

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday, March 4, 2021 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING:**

**COMMUNITY LAW ENFORCEMENT REVIEW COMMITTEE REPORT**

**RESOLUTIONS:**

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Schedule Public Hearing on 2021–2022 Tentative Village Budget
4. Authorize Kayak Rack Rental Fee Increase
5. Authorize Renewals of 2021 Outdoor Sales and Displays Permits
6. Authorize Renewal of 2021 Outdoor Dining Permits
7. Authorize Renewal of 2021 Outdoor Tables, Chairs and Benches Permits
8. Authorize Renewal of 2021 Outdoor Music Permits
9. Approve Warrant for March 2021
10. Approve Use of Village Property-East End Little League
11. Approve Use of Village Property-All Long Island Beach Cleanup
12. Approve Use of Village Property-WH Chamber Farmers Market
13. Accept Proposal - WHB Business Districts Plan Amendment
14. Authorize Commencement of Eminent Domain Proceedings Relating to Easements Required for the Village of Westhampton Beach Sewer System
15. Authorize Temporary Placement of Sculpture

**PUBLIC COMMENT**

**ADJOURN**

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday March 4, 2021 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING: COMMUNITY LAW ENFORCEMENT REVIEW COMMITTEE  
REPORT**

**RESOLUTIONS:**

**1. Accept minutes of Board of Trustees Meeting**

RESOLVED, that the minutes of the Board of Trustees Meeting of February 6, 2021 are hereby accepted.

**2. Accept Departmental Monthly Reports**

RESOLVED, that the Treasurer's report for January 2021, Justice Court, Police Department's and Building Inspector's reports for February 2021 are hereby accepted.

**3. Schedule Public Hearing on 2021–2021 Tentative Village Budget**

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on April 14, 2021 at 5:00 p.m. at the Village Hall on the 2021–2022 Tentative Village Budget.

**4. Authorize Fee Increase-Kayak Storage Rack**

RESOLVED, that the Board of Trustees hereby approves the increase of the Kayak Storage Rack annual storage fee to \$75.00.

**5. Authorize Renewal of 2021 Outdoor Sales and Displays Permit**

WHEREAS, the Village received applications to renew the Outdoor Sales and Displays Permit for 2021 with no changes from the 2020 application from:

John's Swimming Pools, 102 Old Riverhead Road  
Mustique, 3 Glovers Lane  
Ocean Spray Pools, 97 Old Riverhead Road

WHEREAS, there were no incidents or reports filed with the Police Department concerning said uses; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor sales and displays as shown on the submitted plans, subject to the same set of conditions recommended by the Village Planning Board and plans attached to the applicants' 2021 renewal applications and the following conditions:

- All conditions set forth in section 140-2(A), including but not limited to the 30-inch setback requirements of section 140-2(A)(4), shall be followed.

- No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees.
- This permit shall be in effect from April 15 to November 15, 2021, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 140-2(B) of the Village Code for future outdoor displays beyond such expiration date.

## **6. Authorize Renewal of 2021 Outdoor Dining Permits**

WHEREAS, the Village received applications to renew the Outdoor Dining Permit for 2021 with no changes from the 2020 application from:

Tonino's Pizza, 88 Old Riverhead Road  
Joe's American Grill, 240 Montauk Highway  
Brunetti Pizza, 61 Main Street  
Flora Restaurant, 149 Main Street  
Salt & Loft, 145 Main Street

WHEREAS, there were no incidents or reports filed with the Police Department concerning said uses; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plans, subject to the same set of conditions recommended by the Village Planning Board, and the plans attached to the applicants' 2021 renewal applications.

## **7. Authorize Renewal of 2021 Outdoor Tables, Chairs and Benches Permit**

WHEREAS, the Village received applications to renew the Outdoor Tables, Chairs and Benches Permit for 2021 with no changes from the 2020 application from:

Beach Bakery Grand Cafe, 112 Main Street  
Goldberg's, 65 Main Street  
Hampton Coffee, 194 Mill Road  
Whitney's Deli, 98 Old Riverhead Road  
Boom Burger, 85 Montauk Highway  
Sydney's Taylor Made Cuisine, 32 Mill Road

WHEREAS, there were no incidents or reports filed with the Police Department concerning said uses; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plans, subject to the same set of conditions recommended by the Village Planning Board and plans attached to the applicants' 2021 renewal applications.

## **8. Authorize Renewal of 2021 Outdoor Music Permits**

WHEREAS, the Village received applications to renew the Outdoor Music Permits for 2021 with no changes from the 2020 application from:

Salt & Loft, 145 Main Street  
Beach Bakery, 112 Main Street  
Tonino's Pizza, 88 Old Riverhead Road

WHEREAS, it appears from the Outdoor Music Plans and Planning Board reports that the applications satisfy the conditions of section 196-3(B) of the Village Code; now therefore,

BE IT RESOLVED that the renewal of the Outdoor Music permits is granted subject to the recommendations of The Village Planning Board and 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.
- It shall be the obligation of the applicant 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.
- No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
- This permit shall be in effect from April 15, 2021 to November 15, 2021, 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.

## **9. Approve Warrant for March 2021**

RESOLVED, that the warrant for March 2021 in the amount of \$315,783.74 for the General Fund and \$15,975.42 for the Capital Fund is hereby approved.

## **10. Approve Use of Village Property-East End Little League**

RESOLVED, that East End Little League is hereby authorized to use the Great Lawn from March 1, 2021 through July 1, 2021, Monday through Friday from 4 p.m. to 8 p.m. for games and practices subject to compliance with the restrictions set forth in the NYS Department of Health Interim Guidance for Sports and Recreation dated January 22, 2021.

## **11. Approve Use of Village Property-Beach Cleanup**

RESOLVED, that the All-Long Island Beach Cleanup is hereby authorized to use Rogers and Lashley beaches on Saturday May 15 and Sunday May 16, 2021, anytime from dawn to dusk for a beach wide cleanup project, subject to compliance with the New York State restrictions on Outdoor Activities and Gatherings updated on February 28, 2021 or the restrictions in effect on the date of the event.

## **12. Approve Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Saturdays starting April 3, 2021 and ending December 18, 2021 from 9:00 a.m. to 1:00 p.m. for the seasonal Farmers Market, subject to compliance with the restrictions set forth in the New York State Interim Guidance for the Operation of Farmers' Markets dated May 22, 2020 or any updated guidelines in effect during the dates of the Farmers Market and signage limited to 1 on-site location sign only.

## **13. Accept Proposal - WHB Business Districts Plan Amendment**

RESOLVED, that the proposal submitted by Nelson Pope and Voorhis for the preparation of an amendment to the 2017 WHB Business Districts Plan Draft in the amount of \$5,000.00 is hereby accepted.

## **14. Authorize Commencement of Eminent Domain Proceedings Relating to Easements Required for the Village of Westhampton Beach Sewer System**

WHEREAS, the Incorporated Village of Westhampton Beach Sewer System (the "Sewer System") was created November 15, 2017 by the Village Board of Trustees; and

WHEREAS, H2M Architects + Engineers (the "Engineers") have prepared plans for construction of the sewer system facilities, including underground sewer lines, underground lateral sewers and manholes; and

WHEREAS, in order to construct these facilities, the Village has attempted to acquire easements over thirteen (13) properties. Nine (9) landowners have voluntarily granted easements over their properties in large part because of the benefits of the Sewer System to the Village and to their properties. The below listed landowners have refused to grant the requested easements. The properties affected by this proceeding are as follows:

<u>Property Owner(s)</u>	<u>Address</u>	<u>Tax Map Number</u>
Patio Building Condominium Corporation	54 Main Street Westhampton Beach	0905-012.00-03.00-017.000
Rolling Pin, Inc.	112 Main Street, Westhampton Beach	0905-012.00-04.00-053.001
JP Morgan Chase Bank, National Association	154 Main Street, Westhampton Beach	0905-012.00-04.00-043.000
Georgica Pond Associates, LLC and 135 Main Street, LLC	133-135 Main Street, Westhampton Beach	0905-011.00-02.000-026.000

WHEREAS, due to the layout of the area and the location of the above properties, there are no other possible alternative locations for placement of underground sewer lines, underground lateral sewers and manholes other than on said properties; and

WHEREAS, a public hearing commencing eminent domain proceedings on these easements was held pursuant to Eminent Domain Procedure Law Section 202 on November 5, 2020. Publication and notice to the property owners were duly performed pursuant to the Eminent Domain Procedure Law of the State of New York. None of the above property owners attended the public hearing and addressed the Village Board of Trustees.

NOW, THEREFORE, the Village of Westhampton Beach Board of Trustees, pursuant to its right to exercise Eminent Domain pursuant to Section 401(B) of the Eminent Domain Procedure Law, does hereby authorize and direct the Mayor to retain Esseks, Hefter, Angel, Di Talia & Pasca, LLP, attorneys in the matter, and

authorizes said attorneys to commence appropriate proceedings against the above-listed property owners for the acquisition of the needed easements for construction of said facilities. For their services hereunder, the attorneys shall be compensated at the rates set forth in the existing retainer agreement. This Resolution shall take effect immediately.

#### **15. Authorize Temporary Placement of Sculpture**

WHEREAS, Dan's Papers is sponsoring "Sculp-tour", a temporary installation of sculptures by the artist Hans Van De Bovenkamp throughout certain villages and towns of the east end, and

WHEREAS, the Village of Westhampton Beach has been asked to participate in the Sculp-tour, at no cost to the Village.

RESOLVED, that the Board of Trustees authorizes the temporary placement of a maximum of three sculptures in the Village's downtown area for the months of April through September, 2021.

#### **PUBLIC COMMENT**

**DATED: March 4, 2021**

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**Elizabeth Lindtvit  
Village Clerk-Treasurer**