public health, morals, safety and general welfare of the Village will not be endangered by the granting of such permit, the Board of Trustees shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit.

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET  
Article IV  
Penalties for Offenses

§ 70-13. Penalties for offenses.

A violation of any provision of this Chapter shall be an offense punishable by a fine of not less than \$100 and not exceeding \$250. A second or subsequent offense shall be punishable by a fine of not less than \$250 nor more than \$500. In cases where the offense is a continuous one, each day the offense is continued shall be a separate and additional offense hereunder.

**Section 3. Severability.**

If any section or provision of this local law shall be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this Local Law or the remainder thereof, but shall be confined in its operation to the section or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 4. Effective date.**

This local law shall take effect immediately upon filing with the New York Secretary of State.

Upon motion made by Trustee Rosenberg and seconded by Trustee Owen , Mayor Levine closed the Public Hearing on Proposed Local Law No. 7-2010 and opened the regular Board of Trustees meeting at 8:15 p.m.

A motion was made by Trustee Rosenberg and seconded by Mayor Levine to adopt a Negative Declaration pursuant to SEQRA, determining that Proposed Local Law No.7-2010 will not have a significant adverse effect on the environment. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

Upon a motion made by of Trustee Owen and seconded by Trustee Rosenberg, Proposed Local Law No. 7-2010 was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

**NEW BUSINESS**

**PROPOSED CELL POLE ON THE LIGHTHOUSE GROUNDS**

Previously, the Board agreed to refrain from discussion of a proposed cell pole on Village grounds unless dialogue took place in an open Village forum. To that end, the Board revisited

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

its conversation on the possibility of installing of a cell phone pole to both (1) end dead zones in the Village and (2) serve as a source of income.

The following residents addressed the Board: Matt Rifkin, Jeff Schnee, Bruce Feller, Paul Deedy, John VonLintig, Don Pius, Maryann VonLintig, Bernard Portnoy, Harriet Gerber, Judy D'Amico, Donna Deedy, Doug Casimir, James O'Rourke, John Casiano, Tom Taranto, Richard Masino.

At the conclusion of the discussion, Mayor Levine formed a Cell Phone Committee to investigate the myriad of issues presented. Committee Members are:

Matt Rifkin	Jeff Schnee
Judy D'Amico	Tom Taranto
Maryann VonLintig	Richard Masino

## MINUTES

A motion was made by Trustee Rosenberg and seconded by Trustee Owen to approve the Minutes of the September 14, 2010 meeting. The motion was approved 4-0 with Trustees Owen, Rosenberg and Shybunko and Mayor Levine voting in favor of the motion. Trustee Habicht abstained from the vote.

## TREASURER'S REPORT

A motion was made by Trustee Shybunko and seconded by Mayor Levine to approve the Treasurer's Report and payment of warrants for September 2010. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg and Shybunko and Mayor Levine voting in favor of the motion.

## ENVIRONMENTAL REPORTS

A motion was made by Trustee Habicht and seconded by Mayor Levine to retroactively approve the Zoning Permit application of **Bergameschi, 9 North Ridge Road** to clear a portion of the back yard subject to payment of a double fee as penalty. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Mayor Levine and seconded by Trustee Shybunko to approve the Zoning Permit application of **Bergameschi, 9 North Ridge Road** to remove 28 Mountain Laurel along the property line for the purpose of erecting a fence, subject to the removal being supervised by a licensed arborist or licensed landscape architect. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Mayor Levine and seconded by Trustee Shybunko to approve the application for a Zoning Permit for **Collins, 115 Mt Grey Road**, to remove 3 trees. The

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Trustee Rosenberg and seconded by Mayor Levine to approve the application for a Zoning Permit for **Fiorella, 5 East Gate Lane** to remove 20 trees for the purpose of installing an in-ground swimming pool in accordance with landscape plans prepared by Joseph LaRosa dated September 2010. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Trustee Rosenberg and seconded by Mayor Levine to approve the application for a Zoning Permit for **Hopkins, 2 Evans Lane** to remove 11 trees, subject to:

- Environmental Committee sign-off of the re-landscape plans, and
- Re-planting in accordance with those plans.

The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Trustee Rosenberg and seconded by Mayor Levine to approve the application for a Zoning Permit for **Patel, 166 Old Field Road**, to remove 3 trees, subject to the Environmental Committee approval of the re-landscaping plans. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Trustee Shybunko and seconded by Mayor Levine to approve the building permit application of **Fiorella, 5 East Gate Lane**, to install a 20' x 44' in-ground swimming pool, subject to approval of the Building Inspector. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Trustee Shybunko and seconded by Mayor Levine to approve the building permit application of **Fondacaro, 15 North Ridge Road**, to install a 22' x 42' in-ground swimming pool, subject to approval of the Building Inspector. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Trustee Rosenberg and seconded by Trustee Habicht to approve the application for a Building Permit for **Stony Brook Foundation, 129 Old Field Road**, to reconfigure the driveway and walkways, to reconstruct the pool patio and to construct a pergola adjacent to the pool in accordance with Tree Preservation Plan prepared by Marshall Paetzel, dated 9.29.10. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

A motion was made by Trustee Shybunko and seconded by Trustee Owen to approve the application for a Building Permit for **Torre, 25 Wheeler Road**, for

- Interior alterations;
- Construct 1,957 sq. ft. addition; and

VILLAGE OF OLD FIELD  
BOARD OF TRUSTEES MEETING  
TUESDAY, October 12, 2010  
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

- Construct 317 sq. ft. garage  
subject to the decision of the Zoning Board of Appeals. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting against the motion.

**COMMISSIONER'S REPORTS**

PARKS AND BUILDINGS AND STREET TREES – no report

FIRE AND SPECIAL PROJECTS – Trustee Shybunko reported that the Stony Brook Fire Dept was no longer considered a viable alternative to the Setauket Fire District due to estimated response times.

STREETS AND ROADSIDES – Trustee Rosenberg reported that the Town of Brookhaven has postponed until 2011-2012 its decision to charge independent villages for snow plowing.

**PUBLIC EXPRESSION**

Bruce Feller addressed the Board.  
Don Pius addressed the Board.

**UPCOMING VILLAGE EVENTS:**

The next regularly scheduled work session of the Board will take place on Thursday, November 4, 2010 at 6:00 p.m. at the Lighthouse.

The next regularly scheduled meeting of the Village of Old Field Board of Trustees will take place on Tuesday, November 9, 2010 at 7:00 p.m. at the Neighborhood House.

**EXECUTIVE SESSION and ADJOURNMENT**

A motion was made by Trustee Shybunko and seconded by Trustee Rosenberg to adjourn the regular meeting at 10:30 p.m. The motion was approved 5-0 with Trustees Habicht, Owen, Rosenberg, and Shybunko and Mayor Levine voting in favor of the motion.

Respectfully submitted,  
Dale Salzberg  
Village Clerk