

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, November 7, 2019 at 5 p.m.**

PLEDGE OF ALLEGIANCE

RESOLUTIONS:

1. Local Law # 8/2019 - Chapter 197-1 Accessory Use, Automotive Service Station
2. Local Law # 9/2019 - Chapter 197, Attachment # 1
3. Accept minutes of Board of Trustees Meetings
4. Accept Departmental Monthly Reports
5. Accept Performance Bond from Avidor Group LLC
6. Authorize Use of Village Property-East End Hospice
7. Refer Special Exception Application for Entertainment Permit to Planning Board
8. Approve warrant for November 2019
9. Authorize Snow Removal Agreement with Village of Westhampton Dunes
10. Schedule Public Hearing Local Law Amendment
11. Refer Village Code Changes to Planning Board
12. Schedule Public Hearing Local Law Amendment
13. Schedule Public Hearing Local Law Amendment
14. Approve 2020 Marina Rates, Rules and Regulations
15. Authorize Renewal of HVAC Annual Service Agreement
16. Authorize Purchase and Installation for a Control System Upgrade of HVAC
17. Authorize Purchase of LED Street Lighting Materials
18. Appoint DPW Laborers
19. Appoint Part-time Police Officer
20. Authorize Change Order for Main Street Improvement Project

MAIN STREET UPDATE - SANDPEBBLE

PUBLIC COMMENT

ADJOURN

EXECUTIVE SESSION

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, November 7, 2019 at 5 p.m.**

PLEDGE OF ALLEGIANCE

RESOLUTIONS:

1. Local Law # 8 of 2019 - Chapter 197-1 Accessory Use, Automotive Service Station

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 3th day of October to amend Chapter 197, entitled "Zoning," of the Code of the Village of Westhampton Beach; and

WHEREAS, the Department of Building & Zoning has recommended that the adoption be considered a Type I action pursuant to 6NYCRR 617.4(b)(2), and that the Village Board of Trustees assume Lead Agency; and

WHEREAS, the Suffolk County Planning Commission, via correspondence dated October 1, 2019, determined the proposed amendment to be a matter of local determination and the Board of Trustees assumes Lead Agency and determines the adoption to be Type I action; and be it further

RESOLVED, the Village Board of Trustees, as Lead Agency, issues a negative declaration of significance for the purposes of SEQRA compliance; and

NOW, THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts said Local Law as advertised and attached, and the Village Clerk is directed to enter said Local Law in the records of the Village; and to give due notice of the adoption of said Local Law to the Secretary of State.

2. Local Law # 9 of 2019 - Chapter 197, Attachment # 1

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 3th day of October to amend Chapter 197, entitled "Zoning," of the Code of the Village of Westhampton Beach; and

WHEREAS, the Village Planner has recommended that the adoption be considered an Unlisted action without the need for coordinated review pursuant to 6NYCRR 617 (SEQR), and that the Village Board of Trustees assume Lead Agency; and

WHEREAS, the Suffolk County Planning Commission, via correspondence dated October 1, 2019, determined the proposed amendment to be a matter of local determination and the Board of Trustees assumes Lead Agency and determines the adoption to be an Unlisted action; and be it further;

RESOLVED, the Village Board of Trustees, as Lead Agency, issues a negative declaration of significance for the purposes of SEQR compliance;

NOW, THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts said Local Law as advertised and attached, and the Village Clerk is directed to enter said Local Law in the records of the Village; and to give due notice of the adoption of said Local Law to the Secretary of State.

3. Accept minutes of Board of Trustees Meeting

RESOLVED, that the minutes of the Board of Trustees Meeting of October 3, 2019 are hereby accepted.

4. Accept Departmental Monthly Reports

RESOLVED, that the Justice Court, Police Department and Building Department reports for October 2019 and Treasurer's Report for September 2019 are hereby accepted.

5. Accept Performance Bond from Avidor Group LLC

RESOLVED that the Performance Bond submitted by Avidor Group, LLC (as Principal) on November 4, 2019 and executed on October 24, 2019, to secure the performance of certain improvements required by the Planning Board of the Village of Westhampton Beach in connection with the subdivision application made by Avidor Group, LLC, is accepted, together with the accompanying deposit of \$71,399.00, which shall be deposited and held in Village of Westhampton Beach Trust and Agency Account T32 "Performance Bond-Avidor Group, LLC" in accordance with the terms of the Performance Bond.

6. Authorize Use of Village Property-East End Hospice

RESOLVED, that East End Hospice is hereby authorized to use the Village Green on Sunday, December 8, 2019 for the annual Tree of Lights Memorial Service from 2:30 p.m. until 3:30 p.m.

7. Refer Special Exception Application for Entertainment Permit to Planning Board

RESOLVED, that the Special Exception application received from the Westhampton Country Club for an Entertainment Permit for property located at 35 Potunk Lane is hereby referred to the Village Planning Board for review.

8. Approve Warrant for November 2019

RESOLVED, that the warrant for November 2019 in the amount of \$281,317.59 for the General Fund and \$3,372,294.26 for the Capital Fund is hereby approved.

9. Authorize Snow Removal Agreement with Village of Westhampton Dunes

RESOLVED, that the Mayor is hereby authorized to execute an agreement with the Village of Westhampton Dunes for the removal of snow by the Village of Westhampton Beach Department of Public Works employees for an annual fee of \$15,000.00 plus reimbursement of any certified expenses that may exceed said fee, for the time period November 1, 2019 through October 31, 2020.

10. 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 December 5, 2019 at 5:00 p.m. at the Village Hall on a Local Law Amending Chapter 197-27 of the Village Code entitled "Fill".

11. Refer Village Code Changes to Planning Board

RESOLVED, that the Board of Trustees are referring 2 Local Law changes amending Chapter 197-1 entitled "Zoning" and Chapter 150-6 entitled "Lot Design" to the Village Planning Board for review.

12. 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 December 5, 2019 at 5:00 p.m. at the Village Hall on a Local Law Amending Chapter 197-1 of the Village Code entitled "Zoning".

13. 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 December 5, 2019 at 5:00 p.m. at the Village Hall on a Local Law Amending Chapter 150-6 of the Village Code entitled "Lot Design".

14. Approve 2020 Marina Rates, Rules and Regulations

RESOLVED, that the attached marina rates, rules & regulations for 2020 are hereby approved.

15. Authorize Renewal of HVAC Annual Service Agreement

RESOLVED, that the annual renewal of labor and inspection service agreement for October 1, 2019 to September 30, 2020 with Dynaire Service Corp. for the Village Hall HVAC system at a cost of \$8,000.00 is hereby renewed.

16. Authorize Purchase and Installation of a Control System Upgrade for HVAC

RESOLVED, that the proposal from Dynaire Corporation for the installation for control upgrades for the Village Hall HVAC system at a cost of \$10,500.00 is hereby approved and to be taken from G/L account H9999 General Fund Capital Repair.

17. Authorize Purchase of LED Street Lighting Materials

RESOLVED, that the Board of Trustees hereby approves the purchase of various Street Luminaires, and Photocontrol cells from Goodmart, LLC to convert Village street lights to LED in an amount not to exceed \$12,500.00 to be taken from G/L account A5182.421 Street Lighting Materials.

18.Appoint DPW Laborers

RESOLVED, that Andrew Prelli, Salvatore King and Andrew Dunham are hereby appointed as Laborers at a rate of \$1,863.66 Semi-monthly in the Department of Public Works to work as assigned by the Public Works Superintendent effective November 11, 2019 to be funded from G/L account A5110.101 P/S Public Works.

19.Appoint Part-time Police Officer

RESOLVED, that Sabina Costantini is hereby appointed to the position of Part-time Police Officer at a hourly rate of \$23.00 effective November 8, 2019 in accordance with Suffolk County Department of Civil Service rules and procedure pending completion and graduation from the Suffolk County Police Academy.

20.Authorize Change Order for Main Street Improvement Project

RESOLVED, that the Board of Trustees hereby approves change order # 2 in the amount of \$500,000.00 as a payment on account to excavate, load and transport existing unsuitable material from Main Street and replace with Recycled Concrete Aggregate (RCA), compacted for the unit price of \$8.05 per square foot to(two feet deep) subject to the recommendation of The Raynor Group and set forth in PCO # 2, (proposed change order) be charged to the Capital Fund account H9500 Roads and issue credits as appropriate.

MAIN STREET UPDATE - SANDPEBBLE

PUBLIC COMMENT

ADJOURN

DATED: November 7, 2019

Elizabeth Lindtvit
Village Clerk-Treasurer

EXECUTIVE SESSION

Local Law # 8 of 2019

CHAPTER 197 Entitled "Zoning"

Article I: General Provisions

§197-1 Definitions.

ACCESSORY USE

A use customarily incidental and subordinate to the principal use of a building and property and when located on the same plot with such principal use or building. No such accessory building, other than a cabana or pool house of less than 200 square feet in floor area or a valid existing accessory apartment, as defined in this Code, shall contain any bath, shower or plumbing facilities. ~~The sale of nonautomotive products shall not be considered an accessory use which is customary, incidental and subordinate to an automobile dealer showroom and service, automotive repair shop or automotive service station, as those terms are defined in this code.~~

AUTOMOTIVE SERVICE STATION

A building or parcel of land used for the retail sales of motor fuels, lubricants and motor vehicle supplies and motor vehicle equipment, including electronic and telephonic equipment. Motor vehicle repairs, including detailing, shall be permitted as an accessory use. Automotive body repair and painting shall be prohibited. No motor vehicle shall be allowed to remain on the lot or upon any other lot or lots owned by or under the control of the person operating such service station for more than seven days unless the same is entirely enclosed within a building. Outdoor repair work shall be prohibited. Outdoor storage of dismantled or unregistered vehicles or automobile parts is prohibited. The sale, lease, rental or display of motor vehicles, trailers, mobile homes or other vehicles shall be prohibited. ~~Side and rear yards shall be screened from abutting properties by solid vegetative screen or fence no less than four and no more than six feet in height. A~~ An accessory mini-market or convenience store shall be prohibited. or expansion thereof may be permitted by special exception with a gross floor area no greater than 350 square feet per fueling station up to a maximum of 3,000 square feet, and in accordance with the dimensional requirements of the zoning district.

*Overstrike represents deletion(s)

*Underscore represents addition(s)

Local Law # 9 of 2019

**CHAPTER 197: Entitled "ZONING"
197 Attachment 1
Village of Westhampton Beach
Business Districts, Hamlet
Commercial/Residential District, and Hotel District
Table of Use Regulations**

- P = Permitted use
- SE = Special exception use
- X = Prohibited use

ALL UNLISTED USES AND NAICS CLASSIFICATIONS ARE PROHIBITED IN ALL DISTRICTS

NAICS	Use Classification	Business Zoning District				
		B-1	B-2	B-3	HC	Hotel
	Services: Personal, Business, Health and Other (continued)					
236; 238	General and special trade contractors' offices	X	SE	SE	X	X SE

197 Attachment 1:5

**CHAPTER 197: Entitled "ZONING"
Article VIII Special Exceptions**

§197-80.7 Conditions for building construction, general and special trade contractor's offices.

- A.** This use is intended for the office, administrative and headquarters portion of the business use, including customer service and visitor parking for same.
- B.** Vehicles related to the business may park on the premises if parked in standard size parking spaces provided by the business and which are counted as part of the required minimum parking spaces based on the schedule of off-street parking space requirements for the use, but which do not encroach upon spaces required for other uses on the parcel as required by the schedule. Said spaces shall not be located in the front rear yard of the subject parcel.
- C.** There shall be no outdoor parking or storage of oversize company trucks or mobile equipment of any type.
- D.** There shall be no outdoor storage of any materials, stored equipment or supplies permitted on the site.
- E.** Contractor's offices located in the B-3 Zoning Districts shall provide a minimum of a fifty-foot continuous landscaped buffer between parcels containing this use(s) and any abutting residential zoning district boundary or any parcel containing a certificate of occupancy for a residential use. The buffer shall be located on the subject premises.
- F.** Contractor's offices located in the HD Zoning District may be permitted to reduce the required rear yard setback to a minimum of (50) fifty feet, subject to

the discretion of the reviewing Board.

§197-80.9 Conditions for general and special trade contractor's administrative offices.

- A.** No vehicle may park on site that is in excess of 20 feet or 8,000 pounds.
- B.** There shall be no exterior or interior storage of items, including but not limited to materials, equipment, tools, or supplies related to the contractor's business other than administrative office use items.
- C.** There shall be no overnight parking of company or employee vehicles permitted on the premises.
- D.** Contractor's administrative offices located in the HD Zoning District may be permitted to reduce the required rear yard setback to a minimum of (50) fifty feet, subject to the discretion of the reviewing Board.
- Overstrike represents deletion(s)
 - Underscore represents addition(s)