

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, August 5, 2021 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach, NY.

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Brian Tymann
Trustee Stephen Frano
Trustee Rob Rubio
Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel

PUBLIC HEARING:

Special Exception Application for Outdoor Sales and Displays-Mixology

Motion was made by Trustee Rubio to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. Mayor Moore explained this application is for a special exception to display outdoors any items the merchant sells, the planning board reviewed the application and recommended to the board that 1 clothing rack be allowed in the front of the store. Mayor Moore asked the board members if they had any comments or questions, then she asked the audience for comments or questions, there being none she asked for a motion to close the public hearing; motion made by Deputy Mayor Urban seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays.

Motion made by Trustee Tymann:

WHEREAS, Jordan Edwards, tenant of the premises known as Mixology, located at 148 Main Street, Westhampton Beach (SCTM 0905-12-4-41.1), has applied for an Outdoor Sales and Displays permit pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, to allow the limited outdoor sale and display of certain items; and

WHEREAS, the applicant submitted a sketch plan, photographs, and description of the items that it seeks to display and sell outdoors (hereinafter, the "Outdoor Display Plan"); and

WHEREAS, the application was referred to the Village Planning Board on June 21, 2021, which, by memorandum dated July 9, 2021, stated that it has no objection to the placement of the outdoor sales and display items as depicted on the plans and narrative and shown in the designated areas; and

WHEREAS, a public hearing was held on the application on August 5, 2021, pursuant to section 140-2(B)(4) of the Village Code; and

WHEREAS, it appears from the Outdoor Display Plan and Planning Board report that the application satisfies the conditions of section 140-2(A) of the Village Code; now therefore,

BE IT RESOLVED that the application for an Outdoor Sales permit as recommended by the Village Planning Board for one (1) sales rack as depicted on the attached plan to the application is granted subject to the following conditions:

1. All conditions set forth in section 140-2(A) shall be followed;
2. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and
3. This permit shall be in effect 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.

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

Special Exception Application for Outdoor Sales and Displays, Tables & Seats-Hampton Aristocrat

Motion was made by Trustee Frano to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. Mayor Moore explained this application is for a special exception to display outdoor items the merchant sells, and also for outdoor tables and seats for patrons. The planning board reviewed the

application and recommended to the board that the display shown in the picture presented to them be allowed in the front of the store and the tables and seats shown on the plan presented to the planning board be allowed. Mayor Moore asked the board members if they had any comments or questions, then she asked the audience for comments or questions, there being none she asked for a motion to close the public hearing; motion made by Trustee Frano seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

WHEREAS, Alexis Ritsch, tenant of the premises known as Hampton Aristocrat Inc., located at 87 Sunset Avenue, Westhampton Beach (SCTM 0905-12-1-49), has applied for an Outdoor Sales and Displays permit and Outdoor Tables and Seats Permit pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, to allow the limited outdoor sale and display of certain items and tables and chairs; and

WHEREAS, the applicant submitted a photograph, and description of the items that it seeks to display and sell outdoors (hereinafter, the "Outdoor Display Plan"); and a photograph of the table and seats,

WHEREAS, the application was referred to the Village Planning Board on June 21, 2021, which, by memorandum dated July 23, 2021, stated that it has no objection to the placement of the outdoor sales and display items and tables and seats as depicted on the photographs submitted to the planning board and shown in the designated areas; and

WHEREAS, a public hearing was held on the application on August 5, 2021, pursuant to section 140-2(B)(4) of the Village Code; and

WHEREAS, it appears from the Outdoor Display and Outdoor Tables and Chairs Photograph and Planning Board report that the application satisfies the conditions of section 140-2(A) of the Village Code; now therefore,

BE IT RESOLVED that the application for an Outdoor Sales Permit and Outdoor Tables and Chairs Permit as recommended by the Village Planning Board as depicted on the attached plan to the application is granted subject to the following conditions:

1. All conditions set forth in section 140-2(A) shall be followed;
2. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and
3. This permit shall be in effect 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.

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

**Draft Updated Comprehensive Business Districts Master Plan
Proposed Code Amendments- Uses in the B2/B3 per Comprehensive Plan Update
Proposed Zoning Map Amendment - East side of Potunk Lane**

Mayor Moore explained there is a recommendation that every 10 to 15 years the master plan should be updated, the Board has been working on this with Nelson Pope and Voorhis, Environmental Planners and this public hearing is to get feedback from the residents. Motion made by Deputy Mayor Urban to open the public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. This discussion will be about the Business District update including the B2/B3 districts along Montauk Highway and Old Riverhead Road/CR31. Michael Brusseau from NPV is present to answer any questions along with the Business District Taskforce appointed by the Board. Mayor Moore also explained the possible zone change along the east side of Potunk Lane to HC would be in this master plan update. The mayor asked if anyone in the audience would like to be heard, Mr. Jeffrey Present of 102 Potunk Lane commented and said this change is not the progress he and his family and neighbors want for the village. He continued to speak about how nice Potunk Lane and inviting as a gateway to the village and beach. Mr. Silas Anthony and his wife Ann of 72 Potunk Lane came to the podium, Mr. Anthony stated he and his wife were against the zone change as well as the neighbors.

Mrs. Anthony commented on the parking issue if made HC, there is a school in the church on the corner, their property backs up to the 7-11 store, they deal with that, they would prefer to no have any more traffic on Potunk Lane with commercial properties created. Mr. Ira Kravitz of 104 Potunk Lane came to the podium, he commented that he and his family were against the zone change. Mayor Moore asked if anyone had any comments about the uses in the B2/B3 districts, Susan Rosenberg from the taskforce spoke about the pending change of uses because of the emptiness of the stores on Old Riverhead Road. Mrs. Rosenberg complimented Joe Musnicki on his store and how good it looks. Mayor Moore asked Mr. Brusseau to explain some of the changes, he explained in further detail the recommendations for the updated study. Mrs. Erica Present had a question about the re-zoning, Trustee Tymann and Deputy Mayor Urban addressed her question with the explanation and clarification of the possible zone change. Mayor Moore asked Brad Hammond or Michael Brusseau to clarify more information. Trustee Tymann made a motion to adjourn this hearing and hold it over to September 2, 2021, motion seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Cannabis Legislation - Dispensaries and Cafes

Motion made by Trustee Rubio to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Mayor explained that NYS has legalized Marijuana, so local Municipalities have the option to say whether they would allow the dispensaries and cafes in the municipality. This discussion was started a few months ago; Kym Laube runs a drug and alcohol prevention center gave a heartfelt explanation as to why the Village Board should not opt in to allowing the dispensaries or cafes. The mayor stated she received a correspondence from a resident of Lilac Road, Mr. Thomas Moore who stepped up to the podium to passionately reiterate that just because NYS legalized Marijuana, it is still illegal as a federal law. Mr. Rocco Logozzo commented that a headshop has no place in Westhampton Beach. Mayor Moore commented that the Board will not vote on it tonight, a resolution is needed for the vote. Attorney Steve Angel explained to the Board members what the next process is, this public hearing will be held over until September 2, 2021 meeting. Mayor Moore would like to discuss this more at the next work session along with a smoking village code. Motion made by Deputy Mayor Urban to hold open this public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

RESOLUTIONS:

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Frano:

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

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

Accept Departmental reports

Motion made by Trustee Rubio:

RESOLVED, that the Treasurer's reports for May and June 2021, Justice Court, Police Departments and Building Inspector's reports for July 2021, are hereby accepted.

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

Appoint 2021 Seasonal Beach Personnel

Motion made by Trustee Tymann:

RESOLVED, that Bayla Marie Sutton is hereby appointed to the position of Lifeguard at Rogers Beach for the 2021 season at an hourly rate of \$15.50 and Brendan Spano is appointed as Lifeguard at a rate of \$16.75 per hour to be funded from A7310.101 Lifeguards effective July 14, 2021 and Quinn Papagni as a Food Service Worker at an hourly rate of \$12.75 effective August 1, 2021.

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

Authorize Pay Rate Changes

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorizes the hourly pay rate changes for Lifeguards Frank Loria from \$18.75 per hour to \$17.00 and Timothy Fencel from \$16.75 to \$18.75 as Lt. Lifeguard effective July 6, 2021.

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

Approve 2020–2021 Fiscal Year Budget Transfers

Motion made by Trustee Frano:

RESOLVED, that 2020–2021 fiscal year budget transfers in the amount of \$95,007.50 are hereby approved.

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

Refer Special Exception Application for Haskell's Seafood Outdoor Tables & Seats to Planning Board

Motion made by Trustee Rubio:

RESOLVED, that the Special Exception Application submitted by Peter Haskell of Haskell's Seaford for Outdoor Tables and Seats, located at 77A Main Street and identified by Suffolk County Tax Map # 905-11-2-9 is hereby referred to the Village Planning Board for review.

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

Refer Special Exception Application for Caffeine Cafe Outdoor Dining to Planning Board

Motion made by Trustee Tymann:

RESOLVED, that the Special Exception Application submitted by Jenn Cajthaml of Caffeine Cafe for Outdoor Dining, located at 115 Main Street and identified by Suffolk County Tax Map # 905-11-2-22 is hereby referred to the Village Planning Board for review.

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

Authorize Use of Village Property-Seafield Center

Motion made by Deputy Mayor Urban:

RESOLVED, that the Seafield Center is hereby authorized to use the Rogers Beach Pavilion on Friday, September 10, 2021 (rain date September 13, 2021) from 7 a.m. to 4 p.m. for the Annual Wellness Day.

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

Authorize Use of Village Property-FBI National Academy Associates

Motion made by Trustee Frano:

RESOLVED, that the FBI National Academy Associates are hereby authorized to use Rogers Beach Pavilion on Friday, September 17, 2021 from 10:30 a.m. to 3:30 p.m. for a Law Enforcement Fraternal Event for members.

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

Authorize Use of Village Property-Knights of Columbus

Motion made by Trustee Rubio:

RESOLVED, that the Knights of Columbus, Father Slominski Council 7423 are hereby authorized to hold a memorial 5K run/walk in honor of Vinnie Zorbo on Saturday, September 25, 2021 from 7:00 a.m. to 11:00 a.m. on the designated route approved by the Board of Trustees.

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

Authorize Use of Village Property-Kommer Wedding

Motion made by Deputy Mayor Urban:

RESOLVED, that Sean Kommer is hereby authorized to hold a wedding ceremony at Rogers Beach on Saturday, September 18, 2021 from 12:30 p.m. to 2:00 p.m. for approximately 40 persons.

Seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays, Trustee Tymann Abstained from vote.

Authorize Payment of Suffolk County Sewer Agency Review and Inspection Fee

Motion made by Trustee Frano:

RESOLVED that the Board of Trustees hereby authorizes the payment of Review and Inspection fees in the amount of \$55,000.00 to the County of Suffolk for the review and inspection of the Sewer Engineering Design Report for the upgrades to the County facility at Gabreski to be taken from G/L Capital account H9900 Sewer District Capital Fund.

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

Accept Proposal - AV upgrades for Trustee Meeting Room

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby accepts the proposal from AV Solutions in the amount of \$7,619.94 for the upgrade of the AV and recording system for the Trustee meeting room to be taken from G/L account code A1620.421 Repairs to Municipal Building.

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

Authorize 2021 Renewal of Shock Outdoor Tables, Chairs/Benches Permit

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves the revised application for the 2021 renewal of outdoor tables and chairs for Shock Ice Cream to include white non-flashing string lights as shown on the submitted plan included with the 2021 application and painted white posts for the attachment of the lights.

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

Schedule Public Hearing

Motion made by Deputy Mayor Urban:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday September 2, 2021 at 5:00 p.m. at the Village Hall for the Board of Trustees to consider the acceptance of a proposed dedication of the Humphrey Street cul-de-sac.

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

Approve Warrant for August 2021

Motion made by Trustee Frano:

RESOLVED, that the warrant for August 2020 in the amount of \$375,952.52 for the General Fund and \$1,665,426.38 for the Capital Fund is hereby approved.

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

Authorize the Mayor to Execute Any and All Documents Pertaining to the Town of Southampton Community Preservation Fund Water Quality Improvement Program

Motion made by Trustee Rubio:

RESOLVED, that the Village of Westhampton Beach hereby authorizes the mayor or her designee to execute any and all documents pertaining to the 2021 New York State Water Quality Improvement Program application to support project costs associated with facility upgrades at County Sewer District No. 24 at Gabreski Airport. The upgrades are to be completed on accordance with the connection agreement between the Village and the Suffolk County Sewer Agency for the purpose of providing wastewater treatment for the Village of Westhampton Beach Phase I Sewer Collection and Conveyance System.

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

Authorize Use of Village Property-Lashley Parking

Motion made by Deputy Mayor Urban:

RESOLVED, that Dune Deck Beach Club LLC of 379 Dune Road are hereby authorized to use the Lashley bay side parking lot on Saturday August 7, 2021 from 3:00 p.m. to 11:00 p.m. for 40 cars provided there is the availability and village issued parking passes.

Seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays, Trustee Tymann Abstained from vote.

Authorize Use of Village Property-Lashley Parking

Motion made by Trustee Frano:

RESOLVED, that Susan Wilson, 338 Dune Road is hereby authorized to use the Lashley Beach bayside parking lot on Sunday August 15, 2021 from 5:00 p.m. to 8:00 p.m. for approximately 20-25 cars provided there is the availability and must obtain village issued parking passes.

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

PUBLIC COMMENT

The mayor asked if anyone in attendance would like to speak, Mrs. Susan Rosenberg of 68 Oneck Lane agreed with Ms. Laube's passion for this subject and Mr. Moore's comments regarding this subject. Mayor asked if anyone else wanted to be heard, there being no response the mayor asked for a motion to close the meeting motion made by Trustee Frano, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Meeting adjourned at 6:30 PM.

Respectfully submitted,

Elizabeth Lindtvit
Clerk-Treasurer