

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Stephen Frano
Trustee Brian Tymann
ABSENT: Trustee Rob Rubio

Village Attorney – Anthony Pasca
Clerk-Treasurer Elizabeth Lindtvit

PUBLIC HEARINGS

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

Mayor Moore asked for a motion to open the public hearing motion made by Deputy Mayor Urban seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked the Village Attorney Anthony Pasca to briefly explain the law amendment. Mr. Pasca explained that it has been discussed for a while, everyone knows that accessory uses to an automotive service stations are no longer predominately actual service stations so the trend not only locally but nationwide is to trend over to accessory mini-marts to have some accessory sales, so this is something that would allow as a special exception the Board to approve that as part of a gas station accessory use only. The Board put some thought into size limits and there will always be a relationship to the number of pumps so the it would always be an accessory use to the station. The Mayor asked the audience if anyone would like to comment, a question was asked if this was specific to the station on Depot Road, the Mayor explained that it would be for any station in the Village. There was continued discussion about the size of the use. Mayor Moore asked if anyone else would like to be heard, there being no response, 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.

Local Law # 9 Chapter 197, Attachment # 1

Mayor Moore asked for a motion to open the public hearing motion made by Trustee Frano seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked the Village Attorney to briefly explain the change, Village Attorney Pasca explained there have been some property owners in the HD district interested in using their property for other uses not allowed, this law change would allow for these uses under a Special Exception permit granted by the Board of Trustees. Mayor Moore asked if anyone had a comment, there being no response from the audience the Mayor asked for a motion to close the public hearing, motion made by Trustee Rubio, seconded by Trustee Tymann and unanimously approved 4 Ayes, 0 Nays.

Special Exception Application to Construct, Operate and Maintain a small cell public utility wireless communication facility

Mayor Moore asked for a motion to open the public hearing motion made by Deputy Mayor Urban seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Village Attorney Pasca explained this was an application to install an antenna facility in the building, it will be incorporated into the building, not a visible tower. The Mayor commented that the Board had a very thorough presentation by Verizon at the prior meetings and also went before the Planning Board and ARB Board. The Mayor asked if anyone in the audience had any questions or comments, there being no response the Mayor asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Tymann:

WHEREAS, 112 WHB LLC, as "applicant," has applied for a Special Exception Permit for a wireless telecommunications facility under Section 197-42.1 of the Village Code, to locate antennas and associated equipment within an existing structure on property located at 112 Old Riverhead Road, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as 905-2-2-4.4; and

WHEREAS, by resolution dated September 12, 2019, the Planning Board classified the action as a Type II action under SEQRA and granted site plan approval to the proposed structural

modifications to the existing building that would enable the erection of the antennas and associated equipment; and

WHEREAS, a public hearing was held on the Special Exception Permit application on October 3, 2019; and

WHEREAS, the application is consistent with the goals and standards expressed in Section 197-42.1 of the Code, insofar as the proposed wireless telecommunications facility is proposed to be located within an existing building (subject to some modifications to the building that do not require variances) rather than proposing the construction of a new tower; now, therefore, be it

RESOLVED that the applicant's Special Exception Permit application is granted, subject to the conditions of the Planning Board's September 12, 2019 determination approving the site plan, and the Village Code, including the requirement for periodic review, at five-year intervals, as set forth in Section 197-42.1. U of the Village Code.

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

RESOLUTIONS

Accept minutes of Board of Trustees Meeting

Motion made by Deputy Mayor Urban:

RESOLVED, that the minutes of the Board of Trustees Regular Meeting of September 5, 2019; Special Meeting of September 12, 2019, Special Meeting of September 23, 2019 and Special Meeting of September 26, 2019 are hereby accepted.

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

Accept Departmental reports

Motion made by Trustee Frano:

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

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

Accept Proposal for Heating System - DPW Building

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby accepts the proposal from Liberty Gas to provide the sale and installation of a new Modine Hanging Unit Heater and inside and outside gas piping system for the DPW department in an amount not to exceed \$5,500.00 from G/L account code A1620.422 Repairs to DPW Building.

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

Accept Proposal for Garage Door - DPW Building

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby accepts the proposal from All Island Garage Door Inc. to cut and Remove wall, frame out and install one (1) 10 x 10 Clopay Model # 3200 White garage door for the DPW department in an amount not to exceed \$2,385.00 from G/L account code A1620.422 Repairs to DPW Building.

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

Adopt Village Cell Phone Policy

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby adopt the attached Cell Phone policy.

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

Approve Use of Village Property-The Buoy Owners Corp.

Motion made Trustee Frano:

RESOLVED, that the Buoy Owners Corp. is hereby authorized to use the Village Board meeting room on Saturday November 16, 2019 from 9:30 a.m. to 12:00 p.m. to hold the annual shareholders meeting.

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

Authorize Entertainment Permit

Motion made by Trustee Rubio:

WHEREAS, The Claddagh Restaurant, 141 Montauk Highway, Westhampton Beach (SCTM 0905-5-2-6.2), 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 Board of Trustees authorized an Entertainment Permit for 2017 with no renewal for 2018 and the applicant, The Claddagh Restaurant has applied to renew this permit for 2019; and

WHEREAS, it appears from the application and Proposed Entertainment Plan 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:

All conditions set forth in section 80-2(A) shall be followed;

No substantial deviation from the Proposed Entertainment Plan shall be allowed without further approval of the Board of Trustees; and

This permit shall be in effect to December 31, 2019, 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 beyond such expiration date.

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

Authorize Increase in Main Street Surveying Fees

Motion made by Trustee Tymann:

WHEREAS, Fox Land Surveying submitted a detailed proposal dated June 27, 2019 to provide the services requested for the Main Street Improvement project, and

WHEREAS, Fox Land Surveying has provided additional staking and grading of watermains and drainage crossing points during Phase 1 of the Main Street Improvement Project;

NOW THEREFORE BE IT;

RESOLVED, that the Board of Trustees hereby authorizes an additional amount of \$13,000.00 to cover these additional project costs to be funded from the Capital Account H9500 Roads.

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

Approve Warrant for October 2019

Motion made by Deputy Mayor Urban:

RESOLVED, that the warrant for October 2019 in the amount of \$660,479.36 for the General Fund and \$2,244,987.96 for the Capital Fund is hereby approved, except that the progress payment to Bove Industries, Inc. ("Bove") approved as part of this warrant resolution shall only be delivered to Bove when an acceptable Progress Schedule has been submitted to Sandpebble Builders (the "Owner's Representative") in accordance with Section 2.05A.1 of the General

October 3, 2019

Conditions of the Agreement between Bove and the Incorporated Village of Westhampton Beach for the Main Street Improvement Project; is hereby approved.

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

PUBLIC COMMENT

Victor Consecro from Sandpebble gave a presentation on the Main Street project, explaining what is currently going on and the status of the work. There was a slide presentation. There was an open discussion about parking and signage etc. Mr. Irwin Crasnow thanked the Board for the local law change regarding accessory uses for automotive stations. Sabina Trager asked what the cost would be for the Westhampton Beach taxpayer for the project, the Mayor explained that the Village has about \$5,000,000 put aside, the project cost came in at \$11,200,000 the difference would be bonded; the previously paid off debt service payments remained in the budget there for the principal and interest payment on this new debt service is currently budgeted, so there should be little if any anticipated tax increase for the taxpayers.

Motion made by Deputy Mayor Urban to close the meeting, seconded by Trustee Frano, meeting adjourn at 5:54 pm

DATED: October 3, 2019


Elizabeth Lindtvit
Village Clerk-Treasurer