

**Village of Westhampton Beach
Board of Trustee Meeting
Thursday October 3, 2019 at 5:00 PM**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

1. Local Law # 8 Chapter 197-1 Accessory Use, Automotive Service Station
2. Local Law # 9 Chapter 197, Attachment # 1
3. Special Exception Application to Construct, Operate and Maintain a small cell public utility wireless communication facility

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Accept Proposal for Heating System - DPW Building
4. Accept Proposal for Garage Door - DPW Building
5. Adopt Village Cell Phone Policy
6. Approve Use of Village Property-The Buoy Owners Corp.
7. Authorize Entertainment Permit - The Claddagh Restaurant
8. Authorize Increase in Main Street Surveying Fees
9. Approve Warrant for October 2019

MAIN STREET IMPROVEMENT PROJECT - UPDATE BY VICTOR CANSECO

PUBLIC COMMENT

ADJOURN

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

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meeting

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.

2. Accept Departmental reports

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

3. Accept Proposal for Heating System - DPW Building

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.

4. Accept Proposal for Garage Door - DPW Building

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.

5. Adopt Village Cell Phone Policy

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

6. Approve Use of Village Property-The Buoy Owners Corp.

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 a.m. to hold the annual shareholders meeting.

7. Authorize Entertainment Permit

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.

8. Authorize Increase in Main Street Surveying Fees

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.

9. Approve Warrant for October 2019

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

PUBLIC COMMENT

DATED: October 3, 2019

**Elizabeth Lindtvit
Village Clerk-Treasurer**

LOCAL LAW - CHAPTER 197-1 ACCESSORY USE, AUTOMOTIVE SERVICE STATION

WHEREAS, this Board has advertised a local law amending Chapter 197 of the Village Code, entitled "Zoning" by amending Attachment # 1 of said Chapter; and

WHEREAS, a public hearing was held on October 3, 2019; and

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

RESOLVED that, pursuant to the State Environmental Quality Review Act (SEQRA), the proposed amendments to Chapter 197 are classified as an "unlisted" action, and, in accordance with the EAF Part I and II prepared by the Village Planner, the Board of Trustees hereby finds that the proposed amendments will result in no significant adverse impacts on the environment, a "negative declaration" of significance is issued, and the Mayor is authorized to execute the EAF Part III (negative declaration) as prepared by the Village Planner, Kyle Collins, AICP.

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 Board 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.

Dated: October 3, 2019

LOCAL LAW - CHAPTER 197, ATTACHMENT # 1

WHEREAS, this Board has advertised a local law amending Chapter 197-1, "Definitions," and a public hearing was held on October 3, 2019; and

WHEREAS, the action is classified as Type II under the State Environmental Quality Review Act ("SEQRA") under 6 NYCRR §617.5(c) (27) and (16) and, therefore, no further SEQRA review is required; 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 hereby adopts said Local Law as advertised and attached, and the Village Board 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.

Dated: October 3, 2019

**SPECIAL EXCEPTION - CONSTRUCT OPERATE AND MAINTAIN A SMALL
CELL PUBLIC UTILITY WIRELESS COMMUNICATION FACILITY**

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.