

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday, April 4, 2024 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARINGS:**

**2024-2025 BUDGET HEARING**

**SPECIAL EXCEPTION APPLICATION – 141 & 149 MONTAUK HIGHWAY**

**RESOLUTIONS:**

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Authorize Mayor to Sign Agreement
4. Approve 2022–2023 Fiscal Year Budget Transfers
5. Authorize Employee to Attend Training
6. Approve Warrant for April 2024
7. Schedule Public Hearing – Local Law Amendment
8. Schedule Public Hearing – Local Law Amendment
9. Appoint 2024 Part Time Police Officers
10. Authorize Budget Transfer
11. Accept 2022-2023 Fiscal Year Annual Financial Statements
12. Approval of Improvements of Village Owned Property
13. Accept Proposal for 2024 Rogers Beach Concession
14. Accept Proposal from Soto's Irrigation
15. Accept Proposal from Westhampton Glass
16. Accept Proposal from Mulco, Inc.
17. Accept Proposal from Fab-Tex
18. Accept Proposal from All Traffic Solutions
19. Authorize 2024 Renewal of Outdoor Music Permits

20. Authorize 2024 Renewal of Outdoor Sales and Display Permit
21. Authorize Mayor to Sign 3 Party Agreement
22. Authorize Use of Village Property – St. Mark’s Art Show
23. Authorize Use of Village Property – GWCC Art Show
24. Declare and Approve Sale of Village Surplus Vehicles
25. Approve Bocce Court Plaque
26. Authorize Use of Village Property – Great Lawn
27. Authorize Use of Village Property – Village Green
28. Authorize Placement of Plaque
29. Authorize 2024 Dropoff Bin Permit
30. Authorize Special Exception Permit
31. Outdoor Seating
32. Outdoor Dining

**PUBLIC COMMENT**

**ADJOURN**

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday, April 4, 2024 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING:**

**2024-2025 Budget Hearing**

WHEREAS, the Village Clerk-Treasurer has presented to the Board of Trustees a Tentative Budget in compliance with the requirements of Section 5-508(1) Village Law; and

WHEREAS, the Trustees have had a chance to review said budget and to conduct a public hearing on the Tentative Budget in accordance with Section 5-508(1) on April 4, 2024; and therefore, be it

RESOLVED, that without further change, alteration, or additions, the Board of Trustees hereby adopts the 2024-2025 fiscal year Tentative Budget in its current form as the Adopted Budget.

**SPECIAL EXCEPTION APPLICATION – 141 & 149 MONTAUK HIGHWAY**

**RESOLUTIONS:**

**1. Accept minutes of Board of Trustees Meeting**

RESOLVED, that the minutes of the Board of Trustees Meeting of March 7, 2024 are hereby accepted.

**2. Accept Departmental Monthly Reports**

RESOLVED, that the Treasurer's report, Justice Court, Police Department's and Building Inspector's reports for February 2024, are hereby accepted.

**3. Authorize Mayor to Sign Agreement**

RESOLVED, that the Board of Trustees hereby authorizes the mayor to sign the Agreement between the Village of Westhampton Beach and Munistat Inc. for Municipal Advisor Services.

**4. Approve 2022–2023 Fiscal Year Budget Transfers**

RESOLVED, that 2022–2023 fiscal year budget transfers in the amount of \$509,953.93 are hereby approved.

**5. Authorize Employees to Attend Training Course**

RESOLVED, that Lieutenant Ryan Lucas is hereby authorized to attend the 2024 Empire State Law Enforcement Traffic Safety Conference in Bolton Landing from Tuesday April 23, 2024 to Thursday April 25, 2024, travel expenses not to exceed \$500.00 to include gas and tolls from G/L account code A3120.415 Training.

## **6. Approve Warrant for April 2024**

RESOLVED, that the warrant for April 2024 in the amount of \$472,045.79 for the General Fund and \$268,950.21 for the Capital Fund is hereby approved.

## **7. Schedule Public Hearing – Local Law Amendment**

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday May 2, 2024 at 5:00 p.m. at the Village Hall for a Local Law to amend Chapter 178 entitled “Vehicles and Traffic”.

## **8. Schedule Public Hearing – Local Law Amendment**

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday May 2, 2024 at 5:00 p.m. at the Village Hall for a Local Law to amend Chapter 197 entitled “Zoning”.

## **9. Appoint 2024 Part Time Police Officers**

RESOLVED, that Anthony Velasquez and Jared Pollack are hereby appointed as part time police officers in the Police Department at an hourly rate of \$30.00 to work as assigned by the Chief of Police effective March 22, 2024 to be funded from G/L account A3120.104 Part Time.

## **10. Authorize Budget Transfer**

RESOLVED, that the Board of Trustees hereby authorizes a budget transfer in the amount of \$76,000.00 from G/L Account Code A3120.100 Police Department Personal Service to G/L Account Code A3120.2 Police Department Equipment.

## **11. Accept 2022–2023 Fiscal Year Annual Financial Statements**

RESOLVED, that the 2022–2023 Fiscal Year Annual Financial Statements prepared by Satty, Levine and Ciacco for the Village of Westhampton Beach and Village of Westhampton Beach Justice Court are hereby accepted.

## **12. Approval of Improvements of Village Owned Property**

RESOLVED, that the Board of Trustees hereby approve the landscape plan as submitted by the Westhampton Beach Historical Society for property located at 101 Mill Road with fencing kept 1 foot away from the sidewalk or curb and not to exceed 4 feet in height.

## **13. Accept Proposal for Rogers Beach Concession**

WHEREAS, the Village of Westhampton Beach has advertised for bids for the operation of the Rogers Beach Concession at the Village Pavilion for the 2024/2025 summer season based upon the specifications on file with the Village Clerk; and

WHEREAS, only one bid was received and opened; and

NOW therefore be it resolved that the bid submitted in the amount of \$16,000.00 by Amanda Pierce is hereby accepted subject to keeping deck area clear and using locally sourced food and specialty items and conditions of receiving SC Health Department approval and all needed insurances.

#### **14. Accept Proposal from Soto's Irrigation**

RESOLVED, that the Board of Trustees do hereby accept the proposal submitted by Soto's Irrigation in the amount not to exceed \$8,000.00 for the irrigation system install at the Westhampton Beach Historical Society property to be taken from G/L account code CM7110 Parks.

#### **15. Accept Proposal from Hampton Bays Glass & Metal, Inc.**

RESOLVED, that the Board of Trustees do hereby accept the proposal submitted by Hampton Bays Glass and Metal, Inc. in the amount not to exceed \$835.00 for the replacement of various window glass in Village Hall to be taken from G/L account code A1620.405 Municipal Building Expense.

#### **16. Accept Proposal from Mulco Inc.**

RESOLVED, that the Board of Trustees do hereby accept the proposal submitted by Mulco Inc. in the amount not to exceed \$4,300.00 for the replacement of toilets in Village Hall to be taken from G/L account code A1620.405 Municipal Building Expense.

#### **17. Accept Proposal from Fab-Tex**

RESOLVED, that the Board of Trustees do hereby accept the proposal submitted by Fab-Tex Inc. in the amount not to exceed \$25,000.00 for the refurbishment of the Kotamsu payloader to be taken from G/L account code A5110.405 Repair of Equipment Expense.

#### **18. Accept Proposal from All Traffic Solutions**

RESOLVED, that the Board of Trustees do hereby accept the proposal submitted by All Traffic Solutions in the amount not to exceed \$18,600.00 for an Electronic SpeedAlert 24 Radar Message Sign to be taken from G/L account code A5110.2 Equipment Expense.

#### **19. Authorize 2024 Renewal of Outdoor Music Permits**

WHEREAS, Beach Bakery Café, One Trick Pony, Ivy on Main, Salt and Loft, Daphne's, Funcho's, Shock Ice Cream and Tonino's Pizza have applied to renew the 2024 Outdoor Music Permits pursuant to §196-3 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED that the renewal of the Outdoor Music permits are granted subject to the following conditions:

- a) The requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.
- b) It shall be the obligation of the applicant that the public sidewalk is not obstructed and that no structures shall be placed on Main Street preventing the use of any parking spaces or in any parking lots.
- c) No substantial deviation or overcrowding from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.

- d) No auditory conflict with the Library concerts on the Village Green on Wednesday or Thursday nights.
- e) This permit shall be in effect from May 1, 2024 to October 31, 2024, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 196-4(A) of the Village Code for future outdoor music beyond such expiration date.

## **20. Authorize Renewal of 2024 Outdoor Sales and Displays Permit**

WHEREAS, the Village received applications to renew the Outdoor Sales and Displays Permit for 2024 with no changes from the 2023 application from John's Swimming Pools, 102 Old Riverhead, Mixology, 148 Main Street and Shock for Kids, 99 Main Street and there were no incidents or reports filed with the Police Department concerning said uses; now therefore be it

RESOLVED, that the renewal of the Outdoor Sales and Displays permits are granted subject to the following conditions:

- a) All conditions set forth in section 140-2(A), including but not limited to the 30-inch setback requirements of section 140-2(A)(4), shall be followed.
- b) No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees.
- c) This permit shall be in effect from April 15 to November 15, 2024, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 140-2(B) of the Village Code for future outdoor displays beyond such expiration date.

## **21. Authorize Mayor to Sign 3 Party Agreement**

RESOLVED, that the Board of Trustees hereby authorizes the mayor to sign a three (3) party agreement with the Town of Southampton and Ashlar Contracting, LLC for the restoration of the Gov. John Adams Dix Windmill Project.

## **22. Authorize Use of Village Property - St. Mark's Church Art Show**

RESOLVED, that St. Mark's Church is hereby authorized to use the Great Lawn on Saturday May 25, 2024 and Sunday, May 26, 2024 from 10 a.m. to 6 p.m. with the set-up day of Friday May 24, 2024 at 12:00 p.m. and breakdown on Sunday May 27, 2024 by 10:00 p.m. with signage per the village sign guidelines. The applicant has agreed to share the use of the Great Lawn with the Greater Westhampton Chamber of Commerce and set up conditioned upon the construction site.

## **23. Authorize Use of Village Property - Greater Westhampton Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday May 25, 2024 and Sunday May 26, 2024 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday May 24, 2024 from 12:00 p.m. and breakdown on Sunday May 26, 2024 by 7:00 p.m. for the Maggie Burbank Fine Arts and Crafts Show subject to signage per the village sign guidelines and the applicant has agreed to share the use of the Great Lawn with the St. Mark's Church Paragon Art Show and set up conditioned upon the construction site

## **24. Declare and Approve Sale of Village Surplus Vehicles**

RESOLVED, that the Village owned items attached are hereby declared surplus and obsolete for Village purposes; and be it further

RESOLVED, that the Superintendent of the Department of Public Works is hereby authorized to publicize the items for sale on GOVDEALS and to dispose of any items that may remain unsold after the auction period has closed.

## **25. Approve Bocce Court Plaque**

WHEREAS, Mr. Vince Fazio (“Mr. Fazio”) has constructed bocce courts at the Maria Z. Moore Park as a gift to the Village; and Mr. Fazio has requested permission from the Village to install a memorial to his late wife; and

WHEREAS, the Village Board of Trustees approves the memorial under certain conditions.

NOW, THEREFORE, BE IT RESOLVED that:

1. a plaque, the maximum size of which shall be 10 inches by 16 inches, mounted on a stone, the maximum size of which shall be 20 inches by 20 inches, is authorized to be placed at the south end of the approved bocce courts;
2. the aforesaid stone and plaque shall be installed by the Village Department of Public Works (“DPW”);
3. Mr. Fazio shall arrange for delivery of the stone and plaque to the DPW for installation after making arrangements therefor with the DPW Superintendent;
4. the Village DPW shall remove the large stone currently placed at the north end of the bocce courts in the Library Pollinator Garden, and store this large stone at the DPW yard at no charge;
5. arrangements can be made with the DPW Superintendent to pick up the large stone on business days between 6:30 a.m. and 2:30 p.m.; and the existing placement of two benches by the bocce courts is approved.

## **26. Authorize Use of Village Property**

RESOLVED, that the Board of Trustees hereby authorize the following organization or groups to use the Great Lawn on the dates and times authorized:

Times Review Media – Taste of WHB Saturday June 15, 2024

Hampton Vintage Car Show – Saturday June 22, 2024

Westhampton Beach Historical Society – Saturday July 13, 2024

WHB Project – Saturday July 27, 2024 and Sunday July 28, 2024

Greater WH Chamber of Commerce – Saturday August 3, 2024 and Sunday August 4, 2024

St. Mark’s Church Saturday August 31, 2024 and Sunday September 1, 2024

All authorizations are approved pending receipt of completed application, all fees, insurance requirements and site plans.

## **27. Authorize Use of Village Property**

RESOLVED, that the Board of Trustees hereby authorizes the Hampton Vintage Flea Market to use the Village Green on Sunday July 7, 2024 and Sunday August 11, 2024 from 10:00 am to 5:00 pm.

## **28. Authorize Placement of Plaque**

RESOLVED, that the Board of Trustees do hereby authorize the Westhampton Free Library to place a black cast aluminum engraved 8 x 10 inch plaque to be mounted on a small post or stone, not to exceed 20 inches in height with the wording and credits attached in the "Pollinator Garden" in the Maria Z. Moore Community Park.

## **29. Authorize 2024 Dropoff Bin Permit**

Whereas, Big Brothers Big Sisters of Long Island has applied for an annual permit to have (2) two drop-off bins for donations located at the municipal parking lot, 99 Mill Road, Westhampton Beach, NY; and

Whereas there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of these drop-off bins as shown on the survey of property and subject to the requirements of Chapter 77 of the Village Code.

## **30. Authorize Special Exception Permit**

WHEREAS, by Special Exception Permit Application dated January 9, 2024, Westhampton Enterprises, LLC (hereinafter, the "applicant") requested a special exception permit from the Board of Trustees to allow the use of an existing building and proposed addition at the property located at 141 and 149 Montauk Highway, Westhampton Beach, New York, SCTM 905-5-2-6.1, 6.2, 6.7 and 9.1, to be used for a 6,538 sf grocery store; and

WHEREAS, the property is located in the Village's B-2 zoning district; and

WHEREAS, in the Village's B-2 zoning district, a grocery store may be permitted up 5,000 s.f. by special exception pursuant to the Article VIII (§197-76) of the Village Code; and

WHEREAS, the application is a "Type II" action under the State Environmental Quality Review Act (SEQRA), because it proposes less than 4,000 s.f. of new, non-residential structures; and

WHEREAS, the applicant applied for and obtained variances from the Village's ZBA on December 21, 2023, subject to conditions, including a variance to exceed the 5,000 s.f. limit on grocery store size in the B-2 district; and

WHEREAS, pursuant to Village Code sections 197-76, 197-78, 197-79, 197-80 and 197-81, following a public hearing, the Board of Trustees has the power to approve, disapprove, or approve with conditions an application for a Special Exception Permit; and



WHEREAS, a Public Hearing was duly noticed and held on April 4, 2024, where all interested parties were given an opportunity to be heard, and

WHEREAS, the Board of Trustees having deliberated on the application and the testimony presented at the public hearing, finds that, subject to the conditions herein, the requirements of the Village Code Article VIII have been met, and the proposed use will not have an undue adverse impact on other properties or current uses within the neighborhood and the community, will provide adequate parking, and will incorporate appropriate measures to ensure that site activities and operations do not generate noise that adversely affects adjacent residential uses and districts.

Now, therefore, be it RESOLVED that, the applicant's request for a Special Exception Permit to authorize the renovated building to be used as a 6,538 s.f. grocery store, is hereby approved, subject to the following conditions:

1. Applicant shall adhere to all conditions of the ZBA's December 21, 2023 determination; and
2. Applicant shall obtain final site plan approval from the Planning Board incorporating said conditions, but nothing herein shall be deemed to preempt the Planning Board from reviewing the site plan and imposing such additional conditions as may be reasonable and appropriate.

### **31. Outdoor Seating**

WHEREAS, the Board of Trustees finds that within the areas of the Village outside of the Phase I service area of the sewer system that are also located within the B-1, B-2, B-3 and HC zoning districts, it may be appropriate to permit a standard restaurant, luncheonette, coffee shop, coffee house or tea house ("dining establishment") to apply to the Board of Trustees for a permit for outdoor tables, chairs and benches under Section 196-2 of the code; and

WHEREAS, currently dining establishments are prohibited from obtaining a permit for outdoor tables, chairs and benches under Section 196-2, but are limited to a permit for outdoor dining under Section 196-1; and

WHEREAS, the Board of Trustees intends to study whether an amendment to Section 196-2 to allow dining establishments to obtain a permit for outdoor tables, chairs and benches under certain conditions would be appropriate, and whether the existing code provisions should be amended.

NOW, THEREFORE, IT IS RESOLVED

1. that the prohibition on issuing permits for outdoor tables, chairs and benches on dining establishments contained in Section 196-2 of the code is hereby stayed for a period of eight (8) months;
2. that during this period of time, dining establishments in the B-1, B-2, B-3 and HC zoning districts and outside of the Phase I service area of the sewer district may obtain a permit under Section 196-2 for outdoor tables, chairs and benches under the following conditions:
  - a. the area designated for outdoor tables, chairs and benches shall serve solely as a waiting area where no food or drink is served; or
  - b. the dining establishment sells packaged food to be consumed off premises and any outdoor seating area is strictly limited to the consumption of packaged foods either without utensils or with disposable utensils and cups;

- c. the Clerk/Treasurer and the Village Attorney shall prepare an application form to be utilized in conformance with this Resolution;
- d. and this Resolution shall take effect immediately upon adoption.

### **32. Outdoor Dining**

WHEREAS, after considering information supplied by the Suffolk County Department of Health Services, the Suffolk County Sewer Agency and the Village's Building Administrator, the Board of Trustees makes the following determinations in connection with applications for outdoor dining (Section 196-1 of the Code) and outdoor seating (Section 196-2 of the Code).

NOW, THEREFORE, IT IS RESOLVED:

1. That all permits to be issued for outdoor dining and outdoor seating shall contain the following conditions:
  - a. the applicant for this permit is responsible for obtaining all additional necessary permits for outdoor dining, including permits from the Suffolk County Department of Public Works, the Suffolk County Sewer Agency and the Suffolk County Department of Health Services; and
  - b. failure to apply for said approvals may be grounds for revocation of a permit.;
2. The Board is issuing approvals for the applications for outdoor dining identified on the attached list which are located in the Phase One service area of the sewer district, which are complete and which request the same number of outdoor dining seats that were approved last year.
3. For those applications on the attached list which are located in the Phase One service area of the sewer district which are complete and which request a lesser number of outdoor dining seats than were approved last year, the Board is issuing approvals in the lesser number.
4. The Board will not issue any requests for additional dining for an applicant who seeks a greater number of seats than approved last year, but the Board is issuing approvals for those applications which are identified on the attached list in the same number as approved last year, and which are located in the Phase One service area of the sewer district and whose applications are complete.
5. The Board has not issued approvals at this time for those applications which are incomplete and those applicants who will need to make application for outdoor seating under Section 196-2, rather than outdoor dining under Section 196-1.

### **PUBLIC COMMENT**

### **ADJOURN**

**DATED: April 4, 2024**

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**Elizabeth Lindtvit**  
**Village Clerk-Treasurer**