

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

Village Attorney – Stephen Angel  
Clerk-Treasurer Elizabeth Lindtvit

**PUBLIC HEARINGS**

**Special Exception Application for Outdoor Music - Epicuria LLC (Salt & Loft)**

Mayor Moore ask 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 explained that this public hearing was for a Special Exception permit for Outdoor Music for Salt & Loft located at 145 Main Street; Mayor Moore asked if anyone in the audience would like to be heard, 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, BMB Enterprises, LLC (Soft & Loft), located at 145 Main Street, Westhampton Beach (SCTM 0905-11-2-29), has applied for an 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, a public hearing was held on the application on August 1, 2019, pursuant to section 196-4(D) of the Village Code; 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 application for an 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 August 1, 2019 to October 31, 2019, 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 Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

**Special Exception Application for Outdoor Tables, Chairs and Benches - Aji Authentic Mexican Food**

Mayor Moore ask 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 explained that this public hearing was for a Special Exception permit for Outdoor Tables, Chairs and/or Benches for Aji Authentic Mexican Food located at 77 Main Street; Mayor Moore asked if anyone in the audience would like to be heard,

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 Deputy Mayor Urban:

WHEREAS, by Special Exception Permit Application dated June 20, 2019, Aji Authentic Mexican Food (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees for Outdoor Tables, Chairs and Benches for four (4) picnic tables with eight (8) attached benches located at 77 Main Street, Westhampton Beach, New York, SCTM numbers: 905-11-2-9; and

WHEREAS, on July 1, 2019, 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 July 15, 2019 the Village Planning Board by memorandum, stated that it has no objection to the request to place four (4) picnic tables with eight (8) attached benches as shown on the site plan attached to the application; and

WHEREAS, a Public Hearing was duly noticed and held on August 1, 2019, it is hereby;

RESOLVED that, the applicant's request for a Special Exception Permit for Outdoor Tables, Chairs and Benches for four (4) picnic tables with eight (8) attached benches located at 77 Main Street, Westhampton Beach, New York is hereby approved.

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

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#### LL # 5 of 2019 - Accessory Structures

Mayor Moore ask for a motion to open the public hearing motion made by Trustee Tymann seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained that this was a suggestion from the Building Department to amend the code for accessory structures. Mayor Moore asked if anyone in the audience would like to be heard, 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 Frano:

WHEREAS, this Board has advertised a local law adding Chapter 197 of the Village Code, entitled "ZONING" and

WHEREAS, a public hearing was held on August 1, 2019, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law as advertised and attached.

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

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**LL # 6 of 2019 - Building Construction and Fire Prevention**

Mayor Moore ask 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 explained that this was a suggestion from the Building Department to amend the code for renewal fees for an open building permit. Mayor Moore asked if anyone in the audience 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 Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Rubio:

WHEREAS, this Board has advertised a local law adding Chapter 70 of the Village Code, entitled "Building Construction and Fire Prevention" and

WHEREAS, a public hearing was held on August 1, 2019, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law as advertised and attached.

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

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**RESOLUTIONS**


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**Schedule Special Meeting**

Motion made by Trustee Tymann: Resolution read by Stephen Angel, Village Attorney:

RESOLVED, that the Village Clerk is herewith requested to schedule and post a special meeting of the Board of Trustees for Tuesday August 6, 2019 at 5:00 in the Trustee Meeting room to consider the bids for the Main Street Project and award the bid for the project.

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

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**Accept minutes of Board of Trustees Meetings**

Motion made by Trustee Tymann:

RESOLVED, that the minutes of the Board of Trustees Organizational Meeting of July 1, 2019 and Special Meeting of July 17, 2019 are hereby accepted.

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

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**Accept monthly Reports from Departments**

Motion made by Deputy Mayor Urban:

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

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

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**Authorize Use of Village Property-Parking**

Motion made by Trustee Frano:

RESOLVED, that Jamie Betham (Mambo Kitchen) is hereby authorized to use the Rogers Beach parking lot on Monday August 5, 2019 from 5:00 p.m. to 7:30 p.m. for 30 cars for a voluntary beach clean-up project provided there is the availability.

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

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**Approve Use of Village Property – Westhampton Free Library**

Motion made by Trustee Rubio:

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Village Green property on Monday nights from September 2, 2019 to September 30, 2019 from 5:00 pm to 9:00 pm for a continuation of the Monday Night Movie.

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

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**Approve Use of Village Property-FBI National Academy Associates**

Motion made by Trustee Tymann:

RESOLVED, that the FBI National Academy Associates are hereby authorized to use Rogers Beach Pavilion on Friday, September 13, 2019 from 10:30 a.m. to 3:30 p.m. for a BBQ lunch for members.

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

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**Approve Use of Village Property-The Ride to Montauk 2019**

Motion made by Deputy Mayor Urban:

RESOLVED that Bicycle Shows U.S. is hereby authorized to use the Village Streets and roads on Saturday September 14, 2019 from 7:45 a.m. to 1:30 p.m. for the Ride to Montauk 2019 as per the route on file with the application.

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

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**RESOLUTION TABLED - Approve Use of Village Property- Kiwanis Club of Greater Westhampton**

RESOLVED, that the Kiwanis Club of Greater Westhampton is hereby authorized to use the Village Marina property for the 8th Annual Oyster Festival on Saturday, October 12, 2019 from 10 a.m. to 6 p.m. with a rain date of Sunday October 13, 2019.

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**Approve Use of Village Property-Greater Westhampton Chamber of Commerce**

Motion made by Trustee Frano:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Glovers Lane Park and Main Street on Saturday September 14, 2019 from 12:00 p.m. to 6:00 p.m. with set-up date on Saturday September 14, 2019 from 8:00 a.m. to 12:00 p.m. for an "End of Season Block Party and Sidewalk Sale with approved signage limited to 1 4' by 8' banner on Great Lawn corner and no more than 10 18" x 24" lawn signs placed as on the application.

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

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**RESOLUTION TABLED - Approve Use of Village Property-Greater Westhampton Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Marina on Saturday October 5, 2019 from 10:00 a.m. to 5:00 p.m. for the Greater Westhampton Beach Harvest Festival with the following conditions:

1. Beer Gardens must be fenced in completely.
2. Inspection of food trucks for acceptable generators as required by Village Board at entry point to be determined.
3. Approved signage to be: 2 Directory signs, 12 18" x 24" lawn signs placed as on application and 1 4' x 8' vinyl banner (corner Library Ave & Stevens Lane).

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**Approve Use of Village Property-Thomas Poole**

Motion made by Trustee Rubio:

RESOLVED, that Thomas Poole is hereby authorized to use part of the Great Lawn on Saturday August 3, 2019 from 5:30 pm to 8:30 pm for valet parking with the conditions from the Police Chief as attached to the application and subject to supplying his own barricades.

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

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**Authorize Payment of 2018/2019 Assessment Roll Correction**

Motion made by Trustee Tymann:

RESOLVED, the Board of Trustees hereby authorize payment of 2019/2020 tax year property tax reduction in the amount of \$15,473.25 to the property owners specified on the attached list as a settlement of Small Claims as ordered by the NYS Supreme Court.

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

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**Authorize Payment of 2017/18 through 2019/20 Certiorari Assessment Reduction**

Motion made by Deputy Mayor Urban:

RESOLVED, The Board of Trustees hereby authorize the payment of a 2017/18 through 2019/20 property tax reduction in the amount of \$28,411.05 to Cronin & Cronin Law Firm, PLLC for SCTM#s 0905-4.1-1-1 through 0905-4.1-1-66 for properties at Patio Villas on Brittany Lane as listed on attached spreadsheet as ordered by the NYS Supreme Court.

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

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**Accept Resignation of Employee**

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Blaze Yeager as a part time police officer effective June 26, 2019.

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

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**Accept Resignation of Employee**

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Troy Lucas as a part time Laborer effective July 29, 2019.

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

**Authorize Mayor to Sign Intermunicipal Agreement**

Motion made by Trustee Tymann:

RESOLVED, that the Mayor is hereby authorized to sign the Intermunicipal Agreement with the Town of Southampton for the disposal of leaves, brush and yard waste at the Town of Southampton Waste Disposal Facility located at 66 Old Country Road Westhampton and the patrolling of Jeffrey Lane, Bridle Path, Adam Lane and a portion of Dune Road, located within the Town of Southampton by the Westhampton Beach Police Department.

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

**Approve Warrant for August 2019**

Motion made Deputy Mayor Urban:

RESOLVED, that the warrant for August 2019 in the amount of \$261,711.42 for the General Fund and \$299,687.29 for the Capital Fund is hereby approved.

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

**Schedule Public Hearing Local Law - Chapter 153 - Surfing**

Motion made by Trustee Frano:

RESOLVED, the Village Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 153 entitled, "Surfing" of the Code of the Village of Westhampton Beach once in the August 22, 2019 issue of 27 East, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Village; and be it further

RESOLVED, all Village Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Village Clerk.

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

**Appoint Part Time Laborer**

Motion made by Trustee Rubio:

RESOLVED, that Andrew Dunham is appointed to the position of Part Time Laborer in the Public Works Department, effective August 5, 2019 at an hourly rate of \$14.00 to work as determined by the Superintendent of Public Works.

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

**PUBLIC COMMENT**

Mrs. Ginger Propper of East Division Street stepped up to the podium, she thanked the Board for their effort and help with cleaning up the property under construction next to hers. She was very pleased with the cleanup. She asked the Board to consider for the future having others do this cleaning to the property under construction. She also commented about the process for the ARB and Zoning Board asking the Board to consider the particular code and amending it when the property owner is appealing a decision.

Motion made by Deputy Mayor Urban to close the meeting, seconded by Trustee Frano, meeting adjourn at 5:27 pm

DATED: August 1, 2019

Elizabeth Lindtvit  
Village Clerk-Treasurer