

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Brian Tymann
Trustee Stephen Frano
Trustee Rob Rubio
Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel
Village Attorney - Anthony Pasca

PUBLIC HEARING:

Special Exception - Indoor Entertainment Permit, Westhampton Country Club

Motion was made by Deputy Mayor Urban to open the public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked if anyone had a comment, she explained based on the Village's code they need this special permit, this permit will be subject to the Governor's Executive Order as of now. The Mayor asked for a motion to close the public hearing, motion made by Trustee Tymann, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Tymann:

WHEREAS, The Westhampton Country Club, 35 Potunk Lane, Westhampton Beach has applied for an Entertainment Permit pursuant to Chapter 80 of the Code of the Village of Westhampton Beach, to allow the restaurant to offer limited entertainment accessory to the restaurant use; and

WHEREAS, the applicant submitted a sketch plan and description of the entertainment that it seeks to offer (hereinafter, the "Proposed Entertainment Plan"); and

WHEREAS, the application was referred to the Village Planning Board, which, by memorandum dated March 18, 2020, stated that it has no objection to the request and finds that the application meets all the standards outlined in Chapter 80; and

WHEREAS, a public hearing was held on the application on April 2, 2020, pursuant to section 80-2(B) (5) of the Village Code; and

WHEREAS, it appears from the application, Proposed Entertainment Plan, and Planning Board report that the application satisfies the conditions of section 80-2(A) of the Village Code; now therefore,

BE IT RESOLVED that the application for an Entertainment Permit is granted subject to the following conditions:

1. All conditions set forth in section 80-2(A) shall be followed;
2. No substantial deviation from the Proposed Entertainment Plan shall be allowed without further approval of the Board of Trustees; and
3. This permit shall be in effect from the date of approval from the Board of Trustees to December 31, 2020, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 80-2(B) of the Village Code for future entertainment permits beyond such expiration date.

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

Special Exception - Outdoor Dining, Epicura, LLC "Salt & Loft"

Mayor Moore asked for a motion to open this public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore stated to Mr. Bernstein the Board's concern that the patrons are not to leave the premise with alcohol, Mr. Bernstein stated he is aware of the situation of patrons leaving the establishment with their drinks. Trustee Frano commented about the numerous SLA violations issued, Mr. Bernstein said he knew and has developed a plan to avoid this issue by putting up signs and training the staff properly. Trustee Frano asked Mr. Bernstein how he will handle having only one bathroom and an occupancy of almost 50 people for a 16-seat luncheonette, Trustee Frano expressed his concern and

stated there would have to be careful monitoring and also stated he would like to add to the permit approval that if any violations or issues should arrive the permit be suspended until corrected. The Mayor mentioned that in the local law, it states the Board can revoke the permit at any time, Trustee Frano wanted to make sure Mr. Bernstein was aware of the conditions in issuing this permit. Trustee Frano requested that if a violation arises the Outdoor Dining permit be suspended immediately until the public hearing. Mr. Bernstein stated he didn't think that suspending the back dining would affect the situation in the front, and re-iterated that he has a plan to stop and correct the possible violations in the front. Trustee Frano stated if the occupancy could be controlled there would be no issues. The Board of Trustees continued to discuss with Mr. Bernstein ideas for controlling the patrons leaving the building. Mayor Moore asked for a motion to close this public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

WHEREAS, Salt & Loft has applied for an Outdoor Dining Permit for 2020 to place a total of seven (7) outdoor tables and twenty-eight (28) chairs pursuant to §196-2 of the Village Code; and

WHEREAS; the application was referred to the Village Planning Board, which, by memorandum dated March 18, 2020, stated that it has no objection to the request and finds that the application meets all the standards; and

WHEREAS, a public hearing was held on the application on April 2, 2020, pursuant to section 196-4(F) of the Village Code; and

WHEREAS, the Planning Board reviewed the application and recommended that the applicant be approved for seven (7) tables, and twenty-eight (28) chairs on the rear patio as depicted on the Site Plan drawn by Nicholas A Vero, Architect, P.C., as amended,

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes the placement of seven (7) outdoor tables and twenty-eight (28) chairs as recommended by the Planning Board and as shown on the 2020 application and submitted plan.

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

Change of Zoning, 85 & 105 Montauk Highway

Motion made by Deputy Mayor Urban to open this public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Raymond Dean and Chris & Sandy Nuzzi appeared for this public hearing; the Mayor explained the Board received a request to move the zoning line in order to expand the parking lot with a requirement for extra buffering from the residential area. The Mayor asked if anyone present would like to speak, Mr. Raymond Dean stated the property was previously zoned business and changed, the applicant is asking for the zoning to be put back to business, Mr. Dean commented that it will be an improvement to the area, the gateway to the Village and progress for the Village. Trustee Rubio commented that he agreed the corner needs to be cleaned up and addressed. Mayor Moore stated she felt the neighbors' concerns were that there would be more changes to the neighborhood and damage the residential nature of the area. The Mayor explained the Board would need to adopt a Local Law to make the Zoning change which needs to be before the Trustees for at least 7 days before adoption, Village Attorney Pasca advised the Mayor to keep this public hearing open until April 15, 2020, Mr. Dean asked what that meant, Mr. Pasca explained that reopening a new public hearing to have the local law entered into the record didn't make sense, just keep this hearing open. Trustee Rubio commented that is the easiest way to streamline the process. Mayor Moore asked if anyone had an objection, so at this point Mr. Pasca can write the local law, distribute to the Trustees for the next Board meeting. Mr. Nuzzi commented that this has been bounced from the planning board to the Board of Trustees, he stated that he would like to credit the Village Board for addressing this property, he asked the Board to leave some time for the public to see the plans and understand what is to happen to this property. Mr. Dean stated that his project has been in the works for at least 2 years, Deputy Mayor Urban made a motion to hold this public hearing open, Seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

RESOLUTIONS

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Tymann:

RESOLVED, that the minutes of the Board of Trustees Meeting of March 5, 2020 are hereby accepted.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes 0 Nays

Accept Departmental reports

Motion made by Deputy Mayor Urban:

RESOLVED, that the Treasurer's report for February 2020, the Justice Court, Police Department's and Building Inspector's reports for March 2020, are hereby accepted.

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

Approve 2020 Shared Computer Services with Southampton Town

Motion made by Trustee Frano:

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2020 Shared Computer Services Agreement with the Town of Southampton at a cost of \$65,896.00; which includes an upgrade/conversion cost of \$46,317.00 and may vary according to the addition or deletion of services during the calendar year from G/L account code A1355.4.

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

Authorize Change Orders for Alleyway Drainage Project

Motion made by Trustee Rubio:

RESOLVED, that at the recommendation of H2M Engineering Associates for Excav Services Inc., the Board of Trustees hereby approves change work order # 3 in the amount of \$6,885.11 for billable overtime hours necessary to complete job prior to July 4, 2019 and change work order # 4 in the amount of \$99,744.82 for underpinnings at 103 Main Street to be charged to the Capital Fund account H9500 Roads.

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

Accept Proposal for Engineering Services

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby accepts the proposal from H2M Engineers for Engineering Services for the Reconstruction of Parking Lots at Parlato Drive, Glovers Lane and Mill Road in an amount not to exceed \$12,900.00 from G/L account code A1440.4 Engineering & Surveys.

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

Refer Special Exception Application to Planning Board

Motion made by Deputy Mayor Urban:

RESOLVED, that the Special Exception application filed by Juan Ruiz for an Outdoor Music Permit and Outdoor Tables, Chairs and Benches Permit Located at 77 Main Street is hereby referred to the Village Planning Board for review.

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

Authorize 2020 Renewal of Sydney's Taylor Made Cuisine Outdoor Dining Permit

Motion made by trustee Frano:

WHEREAS, Sydney's Taylor Made Cuisine has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place (3) tables and (12) chairs on the front porch pursuant to §196-2 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 Board of Trustees hereby authorizes the placement of three tables and twelve chairs to be placed on the west side of the building as shown on the submitted plan approved on June 27, 2014 and subject to the same set of conditions and plan attached to the 2020 application.

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

Authorize 2020 Renewal for Outdoor Music - Epicuria LLC (Salt & Loft)

Motion made by Trustee Rubio:

WHEREAS, Epicuria, LLC (Soft & Loft), located at 145 Main Street, Westhampton Beach (SCTM 0905-11-2-29), has applied to renew the 2020 Outdoor Music permit pursuant to Chapter 196-3 of the Code of the Village of Westhampton Beach; and

WHEREAS, the application was referred to the Village Planning Board, which, by memorandum dated July 15, 2019, stated that it has no objection to the request to place one (1) musician to a maximum of four (4) musicians on the outdoor southern portion of the patio only between the hours of 6:00 pm to 11:00 pm Fridays and Saturdays as shown on the site plan attached to the application; and

WHEREAS, it appears from the Outdoor Music Plan and Planning Board report that the application satisfies the conditions of section 196-3(B) of the Village Code; now

therefore,

BE IT RESOLVED that the renewal of the Outdoor Music permit is granted subject to the following conditions:

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.

1. It shall be the obligation of BMB Enterprises LLC (salt & Loft) that the public sidewalk is not obstructed and that no structures shall be placed in the parking lot preventing the use of any parking spaces.
2. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees; and
3. This permit shall be in effect from April 15, 2020 to November 15, 2020, 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.

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

Accept Proposal for Road Paving

Motion made by Trustee Tymann:

RESOLVED, that the price quote submitted by Rosemar Contracting, Inc. in the amount not to exceed \$325,612.50 for the road paving of Beach Lane from Main Street to Rogers Beach Bridge; to be taken from account code A5110.407 CHIPS Improvements and balance of money to be taken from A5110.408 Permanent Improvements account is hereby accepted.

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

Authorize Purchase of Trees for Main Street

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby approves the purchase of various trees from Ruppert Nurseries in the amount not to exceed \$16,375.00 and The Garden Dept. in an amount not to exceed \$9,059.00 for Main Street Plantings to be taken from account code H9500 Main Street Improvement Project.

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

Authorize Payment - Main Street Improvement Project

Motion made by Trustee Frano:

RESOLVED, that the payment to Bove Industries, Inc. (Bove) on requisition number seven shall be made under a reservation of the Village's rights with respect to Bove's failure to maintain insurance coverage as required by the contract between Bove and the Village and as set forth in the notice to Bove dated February 27, 2020.

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

Approve Warrant for April 2020

Motion made by Trustee Rubio:

RESOLVED, that the warrant for April 2020 in the amount of \$202,211.10 for the General Fund and \$1,248,899.88 for the Capital Fund is hereby approved.

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

PUBLIC COMMENT

The Mayor continued the decision from the April 1, 2020 meeting regarding the 2020 Beach rates & rules, new street signs for Main Street and updating the Village Code reference "Parking". The Chief and Trustee Frano have gone over the current code and have made the changes that are necessary for the Village parking regulations to be uniform. Mayor Moore presented the 2020-2021 Tentative Budget, pointing out certain items and explaining them. A public hearing on the budget is scheduled for April 15, 2020. The Mayor asked if anyone else in the audience wanted to be heard, Joan Levan commented about the Village's home page and said it was terrific with lots of information, there being no one else the Mayor asked for a motion to close the meeting motion made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 7:04 PM.

Respectfully submitted,

Elizabeth Lindtvit
Clerk-Treasurer