

**Village of Old Field  
Board of Trustees Minutes  
Tuesday, Nov. 10, 2020 7:00 P.M.**

**Mayor Bruce Feller-Code Enforcement**  
**Deputy Mayor Stephen Shybunko-Special Projects**  
**Trustee Jeffrey Owen-Parks, Building and Street Trees-Absent**  
**Trustee Thomas Pirro-Street & Road Repairs**  
**Trustee Tommy Gulbransen-Fire & Safety, Environmental**  
Attorney Anthony Guardino  
Village Clerk Adrienne Kessel-Absent  
Village Treasurer Andrea Podolsky  
Building Inspector Joseph Arico

Trustee Owen notified the Clerk's office he was unable to attend.

**Pledge to the Flag and Call to Order**

Mayor Feller led the Pledge to the Flag and called the meeting to order to at 7:00 PM.

Architect John Cunniffe addressed the Board regarding the water leak in the metal dome that houses the light, and the roof. Other issues were discussed regarding the DASNY Grant, Historic Registration and the Lighthouse Foundation capacity to fund capital improvements.

**Public Hearings minutes by court reporter.**

**1<sup>st</sup> Public Hearing**

**Re-open Public Hearing on LL 02-2020 Short Term Rentals adjourned on Oct. 13.  
LL 02-2020**

**A LOCAL LAW AMENDING CHAPTER 121 OF THE CODE OF THE VILLAGE OF OLD FIELD  
TO PROHIBIT SHORT-TERM AND PARTIAL RENTALS OF RESIDENCES BE IT HEREBY  
ENACTED**

**Section 1. Amendments.**

Chapter 121 (Zoning), Article II (Permitted and Prohibited Uses) of the Village Code is hereby amended as follows:

**§ 121-8 Prohibited uses.**

Without being construed to permit by implication any use not heretofore set forth as a permitted use, the following uses are specifically prohibited:

- A. Commercial cutting of native trees and sawing of timber for commercial purposes; the excavation of gravel, soil, sand and other mineral deposit; and the stripping of sod or topsoil for commercial purposes.
- B. Commercial raising of mushrooms.
- C. Commercial recreation, including polo field, riding club, golf course and similar activities conducted as a business or available to the public for a fee.
- D. Farms for the disposal of garbage; hog ranches; pig and livestock feeding farms; small animal and fur farms.
- E. Laboratory or experimental station, except as an incidental use on the same premises as a college to which such use is accessory, and provided that there in no danger of explosion or radiation therefrom.

- F. Use, storage or parking of automobile trailers designed to be used for human habitation, mobile homes and campers, commercial trucks or trailers on any part of any lot, except that storage or parking thereof shall be permitted in a private garage or behind a screening enclosure approved by the Board of Trustees and located in the rear yard.
- G. Storage or parking of any boats in excess of 14 feet on any part of any lot, except inside a private garage or other accessory building or screening enclosure; storage of boats of less than 14 feet within the front yard of any lot.
- ~~H. No structure, building, dwelling or part thereof shall be altered or constructed in such manner as to contain more than one kitchen. As used in this subsection, the word "kitchen" shall mean any space or floor area used or equipped in such a manner that food is or may be cooked or prepared.~~
- H. Wind energy conversion systems, either as a principal or accessory use and regardless of whether connected to a public utility or private.
- I. Parking or storage of a motor vehicle or trailer within 60 feet of the front lot line of a property unless said motor vehicle or trailer is parked or stored on an approved driveway or is actively being used in connection with deliveries, repairs, construction or the performing of service to or on the property on which it is parked.
- J. No single-family dwelling or dwelling unit in the Village may be leased or rented for any purpose for a term of less than six consecutive months each time. Notwithstanding the foregoing sentence, a property owner may apply to the Board of Trustees for permission to rent or lease a single-family dwelling or dwelling unit for less than six months. The owner must demonstrate to the Trustees that strict application of this subsection would cause them severe financial hardship that is not self-created. The Board of Trustees shall have sole discretion in determining whether the owner has met their burden. The listing of a single-family dwelling, dwelling unit, or any portion thereof, on a website or digital platform that is used to advertise short-term rental offerings, such as Airbnb, VRBO, or HomeAway, shall create a rebuttable presumption that the dwelling or unit is being operated or used in violation of this section.
- K. The lease or rent of less than an entire single-family dwelling or dwelling unit shall be a violation of this chapter, regardless of the duration of the term. For purposes of clarity, it is the intent of this subsection to prohibit hotels, boarding houses, bed-and-breakfasts, and similar uses wherein one or more rooms within a single-family dwelling or dwelling unit are leased or rented individually for a period of days, weeks, or longer. The listing of a single-family dwelling, dwelling unit, or any portion thereof, on a website or digital platform that is used to advertise short-term rental offerings, such as Airbnb, VRBO, or HomeAway, shall create a rebuttable presumption that the dwelling or unit is being operated or used in violation of this section.

## Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof declared by said court to be invalid.

## Section 3. Effective Date.

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

## 2<sup>nd</sup> Public Hearing

### **A LOCAL LAW AMENDING CHAPTER 53 OF THE CODE OF THE VILLAGE OF OLD FIELD REGARDING ~~HUNTING AND THE~~ DISCHARGE OF FIREARMS AND USE OF OTHER HUNTING IMPLEMENTS**

**BE IT HEREBY ENACTED**, by the Board of Trustees of the Village of Old Field, as follows:

#### **Section 1. Amendments.**

Chapter 53 (Hunting, Shooting and Trapping), Article I (Hunting and Discharge of Firearms) of the Village Code is hereby amended as follows:

§ 53-1. Definitions.

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

#### **FIREARM**

~~Includes a weapon which acts by the force of gunpowder or from which a shot is discharged by the force of an explosion.~~

Any rifle, pistol, shotgun or muzzle loading firearm which by force of gunpowder, or an air gun as defined in 6 NYCRR 180.3(b), that expels a missile or projectile capable of killing, wounding or otherwise inflicting physical damage upon fish, wildlife or other animals.

~~§ 53-2. Discharge Restrictions on the discharge of firearms prohibited on less than 10 acres and use of hunting implements.~~

~~Due to the close proximity of residential dwellings in the Village~~

A. The discharge of firearms and use of other hunting implements in the Village shall be governed by Section 11-0931 of the Environmental Conservation Law and 6 NYCRR, Chapter I, Subpart A (Hunting).

B. Notwithstanding the above, the discharge of firearms is ~~deemed hazardous to the general public and, therefore, prohibited on a parcel that is less than 10 acres in size, and having one primary residence, within the territorial limits of the Village of Old Field.~~

~~§ 53-2.1. Hunting.~~

~~No person shall hunt wildlife within the territorial limits of the Village of Old Field by firearm or other legal implement, unless such person possesses a special hunting permit issued by the Village Clerk.~~

~~§ 53-2.2. Permit required.~~

~~A resident of the Village of Old Field, his employee or guest may hunt wildlife upon the property of which such resident is the record owner, provided that there shall have been issued a special hunting permit to such resident, his employee or guest by the Village Clerk, and further provided that such resident, his employee or guest shall be duly licensed by, and comply with the regulations of the New York State Department of Environmental Conservation and any other applicable state or federal regulations.~~

#### **Section 2. Severability.**

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof declared by said court to be invalid.

#### **Section 3. Effective Date.**

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

## Monthly Meeting

### **Public Comments**

There were no public comments.

## **Building**

- On a motion by Mayor Feller, seconded by Trustee Gulbransen, the Board approved Michael Levine, 9 Shore Drive, permit #2020-0033, to replace existing back yard fence and adding a section, with deer resistant fencing; referred to Deer Fence Committee and submitted sample of fence; 4-0

- On a motion by Mayor Feller, seconded by Trustee Pirro, the Board approved Lee Moser/Lindsey Kane, 3 Blueberry Ridge Road, for the removal of eleven trees, as per plan submitted, and approved by Environmental Committee, 4-0. The permit does not include the driveway proposal.
- Added: On a motion by Trustee Pirro, seconded by Trustee Gulbransen, the Board approved Arron Sassone, 7 Woodcock Lane, permit #2020-0034 for a new, two story single family dwelling, with attached garage, covered front and rear porch, finished basement, patio, and siding; on existing footprint. Site plan approved, requires BOH approval. 4-0.

The Board discussed complaints by a neighbor on the Mammen project, 12 Woodcock Lane, regarding the length of the project, and working on weekends in violation to Village Code. The permit was issued in 2015. Attorney Pinks, who represented Mr. Mammen and the contractor, discussed that no violations have been issued against the property. The Board and Attorney Guardino discussed the current Code.

### **Minutes of Oct. 13, as amended**

- On a motion by Trustee Shybunko, seconded by Mayor Feller, the Board approved the minutes of Oct. 13, 2020 as amended; (1) alternates to ZBA and Planning Board are two year terms, (2) issue permit #2020-0021, Douglas Mason, 81 Old Field Road, for existing shed, after C&R for carriage house filed with the Village, (3) vote on Jeff Puma, 10 Flax Pond Woods Rd., permit #2020-0030, was 4-0. Trustee Gulbransen voting nay.

### **Treasurer**

- On a motion by Mayor Feller, seconded by Trustee Pirro, the Board approved the warrants and Treasurer's Report as presented for Oct., 2020, 4-0.
- Bond payment for Nov. is due, \$180,000 plus interest of \$5668.75

### **Code Report**

### **New Business**

- **VILLAGE OF OLD FIELD ELECTION 2021 Resolution**

The Board of Trustees of the Incorporated Village of Old Field, Suffolk County, New York at a meeting of said Board duly called and held on Tuesday, November 10, 2020, unanimously adopted the following resolutions pertaining to the registration of all persons eligible to vote and the offices to be filled at the annual Village Election to be held on Tuesday, March 16, 2021:

**RESOLVED**, that there shall be no Village registration day for Village elections pursuant to Subdivision 3 of Section 15-118 of the Election Law, and

**FURTHER RESOLVED**, that only those persons registered to vote with the Board of Elections of Suffolk County shall be eligible to vote, and

**FURTHER RESOLVED**, that the next general election for the Incorporated Village of Old Field, Suffolk County, New York, shall be held at the Keeper's Cottage located at 207 Old Field Place in said Village on Tuesday, March 16, 2021, that the hours of opening and closing the polls thereof shall be 12:00 noon and 9:00 P.M. respectively and that during such period of nine consecutive hours the polls shall be kept open for the purpose of choosing and electing the following officers:

#### **Two Trustee positions, each for a term of two years**

**RESOLVED**, that the following be, and they are hereby, designated and appointed to act as Inspectors of Election, for a fee of \$160.00 per person, with Carol Schraut presiding as

Chairperson thereof: Carol Schraut, Chairperson and Marianne Feller, Election Inspector.

**FURTHER RESOLVED**, that the Clerk of the Village be, and hereby is directed to prepare a proper notice of said annual election pursuant to Section 15-104 of the Election Law and to cause said notice to be published in said Village Times containing the date of the election and the polling place; the hours during which the polls shall be open; the names and addresses of all those who have been duly nominated whose certificate of petition of nomination has been duly filed with said Village Clerk and the term of such office for which they have been so nominated, an abstract of any proposition to be voted upon, if any, and to cause a printed copy thereof to be posted conspicuously in at least six (6) public places in the Village at least one (1) day before said election.

On a motion by Mayor Feller, seconded by Trustee Pirro, the Board approved the Election 2021 Resolution, 4-0.

**New Business, continued:**

- On a motion by Mayor Feller, seconded by Trustee Pirro, the Board approved the hiring of Anthony Croce, for part time Code Enforcement @ 25.52 per hour, 4-0.
- On a motion by Trustee Pirro, seconded by Trustee Gulbransen, the Board approved a 3% raise for Building Inspector Joe Arico, retroactive to April 1, 2020, from \$72.12 per hour to \$74.28, 3-0. Mayor Feller abstained.
- On a motion by Mayor Feller, seconded by Trustee Pirro, the Board renewed Soundview's annual contract at same cost as last year, \$850, for Heat and A/C maintenance and repair, 4-0.
- On a motion by Trustee Gulbransen, seconded by Mayor Feller, the Board approved John Cunniffe to do a temporary repair to the cupola for a water leak, not to exceed \$400, 4-0.
- On a motion by Mayor Feller, seconded by Trustee Gulbransen, the Board appoints Iliia Rochlin as a member to the ZBA for a five year term, on the recommendation of Chair Richard Sobel, 4-0.
- On a motion by Mayor Feller, seconded by Trustee Gulbransen, the Board appoints Christine D'Alessandro, who also serves on the Environmental Committee, to the Planning Board as an alternate member for a two year term, 4-0.
- Public Health Emergency Action Plan as required by NYS under review.
- Attorney Guardino will review unreimbursed expenses to the Village accrued by various HOA for emergency services, and compose a letter to be sent to all accounts in arrears.
- On a motion by Mayor Feller, seconded by Trustee Pirro, the Board approved a separate phone for the Building Dept., not to exceed \$300, 4-0.  
Separate phone for Building Dept. \$22.95/month for the extra user, "Buildings", with existing DID (\$0.50/month) 631-941-9449 already owned by the Village & currently not being used, plus...  
One-time \$24.50 + \$15 S&H + \$10 for the power cord - for the phone - with contract extension which can be done here, by a Reply All asking us to do so.  
**OR:** \$22.95/month for the extra user, "Buildings", with existing DID (\$0.50/month) 631-941-9449 already owned by the Village & currently not being used, plus \$104.50 + \$15 S&H + \$10 for the power cord without extending the contract Lisa Swain ~ Project Manager ~ AMP family of companies, PRESSONE and CommX 718.360.1246 Help Desk: 718.360.1234, option 2
- The Board will present a new law at December's meeting to include changes to the current Code regarding building permits expiration dates and a "Procedure to Review Site Plan Application", requiring Board resolution. The public hearing will be held in January.
- The Board discussed eliminating Chapter 89 of the Village Code: Refuse Collectors: 89-1 No person shall engage in the business of refuse collection or disposal within the Village of Old Field without obtaining an annual license therefor,

