



Patchogue attorney Victor Yannacone, Jr. addresses the Patchogue Village Board Monday evening, demanding that village ordinances be tightened

Advance/Kevin Molloy

'Come on, do something!'

by Kevin Molloy

Patchogue attorney Victor Yannacone, Jr., a nationally prominent attorney who has successfully argued before the U.S. Supreme Court, will be sitting down with Village Attorney Ernest Maler Jr. and contacting residents in an effort to draft new, tougher laws for the Village of Patchogue.

Maler and the board of trustees agreed to work with Yannacone after the Patchogue lawyer dominated Monday night's village board meeting for more than an hour, harshly chastising

Yannacone demands Patchogue Village tighten local laws for better enforcement; agrees to help village re-write new codes

the Patchogue officials for failure to revamp village codes that he claimed have been proven to be "unenforceable."

The meeting, marked by complaints from an increasingly frustrated and vocal group of village residents living south of Division Street, grew so unruly at one point that the mayor adjourned

the meeting for 10 minutes to regain order. Yannacone huddled with residents in the hallway during that time, mapping out a plan of action to battle rooming houses, absentee landlords and what he perceived to be administrative inertia on the part of the board.

"In all my 28 years here, I've never

seen a board meeting like that," Village Clerk Rose Marie Berger commented after the meeting.

Suggestions made by Yannacone included fighting rooming house violations with health codes instead of zoning codes, having the village acquire the Lace Mill property, install a board of fire marshalls, and abolishing the village's planning board and zoning board of appeals.

But while the mayor and members of the board said they would work with Yannacone on forming new ordi-

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nances, some wondered whether Yannacone's suggestions would be workable, or found to be unconstitutional and beyond the jurisdiction of the village.

"I think some [of his ideas] have merit, and I think some are legal pie-in-the-sky rhetoric," Mayor Franklin Leavandosky said after the meeting. "The things he throws out, I don't know if he's looked into the legality and feasibility of them."

Patchogue residents who filled the village hall board room to standing-room-only capacity at the meeting, however, strongly supported Yannacone, marking his comments several times with heavy applause.

"You can't enforce an unenforceable code," Yannacone said in beginning his comments to the board. "The code itself must be modified."

He contended that the village had the power to close rooming houses on the south end, which he termed as "slums," by fighting them with health violations, instead of the zoning codes that he said have thus far been ineffectual.

By tightening regulations on the number of people allowed to use a cesspool and designing more stringent fire codes, Yannacone said the village would be able to close violators down "immediately" on the grounds that they constituted a public health threat. In this way, he said, landlords would not be able to claim they had a pre-existing condition that made them immune to new laws because there is no "grandfathering" of health violations.

"What's going on in South Patchogue and in Patchogue overall is sinful," he



Victor Yannacone speaks with residents during Monday's board meeting

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told the board. "You have an incorporated village on Fire Island that has some of the most antedeluvian laws since the Plymouth Colony Blue Laws. Come on, do something! . . . If you can't take control of your own village, either lead, follow or get out of the way."

After Yannacone reminded the board that he had made a similar offer to work with the village a year ago, and defend for free any court cases arising from new code changes, he and South Ocean Avenue resident Steve Keegan badgered the board to appoint a committee, plot a timetable and set a date for the code revisions. At that point, Maler agreed to take Yannacone up on his offer.

"Victor, will you work with me? I'm willing to work with you," he said, just before the mayor called for the 10-

minute recess.

However, while Maler and the board were willing to listen to Yannacone's suggestions, they were insured as to whether they would actually work.

"I'm willing to listen to all suggestions, [but] it's hard to evaluate whether they are needed or possible unless I actually have them before me," Maler said. "My concern, of course, is whether they would pass constitutional muster or judicial scrutiny."

Budget cuts made over the past few years by the village, as well as less state aid being received by Patchogue, are further limitations, Leavandosky said.

"We are sort of stretched to the limit as far as personnel and our financial limits. Code enforcement, the fire department, the highway department, everyone is working to the max, and

there are very positive results coming from each department," Leavandosky said.

That was a point that left the village clerk visibly frustrated at comments that were made at the meeting.

"I know it seems like we're doing nothing, but everyone here works very hard. It's very, very discouraging," Berger said. "Everyone who works for the village really works. We don't have a lot of employees . . . I think we run a very good operation."

The mayor added that while he believes Patchogue's Village Codes "are very adequate, I think we, as any other legislative body, are always looking for additional options to bolster our existing laws."

Trustee Dennis Logan also said that some parts of the code are strong, but agreed that others need to be tightened. He said he viewed the actions at the meeting as a mandate from the people to make vigorous changes.

"Based on the input we got, the village has to be more aggressive," he said. "Now we have a mandate to look in a different direction, and I advocate following that mandate . . . I don't think anyone questions that the code needs revising."

Trustee Paul Pontieri also supported making some of the revisions to the code that had been suggested, provided they can be enforced and the village has the proper jurisdiction.

"Let's put it this way: if the things Victor Yannacone says can be done without bogging us down for years in court, then they have to be done."

"Should it be done? We have nothing to lose by doing it. Can it be done? That, I don't know," he said.