

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday, April 7, 2022 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARINGS:**

1. LL # 4 of 2022-Amend Chapter 197-36 "Zoning"
2. Special Exception Application - Rogers Avenue Associates-Continued from March 3, 2022
3. Special Exception Application - 107 Old Riverhead Road, (16 pump gas station and building)

**RESOLUTIONS:**

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Accept Retirement
4. Appoint Engineering Firm
5. Create the "Seasonal Use Dwelling Unit Rental Registry of the Village of Westhampton Beach"
6. Authorize Mayor to Sign Employee Contract
7. Authorize Use of Village Property-Westhampton Free Library
8. Authorize Use of Village Property-Westhampton Free Library
9. Authorize Use of Village Property-Westhampton Free Library
10. Authorize Use of Village Property-Westhampton Free Library
11. Authorize Use of Village Property-Greater WH Chamber of Commerce
12. Authorize Use of Village Property-Greater WH Chamber of Commerce
13. Authorize Use of Village Property-Beach Cleanup
14. Approve Use of Village Property-Beach Cleanup
15. Authorize Renewal of 2022 Outdoor Tables, Chairs and Benches Permits
16. Authorize 2022 Renewal of Shock Outdoor Music Permit
17. Authorize Renewal of 2022 Outdoor Music North Fork Roasting Co.

18. Authorize Renewal 2022 Outdoor Sales and Displays Permit - Mixology
19. Authorize Renewal 2022 Outdoor Sales and Displays Permit - Shock for Kids
20. Authorize 2022 Dropoff Bin Permit
21. Authorize Purchase of Equipment for Public Works Department
22. Authorize Purchase of Equipment for Public Works Department
23. Authorize Purchase of Equipment for Public Works Department
24. Authorize Purchase of Equipment for Village Wide Security Cameras
25. Authorize Purchase of Equipment for Village Wide Security Cameras
26. Authorize Purchase of Equipment for Police Department
27. Authorize Purchase of Equipment for Police Department
28. Accept Proposal for Fence Repair
29. Accept Proposal for Road Paving
30. Authorize Stormwater Management Program Services
31. Authorize Repairs to Rogers Beach
32. Authorize Vehicle Peddling Permit – Soft Ice Cream
33. Authorize Employee to Attend Training Course
34. Authorize Mayor to Sign Amended Memorandum of Agreement
35. Refer Special Exception Application to Village Planning Board
36. Approve Warrant for April 2022

**PUBLIC COMMENT**

**ADJOURN**

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday, April 7, 2022 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARINGS:**

**1. LI # 4 of 2022-Amend Chapter 197-36 "Zoning"**

WHEREAS, a public hearing was held before the Board of Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on April 7, 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 March 21, 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) & (37) (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 Local Law #4 of 2022 Chapter 197-36 Zoning as advertised; and be it further

RESOLVED, the Village Clerk is hereby directed to enter Local Law #4 of 2022 in the records of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

**2. Special Exception Application - Rogers Avenue Associates-Continued from March 3, 2022**

**3. Special Exception Application - 107 Old Riverhead Road, (16 pump gas station and building)**

**RESOLUTIONS:**

**1. Accept minutes of Board of Trustees Meeting**

RESOLVED, that the minutes of the Board of Trustees Meeting of March 3, 2022 and Special Meeting of March 18, 2022 are hereby accepted.

**2. Accept Departmental Monthly Reports**

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

**3. Accept Retirement**

RESOLVED, that the Board of Trustees hereby regretfully accepts the retirement of Jeffrey Frano effective March 31, 2022.

#### **4. Appoint Engineering Firm**

WHEREAS, the Village attorneys require that the Village retain a professional engineer to assist in the defense of the claims by The Patio Building Condominium Corporation in the eminent domain proceeding; and

WHEREAS, the services sought are professional in nature and are not subject to public bidding; and

WHEREAS, Vincent Gaudiello, P.E. of the Raynor Group, P.E. & L.S., PLLC has the unique knowledge and experience required by the Village attorneys; and

WHEREAS, the Village attorneys received a proposal from Mr. Gaudiello that he would assist the Village attorneys and prepare a written report at his firm's current hourly rates, not to exceed \$3,000.00; and

NOW, THEREFORE, the Board of Trustees hereby authorizes the Village attorneys to retain the services of Vincent Gaudiello, P.E., of the Raynor Group, P.E. & L.S., PLLC, at the expense of the Village, to act as an expert and consultant in the defense of the claim of The Patio Building Condominium Corporation at his firm's current hourly rates, but not to exceed \$3,000.00.

#### **5. Create the "Seasonal Use Dwelling Unit Rental Registry of the Village of Westhampton Beach"**

WHEREAS, the Housing Stability and Tenant Protection Act of 2019 created limits on collecting deposits and advances (no more than one month's rent may be collected by landlords) for residential dwelling units, which include single family residences; and

WHEREAS, an unintended consequence of this law was that homeowners who rent their homes for the summer season on the East End, including within the Village of Westhampton Beach, were no longer allowed to collect rent upfront for a full summer season; and

WHEREAS, the Board finds that allowing homeowners who have seasonal use dwelling units to collect more than one month's rent as security is important to the real estate income of property owners within the Village and the local economy; and

WHEREAS, in 2021 the New York State Legislature adopted legislation that created an exemption for seasonal rentals. To qualify for the exemption, a dwelling unit must meet certain conditions, which are set forth in New York State General Obligations Law §7-108. Such conditions include, but are not limited to, the dwelling unit shall not be rented as a seasonal use dwelling unit for more than one hundred twenty days during each calendar year; and

WHEREAS, to qualify as a Seasonal Use Dwelling Unit, the dwelling unit must also be registered with the local municipality; and

WHEREAS, while the Village of Westhampton Beach does issue permits for summer rentals pursuant to Chapter 197 of the Village Code, the Village does not currently maintain a rental registry; and

WHEREAS, the Trustees desire to create a rental registry so property owners in the Village of Westhampton Beach may qualify their dwelling units as a “seasonal use dwelling unit”.

NOW THEREFORE BE IT RESOLVED, the Board of Trustees hereby creates a rental registry entitled “Seasonal Use Dwelling Unit Rental Registry of the Village of Westhampton Beach”, which is to be administered and maintained by the Village of Westhampton Beach Building Inspector for the purpose of allowing homeowners to qualify their dwelling units as seasonal use dwelling units pursuant to General Obligations Law §7-108, the requirements of which are set forth in General Obligations Law §7-108; and be it further

RESOLVED, the Building Inspector shall use the form attached hereto for homeowners seeking to register their residences as a Seasonal Use Dwelling Unit; and be it further

RESOLVED, failure to adhere to the requirements of a seasonal use dwelling unit, as set forth in General Obligations Law § 7-108 shall result in revocation by the Village of the residential dwelling unit from the Seasonal Use Dwelling Unit Rental Registry of the Village of Westhampton Beach.

#### **6. Authorize Mayor to Sign Employee Contract**

RESOLVED, that the Board of Trustees hereby authorizes the mayor to sign the employment contract for the Village Police Chief effective October 7, 2021 to May 31, 2023.

#### **7. Approve Use of Village Property-Westhampton Free Library**

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Rogers Beach Pavilion from July 11, 2022 to September 1, 2022 for various exercise and yoga classes from 8:30 am to 9:30 am and from 6:00 pm to 7:00 pm. This permit is subject to change in the event the NYS restrictions are amended.

#### **8. Approve Use of Village Property-Westhampton Free Library**

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Village Green on Tuesdays from July 5, 2022 to August 23, 2022 for the "Kids on the Green" performance series from 4:30 pm to 7:00 pm which includes set-up and take down. This permit is subject to change in the event the NYS restrictions are amended.

#### **9. Authorize Use of Village Property-Westhampton Free Library**

RESOLVED, that the Westhampton Free Library is hereby authorized to conduct outdoor concerts each Thursday beginning June 30, 2022 through September 8, 2022 from 7:30 p.m. to 9:30 p.m. which includes set-up and take-down at the Village Green. This permit is subject to change in the event the NYS restrictions are amended.

### **10. Approve Use of Village Property-Westhampton Free Library**

RESOLVED, that the Westhampton Free Library is hereby authorized to use the Great Lawn on Mondays from July 11, 2022 to August 29, 2022 for the "Monday Night Movies" from 4:00 pm to 9:00 pm which includes set-up and take down. This permit is subject to change in the event the NYS restrictions are amended.

### **11. Authorize Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Glovers Lane Park for the annual "Easter Egg and Scavenger Hunt" event on Saturday April 9, 2022 from 11:00 p.m. to 1:00 p.m.

### **12. Authorize Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Sidewalks on Main Street for the annual "Sidewalk Sale" event on Saturday and Sunday April 30 and May 1, 2022 from 10:00 a.m. to 5:00 p.m. and Saturday and Sunday October 8 and 9, 2022 with limitations of one (1) clothing rack or table per business, and no blocking of the pedestrian walkways or village sidewalks and follow the NYS COVID19 protocols.

### **13. Approve Use of Village Property-Beach Cleanup**

RESOLVED, that the All-Long Island Beach Cleanup sponsored by Willie's Superbrew is hereby authorized to use Rogers and Lashley beaches on Saturday May 14 and Sunday May 15, 2022, from 12:00 pm to 2:00 pm for a beach wide cleanup project, subject to the status of the deck repair project and subject to compliance with the New York State restrictions in effect on the date of the event.

### **14. Approve Use of Village Property-Beach Cleanup**

RESOLVED, that the Surfrider Foundation Eastern Long Island Chapter is hereby authorized to use Roger's beach on Saturday April 30, 2022 from 12:00 pm to 2:00 pm for a beach wide cleanup project, subject to the status of the deck repair project and subject to compliance with the New York State restrictions in effect on the date of the event.

### **15. Authorize Renewal of 2022 Outdoor Tables, Chairs and Benches Permits**

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

- Firehouse Pizza, 196 Montauk Highway (3 picnic tables w/attached benches)
- North Fork Roasting Co., 59 Main Street (3 Tables/12 Chairs)
- Goldberg's Famous, 65 Main Street (4 Tables/16 Chairs)
- Haskell's Seafood, 77A Main Street (6 Tables/12 Chairs)
- The Corner Cafe Restaurant, 77 A Main Street (4 picnic tables w/attached benches & 2 tables/4 chairs in front of store)
- Shock Ice Cream, 99A Main Street (3 picnic tables w/attached benches & 1 child size table)

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.

#### **16. Authorize 2022 Renewal of Shock Outdoor Music Permit**

RESOLVED, that the Board of Trustees hereby approve the renewal of Shock Ice Cream Outdoor Music Permit for 2022 subject to the same set of conditions as set forth on the Determination dated August 3, 2006, the 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.

#### **17. Authorize 2022 Renewal of Outdoor Music**

WHEREAS, North Fork Roasting Co. has applied to renew the 2022 Outdoor Music Permit to place one (1) musician by removing one (1) table and three (3) chairs as recommended by the Village Planning Board and depicted on the site plan submitted with the application pursuant to §196-3 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

BE IT RESOLVED that the application for an Outdoor Music permit is granted subject to the following conditions:

- a. 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.
- b. It shall be the obligation of North Fork Roasting Co. that the public sidewalk is not obstructed.
- c. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.
- d. This permit shall be in effect from May 1, 2022 to October 31, 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.

#### **18. Authorize Renewal 2022 Outdoor Sales and Displays Permit - Mixology**

WHEREAS, Jennifer Sperber, tenant of the premises known as Mixology, located at 148 Main Street, Westhampton Beach (SCTM 0905-12-4-41.1), has applied to renew the 2022 Outdoor Sales and Displays permit pursuant to Chapter 140 of the Code of the Village of Westhampton Beach; 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, it appears from the Outdoor Display Plan that the application satisfies the conditions of section 140-2(A) of the Village Code; now therefore,

BE IT RESOLVED that the application for a Renewal of the 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:

All conditions set forth in section 140-2(A) shall be followed;

No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and

This permit shall be in effect 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.

### **19. Authorize Renewal 2022 Outdoor Sales and Displays Permit - Shock for Kids**

WHEREAS, by Outdoor Sales Application filed on April 5, 2022, Elyse Richman as Shock for Kids (hereinafter, the “applicant”) requested a permit for Outdoor Sales and Displays from the Board of Trustees for the placement of three (3) child size mannequins on the North East corner of the property, setback a minimum of 30” from the Village Right of Way as depicted on the survey and picture attached to the application; at 99 Main Street, Westhampton Beach, New York, SCTM numbers: 905-11-2-20.3; and

WHEREAS, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 140-.2 (B) 6; and the Planning Board stated that, based upon its review, it had no objection to the three (3) child size mannequins which will be removed in November 2022; and it is hereby

RESOLVED that, the applicant’s request for an Outdoor Sales/Display Permit for three (3) child size mannequins on the North East corner of the property, setback a minimum of 30” from the Village Right of Way as depicted on the survey and picture attached to the application is hereby approved.

### **20. Authorize 2022 Dropoff Bin Permit**

Whereas, Big Brothers Big Sisters of Long Island has applied for an annual permit to have a drop-off bin for donations located at 7 Glovers Lane, Westhampton Beach, NY; and

Whereas there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of this drop-off bin as shown on the survey of property and subject to the requirements of Chapter 77 of the Village Code.



## **21. Authorize Purchase of Equipment for Public Works Department**

RESOLVED, that the Board of Trustees hereby approves the purchase of 1 New Holland C345 Compact Track Loader from NYS Contract PC69383 in an amount not to exceed \$87,850.00 and BigTow Trailer Model B7T in the amount not to exceed \$16,727.00 to be taken from G/L account A5110.2 DPW Equipment.

## **22. Authorize Purchase of Equipment for Public Works Department**

RESOLVED, that the Board of Trustees hereby approves the purchase of various accessories for the Ventrac snow blower in an amount not to exceed \$15,192.32 to be taken from G/L account A5110.2 DPW Equipment.

## **23. Authorize Purchase of Equipment for Public Works Department**

RESOLVED, that the Board of Trustees hereby approves the purchase of an MTU on site 60kw diesel generator from Suffolk County Contract GEATS-100920 in an amount not to exceed \$44,000.00 to be taken from G/L account A5110.2 DPW Equipment.

## **24. Authorize Purchase of Equipment for Village Wide Security Cameras**

RESOLVED, that the Board of Trustees hereby approves the purchase of various security cameras for installation in the three (3) municipal parking lots in an amount not to exceed \$110,000 to be taken from G/L account A3120.2 Police Department Equipment.

## **25. Authorize Purchase of Equipment for Village Wide Security Cameras**

RESOLVED, that the Board of Trustees hereby approves the purchase of various security cameras to upgrade the video camera system at Village Hall in an amount not to exceed \$60,000 to be taken from G/L account A3120.2 Police Department Equipment.

## **26. Authorize Purchase of Equipment for Police Department**

RESOLVED, that the Board of Trustees hereby approves the purchase of various Motorola Radio Equipment to upgrade the radio system in the police department in an amount not to exceed \$21,900 to be taken from G/L account A3120.2 Police Department Equipment.

## **27. Authorize Purchase of Equipment for Police Department**

RESOLVED, that the Board of Trustees hereby approves the purchase of four (4) speed signs for traffic speed maintenance on various village roads in an amount not to exceed \$11,900 to be taken from G/L account A3120.2 Police Department Equipment.

### **28. Accept Proposal for Fence Repair**

RESOLVED, that the Board of Trustees hereby accepts the quote from Residential Fences Corp. in the amount of \$15,390.00 for the replacement of the fence at the Mill Road parking lot to be taken from G/L account code A5110.405 Materials.

### **29. Accept Proposal Rosemar**

RESOLVED, that the price quote submitted by Rosemar Contracting, Inc. for paving of Sunset to Mill Road, Stevens Lanes-East of Bridge and Stevens Lane-West of Bridge in the amount not to exceed \$248,000.00 for the road paving and milling with \$170,000.00 be taken from account code A5112.408 CHIPS Improvements and \$78,000.00 to be taken from A5112.407 Permanent Improvements account is hereby accepted.

### **30. Authorize Stormwater Management Program Services**

RESOLVED, that the Board of Trustees hereby authorizes D & B Engineers and Architects, P.C. to prepare the 2022 SWMP Annual Report and additional services for the 2022 Annual Storm Water Management Program at a cost not to exceed \$11,100.00 to be taken from G/L code A6410 Environmental.

### **31. Authorize Repairs to Rogers Beach**

WHEREAS, that the Board of Trustees authorized the Department of Public Works to replace and repair approximately 7,000 sq. feet of decking and 280 linear feet of railings at the Rogers Beach pavilion at a cost of \$70,000.00 to be amended from A1620.423 to be taken from the Park Fund and as the project nears completion there is a need for additional materials; so now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the purchase of the additional materials in an amount not to exceed \$20,000.00 to be taken from the Park Fund account code CM 210.

### **32. Authorize Vehicle Peddling Permit – Hard Ice Cream**

WHEREAS, Durmus Bas has applied to for a vehicle Peddling Permit to sell hard ice cream throughout the Village pursuant to §128-3 of the Village Code; and

WHEREAS, the Village 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 vehicle Peddling Permit to Durmas Bas effective April 8, 2022 and expiring on December 31, 2022 and is subject to all other conditions in Chapter 128-10 and 128-11 of the Village Code.

### **33. Authorize Employee to Attend Training Course**

RESOLVED, that Police Officer Mark Yakaboski is hereby authorized to attend the State of New York's Juvenile Officer's Association "Basic Juvenile Police Officers Course" at the Westchester County Police Academy from April 4 to April 8, 2022, travel expenses not to exceed \$100.00 to include gas and tolls from G/L account code A3120.415 Training.

**34. Authorize Mayor to Sign Amended Memorandum of Agreement**

RESOLVED, that the Board of Trustees hereby authorizes the mayor to execute the Amended Memorandum of Agreement between the County of Suffolk, Village of Westhampton Beach, and Bus Patrol America LLC, to amend the original MOA to reflect the directive from the Office of the New York State Comptroller and to set forth provisions for the remittance of certain monetary penalties to the Village.

**35. Refer Special Exception Application for Dave's Bun and Burger Outdoor Tables to Planning Board**

RESOLVED, that the Special Exception Application submitted by Ricardo Carmona for Dave's Bun and Burger for Outdoor Tables and Chairs, located at 218 Mill Road and identified by Suffolk County Tax Map # 905-8-3-14 is hereby referred to the Village Planning Board for review.

**36. Approve Warrant for April 2022**

RESOLVED, that the warrant for April 2022 in the amount of \$218,647.50 for the General Fund and \$524,582.16 for the Capital Fund is hereby approved.

**PUBLIC COMMENT**

**ADJOURN**

**DATED: April 7, 2022**

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**Elizabeth Lindtvit**  
**Village Clerk-Treasurer**