

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, September 2, 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 HEARINGS:

Draft Updated Comprehensive Business Districts Master Plan

Motion made by Trustee Frano to re-open the public hearing, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained that Brad Hammond and herself appeared before the Suffolk County Planning Commission regarding the Master Plan update, the Planning Commission approved the request; this continued public hearing is to hear any more comments regarding the update, the Board will adopt the Master Plan update at the October 7, 2021 meeting. Mayor Moore asked if there was anyone interested in speaking, Mayor Moore asked Michael Brusseau, the Village's consultant on the project to speak about the update. Mike spoke about the change for the zoning on Potunk Lane. There were no more comments so Mayor Moore asked for a motion to close the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

Proposed Zoning Map Amendment - East side of Potunk Lane

Motion made by Trustee Tymann to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained this was held open from the August meeting, there was input from the residents at the August meeting, she explained the Board's decision was incorporated into the change spoken about by Michael Brusseau in the previous public hearing, that the Board is tabling that change and will not adopt the zone change for Potunk Lane at this time. Trustee Tymann spoke about other possible code changes. Trustee Frano made a motion to close this public hearing, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Proposed Code Amendments- Uses in the B2/B3 per Comprehensive Plan Update

Motion made by Deputy Mayor Urban to open the public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained the list of possible additional uses was discussed at the August meeting; Mayor Moore asked Mr. Brusseau to speak about these changes and about the size of market to be allowed. The Board members think it should be kept small. Mayor Moore asked if anyone had any comments, there being no response, motion to close the public hearing was made by Trustee Tymann seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Cannabis Legislation - Dispensaries and Cafes

Mayor Moore explained this was held over from the August meeting regarding the discussion on the Cannabis Legislation allowing dispensaries and cafes. Deputy Mayor Urban made a motion to open the public hearing, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore asked if anyone would like to speak. Michael Muller from Southampton stepped to the podium; he spoke about the tax revenue from the sales on cannabis and people should be able to consume the product in a safe and healthy way. Mayor Moore thanked him for his comments and asked if anyone else wanted to be heard. There being no response, a motion was made to close the public hearing by Trustee Rubio, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

RESOLUTIONS:

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Tymann:

RESOLVED, that the minutes of the Board of Trustees Meeting of August 5, 2021 are hereby accepted.

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

Accept Departmental Reports

Motion made by Deputy Mayor Urban:

RESOLVED, that the Police Department's, Building Inspector's and Justice Court reports for August 2021, and Treasurer's Report for July 2021 are hereby accepted.

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

Approve Warrant for September 2021

Motion made by Trustee Frano:

RESOLVED, that the warrant for September 2021 in the amount of \$101,067.60 for the General Fund and \$1,469,465.10 for the Capital Fund is hereby approved.

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

Appoint 2021 Seasonal Beach Personnel

Motion made by Trustee Rubio:

RESOLVED, that Reese King is hereby appointed to the positions of Food Service Worker at an hourly rate of \$12.50 effective August 15, 2021.

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

Approve Use of Village Property-Greater Westhampton Chamber of Commerce

Motion made by Trustee Tymann:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Sunday October 10, 2021 from 10:00 a.m. to 6:00 p.m. and Monday October 11, 2021 from 10:00 a.m. to 5:00 p.m. with a set up date of Saturday October 9, 2021 for the Gordon Werner Art Show with the following sign: 1 6ft vinyl banner placed at the corner of Main Street and Mill Road.

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

Approve Use of Village Property-Greater Westhampton Chamber of Commerce

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorizes the Greater Westhampton Chamber of Commerce to use the Village sidewalks on Saturday September 25th and Sunday September 26th and October 9th, 10th & 11th from 10:00 am to 5:00 pm for the annual sidewalk sales sponsored by the Chamber of Commerce with the following restrictions imposed: at least 5 feet of sidewalk must be kept open, paver area must be clear and displays must be adjacent to the buildings.

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

Approve Use of Village Property-Westhampton Beach Fire Department

Motion made by Trustee Frano:

RESOLVED, that the Westhampton Beach Fire Department is hereby authorized to use Rogers Beach Pavilion on Saturday September 11, 2021 from Noon to 4:00 p.m. for the annual membership barbeque.

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

Approve Use of Village Property – The Hampton Synagogue

Motion made by Trustee Rubio:

RESOLVED, that The Hampton Synagogue is hereby authorized to use the Village Marina on Tuesday September 7, 2021 from 4:00 pm to 7:00 pm for a "Tashlich Religious Ceremony".

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

Authorize Mayor to Sign SRO Agreement

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorize the mayor to sign the School Resource Officer Agreement for the 2021-2022 school year with the Westhampton Beach School District.

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

Authorize Village Attorneys for Article 78

Motion made by Deputy Mayor Urban:

RESOLVED that the Village Attorneys, Esseks, Hefter, Angel, Di Talia & Pasca, LLP, are hereby authorized to represent the Village’s Zoning Board of Appeals and Brad Hammond in the CPLR Article 78 proceeding entitled "Pamela Franklin Porges, MFP 448 LLC and Andrew Price v. Zoning Board of Appeals of the Village of Westhampton Beach, Brad Hammond as Chief Building Inspector of the Village of Westhampton Beach and Jodi Scherl" brought in New York State Supreme Court under Index Number 615527/2021, at the hourly municipal rate schedule for special services set forth in the Village Attorneys’ retainer letter dated August 14, 2014.

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

Authorize Transcription Services for Article 78

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby authorize Maeghan Mackie to transcribe the necessary information in regard to the "Pamela Franklin Porges, MFP 448 LLC and Andrew Price v. Zoning Board of Appeals of the Village of Westhampton Beach, Brad Hammond as Chief Building Inspector of the Village of Westhampton Beach and Jodi Scherl" brought in New York State Supreme Court under Index Number 615527/2021, at the standard rate of \$6.25 per page outside of her normal work day to be funded from A1420.401 Litigation.

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

Schedule Public Hearing-Special Exception Application, Haskell's Seafood

Motion made by Trustee Rubio:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday October 7, 2021 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by Haskell's Seafood for Outdoor Tables, Chairs and Benches for property located at 77A Main Street Westhampton Beach.

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

Schedule Public Hearing-Special Exception Application, Caffeine Cafe

Motion made by Trustee Tymann:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday October 7, 2021 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by SKL Realty for Outdoor Tables, Chairs and Benches for property located at 115 Main Street Westhampton Beach.

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

Authorize SEQRA Determination Business Districts Planning Study Update

Motion made by Deputy Mayor Urban:

WHEREAS, the Board of Trustees of the Village of Westhampton Beach has conducted a study of the B-1, B-2 and B-3 Business Districts; and

WHEREAS, the Board engaged the services of Nelson, Pope & Voorhees to prepare a study; and

WHEREAS, Nelson, Pope & Voorhees prepared a study entitled "2017 Village of Westhampton Beach Business Districts Planning Study"; and

WHEREAS, the aforesaid Planning Study was updated in August 2021; and

WHEREAS, after the preparation and review of the Long Environmental Assessment Form ("LEAF") Parts 1, 2, 3 and Part 3 Attachment, as prescribed by 6 NYCRR Part 617, State Environmental Quality Review Act ("SEQRA") for the subject Type 1 Action, the Village Board of Trustees have considered the magnitude and importance of each potential impact; and

WHEREAS, the LEAF Parts 1, 2, 3 and Part 3 Attachment discussed and recommended certain Code amendments to the Business Districts, which have been considered by the Board of Trustees; and

WHEREAS, an uncoordinated review was conducted, pursuant to SEQRA on the subject Type 1 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, 3 and Part 3 Attachment 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 Board of Trustees hereby adopts a Negative Declaration (Determination of Non-Significance) for the Village of Westhampton Beach Business Districts Planning Study Update and the proposed Code amendments for the Business Districts, and authorizes the Mayor of the Incorporated Village of Westhampton Beach to complete and sign the LEAF Part 3 indicating that the proposed action will not result in any significant impacts and issue the notice required pursuant to said Part 617.

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

Authorize Employees to Attend Marine Patrol Vessel Operator Course

Motion made by Trustee Frano:

RESOLVED, that Nicholas Tyson and Steven McManus are hereby authorized to attend the NYS Parks Marine Patrol Vessel Operator Course in Lake George from September 27, 2021 to October 1, 2021; lodging and meals are provided at no cost, travel expenses of \$500.00 to include gas and tolls from G/L account code A3120.415 Training.

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

Authorize Employees to Attend Marine Law Enforcement Training Program

Motion made by Trustee Rubio:

RESOLVED, that Nicholas Tyson and Steven McManus are hereby authorized to attend the NYS Parks Marine Law Enforcement Training Program in Lake George from

October 4, 2021 to October 8, 2021; lodging and meals are provided at no cost, travel expenses of \$500.00 to include gas and tolls from G/L account code A3120.415 Training.

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

Authorize Village Clerk to Publish and Post a Public Notice to consider a Local Law to Prohibit Cannabis Dispensaries and on-site Cannabis Consumption Establishments in the Village of Westhampton Beach

Motion made by Trustee Tymann:

RESOLVED, the Village Clerk is hereby authorized to publish and post a notice of public hearing to be held on Thursday October 7, 2021 at 5:00 p.m. at Village Hall to consider a local law to prohibit the establishment of retail cannabis dispensaries and

on-site cannabis consumption establishments in the Village of Westhampton Beach.

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

PUBLIC COMMENT:

Irwin Krasnow stepped to the podium to thank the Village for being proactive before the storm, thanking Matt and Michael the dockmaster, he also thanked the Board for the changes made in the Village code for the business. Motion made by Deputy Mayor Urban to close the meeting, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 5:31 p.m.

Elizabeth Lindtvit
Village Clerk