

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, March 3, 2022 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach, NY Via ZOOM webinar.

PRESENT: Mayor Maria Z. Moore
Deputy Mayor Ralph Urban
Trustee Stephen Frano
Trustee Rob Rubio
Trustee Brian Tymann

Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel

PUBLIC HEARINGS:

LL # 2 of 2022 - Chapter 197-1, Accessory Buildings

Motion made by Deputy Mayor Urban to open the public hearing, seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays. Mayor Moore asked Brad Hammond to explain this change, he stated this will be a change in the size of sheds in the residential zoning districts. He stated this would mirror the NYS building codes. The mayor asked if any of the Trustees had a comment or if anyone in the audience would like to be heard, there being no response the mayor 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 Trustee Rubio:

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 3rd day of March 2022 to amend Chapter 197, entitled "Zoning," of the Code of the Village of Westhampton Beach; and

WHEREAS, the Suffolk County Planning Commission, via correspondence dated January 25, 2022, determined the proposed amendment to be a matter of local determination; and

WHEREAS, the Building & Zoning Department has found the proposed amendment to be a Type II action under 6 NYCRR 617.5 (c)(33) (SEQR) without the need for further environmental review.

NOW THEREFORE BE IT RESOLVED, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts the Local Law No. 2 of 2022 as advertised; and be it further

RESOLVED, the Village Clerk is hereby directed to enter said Local Law in the records of the Village, and to give due notice of the adoption of said Local Law No. 2 of 2022 to the Secretary of State.

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

LL # 3 of 2022 - Chapter 70, Building Demolition and Fire Prevention

Motion made by Trustee Rubio to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. Mayor Moore asked Brad Hammond to explain this change, he stated this will be a change in the clause of construction dumpsters being closed, it will clean up the section of the code. The mayor asked if any of the Trustees had a comment Trustee Tymann commented that he appreciated Brad looking into these various recommendations. Mayor Moore asked if anyone in the audience would like to be heard, there being no response the mayor asked for a motion to close the public hearing, motion made by Trustee Frano seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Tymann:

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 3rd day of March 2022 to amend Chapter 70 entitled, "Building Construction & Fire Prevention" of the Code of the Village of Westhampton Beach; and

WHEREAS, the Suffolk County Planning Commission, via correspondence dated January 25, 2022, determined the proposed amendment to be a matter of local determination; and

WHEREAS, the Building & Zoning Department has found the proposed amendment to be a Type II action under 6 NYCRR 617.5 (c)(21) (SEQR) without the need for further environmental review.

NOW THEREFORE BE IT RESOLVED, that after due deliberation the Board of Trustees of the Village of Westhampton Beach hereby adopts the Local Law No. 3 of 2022 as advertised; and be it further

RESOLVED, the Village Clerk is hereby directed to enter said Local Law in the records of the Village, and to give due notice of the adoption of said Local Law No. 3 of 2022 to the Secretary of State.

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

Special Exception Application - Rogers Avenue Associates

Motion made by Trustee Frano to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. Mayor Moore explained the Board will listen, Mr. Frank Isler attorney for the applicant spoke about the background of the project, he stated the other consultants that are working on the project are available to speak also. Mr. Isler stated the major concern of the neighborhood is the speeding on Rogers Avenue, he stated the purchaser of the proposed projects would be dealing with the same traffic issue. Mr. Isler told the board the consultant for the traffic study presented to the planning board was present at the meeting and will speak to the board. Mr. Isler assured the board the applicant has heard the issues and are planning to work towards a solution. The mayor asked Mr. Isler to display a rendering of the proposed project, Mr. Bryan Grogan of PW Grosser the Engineering Company displayed the plan and he walked the Board through the proposed plan of development. Mr. Isler asked the Board if they had any questions regarding the project, Mr. Isler introduced Mr. Patrick Lenihan, he explained the traffic study that was done regarding the speeding, cut-through traffic and truck traffic, they found a significant amount of speeding above the 25 MPH limit, some cut-through and truck traffic are all related and are existing issues. The intersection of Rogers Avenue and Rogers Avenue Extension is not an intersection, it is a curve, the major concern of the citizens is walking around the curve and the fast traffic flow. One of the suggestions is stop signs at the curve. Deputy Mayor Urban stated the traffic issues had been ongoing and mentioned when the speed was lowered on Rogers Avenue, Mr. Isler assured the Board that the applicant is a willing partner to fix this issue. Deputy Mayor Urban asked about the affordable units, Bryan Grogan explained there were 8 one-bedroom units scattered through the project as recommended by the SEQRA and planning board. Trustee Frano stated there should be some two-bedroom units, Brad Hammond explained the determination of the affordable units. Mayor Moore asked what kind of wastewater treatment was planned, Bryan Grogan stated it was a BEST System as approved by Suffolk County. Mayor Moore opened the meeting to public comment, Chris Clapp of Rogers Avenue stated the community has stated their comments to the planning board, the board will need to consider the effects of this new community and others to be developed, regarding parking, traffic increased use of the beach etc. He commented to the board about the easement situation and setting precedence. Mayor Moore told the audience that the Village was purchasing the speed control devices to record speeding and determine when the worst time of speeders are on the road. The mayor asked if anyone else in the audience would like to be heard, there being no response the mayor thanked Mr. Isler for the information provided, and stated the public hearing would remain open for the April meeting, Trustee Frano and Deputy Mayor Urban agreed. Trustee Frano made a motion to hold open the public hearing, seconded by Trustee Rubio 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 February 3, 2022 and Special Meeting of February 16, 2022 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 Treasurer’s report for January 2022, and the Police Department, Building Inspector’s and Justice Court reports for February 2022 and are hereby accepted.

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

Schedule Public Hearing on 2022–2023 Tentative Village Budget

Motion made by Trustee Frano:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on April 13, 2022 at 5:00 p.m. at the Village Hall on the 2022–2023 Tentative Village Budget.

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

Authorize Renewal of 2022 Outdoor Sales and Displays Permit

Motion made by Trustee Rubio:

WHEREAS, the Village received an application to renew the Outdoor Sales and Displays Permit for 2022 with no changes from the 2021 application from:

John's Swimming Pools, 102 Old Riverhead Road
Hamptons Aristocrat, 87 Sunset Avenue

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’ 2022 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, 2022, 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 Tymann and unanimously approved 4 Ayes, 0 Nays

Authorize Renewal of 2022 Outdoor Dining Permits

Motion made by Trustee Tymann:

WHEREAS, the Village received applications to renew the Outdoor Dining Permit for 2022 with no changes from the 2021 application from:

Joe's American Grill, 240 Montauk Highway (6 Tables/20 Chairs, 3 Barstools)
Brunetti Pizza, 61 Main Street (2 Tables/8 Chairs)
Flora Restaurant, 149 Main Street (8 Tables/16 Chairs)
Salt & Loft, 145 Main Street (7 Tables/28 Chairs)

Tonino's Pizza, 88 Old Riverhead Road (3 Tables/12 Chairs)

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' 2022 renewal applications.

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

Authorize Renewal of 2022 Outdoor Tables, Chairs and Benches Permit

Motion made by Deputy Mayor Urban:

WHEREAS, the Village received applications to renew the Outdoor Tables, Chairs and Benches Permit for 2022 with no changes from the 2021 application from:

- Hamptons Aristocrat, 87 Sunset Avenue (6 Tables/12 Chairs, 5 Market Umbrellas)
- Hampton Coffee, 194 Mill Road (4 Tables/16 Chairs)
- Whitney's Deli, 98 Old Riverhead Road (2 Tables/4 Chairs)
- Boom Burger, 85 Montauk Highway (3 Pic-Nic Tables/Attached Benches)
- Sydney's Taylor Made Cuisine, 32 Mill Road (8 Tables/25 Chairs), extended season from March 1 through December 31.

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' 2022 renewal applications.

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

Authorize Renewal of 2022 Outdoor Music Permits

Motion made by Trustee Frano:

WHEREAS, the Village received applications to renew the Outdoor Music Permits for 2022 with no changes from the 2021 application from:

- Salt & Loft, 145 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:

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 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.
3. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
4. This permit shall be in effect from April 15, 2022 to November 15, 2022, 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.

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

Approve Warrant for March 2022

Motion made by Trustee Rubio:

RESOLVED, that the warrant for March 2022 in the amount of \$441,805.66 for the General Fund and \$1,054,649.71 for the Capital Fund is hereby approved.

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

Approve Use of Village Property-East End Little League

Motion made by Trustee Tymann:

RESOLVED, that East End Little League is hereby authorized to use the Great Lawn from March 15, 2022 through July 1, 2022, Monday through Friday from 4:00 p.m. to 7:00 p.m. for games and practices, and organizer will temporarily remove the fencing for May 27th and June 24th (if necessary).

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 Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Saturdays starting May 7, 2022 and ending December 17, 2022 from 9:00 a.m. to 1:00 p.m. for the seasonal Farmers Market, subject to compliance with any COVID related restrictions issued by NY State and signage limited to 1 on-site location sign only.

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

Approve Use of Village Property-Greater Westhampton Chamber of Commerce

Motion made by Trustee Frano:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday May 28, 2022 and Sunday May 29, 2022 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday May 27, 2022 from 9:00 a.m. to 9:00 p.m. for the Maggie Burbank Fine Arts and Crafts Show with signage per the village sign guidelines and subject to compliance with any COVID related restrictions issued by NY State.

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

Approve Use of Village Property-Greater Westhampton Chamber of Commerce

Motion made by Trustee Rubio:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday August 6, 2022 and Sunday August 7, 2022 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday August 5, 2022 from 9:00 a.m. to 9:00 p.m. for the Mary O. Fritchie Fine Arts and Crafts Show with signage per the village sign guidelines and subject to compliance with any COVID related restrictions issued by NY State.

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 Great Lawn on Sunday October 9, 2022 and Monday October 10 from 10:00 a.m. to 6:00 p.m. with set-up date on Saturday October 9, 2022 from 2:00 p.m. to 8:00 p.m. for the Gordon Werner Fine Arts and Crafts Show with signage per the village sign guidelines and subject to compliance with any COVID related restrictions issued by NY State.

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

Approve Use of Great Lawn-St. Mark’s Church Art Show

Motion made by Deputy Mayor Urban:

RESOLVED, that St. Mark’s Church is hereby authorized to use the Great Lawn from Saturday May 28 2022 to Sunday, May 29, 2022 from 10 a.m. to 6 p.m. with the set-up day of Friday May 27, 2022 from 8:30 a.m. to 12:00 pm and breakdown on Sunday May 29, 2022 at 6:00 p.m. with signage per the village sign guidelines and subject to compliance with any COVID related restrictions issued by NY State.

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

Approve Use of Great Lawn-St. Mark’s Church Art Show

Motion made by Trustee Frano:

RESOLVED, that St. Mark’s Church is hereby authorized to use the Great Lawn from Saturday September 3, 2022 to Sunday, September 4, 2022 from 10 a.m. to 6 p.m. with the set-up day of Friday September 2, 2022 from 8:30 a.m. to 12:00 pm and breakdown on Sunday September 4, 2022 at 6:00 p.m. and with signage per the village sign guidelines and subject to compliance with any COVID related restrictions issued by NY State.

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

Approve Use of Village Property-Westhampton Beach Historical Society

Motion made by Trustee Rubio:

RESOLVED, that the Westhampton Beach Historical Society is hereby authorized to use the Great Lawn on Saturday June 25, 2022 and Sunday June 26, 2022 for an Antique and Classic Car Show from 10:00 a.m. to 5:00 p.m. and with signage per the village sign guidelines and subject to compliance with any COVID related restrictions issued by NY State.

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

Authorize Use of Village Property-Musical Mime Co., Inc.

Motion made by Trustee Tymann:

RESOLVED, that the Musical Mime Co., Inc. is hereby authorized to use the Great Lawn on Friday July 29, 2022 and Saturday July 30, 2022 from 8:00 p.m. to 10:30 p.m. for an “Evening of Music, Ballet, Opera and Theatre” performance with set-up starting on July 27, 2022 and take down starting on Sunday July 31, 2022. and with signage per the village sign guidelines and subject to compliance with any COVID related restrictions issued by NY State.

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

Authorize Use of Village Property-WHB Performing Arts Center

Motion made by Deputy Mayor Urban:

RESOLVED, that the Westhampton Beach PAC is hereby authorized to use the Great Lawn on Friday July 23, 2022 from 9:00 a.m. to 6:00 p.m. with set-up on Friday July 22, 2022 from 7:00 a.m. to 7:00 p.m. for a Car Show and Fundraiser to Benefit the WHB Performing Arts Center and with signage per the village sign guidelines and subject to

compliance with any COVID related restrictions issued by NY State.

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

Authorize One Day Peddling Permit

Motion made by Trustee Frano:

WHEREAS, Leonard Goldberg has applied for a one-day Peddling Permit to sell novelties during the St. Patrick’s Day Parade on Saturday March 12, 2022 pursuant to §128-3 of the Village Code; and

WHEREAS, the Police department has reviewed and investigated the applicant and found no criminal history pursuant to §128-4; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a One-day Peddling Permit to Leonard Goldberg effective March 12, 2022 and is subject to the requested documentation being supplied and all other conditions in Chapter 128-10 and 128-11 of the Village code.

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

Approve 2022 Shared Computer Services with Southampton Town

Motion made by Trustee Rubio:

RESOLVED, that the mayor is hereby authorized to execute the renewal of the 2022 Shared Computer Services Agreement with the Town of Southampton at a cost of \$21,338.97; which may vary according to the addition or deletion of services during the calendar year from G/L account code A1355.4.

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

Authorize Change Order for Sewer System Construction

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby approves change order # PCO-00004 (proposed change order) for Thomas Novelli Contracting Corporation in the amount of \$66,135.00 for replacing specified Beacon lights to Sternberg lights to match the aesthetic of the Main Street Lights to be charged to the Capital Fund account H9900 Sewer District.

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

Authorize Police Chief to Enter into Agreement for Cellular Phone Service

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorize Police Chief Steven McManus to enter into an agreement with T-Mobile under the connecting "Heroes Plan" for 7 lines not to exceed an annual amount of \$2,100.00, and an agreement with Scale Fusion to provide MDM (Mobile Device Manager) services not to exceed an annual total of \$252.00 to be charged to G/L account A3120.407 Telephone.

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

Authorize Special Event Permit for Commercial Property

Motion made by Trustee Frano:

RESOLVED, That the Board of Trustees hereby authorizes Justin's Chop Shop to use the property located at 71 Sunset Avenue on Saturday March 12, 2022 from 12:00 p.m. to 5:00 p.m. to set up a tent, tables and chairs and have music, food and drinks; with no cooking under the tent and the alcoholic drinks limited to the property and fenced in area.

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

Authorize Purchase of Equipment

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorizes the purchase from Van Bortel Ford of a new police department 2022 Ford Utility AWD vehicle from NYS Contract at a cost not to exceed \$39,454.31 and new radio equipment from Motorola Solutions from NYS Contract at a cost not to exceed \$5,792.38 and other equipment to complete the installation and outfitting of the vehicle from Island Tech Services, not to exceed \$14,407;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves this purchase to be taken from G/L account A3120.2 Police Department Equipment.

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

Authorize Purchase of Equipment

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes the purchase from Fluid Imagery for various computer and server updates for the Village Clerk's and Building Department offices at a cost not to exceed \$45,000.00 to be taken from G/L account A1680.2 Central Data Processing Equipment.

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

Authorize Purchase of Equipment

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorizes the purchase ammunition from Atlantic Tactical Inc. for the Police Department at a cost not to exceed \$2,187.00 to be taken from G/L account A3120.415 Training.

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

Authorize Entertainment Permit

Motion made by Trustee Frano:

WHEREAS, The Claddagh Restaurant, 141 Montauk Highway, Westhampton Beach (SCTM 0905-5-2-6.2), has applied to renew the Entertainment Permit pursuant to Chapter 80 of the Code of the Village of Westhampton Beach for 2022, to allow the restaurant to offer limited entertainment accessory to the restaurant use; 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;

1. No substantial deviation from the Proposed Entertainment Plan shall be allowed without further approval of the Board of Trustees; and
2. This permit shall be in effect to December 31, 2022, 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.

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

PUBLIC COMMENT: NONE

Motion made by Trustee Tymann to close the meeting seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Meeting adjourned at 6:36 p.m.

Elizabeth Lindtvit
Village Clerk