

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday May 5, 2022 at 5:00 PM**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

1. Special Exception Application-Outdoor Tables/Chairs, 103 Main Street, Ivy on Main
2. Special Exception Application-Outdoor Music, 103 Main Street, Ivy on Main
3. Special Exception Application-Outdoor Tables/Chairs, 218 Mill Road, Dave's Bun and Burger
4. Special Exception Application-Outdoor Tables/Chairs, 162 Mill Road, Eckert's Luncheonette - **HOLD OVER**

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Accept 2020–2021 Fiscal Year Annual Financial Statements
4. Appoint Satty, Levine and Ciacco to Audit 2021-2022 Financial Statements
5. Approve 2022 Beach Rates and Rules
6. Authorize Budget Transfer
7. Appoint Part Time Justice Court Clerk
8. Appoint Maintenance Mechanic I
9. Appoint 2022 Seasonal Beach Personnel
10. Appoint 2022 Seasonal Marina Personnel
11. Appoint 2022 Seasonal Police Officers
12. Appoint 2022 Seasonal Traffic Control Officers
13. Appoint 2022 Election Inspectors
14. Accept Resignation of Employee
15. Accept Resignation of Employee
16. Accept Resignation of Committee Member

17. Authorize Vehicle Peddling Permit – Soft Ice Cream
18. Authorize Purchase of Police Equipment
19. Authorize Purchase of Police Equipment
20. Authorize 2022 Outdoor Music Permit
21. Approve Warrant for May 2022
22. Authorize Special Exception Permit
23. Authorize Mayor to Sign Intermunicipal Agreement
24. Accept Performance Bond
25. Approve 2022 Fire Inspection Services with Southampton Town
26. Authorize Mayor to Sign Agreement with Munistat
27. Temporary Extension of Outdoor Dining
28. Authorize Mayor to Sign Intermunicipal Agreement
29. Authorize Mayor to Sign Intermunicipal Agreement

PUBLIC COMMENT

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PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

Special Exception Application-Outdoor Dining, 103 Main Street, Ivy on Main

WHEREAS, Gerald Ferrari, "Ivy on Main", 103 Main Street has applied for an Outdoor Dining permit pursuant to Section 196-2 of the Code of the Village of Westhampton Beach, to allow the placement of eight (8) tables with a maximum of 16 chairs at the premises; and

WHEREAS, the applicant submitted a sketch plan of the location, and photographs of the design, of the proposed tables and chairs (hereinafter, the "Outdoor Dining Plan"); and

WHEREAS, the application was referred to the Village Planning Board on March 9, 2022, and by memorandum dated March 31, 2022, stated that it has no objection to the application for the tables and chairs, and

WHEREAS, a public hearing was held on the application on May 5, 2022, pursuant to section 196-3(D) of the Village Code; and

WHEREAS, it appears from the sketch plan and Planning Board report that the application satisfies the conditions of section 196-2(B) of the Village Code; now therefore,

BE IT RESOLVED that the application for an Outdoor Dining permit pursuant to Section 192-2 of the Village Code is granted to allow the placement of eight (8) tables and a maximum of 16 seats in accordance with the Outdoor Dining Plan, subject to the conditions set forth in section 192-2(B) of the Village Code and the following:

- A. No substantial deviation from the Outdoor Dining Plan shall be allowed without further approval of the Board of Trustees;
- B. This permit shall be in effect until November 15, 2022 pursuant to section 196-2(B) (10) of the Village Code, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 196-4 of the Village Code for future outdoor tables and chairs in subsequent seasons.

Special Exception Application-Outdoor Music, 103 Main Street, Ivy on Main

WHEREAS, Gerald Ferrari, "Ivy on Main", 103 Main Street has applied for an Outdoor Music permit pursuant to Section 196-3 of the Code of the Village of Westhampton Beach, to allow 1 speaker to play music inside and outside of the premises; and

WHEREAS, the applicant submitted an application which was referred to the Village Planning Board on March 9, 2022, and by memorandum dated March 31, 2022, stated that it has no objection to the application for music, and the music would be limited to one speaker and certain conditions, and

WHEREAS, a public hearing was held on the application on May 5, 2022, pursuant to section 196-3(D) of the Village Code; and now therefore;

BE IT RESOLVED that the application for an Outdoor Music permit pursuant to Section 196-3 of the Village Code is granted to allow the playing of music and 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.

Special Exception Application-Outdoor Tables/Chairs, 218 Mill Road, Dave's Bun and Burger

WHEREAS, Ricardo Carmona, "Dave's Bun and Burger", 218 Mill Road has applied for an Outdoor Dining permit pursuant to Section 196-2 of the Code of the Village of Westhampton Beach, to allow the placement of three (3) tables with a maximum of 6 chairs at the premises; and

WHEREAS, the applicant submitted a sketch plan of the location, and photographs of the design, of the proposed tables and chairs (hereinafter, the "Outdoor Dining Plan"); and

WHEREAS, the application was referred to the Village Planning Board on March 29, 2022, and by memorandum dated April 27, 2022, stated that it has no objection to the application for the tables and chairs, and

WHEREAS, a public hearing was held on the application on May 5, 2022, pursuant to section 196-3(D) of the Village Code; and

WHEREAS, it appears from the sketch plan and Planning Board report that the application satisfies the conditions of section 196-2(B) of the Village Code; now therefore,

BE IT RESOLVED that the application for an Outdoor Dining permit pursuant to Section 192-2 of the Village Code is granted to allow the placement of three (3) tables with a maximum of 6 chairs in accordance with the Outdoor Dining Plan, subject to the conditions set forth in section 192-2(B) of the Village Code and the following:

- A. No substantial deviation from the Outdoor Dining Plan shall be allowed without further approval of the Board of Trustees;
- B. This permit shall be in effect until November 15, 2022 pursuant to section 196-2(B) (10) of the Village Code, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 196-4 of the Village Code for future outdoor tables and chairs in subsequent seasons.

RESOLUTIONS:

1. Accept Minutes of Board of Trustees Meeting

RESOLVED, that the minutes of the Board of Trustees Meeting of April 7, 2022, and Special Meeting of April 13, 2022 are hereby accepted.

2. Accept Departmental Monthly Reports

RESOLVED, that the Treasurer's reports for March 2022, Justice Court, Police Department's and Building Inspector's reports for April 2022, are hereby accepted.

3. Accept 2020–2021 Fiscal Year Annual Financial Statements

RESOLVED, that the 2020–2021 Fiscal Year Annual Financial Statements prepared by Satty, Levine and Ciacco for the Village of Westhampton Beach and Justice Court are hereby accepted.

4. Appoint Satty, Levine and Ciacco to Audit 2021-2022 Financial Statements

RESOLVED, that the firm of Satty, Levine and Ciacco is appointed to audit the Village of Westhampton Beach's financial statements for the fiscal year 2021-2022 at a cost of \$25,000.00 from G/L code A1320.4 Auditing and an audit of the Village Justice Court at a cost of \$4,500.00 to be funded from A1110.4 Justice Court Contractual.

5. Approve 2022 Beach Rates and Rules

RESOLVED, that the attached Beach rates and rules for 2022 are hereby approved.

6. Authorize Budget Transfer

RESOLVED, that the Board of Trustees hereby approves the transfer of \$220,000 from the G/L Account A3120.100 Police PS to G/L Account Code A3120.2 Police Equipment.

7. Appoint Part Time Justice Court Clerk

RESOLVED, that Erica Phillips Smith is hereby appointed as a part time Justice Court Clerk at a rate of \$22.00 per hour not to exceed 17.50 hours per week in the Justice Court effective April 27, 2022 to be funded from G/L account A1110.102 Court Clerk P/S.

8. Appoint Maintenance Mechanic I

RESOLVED, that Noah Hanyo is hereby appointed to the position of Maintenance Mechanic I in the Public Works Department at a semi-monthly salary of \$2,556.86 effective May 1, 2022.

9. Appoint 2022 Seasonal Beach Personnel

RESOLVED, that pending the staffing of the Village beaches, the following personnel are hereby appointed to the positions specified below at Rogers and Lashley Beaches for the 2022 season to be funded from A7310.100 Beach Managers, A7310.101 Lifeguards and A7310.103 Beach Attendants, A7180.1 Kitchen Manager, A7180.101 Asst. Kitchen Manager and A7180.102 Kitchen Staff:

Beach Attendants:

Shaun Johnson	Manager	\$29.00
Mike Polan	Assistant Manager	\$22.00
Josh Tuttle	Assistant Manager	\$22.00
Tom Betjemann	Fill-in Assistant	\$19.00
Korey Williams	Fill-in Assistant	\$19.00
Marc Schlecht	Fill-in Assistant	\$19.00
Emma McAuley	Sr. Attendant	\$14.00
Spencer Moyle	Attendant	\$13.50
James Orłowski	Attendant	\$13.50
Jillian Watson	Attendant	\$13.50
Zach Zaffuto	Attendant	\$13.50
Andrew Mastrole	Attendant	\$13.25
Madilyn Dackow	Attendant	\$13.00

Mia Pazera	Attendant	\$12.75
Isabella Beck	Attendant	\$12.75
Sean Buonomo	Attendant	\$13.00
Drew Calloway	Attendant	\$12.75
Maya Farnan	Attendant	\$12.75

Lifeguards:

James Ridgely	Head Lieutenant	\$25.00
Timothy Fencel	Lt. Lifeguard	\$19.00
Timothy McAllister	Lifeguard	\$18.75
Brian Hunter	Lifeguard	\$17.00
Matthew Fencel	Lifeguard	\$16.75
Alex Williams	Lifeguard	\$16.25
Rory Paltridge	Lifeguard	\$16.50
Ryken Kutner	Lifeguard	\$16.50
Ethan Culhane	Lifeguard	\$16.50
Luke Farnan	Lifeguard	\$16.00
Gabby Johnson	Lifeguard	\$16.00
Emilee Mogan	Lifeguard	\$16.00
Brendan Spano	Lifeguard	\$17.00
Jenny Price	Lifeguard	\$17.00
Drew Peters	Substitute Lifeguard	\$18.75
Rob Duca	Substitute Lifeguard	\$18.75

Kitchen:

Mike Harpaul	Food Service Supervisor	\$25.00
Marley Kosasih	Lead Food Service Worker	\$19.25
Rachel Torney	Lead Food Service Worker	\$18.25
Michael Hemphling	Sr. Food Service Worker	\$13.50
Carter Papagni	Food Service Worker	\$13.50
Trevor Moyle	Food Service Worker	\$13.50
Justin Buonoma	Food Service Worker	\$13.00
Jaiyden Minter	Food Service Worker	\$13.00
Reese King	Food Service Worker	\$12.75
Quinn Papagni	Food Service Worker	\$13.00

10. Appoint 2022 Seasonal Marina Personnel

RESOLVED, that pending the staffing of the Village Marina, Michael Rewinski is appointed as Dock Manager to be compensated at a rate of \$20.00 per hour, Evan Robinson as Dock Attendant to be compensated at a rate of \$13.75 per hour effective May 5, 2022.

11. Appoint 2022 Seasonal Police Officers

RESOLVED, that John Rankin, Jeffrey Platt, Joseph E. Loria, Casey Caudrey and Maxwell Lopez are hereby appointed as Seasonal Police Officers in the Police Department at an hourly rate of \$26.00 to work as assigned by the Chief of Police effective May 17, 2022 to be funded from G/L account A3120.104 Seasonal Part Time.

12. Appoint 2022 Seasonal Traffic Control Officers

RESOLVED, that Louis Bancroft, Hannah King, Jared Polak, Matthew Meyer and Gerard Wilbrev are appointed as Seasonal Traffic Control Officers to be compensated at a rate of \$15.00 per hour to work as assigned by the Chief of Police effective May 17, 2022 to be funded from G/L account code A3120.109 Traffic Control Officers PS.

13. Appoint 2022 Election Inspectors

RESOLVED, that Bonnet Brophy is hereby appointed Chairperson of the Election Inspectors, Thomas Betjemann, Patricia Gonce and Jennie Beck are appointed as Election Inspectors and each are to perform the official duties of the Village General Election to be held on Friday June 17, 2022 and are to be compensated at a rate of \$15.00 per hour to be funded from G/L account A1450.1 Elections-Personal Service.

14. Accept Resignation of Employee

RESOLVED, that the Board of Trustees hereby accepts the resignation of Erin Foster as Police Operations Aide effective April 15, 2022.

15. Accept Resignation of Employee

RESOLVED, that the Board of Trustees hereby accepts the resignation of Dylan Kendall as Laborer in the Public Works Department effective April 24, 2022.

16. Accept Resignation of Committee Member

RESOLVED, that the Board of Trustees hereby accepts the resignation of Christopher Clapp as a member of the Conservation Advisory Council effective April 20, 2022.

17. Authorize Vehicle Peddling Permit – Ice Cream

WHEREAS, Fahrettin Ozdemir has applied to for a vehicle Peddling Permit to sell ice cream throughout the Village 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 and all requested documentation has been supplied; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a vehicle Peddling Permit to Fahrettin Ozdemir effective May 5, 2022 and expiring on December 31, 2022 as all other conditions in Chapter 128-10 and 128-11 of the Village Code have been met.

18. Authorize Purchase of Equipment for Police Department

RESOLVED, that the Board of Trustees hereby approves the purchase of various camera equipment from A+ Technology & Security Solutions, Inc. to upgrade the camera system in the police department in an amount not to exceed \$10,500.00 to be taken from G/L account A3120.2 Police Department Equipment.

19. Authorize Purchase of Equipment for Police Department

RESOLVED, that the Board of Trustees hereby approves the purchase of replacement lockers from Uline in the police department in an amount not to exceed \$9,500.00 to be taken from G/L account A3120.2 Police Department Equipment and the existing lockers to be installed at Rogers Beach.

20. Authorize 2022 Outdoor Music Permit

RESOLVED, that the Board of Trustees hereby approves the 2022 Outdoor Music permit renewal issued previously to Starr Boggs Restaurant to Fauna subject to the conditions and provisions of Chapter 196-3 of the Village Code and 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.

21. Approve Warrant for May 2022

RESOLVED, that the warrant for May 2022 in the amount of \$359,347.73 for the General Fund and \$81,259.06 for the Capital Fund is hereby approved.

22. Authorize Special Exception Permit

WHEREAS, by Special Exception Permit Application dated May 10, 2021, WHB Development Partners LLC (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees to construct an accessory convenience store to a proposed automotive service station to be constructed on the property located at 107 Old Riverhead Road, Westhampton Beach, New York, SCTM 905-2-1-19.5; and

WHEREAS, the property is located in the Village's B-3 zoning district; and

WHEREAS, in the Village's B-3 zoning district, an automotive service station is permitted as a special exception permit use; and

WHEREAS, under Local Law No. 8, adopted on November 7, 2019, the Board amended the definition of automotive service station to include the following: "An accessory mini-market or convenience store or expansion thereof may be permitted by special exception with a gross floor area no greater than 350 square feet per fueling station up to a maximum of 3,000 square feet, and in accordance with the dimensional requirements of the zoning district"; and

WHEREAS, based on these code provisions, applicant originally applied to the Board of Trustees for a special exception to allow the construction of a 16-pump (8 units) gasoline service station and a 4,719 sf building for a convenience store and luncheonette; and

WHEREAS, after engaging in the site plan review process with the Village Planning Board and the area variance process with the Village Zoning Board of Appeals, the applicant voluntarily reduced the size of the proposed convenience store and eliminated the luncheonette from the plans and is currently proposing a 3,999 sf convenience store, with no luncheonette; and

WHEREAS, pursuant to Village Code section 197-77, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board, which also commenced the site plan review process and conducted an extensive review of the site plan, which was revised multiple times until it was deemed ready for this Board to hold the public hearing on the Special Exception Permit; and

WHEREAS, due to the fact that the proposed convenience store would exceed the 3,000 sf limit under the code, the applicant applied to the Zoning Board of Appeals for an area variance from the 3,000 sf limit; and

WHEREAS, the Zoning Board of Appeals adopted a resolution dated March 17, 2022, granting the requested variance; and

WHEREAS, the application is a "Type II" action under the State Environmental Quality Review Act (SEQRA), and no further review is required; 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 duly noticed and held on April 7, 2022, and

WHEREAS, the Board of Trustees, having deliberated on the application and the testimony presented at the public hearing, finds as follows:

- a. The application, as proposed, satisfies the criteria of § 197-79 of the Village Code, in that:
 - i. the automotive service station and accessory convenience store will not prevent the orderly and reasonable use of the adjacent properties or of properties in the surrounding area or impair the value thereof;
 - ii. the automotive service station and accessory convenience store will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed special exception use is to be located or of permitted or legally established uses in adjacent districts;
 - iii. the safety, health, welfare, comfort, convenience or the order of the Village will not be adversely affected by the automotive service station and accessory convenience store and their location; and
 - iv. the automotive service station and accessory convenience store will preserve and protect the environment and be in harmony with and promote the general purposes and intent of the zoning code; and
- b. The Board has given consideration to the matters set forth in § 197-80 of the Village Code, and finds that the applicant's proposal does not raise any concerns with respect to such matters.

Now, therefore, it is RESOLVED that, the applicant's request for a Special Exception Permit for the proposed automotive (gasoline) service station and accessory convenience store, is hereby approved, subject to the following:

The Special Exception Permit is subject to all conditions imposed by the March 17, 2022 determination of the Village's Zoning Board of Appeals;

- A. The application shall be subject to the completion of the site plan review process by the Planning Board, and subject to such conditions as the Planning Board may deem reasonable and appropriate; and
- B. The applicant's use of the convenience store (a) shall be limited to the retail sale of goods allowed in a mini-market or convenience store, as defined in the Village Code, for off premises consumption only, but shall not include the sale of food prepared on site or other use that would qualify as a restaurant, as defined in the Village Code and (b) shall be operated by a single operator, as a single business, with no separate counters for the sale of select, designated foods or drinks.
- C. The applicant's use of the site as an automotive service station and accessory convenience store shall be subject to recorded covenants and restrictions, the specific terms of which shall be those required by the Planning Board, together with the conditions expressed in paragraph 3 of this resolution.

23. Authorize Mayor to Sign Intermunicipal Agreement

RESOLVED, that the Board of Trustees hereby authorizes the mayor to execute the Intermunicipal Agreement for Police Tactical Team Cooperation between the Town of Southampton, Village of Quogue and Village of Westhampton Beach for the multi-agency Emergency Services Unit.

24. Accept Performance Bond

RESOLVED that the Performance Bond dated April 26, 2022, submitted by Beechwood Westhampton LLC, in the amount of \$1,190,000, as secured by a "Subdivision Bond" of Fidelity and Deposit Company of Maryland dated March 30, 2022, is accepted as security for the performance of the obligations of Beechwood Westhampton LLC to complete the installation of the subdivision improvements for the Country Point at Westhampton Beach subdivision, which was conditionally approved by the Village Planning Board on April 14, 2022.

25. Approve 2022 Fire Inspection Services with Southampton Town

RESOLVED, that the mayor is hereby authorized to execute the renewal of the 2022 Fire Inspection Services Agreement with the Town of Southampton pursuant to fees established by the Town of Southampton and the type of necessary service.

26. Authorize Mayor to Sign Agreement

RESOLVED, that the Board of Trustees hereby authorizes the mayor to sign the Agreement between the Village of Westhampton Beach and Munistat Inc. for Municipal Advisor Services.

27. Temporary Extension of Outdoor Dining

RESOLVED, that any permit issued pursuant to prior resolution adopted November 5, 2020 which would have expired on April 14, 2022, is hereby extended to November 15, 2022; and

RESOLVED, that nothing herein shall be deemed to supersede any New York State Village of Westhampton Beach or federal requirements; and it is further

RESOLVED, that this resolution shall take effect immediately upon adoption by the Board of Trustees.

28. Authorize Mayor to Sign Intermunicipal Agreement

RESOLVED, that the Mayor is hereby authorized to sign the Intermunicipal Agreement with the Town of Southampton with respect to landmarking and preserving the "NYS Gov. John Adam Dix - Windmill" and administering the provisions of Town Code Article XXVIII as they relate to the Windmill.

29. Authorize Mayor to Sign Intermunicipal Agreement

RESOLVED, that the Mayor is hereby authorized to sign the Intermunicipal Agreement with the Town of Southampton for maintenance of CPF land located at 74 and 76 Dune Road, Westhampton Beach.

PUBLIC COMMENT

ADJOURN

DATED: May 5, 2022

Elizabeth Lindtvit
Village Clerk-Treasurer