

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday June 6, 2024 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach.**

PRESENT: Mayor Ralph Urban  
Deputy Mayor Stephen Frano  
Trustee Kimberly Monsour  
Trustee Rob Rubio  
Clerk-Treasurer Elizabeth Lindtvit  
Village Attorney – Anthony Pasca  
ABSENT: Trustee Brian Tymann

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**Moment of silence for those that perished on D-Day eighty years ago.**

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**Accept minutes of Board of Trustees Meeting**

Motion made by Trustee Monsour

RESOLVED, that the minutes of the Board of Trustees Meeting of May 2, 2024, are hereby accepted.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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**Accept Departmental Monthly Reports**

Motion made by Deputy Mayor Frano:

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

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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**Approve Warrant for May and June 2024**

Motion made by Trustee Rubio:

RESOLVED, that the warrant for May 31, 2024, in the amount of \$220,380.52 and the Warrant for June 2024 in the amount of \$255,434.23 for the General Fund and \$97,038.81 for the Capital Fund is hereby approved.

Seconded by Trustee Monsour and unanimously approved 4 Ayes, 0 Nays

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**Accept Resignation of Employee**

Motion made by Trustee Monsour:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Evander Herrera as Traffic Control Officer effective May 25, 2024.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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**Authorize Retro Pay Adjustment**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Board of Trustees hereby authorizes a retro adjustment of \$3,000.00 in salary for the 2022-2023 and 2023-2024 fiscal years for the Deputy Village Clerk effective June 1, 2024.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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**Appoint 2024 Seasonal Traffic Control Officers**

Motion made by Trustee Rubio:

RESOLVED, that Reilly Strand is appointed as a Seasonal Traffic Control Officer to be compensated at a rate of \$18.00 per hour to work as assigned by the Chief of Police effective May 15, 2024, to be funded from G/L account code A3120.109 Traffic Control Officers PS with an increase of \$2.50 per hour effective June 1, 2024.

Seconded by Trustee Monsour and unanimously approved 4 Ayes, 0 Nays

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**Appoint 2024 Seasonal Beach Personnel**

Motion made by Trustee Monsour:

RESOLVED, that the Board of Trustees hereby appoints the following personnel to the positions specified below at Rogers and Lashley Beaches for the 2024 season to be funded from A7310.103 Beach Attendants with an increase of \$2.50 per hour effective June 1, 2024:

Reece McManus	Beach Attendant	\$12.75 P/H
Jasmine Taylor	Beach Attendant	\$12.50 P/H
Hailey Groth	Beach Attendant	\$12.75 P/H
Josh Pincott	Beach Attendant	\$12.50 P/H
Sarah Tedesco	Beach Attendant	\$12.50 P/H

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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**Appoint 2024 Registrar and Deputy Registrar**

Motion made by Deputy Mayor Frano:

RESOLVED, that Clerk-Treasurer Denise Mordente is hereby appointed as Registrar of Vital Statistics for 2024 with an annual stipend of \$350.00, and Maureen Jones is appointed as Deputy Registrar for 2024 with an annual stipend of \$300.00 effective June 1, 2024.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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## **Appoint Member to Village Negotiating Committee**

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby appoints Stephen Frano to the Village's negotiating committee for continuing PBA negotiations on the contract effective July 1, 2024.

Seconded by Trustee Monsour and approved 3 Ayes, 0 Nays, Deputy Mayor Frano Abstained

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## **Authorize Mayor to Sign Memorandum of Agreement**

Motion made by Trustee Monsour:

RESOLVED, that the Board of Trustees authorizes the Mayor and the Deputy Mayor to sign two Memoranda of Agreements between the AME Union Blue and AME Union White Collar employees regarding the 2023 Benefit Fund Contribution levels.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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## **Authorize Change Order for Playground**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Board of Trustees hereby approves change order # 1 for American Recreational Products in the amount of \$27,600.00 for the installation of a retaining wall at the Ria Del Bene Playground.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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## **Authorize Purchase of Tables and Seats for Park**

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 4 Bistro tables and chair sets at the cost of \$149.00 per set for the Maria Z. Moore Community Park to be charged to Park Fund CM 7110.

Seconded by Trustee Monsour and unanimously approved 4 Ayes, 0 Nays

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## **Authorize Special Exception – 55-59 Old Riverhead Road**

WHEREAS, 55-59 Old Riverhead Road, LLC, BEKEF 1, LLC, and 59 Old Riverhead LLC (hereinafter, collectively, “Applicant”), is the reputed owner of real property located at 55 and 59 Old Riverhead Road, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as Nos.: 905-4-1-7, -9.2, and -9.3; and

WHEREAS, Applicant has submitted an application to the Board of Trustees for a special exception permit, to allow Applicant to construct 16 dwelling units (13 market rate and 3 affordable units) in 12 two-story buildings (ten single-family dwellings with attached one car garages and tow three-unit manor houses) with associated site improvements, a pickleball court and fire pit, and an off-site sewage treatment plant, all to serve as a multifamily development community; and

WHEREAS, under Section 197-81.A of the Village Code, no special exception application for a multi-family residence can be granted without approval by the Planning Board of the site plan; and

WHEREAS, Applicant filed a site plan application with the Village Planning Board in connection with the project; and

WHEREAS, the site plan application underwent a lengthy review by the Planning Board that included coordinated environmental impact review as part of the Planning Board’s compliance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, during the SEQRA review, the Board of Trustees was an involved agency; and

WHEREAS, the SEQRA review concluded with the lead agency Planning Board’s adoption of a negative declaration as its determination of significance, on April 12, 2020; and

WHEREAS, upon completion of the SEQRA review process, the applicant continued to refine the application and requested that the Planning Board approve the site plan on a preliminary basis only, to enable Applicant to proceed to the special exception portion of the application, knowing that Applicant would be required to return to the Planning Board to complete the final site plan review if and when the Board of Trustees approved the special exception; and

WHEREAS, the Planning Board adopted a preliminary site plan determination dated October 12, 2023, in which the Planning Board conditionally approved the site plan on a preliminary basis, but noted in its decision that many of the project details could not be finalized until after the Board of Trustees made a determination on the special permit; and

WHEREAS, the Planning Board separately adopted a “Report and Recommendation” dated October 12, 2023, in which the Planning Board provided a recommendation relating to the special exception application; and

WHEREAS, in the Report and Recommendation, the Planning Board reported that the site plan met the basic site plan requirements of the Village, and that the Planning Board was comfortable with the site plan layout, and with the proposed density; and

WHEREAS, pursuant to Village Code Section 197-76, the Board of Trustees, following

a public hearing, has the power to approve, disapprove, or approve with conditions an application for a Special Exception permit for uses that are specifically provided for in Chapter 197; and

WHEREAS, the subject property is located in the Village' Hotel District (HD) zoning district which, under Section 197-16.3 and the Table of Use Regulations of the Village Code, allows for multi-family residential projects as a special exception use; and

WHEREAS, the Board of Trustees held a public hearing on the application at the Board's May 2, 2024 regular meeting, during which the Board entertained public comments; Now therefore be it

Motion made by Trustee Monsour:

RESOLVED that the Board of Trustees, having deliberated on the application and the testimony presented at the public hearing and other public comments received from the public, and the materials presented by the Applicant, hereby adopts the following Findings and Conclusions as its determination on the Applicant's special exception permit application:

### **FINDINGS and CONCLUSIONS**

The application is deemed complete for the purpose of rendering a decision on the special exception permit.

With respect to unit yield, the Board finds, under § 197-80.3.F of the Village Code, that the proposed yield of 16 dwelling units is within the permitted maximum density under the Code, and further finds, under § 197-80.3.G of the Village Code, that the proposed yield is consistent with the requirements of the code and therefore approved as the permitted yield.

With respect to the affordable units, the Board notes that the final plans appear to satisfy the requirements of § 197-80.3 of the Code, subject to final review by the Planning Board to ensure that the affordable units are physically integrated into the design of the development and appropriately distributed in the same proportion as all other dwelling units in the development.

The Board finds that the requirements of §197-79 of the Code are met, including that the proposed special exception use "will not prevent the orderly and reasonable use of the adjacent properties or of properties in the surrounding area or impair the value thereof," "the safety, health, welfare, comfort, convenience or the order of the Village will not be adversely affected by the proposed special exception use and its location," and "the special exception use will ... promote the general purposes and intent of this chapter."

The Board also has considered the requirements of § 197-80 of the Code and finds that the proposal does not raise any concerns that are incapable of being mitigated through the conditions and modifications described herein and as customarily adopted by the Planning Board as part of its site plan review.

THEREFORE, the Board approves Applicant's request for a special permit to the extent of 16 dwelling units (13 market rate and 3 affordable units) in 12 two-story buildings (ten single-family dwellings with attached one car garages and two three-unit manor houses) and associated site improvements collectively to serve as a multifamily

development community, all subject to the completion of the site plan review process by the Planning Board, and subject to all conditions as the Planning Board may reasonably deem appropriate. Provided the final plans are substantially in conformance with the Final Plans approved herein, the Applicant shall not be required to obtain a modified Special Exception Permit. In the event further substantial modifications are made, as determined by the Building Inspector, Applicant shall be required to obtain a modified Special Exception Permit to reflect those changes prior to issuance of a building permit.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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**Authorize Vehicle Peddling Permit – Ice Cream**

Motion made by Deputy Mayor Frano:

WHEREAS, Fahrettin Ozdemir has applied for a vehicle Peddling Permit to sell ice cream throughout the Village pursuant to §128-3 of the Village Code; and

WHEREAS, the Police department has reviewed and investigated the applicant and found no criminal history pursuant to §128-4 and all requested documentation has been supplied; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a vehicle Peddling Permit to Fahrettin Ozdemir effective May 8, 2024, and expiring on December 31, 2024

as all other conditions in Chapter 128-10 and 128-11 of the Village Code have been met.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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**Authorize Vehicle Peddling Permit – Ice Cream**

Motion made by Trustee Rubio:

WHEREAS, Ilyas Livaydin and Battal Kocakaya have applied for a vehicle Peddling Permit to sell ice cream throughout the Village pursuant to §128-3 of the Village Code; and

WHEREAS, the Police department has reviewed and investigated the applicant and found no criminal history pursuant to §128-4 and all requested documentation has been supplied; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a vehicle Peddling Permit to Ilyas Livaydin and Battal Kocakaya effective May 24, 2024, and expiring on December 31, 2024, as all other conditions in Chapter 128-10 and 128-11 of the Village Code have been met.

Seconded by Trustee Monsour and unanimously approved 4 Ayes, 0 Nays

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**Authorize Vehicle Peddling Permit – Ice Cream**

Motion made by Trustee Monsour:

WHEREAS, Sfa Yilma has applied for a vehicle Peddling Permit to sell ice cream throughout the Village pursuant to §128-3 of the Village Code; and

WHEREAS, the Police department has reviewed and investigated the applicant and found no criminal history pursuant to §128-4 and all requested documentation has been supplied; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a vehicle Peddling Permit to Sfa Yilma effective May 24, 2024, and expiring on December 31, 2024, as all other conditions in Chapter 128-10 and 128-11 of the Village Code have been met.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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**Authorize Special Event-Bike to the Beach**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Westhampton Beach Elementary School is hereby authorized to hold a special event bike to the beach for the 5<sup>th</sup> graders on Thursday June 20, 2024, from 9:30 a.m. to 2:30 p.m. as per route approved by the Police Department.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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**Authorize Use of Village Property-Lashley Parking**

Motion made by Trustee Rubio:

RESOLVED, that Jackie Sprotte of 441 Dune Road is retroactively authorized to use the Lashley bay side parking lot on Sunday June 2, 2024, from 12:00 p.m. to 5:00 p.m. for 28 cars provided there is availability and with village issued parking passes.

Seconded by Trustee Monsour and unanimously approved 4 Ayes, 0 Nays

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**Authorize Use of Village Property-Maria Z. Moore Community Park**

Motion made by Trustee Monsour:

RESOLVED, that Vincent Fazio is hereby authorized to hold a dedication ceremony for the bocce courts in the Maria Z. Moore Community Park on Saturday June 15, 2024, from 12:00 p.m. to 2:00 p.m. with the understanding “That there is to be no Alcohol allowed on the property”.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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

Motion made by Deputy Mayor Frano:

RESOLVED, that on May 2, 2024, the Board of Trustees accepted 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 A5110.402 Repair of Equipment Expense, with total expense being \$26,301.89, now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the additional amount of \$1,301.89 to be paid from the expense account of A5110.402 Repair of Equipment.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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## **Authorize 2024 Outdoor Seating Permit**

Motion made by Trustee Rubio:

WHEREAS, Jennifer Neubauer of Local Provisions, 121A Main Street has applied for an Outdoor Tables and Seats Permit for 2024 to place three (3) outdoor tables with 2 seats at each table pursuant to §196-2 of the Village Code; so now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved in 2024 and subject to the conditions of §196-2 of the Village Code.

Seconded by Trustee Monsour and unanimously approved 4 Ayes, 0 Nays

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## **Authorize 2024 Outdoor Seating Permit**

Motion made by Trustee Monsour:

WHEREAS, Ricardo Carmona of Dave's Bun & Burger, 218 Mill Road has applied for an Outdoor Tables and Seats Permit for 2024 to place two (2) outdoor tables with 2 seats at each table pursuant to §196-2 of the Village Code; so now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved in 2024 and subject to the conditions of §196-2 of the Village Code.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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**Authorize 2024 Renewal for Outdoor Sales and Displays Permit – Collect**

Motion made by Deputy Mayor Frano:

WHEREAS, Leif Neubauer, tenant of the premises known as Collect, located at 83D Main Street, Westhampton Beach (SCTM 0905-11-2-10), has applied for a 2024 renewal permit for Outdoor Sales and Displays pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, and

WHEREAS, there were no substantiated incidents or reports filed concerning said use; now therefore be it,

RESOLVED that the application for an Outdoor Sales and Displays permit for 2024 is granted subject to the following conditions set forth in section 140-2(A):

- a. Pursuant to the Planning Board’s report, there can be no placement of signs or any items which reflect signage, and all items must be placed a minimum of 30” from the Village right of way.
- b. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and
- c. This permit shall be in effect 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.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

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**Authorize Special Event-Joe Koziarz Annual 5K Walk/Run**

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorize the Joe Koziarz Annual 5K Walk/Run event on Saturday July 20, 2024, from 6:00 a.m. to 12:00 p.m. as per route designated by the Police Chief and Board of Trustees and approval is subject to receipt of insurance required and subject to the bridge closure from the Coast Guard.

Seconded by Trustee Monsour and unanimously approved 4 Ayes, 0 Nays

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**Authorize Purchase of Equipment – Police Department**

Motion made by Trustee Monsour:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 DJI MAVIC 3T Drone from Flymotion, LLC from Sourcewell Contract # 011223-FLM in the amount of \$5,995.47 and \$2,990.00 for software license to be taken from G/L account A3120.2 Police Equipment.

Seconded by Deputy Mayor Frano and unanimously approved 4 Ayes, 0 Nays

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## **Accept Retirement of Employee**

Motion made by Deputy Mayor Frano:

RESOLVED, that the Board of Trustees hereby accepts the retirement of Deputy Village Clerk Elizabeth Lindtvit effective July 1, 2024.

Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

Mayor Urban thanked “Liz Lindtvit and Steve Frano” for their years of dedicated service and stated this is their last meeting.

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## **PUBLIC COMMENT**

Rose Peppalardo asked if anything could be done about the use of pesticides in the Village. She explained how her dog was sprayed by men in hazmat suits at tennis courts behind her. Matthew Smith, Superintendent of DPW, assured her that it is not being used by the Village. Mayor Urban will investigate it with legal counsel and determine how it can be resolved.

Erin Finely asked what the new beach rules are; knows the second sticker is now \$40 but said there seems to be confusion about all the rules on the walk on passes. Mayor Urban explained that they are trying to cut back on the abuse of the passes and will speak with the beach manager on how they can rectify the confusion.

Joan Levan stated that the rules about the new beach rules were never explained to the residents, and they should be clarified. Mayor Urban said these rules are not new, they are being enforced. She went on to question the retro pay for the Deputy Clerk and why she was entitled to that. Mayor Urban explained that it is part of her contract that she never received. Ms. Levan also asked when the playground was going to be finished and Mayor Urban told her by the end of June. She then asked who was on the negotiation committee, Mayor Urban told her, himself, Deputy Mayor Frano and Attorney Zuckerman.

Iris Keitel stated to let the Board know that she was not happy being denied the second sticker for her guest. She will not be paying the \$40.

Motion made by Deputy Mayor Frano to go into Executive Session and seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

**Meeting Adjourned at 6:00pm**

**DATED: June 6, 2024**

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**Denise Mordente**  
**Village Clerk-Treasurer**