

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 4, 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 Rob Rubio
Trustee Stephen Frano
Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel

PUBLIC HEARINGS:

Special Exception Application for Outdoor Music-LT Burger, West

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 that this is an application for outdoor music to be played, the planning board had no objection to the music only during business hours. The mayor asked the board then the audience if anyone wanted to comment, there being no response she asked for a motion to close the public hearing, motion made by Trustee Tymann seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Tymann:

WHEREAS, LT Burger, West, located at 115 Main Street, Westhampton Beach (SCTM 0905-11-2-22), 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 October 15, 2021, stated that it has no objection to the request to place speakers on the patio to only play music during business hours; and

WHEREAS, a public hearing was held on the application on November 4, 2021 pursuant to section 196-4(D) of the Village Code; and

WHEREAS, it appears from the 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:

1. 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.
2. It shall be the obligation of LT Burger, West that the public sidewalk is not obstructed.
3. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees; and the music may only be played during business hours.
4. This permit shall be in effect until 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.
5. Music is permitted only during business hours.

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

Special Exception Application - Change of Use, 74 Old Riverhead Road

Motion made by Trustee Frano to open the public hearing, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained that this is an application for a change of use from a retail/showroom to an art studio/school; the planning board had no objection to the change; she asked the board then the audience if anyone wanted to comment, Joan Levan asked if this was an additional art studio or the currently open one moving to this location, Brad Hammond stated this was the open art studio moving to this location for additional parking. Mayor Moore asked if there were additional comments; there being no response she asked for a motion to close the

public hearing, motion made by Trustee Rubio seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

Motion made by Deputy Mayor Urban:

WHEREAS, by Special Exception Permit Application dated October 14, 2021, Eileen Baumeister-McIntyre (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees to change the use of the property located at 74 Old Riverhead Road, Westhampton Beach, New York, SCTM 905-2-2-6.3, from a Retail Sign and T-Shirt store to an Art Studio/School; and

WHEREAS, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board; and

WHEREAS, the Planning Board reviewed the application relating to the change of use, pursuant to Village of Westhampton Beach Code section 197-77; and

WHEREAS, on October 28, 2021 the Planning Board notified the Trustees that it has no objection to the application for special exception use; and

WHEREAS, pursuant to Village Code section 197-76, following a public hearing, the Board of Trustees has the power to approve, disapprove, or approve with conditions an application for a Special Exception Permit for uses that are specifically provided for in Chapter 197; and

WHEREAS, a Public Hearing was held on November 4, 2021, it is hereby

RESOLVED that, the applicant's request for a Special Exception Permit to change the use of the property located at 74 Old Riverhead Road, Westhampton Beach, New York, SCTM 905-2-2-6.3, from a Retail Store to an Art Studio/School is hereby approved.

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 October 7, 2021 and Special meeting of October 20, 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 Justice Court, Police Department and Building Department reports for October 2021 and Treasurer's Report for September 2021 are hereby accepted.

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

Approve Warrant for November 2021

Motion made by Trustee Tymann:

RESOLVED, that the warrant for November 2021 in the amount of \$582,460.12 for the General Fund and \$955,093.73 for the Capital Fund is hereby approved.

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

Authorize Snow Removal Agreement with Village of Westhampton Dunes

Motion made by Deputy Mayor Urban:

RESOLVED, that the mayor is hereby authorized to execute an agreement with the

Village of Westhampton Dunes for the removal of snow by the Village of Westhampton

Beach Department of Public Works employees for an annual fee of \$15,000.00 plus reimbursement of any certified expenses that may exceed said fee, for the time period November 1, 2021 through October 31, 2022.

Seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays

Approve 2022 Marina Rates, Rules and Regulations

Motion made by Trustee Frano:

RESOLVED, that the attached marina rates, rules & regulations for 2022 are hereby approved.

Seconded by Trustee Rubio unanimously approved 4 Ayes, 0 Nays

Schedule Public Hearing-Cable Franchise Agreement Renewal

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 December 2, 2021 at 5:00 p.m. for all interested persons to be heard in favor of or in opposition to the proposed renewal of the Altice franchise for a period of ten years.

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

Accept Resignation of Board Member

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Laurette Lizak from the Architectural Review Board effective December 1, 2021.

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

Appoint Architectural Review Board Member

Motion made by Deputy Mayor Urban:

RESOLVED, that Christopher Mensch is hereby appointed to serve as a member of the Architectural Review Board for the remainder of Laurette Lizak's term to expire May 31, 2023 effective December 1, 2021.

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

Authorize Employee to Attend Training Course

Motion made by Trustee Frano:

RESOLVED, that Steven McManus is hereby authorized to attend the NYS Division of Criminal Justice Services "NY Law Enforcement Officers and Law-Updates, Practices and Procedures" course in Rockland County on December 14, 2021, travel expenses not to exceed \$100.00 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 Use of Village Property-East End Hospice

Motion made by Trustee Rubio:

RESOLVED, that East End Hospice is hereby authorized to use the Village Green on Sunday, December 5, 2021 for the annual Tree of Lights Memorial Service from 2:30 p.m. until 3:30 p.m.

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

Authorize Use of Village Property-HUGS, Inc.

Motion made by Trustee Tymann:

RESOLVED, that HUGS, Inc. is hereby authorized to use Rogers Beach from November 23, 2021 to January 6, 2022, to set up a community holiday tree to serve as a backdrop for Westhampton Beach patrons to visit and take pictures.

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

Release Performance Bond-Humphrey Street

Motion made by Deputy Mayor Urban:

Whereas, on November 14, 2019, Avidor Group LLC, deposited the sum of \$71,399.00, as security for a performance bond, executed by Avi Sharabani, on behalf of Avidor Group LLC, concerning the improvements required in connection with the subdivision of property located at 92 Oak Street, including the construction of a subdivision road to be dedicated to the Village of Westhampton Beach; and

Whereas, the Village Department of Public Works and Building Department have inspected the subdivision improvements and confirmed that they have been completed as required by the subdivision approval; and

Whereas, the subdivision road has been dedicated to and accepted by the Village of Westhampton Beach by resolution adopted on October 7, 2021, and a deed of dedication has been recorded with the Suffolk County Clerk on October 25, 2021 at Liber 13125, page 963 of the land records; and

WHEREAS, due to a sale of the property, the original depositor of the performance bond has assigned the rights to a return of the deposit, and has provided proof of such assignment to the Village through a notarized letter, signed by Avi Sharabani, on behalf of Avidor Group LLC, requesting that the deposited funds "be issued to Premier Home Sales, Inc., the purchaser"; now, therefore, be it

RESOLVED, that the performance bond filed by Avidor Group LLC on November 14, 2019, is hereby released, and the Village Treasurer is directed to return the deposit in the amount of \$71,399.00 plus interest of \$31.28 to Premier Home Sales, Inc., care of its attorney, Brian P. Butler, Esq.

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

PUBLIC COMMENT: NONE

Motion made by Trustee Tymann to close the meeting and go into Executive Session seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 5:21 p.m.

Elizabeth Lindtvit
Village Clerk