

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, February 7, 2019 at 5:00 P.M.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

Special Exception-Change of Use-Fisher Signs and Shirts

LL # 2/2019 - Outdoor Dining, Tables, Chairs and Benches Season Extension

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meeting
2. Accept Departmental Reports
3. Accept 2017-2018 Fiscal Year Annual Financial Statements
4. Authorize Payment of 2015/16 through 2016/17 Assessment Reduction
5. Authorize Payment of 2017/18 Assessment Roll Correction
6. Approve 2019 Marina Rates, Rules and Regulations
7. SEQRA Determination
8. Adopting LL # 1 of 2019
9. Approve Warrant for February 2019
10. Accept Proposal - Project Management Services
11. Approve 2019 Fire Inspection Services with Southampton Town

PUBLIC COMMENT

EXECUTIVE SESSION

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Special Exception-Change of Use-Fisher Signs and Shirts
(SEE RESOLUTION ON SEPERATE PAGE)

LL # 2/2019 - Outdoor Dining, Tables, Chairs and Benches Season Extension
(SEE RESOLUTION ON SEPERATE PAGE)

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meeting

RESOLVED, that the minutes of the Board of Trustees Meeting of January 3, 2019 and Special Meeting of January 16, 2019 are hereby accepted.

2. Accept Departmental Reports

RESOLVED, that the Treasurer's reports for December 2018, Justice Court, Police Department's and Building Inspector's reports for January 2019, are hereby accepted.

3. Accept 2017–2018 Fiscal Year Annual Financial Statements

RESOLVED, that the 2017–2018 Fiscal Year Annual Financial Statements prepared by Satty, Levine and Ciacco for the Village of Westhampton Beach and the Village Justice Court are hereby accepted.

4. Authorize Payment of 2015/16 through 2016/17 Assessment Reduction

RESOLVED, that the Board of Trustees hereby authorize the payment of a 2015/16 through 2016/17 property tax assessment reduction in the amount of \$3,224.84 to David & Felicia Bieber for SCTM#0905-10-7-31.15.

5. Authorize Payment of 2017/18 Assessment Roll Correction

RESOLVED, that the Board of Trustees hereby authorize payment of 2018/19 tax year property tax reduction in the amount of \$7,889.65 to the property owner specified on the attached as settlement of Small Claims as ordered by the NYS Supreme Court.

6. Approve 2019 Marina Rates, Rules and Regulations

RESOLVED, that the attached marina rates, rules & regulations for 2019 are hereby approved.

7. SEQRA DETERMINATION

WHEREAS, the Trustees of the Village of Westhampton Beach are considering a proposed local law to Chapter 197 ("Zoning") of the Village Code with respect to the conditions, definitions, dimensional regulations and Table of Use Regulations applicable to hotels; and

WHEREAS, in particular the proposed amendments to Chapter 197 in the proposed local law are appropriate for the following reasons:

The Village's Business Districts Comprehensive Plan 2006 Update has the following vision statement for the Village.

"A welcoming 'coastal community' with a charming vibrant, prosperous downtown full of first-rate shops, cafes, and culture that's bustling with pedestrians."

The 2006 plan update has policy guidelines for each of the Village's business districts to achieve this vision. The following is a specific policy guideline from the 2006 plan update for Business I (B-1) Zoning District (Downtown) related to encouraging uses that provide accommodations to visitors:

"On the side streets of downtown and adjacent to Main Street, inns and bed and breakfast facilities that stress Village ambiance should be located to accommodate people that have been attracted to visit the Village."

Further §197-16A. (8) codified the goal to *"Provide for visitor accommodations and tourist amenities;"* in the B-1 district.

This proposed local law is designed to implement these recommendations from the Business Districts Comprehensive Plan 2006 Update and the Village Code; and

WHEREAS, after preparation and review of the Long Environmental Assessment Form ("LEAF") Parts I and II, as prescribed by 6 NYCRR Part 617, State Environmental Quality Review Act (SEQRA) for the subject Unlisted Action, the Village Trustees have considered the magnitude and importance of each potential impact; and

WHEREAS, an uncoordinated review was conducted, pursuant to SEQRA on the subject unlisted action, as there are no other involved agencies associated with the subject action; and

WHEREAS, the Village Trustees find that there are no moderate to large impacts identified in the LEAF Part 2 and, therefore, there are no significant adverse impacts associated with adoption of the proposed local law;

NOW, THEREFORE, BE IT RESOLVED, pursuant to SEQRA 6 NYCRR Part 617, the Village Trustees hereby adopt a negative declaration (determination of non-significance) for the proposed local law to Chapter 197 ("Zoning") of the Village Code with respect to the conditions, definitions, dimensional regulations and Table of Use Regulations applicable to hotels, and authorize the Mayor of the Incorporated Village of Westhampton Beach, Maria Moore, to complete and sign the LEAF Part 3, indicating that the proposed action will not result in any significant environmental impacts.

8. RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2019

WHEREAS, the Board of Trustees, as the legislative body of the Village of Westhampton Beach, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Village Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared to amend Chapter 197 (Zoning) with respect to the conditions, definitions, dimensional regulations and Table of Use Regulations applicable to the approval of hotels; and

WHEREAS, the Village's Business Districts Comprehensive Plan 2006 Update has the following vision statement for the Village.

"A welcoming 'coastal community' with a charming vibrant, prosperous downtown full of first-rate shops, cafes, and culture that's bustling with pedestrians."

The 2006 plan update has policy guidelines for each of the Village's business districts to achieve this vision. The following is a specific policy guideline from the 2006 plan update for Business I (B-1) Zoning District (Downtown) related to encouraging uses that provide accommodations to visitors:

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Further §197-16A. (8) codified the goal to *"Provide for visitor accommodations and tourist amenities;"* in the B-1 district.

This proposed local law is designed to implement these recommendations from the Business Districts Comprehensive Plan 2006 Update and the Village Code; and

WHEREAS, the proposed local law was referred to the Suffolk County Planning Commission pursuant to section 239-m of the General Municipal Law; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Board of Trustees for seven calendar days, exclusive of Sunday; and

WHEREAS, the action is classified as an unlisted action under the State Environmental Quality Review Act ("SEQRA") and a Negative Declaration has been issued by the Village's Board of Trustees; and

WHEREAS, pursuant to due notice a public hearing has been held on the December 6, 2018 and continued to January 3, 2019 at which time the public hearing was closed, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public during regular business hours in the Office of the Village Clerk; and

WHEREAS, the Board of Trustees has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on the dates set forth above, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, be it RESOLVED That the Board of Trustees of the Village of Westhampton Beach hereby enacts and adopts Local Law # 1 of 2019, a local law amending Chapter 197 of the Village Code entitled "Zoning" with respect to the conditions, definitions, dimensional regulations and Table of Use Regulations applicable to hotels; that the Board of Trustees of the Village of Westhampton Beach authorizes the Mayor to sign the local law annexed; and that the Board of Trustees of the Village of Westhampton Beach hereby authorizes the Village Clerk to certify the local law annexed as a true and correct enactment adopted by this Board and to forward it in proper form to the Secretary of State for filing.

9. Approve Warrant for February 2019

RESOLVED, that the warrant for February 2019 in the amount of \$260,618.43 for the General Fund and \$88,930.60 for the Capital Fund is hereby approved.

10. Accept Proposal - Project Management Services

RESOLVED, that the proposal submitted by Sandpebble Project Management in the amount of \$25,250.00 to oversee the Main Street Improvement project including, scheduling, assessing community impacts, plan and specification review, and project budget development from G/L Capital account H9500 Road Improvement is hereby accepted.

11. Approve 2019 Fire Inspection Services with Southampton Town

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2019 Fire Inspection Services Agreement with the Town of Southampton pursuant to fees established by the Town of Southampton and the type of necessary service.

PUBLIC COMMENT

ADJOURN

DATED: February 7, 2019

Elizabeth Lindtvit
Village Clerk-Treasurer

EXECUTIVE SESSION

APPROVE SPECIAL EXCEPTION FOR CHANGE OF USE

WHEREAS, by Special Exception Permit Application dated and filed on December 5, 2018, Fisher Signs and Shirts (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees to change the use of property located at 96 Old Riverhead Road, Westhampton Beach, New York, from office space to an Administrative Contractor's office; and

WHEREAS, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 197-77; and

WHEREAS, on January 11, 2019, the Planning Board stated that, based upon its review, it believed that the applicant would comply with the provisions set forth in the Village Code and recommended that the Board of Trustees grant the Special Exception Permit for the change of use to the applicant; and

WHEREAS, pursuant to Village Code section 197-76, 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 for uses that are specifically provided for in Chapter 197; and

WHEREAS, a Public Hearing was duly noticed and held on February 7, 2019,

NOW THEREFORE BE IT RESOLVED, That, the applicant's request for a Special Exception Permit to change the use of property located at 96 Old Riverhead Road, Westhampton Beach, New York, from office space to an Administrative Contractor's office is hereby approved.

LOCAL LAW NO. 2 of 2019
A LOCAL LAW AMENDING SECTION 196-1 and 196-2
OF THE VILLAGE CODE

Be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:
SECTION I. PURPOSE

The Board of Trustees wishes to amend Section 196-1(B) (10) and Section 196-2(B) (10) in order to extend both the time that a business is able to offer outdoor dining, and the time that tables and chairs and equipment used for outdoor dining are permitted to remain outside.

SECTION II. AMENDMENT TO SECTIONS 196-1 AND 196-2

(a) The underlined material shall be added as follows:

§ 196-1. Outdoor dining; conditions for permit.

* * * *

B. The issuance of the permit shall be subject to the following conditions:

- (10) Outdoor dining shall be permitted during the period of April 15 to November 15 of each year, and all equipment used for outdoor dining shall be removed by November 20 of each year. The Board has the right to extend this outdoor dining period for those permit holders where the Board determines that such extension will not impact snow removal or other safety concerns provided that the extended period does not exceed 10 months.

§ 196-2. Outdoor tables, chairs and benches; conditions for permit.

* * * *

B. The issuance of the permit shall be subject to the following conditions:

- (10) Outdoor tables, chairs and benches shall be permitted during the period of April 15 to November 15 of each year, and all equipment used for outdoor dining shall be removed by November 20 of each year. The Board has the right to extend this period for those permit holders where the Board determines that such extension will not impact snow removal or other safety concerns and provided that the extended period does not exceed 10 months.

SECTION III. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Dated: February 7, 2019

RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2019

WHEREAS, the Board of Trustees, as the legislative body of the Village of Westhampton Beach, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Village Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared to amend Chapter 196 of the Village Code entitled "Outdoor Dining, Outdoor Tables, Chairs and Benches and Music" to give the Board of Trustees the authority to extend the period of time for outdoor dining and the placement of tables, chairs, benches, and equipment used outside for dining purposes to a ten-month period, under certain conditions; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Board of Trustees for seven calendar days, exclusive of Sunday; and

WHEREAS, the action is classified as Type II under the State Environmental Quality Review Act ("SEQRA") under 6 NYCRR §617.5(c) (12) & (33) and, therefore, no further SEQRA review is required; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 7th day of February, 2019, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public during regular business hours in the Office of the Village Clerk; and

WHEREAS, the Board of Trustees has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on February 7, 2019, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, be it RESOLVED: That that the Board of Trustees of the Village of Westhampton Beach hereby enacts and adopts Local Law # 2 of 2019, a local law amending Chapter 196-1(B)(10) and 196-2(B)(10) of the Village Code giving the Board of Trustees the authority to extend the period of time for outdoor dining and the placement of tables, chairs, benches, and equipment used outside for dining purposes to a ten-month period, under certain conditions, and

The Board of Trustees of the Village of Westhampton Beach authorizes the Mayor to sign the local law annexed; and hereby authorizes the Village Clerk to certify the local law annexed as a true and correct enactment adopted by this Board and to forward it in proper form to the Secretary of State.