

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, March 2, 2023 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

LL # 4 of 2023 - Chapter 197-1, Accessory Buildings

LL # 5 of 2023 - Chapter 150, Subdivision of Land

LL # 6 of 2023 – Chapter 161, Taxation

RESOLUTIONS:

1. Appoint Police Officer
2. Accept minutes of Board of Trustees Meetings
3. Accept Departmental Monthly Reports
4. Accept 2021–2022 Fiscal Year Annual Financial Statements
5. Schedule Public Hearing on 2023–2023 Tentative Village Budget
6. Authorize Renewals of 2023 Outdoor Sales and Displays Permits
7. Authorize Renewal of 2023 Outdoor Dining Permits
8. Authorize Renewal of 2023 Outdoor Tables, Chairs and Benches Permits
9. Authorize Renewal of 2023 Outdoor Music Permits
10. Approve Use of Village Property-WH Chamber, Fall & Winter Festivals
11. Approve Use of Village Property-WH Chamber, Farmers Market
12. Approve Use of Village Property-WH Chamber, Art Show
13. Approve Use of Village Property-WH Chamber, Art Show
14. Approve Use of Village Property-WH Chamber, Art Show
15. Approve Use of Village Property-WH Chamber, Chalk Night
16. Authorize Use of Village Property-St. Marks Church, Art Show
17. Authorize Use of Village Property-St. Marks Church, Art Show
18. Authorize Use of Village Property-WHB Performing Arts Center
19. Authorize Use of Village Property-WHB Performing Arts Center

20. Authorize Use of Village Property-WHB Brewing Company
21. Authorize Use of Village Property-Westhampton Free Library
22. Authorize Use of Village Property-Westhampton Free Library
23. Authorize Use of Village Property-Westhampton Free Library
24. Authorize Use of Village Property-Westhampton Free Library
25. Authorize Use of Village Property-Glovers Park
26. Authorize Employee to Attend Training
27. Approve 2023 Shared Computer Services with Southampton Town
28. Authorize Special Event Permit for Commercial Property
29. Authorize Notice to Bidders-Kayak Rental Concession
30. Authorize Continuance of 12 Hour Work Chart
31. Approve Warrant for February 2023
32. Adopt Local Law # 4 of 2023
33. Adopt Local Law # 5 of 2023
34. Adopt Local Law # 6 of 2023
35. Accept Proposal – H2M
36. Authorize Notice to Bidders-Beach Concession
37. Authorize Use of Village Property- WH Chamber, Halloween Celebration
38. Authorize Use of Village Property-Southforker Magazine
39. Adopt License Agreement-105-109 Main Street LLC.
40. Authorize Mayor to Sign Contract-Dockwa
41. Authorize Purchase of Equipment – Landscape Trailer

PUBLIC COMMENT

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EXECUTIVE SESSION

**Village of Westhampton Beach
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PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

LL # 4 of 2023 - Chapter 197-1, Accessory Buildings

LL # 5 of 2023 - Chapter 150, Subdivision of Land

LL # 6 of 2023 – Chapter 161, Taxation

RESOLUTIONS:

1. Appoint Police Officer

RESOLVED, that Anthony Bruno is hereby appointed to the position of Police Officer at a semi-monthly salary of \$3,007.28, effective March 2, 2023 17:00 hours from Certified Eligibles List # 23SR023 in accordance with Suffolk County Department of Civil Service rules and procedures.

2. Accept minutes of Board of Trustees Meeting

RESOLVED, that the minutes of the Board of Trustees Meeting of February 2, 2023 are hereby accepted.

3. Accept Departmental Monthly Reports

RESOLVED, that the Treasurer's report, Justice Court, Police Department's and Building Inspector's reports for January 2023 are hereby accepted.

4. Accept 2021–2022 Fiscal Year Annual Financial Statements

RESOLVED, that the 2021–2022 Fiscal Year Annual Financial Statements prepared by Satty, Levine and Ciacco for the Village of Westhampton Beach Justice Court are hereby accepted.

5. Schedule Public Hearing on 2023–2024 Tentative Village Budget

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on April 6, 2023 at 5:00 p.m. at the Village Hall on the 2023–2024 Tentative Village Budget.

6. Authorize Renewal of 2023 Outdoor Sales and Displays Permit

WHEREAS, the Village received an application to renew the Outdoor Sales and Displays Permit for 2023 with no changes from the 2022 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' 2023 renewal applications. 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 and 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, 2023, 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.

7. Authorize Renewal of 2023 Outdoor Dining Permits

WHEREAS, the Village received applications to renew the Outdoor Dining Permit for 2023 with no changes from the 2022 application from:

Joe's American Grill, 240 Montauk Highway (6 tables/20 chairs, 3 barstools)
Flora Restaurant, 149 Main Street (8 tables/16 chairs)
Brunetti Pizza, 61 Main Street (2 tables/8 chairs), with the extended season from March 1 through December 31.
Hampton Coffee, 194 Mill Road (4 tables/16 chairs)
Ivy on Main, 103 Main Street (8 tables/16 chairs Maximum)
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' 2023 renewal applications.

8. Authorize Renewal of 2023 Outdoor Tables, Chairs and Benches Permit

WHEREAS, the Village received applications to renew the Outdoor Tables, Chairs and Benches Permit for 2023 with no changes from the 2022 application from:

Boom Burger, 85 Montauk Highway (3 Pic-nic tables/attached Benches)
Firehouse Pizza, 196 Montauk Highway (3 Pic-nic tables/attached benches)
Hamptons Aristocrat, 87 Sunset Avenue (6 tables/12 chairs, 5 market Umbrellas)
Haskell's Seafood, 77A Main Street (6 tables/12 chairs)
Sydney's Taylor Made Cuisine, 32 Mill Road (8 tables/25 chairs & 8 adirondack chairs), with the extended season from March 1 through December 31.
Whitney's Deli, 98 Old Riverhead Road (2 tables/4 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 plans attached to the applicants' 2023 renewal applications.

9. Authorize Renewal of 2023 Outdoor Music Permits

WHEREAS, the Village received applications to renew the Outdoor Music Permits for 2023 with no changes from the 2022 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. 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. 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. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees.

This permit shall be in effect from April 15, 2023 to November 15, 2023, 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.

10. Authorize Use of Village Property-Greater Westhampton Chamber of Commerce

RESOLVED that the Board of Trustees hereby authorizes the Greater Westhampton Chamber of Commerce to use Main Street from Library Avenue to Moniebogue Lane on Saturday October 7, 2023 with a rain date of October 8, 2023 from 11:00 a.m. to 5:00 p.m. and December 2, 2023 with a rain date of December 3, 2023 from 11:00 a.m. to 4:00 p.m. with set-up at 9:00 am and break-down from 5:00 for the Greater Westhampton Beach Fall and Winter Festivals.

11. Approve Use of Village Property-Greater Westhampton Chamber of Commerce

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Saturdays starting May 6, 2023 and ending October 28, 2023 with set-up starting at 7:00 am and breaking down no later than 2:00 pm for the seasonal Farmers Market, subject to signage limited to 1 on-site location sign only.

12. Approve Use of Village Property-Greater Westhampton Chamber of Commerce

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday May 27, 2023 and Sunday May 28, 2023 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday May 26, 2023 from 12:00 p.m. and breakdown on Sunday May 28, 2023 by 10:00 p.m. for the Maggie Burbank Fine Arts and Crafts Show subject to signage per the village sign guidelines and the applicant has agreed to share the use of the Great Lawn with the St. Mark's Church Paragon Art Show.

13. Approve Use of Village Property-Greater Westhampton Chamber of Commerce

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday August 5, 2023 and Sunday August 6, 2023 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday August 4, 2023 from 9:00 a.m. to 9:00 p.m. for the Mary O. Fritchie Fine Arts and Crafts Show subject to signage per the village sign guidelines.

14. Approve Use of Village Property-Greater Westhampton Chamber of Commerce

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Sunday October 8 from 10:00 a.m. to 6:00 p.m. and Monday October 9, 2023 with set-up date on Saturday October 7, 2023 from 1:00 p.m. to 9:00 p.m. for the Gordon Werner Fine Arts and Crafts Show with signage per the village sign guidelines.

15. Approve Use of Village Property-Greater Westhampton Chamber of Commerce

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to hold a "Chalk Night" on the Village's Main Street sidewalks on Mondays starting July 10, 2023 and ending August 28, 2023 from 6:00 p.m. to 8:00 p.m.; store owners will make sure participants do not block pedestrian traffic, specific locations will be designated by store owners, any materials used shall not stain the sidewalks, and the store owners are responsible for cleaning the designated areas for the next event.

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

RESOLVED, that St. Mark's Church is hereby authorized to use the Great Lawn from Saturday May 27 2023 to Sunday, May 28, 2023 from 10 a.m. to 6 p.m. with the set-up day of Friday May 26, 2023 at 12:00 p.m. and breakdown on Sunday May 28, 2023 by 10:00 p.m. with signage per the village sign guidelines. The applicant has agreed to share the use of the Great Lawn with the Greater Westhampton Chamber of Commerce.

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

RESOLVED, that St. Mark's Church is hereby authorized to use the Great Lawn from Saturday September 2, 2023 to Sunday, September 3, 2023 from 10 a.m. to 6 p.m. with the set-up day of Friday September 1, 2023 at 12:00 p.m. and breakdown on Sunday September 4, 2023 by 10:00 p.m. with signage per the village sign guidelines.

18. Authorize Use of Village Property-WHB Performing Arts Center

RESOLVED, that the Westhampton Beach PAC is hereby authorized to use the Great Lawn from Friday June 30, 2023 to Sunday July 2, 2023 from 7:00 a.m. to 11:00 p.m. with set-up starting on Monday June 26, 2023 at 7:00 a.m. and breakdown on Monday July 3, 2023 by noon for a Weekend Concert and Fundraiser to Benefit the WHB Performing Arts Center, with signage per the village sign guidelines.

19. Authorize Use of Village Property-WHB Performing Arts Center

RESOLVED, that the Westhampton Beach PAC is hereby authorized to use the Great Lawn on Sunday August 13, 2023 from 7:00 a.m. to 11:00 p.m. with set-up on Thursday August 10, 2023 and take down on Sunday August 14, 2023 for a Car Show and Fundraiser to Benefit the WHB Performing Arts Center with signage per the village sign guidelines.

20. Authorize Use of Village Property-WHB Brewing Company

RESOLVED, that the Westhampton Beach Brewing Company is hereby authorized to use the village roads for a 5K Riptide Run on a course approved by the Village Police Chief to benefit the Boomer Esiason Foundation and hospitality tent in Glover's Lane Park on Saturday April 22, 2023 from 9:00 a.m. to 5:00 p.m. with set-up on Friday April 21, 2023 and take down on Sunday April 23, 2023 by 1:00 p.m. with signage per the village sign guidelines.

21. 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 5, 2023 to August 31, 2023 for various exercise and yoga classes from 8:30 am to 9:30 am and from 6:00 pm to 7:00 pm.

22. 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 11, 2023 to August 29, 2023 for the "Kids on the Green" performance series from 4:30 pm to 7:00 pm which includes set-up and take down.

23. 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 29, 2023 through September 7, 2023 from 7:30 p.m. to 9:30 p.m. which includes set-up and take-down at the Village Green.

24. 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 10, 2023 to August 28, 2023 for the "Monday Night Movies" from 4:00 pm to 9:00 pm which includes set-up and take down.

25. Authorize Use of Village Property – Glovers Park

RESOLVED, that the Board of Trustees hereby authorizes the Westhampton Free Library to introduce a community pollinator garden to Glovers Park which would support the United Nations Sustainable Development Goal # 15: Life on Land. Volunteers from the library will install and maintain the garden.

26. Authorize Employee to Attend Training Course

RESOLVED, that Police Chief Steven McManus is hereby authorized to attend the NYSACOP Police Executive Training in Niagara Falls, New York from March 20, 2023 to March 24, 2023. Lodging fee of \$89.00 per night, travel flight of \$370.00 and travel expenses not to exceed \$1,500.00 to include car rental, gas and food to be taken from G/L account code A3120.415 Training.

27. Approve 2023 Shared Computer Services with Southampton Town

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2023 Shared Computer Services Agreement with the Town of Southampton at a cost of \$21,986.09; which may vary according to the addition or deletion of services during the calendar year from G/L account code A1355.4.

28. Authorize Special Event Permit for Commercial Property

RESOLVED, That the Board of Trustees hereby authorizes Justin's Chop Shop to use the property located at 71 Sunset Avenue on Saturday March 11, 2023 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.

29. Authorize Notice to Bidders-Kayak Rental Concession

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to post a Notice to Bidders for the Village of Westhampton Beach Kayak Rental Concession for the 2023 & 2024 summer seasons.

30. Authorize Continuance of 12 Hour Work Chart

RESOLVED, that the Board, pursuant to PBA CBA Section 19(D)(II)(2), hereby agrees to continue the experimental 12-hour work chart through and including May 31, 2023.

31. Approve Warrant for February 2023

RESOLVED, that the warrant for February 2023 in the amount of \$502,486.95 for the General Fund and \$469,757.07 for the Capital Fund is hereby approved.

32. Adopt Local Law # 4 of 2023 – Amend Chapter 197 Entitled “Zoning”

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on March 2, 2023 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 February 15, 2023, 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 the Local Law 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 to the Secretary of State.

33. Adopt Local Law # 5 of 2023 - Amend Chapter 150 Entitled “Subdivision of Land”

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on March 2, 2023 to amend Chapter 150, entitled "Subdivision of Land," of the Code of the Village of Westhampton Beach; and

WHEREAS, the Suffolk County Planning Commission, via correspondence dated February 15, 2023, 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 the Local Law 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 to the Secretary of State.

34. Adopt Local Law # 6 of 2023 – Amend Chapter 161 Entitled “Taxation”

WHEREAS, a public hearing was held before the Board of Trustees at Village Hall, 165 Mill Road, Westhampton Beach on March 2, 2023 at 5:00 pm to consider amending Chapter 161 of the Code of the Village of Westhampton Beach in order to increase the maximum income exemption eligibility level for granting partial exemptions from real property taxes for persons sixty-five and over,

and persons under disability; and

NOW, THEREFORE, be it resolved that after due deliberation, the Board of Trustees hereby adopts Local Law 6 of 2023 as amended, and the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

35. Accept Proposal-H2M Architects & Engineers

RESOLVED, that the Board of Trustees hereby approves the proposal from H2M Architects and Engineers in the amount of \$6,100.00 for professional services associated with the NYS DEC NY-2A application for SPDES permit modification for SCSD # 24 at Gabreski Airport from G/L account H9905 Sewer Treatment Plant Upgrade Project.

36. Authorize Notice to Bidders-Beach Concession

RESOLVED, that the Village Clerk-Treasurer is hereby authorized to post a Notice to Bidders for the Village of Westhampton Beach Rogers Beach Concession for the 2023 and 2024 summer seasons.

37. Authorize Use of Village Property-Greater Westhampton Chamber of Commerce

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use Glovers Park and Glovers Lane on Tuesday October 31, 2023 from 3:30 p.m. to 5:30 p.m. with set-up at 2:00 and breakdown by 7:00 p.m. for a Halloween Celebration.

38. Authorize Use of Village Property-Southforker Magazine

RESOLVED, that the Times Review Media Group – Southforker Magazine, is hereby authorized to use the Great Lawn on Saturday June 17, 2023 with a rain date of Friday June 16, 2023 from 6:00 p.m. to 10:00 p.m. with set-up on Thursday June 15, 2023 and breakdown June 18, 2023 for a Food and Wine Tasting Event.

39. Approve License Agreement-

RESOLVED, that the Board of Trustees hereby adopts the resolution authorizing the License, Indemnity and Hold Harmless Agreement for 105-109 Main Street LLC. as written and attached hereto and authorizes the Mayor to sign the Agreement.

40. Authorize Mayor to Sign Dockwa Agreement

RESOLVED, that the Board of Trustees hereby authorizes the mayor to sign the Dockwa agreement in the amount of \$3,000.00 for the 2023 season effective July 7, 2023.

41. Authorize Purchase of Equipment – Landscape Trailer

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 Grizzly HD-ACG Model # GRHD8520T3 landscape trailer from Sourcewell contract # 092922-AGO in the amount of \$14,783.00 to be taken from G/L account A5110.2 Public Works Equipment.

PUBLIC COMMENT

EXECUTIVE SESSION

DATED: March 2, 2023

Elizabeth Lindtvit
Village Clerk-Treasurer

WHEREAS, 105-109 Main St LLC, as the owner of the property (the "Property") located at 109 Main Street, Westhampton Beach, NY (SCTM 905-011-02-021) has sought permission to maintain a permissible projection/encroachment extending from the Property onto the adjacent Village-owned right-of-way, as allowed under §197-36.1 of the Code of the Village of Westhampton Beach; and

WHEREAS, the extent of the projections and encroachments proposed within the Village's right-of-way are more particularly depicted on the plans prepared by Gaby Tchilinguirian, RA, dated January 2023 ("Plans"), and consist of the following (which are collectively referred to as the "Encroachments"):

1. Metal awning, projecting 2 feet in depth for the width of the building, and
2. Façade trim/articulation, all projecting less than 4"; and

WHEREAS, the Village Building Inspector has reviewed the Plans and determined that the Encroachments qualify as permissible encroachments within the meaning of §197-36.1(B) of the Code of the Village of Westhampton Beach; and

WHEREAS, the Owner has prepared a proposed License, Indemnity and Hold Harmless Agreement in a form approved by the Village Attorneys; now, therefore, be it

RESOLVED that Village Board of Trustees finds that the Encroachments, as depicted on the Plans, are designed in a manner that would not adversely affect the use and enjoyment of the Village-owned right of way nor interfere with the public's right of passage within the right of way; and be it further

RESOLVED that the Board of Trustees hereby approves the granting of a license under §197-36.1 of the Code of the Village of Westhampton Beach, in the form of the proposed License, Indemnity, and Hold Harmless Agreement, and the Mayor is authorized to execute same on behalf of the Village subject to the written determination of the Planning Board to be adopted on March 9, 2023; and be it further

RESOLVED that this license is conditioned upon the Owner recording, at its expense, the fully-executed License, Indemnity, and Hold Harmless Agreement, and providing proof of such recording prior to issuance of a Certificate of Occupancy for the Property and Encroachments; and be it further

RESOLVED that this license is further conditioned on the following conditions to ensure that the construction is safely performed so as to minimize any undue interference with the public's use and enjoyment of the right of way:

- a. the Owners shall not perform any construction within the Village right of way unless and until a construction safety plan has been reviewed by the Village's Building Inspector and/or Superintendent of Public Works, who shall maintain continuing jurisdiction to review safety and construction protocols during the duration of the construction of the Encroachments;
- b. no construction shall be performed from Thursday through Sunday, from May 1 to September 30 and, on any other weekdays from July 1 to September 10;
- c. the Owner shall provide a final as-built survey upon completion of the construction of the Encroachments to the Village Building Inspector; and
- d. no certificate of occupancy shall be issued for the Property unless and until the Building Inspector determines that the Encroachments were completed substantially in accordance with the Plans.