

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, June 1, 2023 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach.

PRESENT: Deputy Mayor Ralph Urban
Trustee Rob Rubio
Trustee Stephen Frano
Trustee Brian Tymann
Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Anthony Pasca
ABSENT: Mayor Maria Z. Moore

PUBLIC HEARINGS

Authorize 2023 Special Exception for Outdoor Tables & Chairs-Justin’s Chop Shop

Deputy Mayor Urban asked for a motion to open the public hearing, motion made by Trustee Rubio, seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays. There being no comments from the public or the Board members Deputy Mayor Urban asked for a motion to close the public hearing, motion made by Trustee Rubio, seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays.

Motion made by Trustee Rubio:

WHEREAS, Justin DeMarco as applicant for Justin’s Chop Shop has applied for a Special Exception Permit for (4) four tables and (16) sixteen chairs to be placed on the front patio pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach located at 71 Sunset Avenue, Westhampton Beach, SCTM # 905-12-1-51.1. The application was referred to the Planning Board, and the Planning Board issued a report dated April 27, 2023 in which they indicated they have no objection to the approval of the (4) four tables and (16) sixteen chairs and;

WHEREAS, a public hearing was held before the Board of Trustees on June 1, 2023, 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 outdoor tables and chairs as shown on the submitted plan, subject to all conditions and limitations set forth by the Planning Board report dated April 27, 2023.

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

RESOLUTIONS

Accept Minutes of Board of Trustees Meeting

Motion made by Trustee Rubio:

RESOLVED, that the minutes of the Board of Trustees Meeting of May 4, 2023 and Special meeting of May 26, 2023 are hereby accepted.

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

Accept Departmental Monthly Reports

Motion made by Trustee Frano:

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

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

Schedule Public Hearing Special Exception Application

Motion made by Trustee Rubio:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Monday July 3, 2023 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by Brunetti Pizza for additional Tables and chairs for outdoor dining.

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

Schedule Public Hearing Special Exception Application

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 Monday July 3, 2023 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by Goldbergs for additional Tables and chairs for outdoor dining.

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

Schedule Public Hearing Special Exception Application

Motion made by Trustee Rubio:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Monday July 3, 2023 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by Haskell's Seafood for additional Tables and chairs for outdoor dining.

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

Schedule Public Hearing Special Exception Application

Motion made by Trustee Tymann:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Monday July 3, 2023 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by Mi Pubelito Restaurant for Outdoor Tables and chairs.

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

Schedule Public Hearing Special Exception Application

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 Monday July 3, 2023 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by One Trick Pony for Outdoor Tables and chairs.

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

Refer Special Exception Application for Flora for Outdoor Tables and Seats to Planning Board

Motion made by Trustee Rubio:

RESOLVED, that the Special Exception Application submitted by David Hersh for Flora Restaurant for additional Outdoor Tables and Chairs, located at 149 Main Street is hereby referred to the Village Planning Board for review.

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

Schedule Public Hearing Special Exception Application

Motion made by Trustee Tymann:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Monday July 3, 2023 at 5:00 p.m. at the Village Hall for a Special Exception Application filed by Flora Restaurant for Additional Outdoor Tables and chairs.

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

Appoint AEO Position in the Public Works Department

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby appoints Paul Bugge to the position of Automotive Equipment Operator effective June 1, 2023 at an annual salary of \$72,203.62.

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

Approve Warrant for May and June 2023

Motion made by Trustee Rubio:

RESOLVED, that the warrant for May 31, 2023 in the amount of \$570,160.40 and the Warrant for June 2023 in the amount of \$205,722.26 for the General Fund and \$167,688.26 for the Capital Fund is hereby approved.

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

Authorize Use of Village Property-Beaver Lake Condominium

Motion made by Trustee Tymann:

RESOLVED, that the Beaver Lake Condominium is hereby authorized to use the Trustee meeting room on Saturday, July 1, 2023 from 11:00 a.m. to 12:00 p.m. to hold their annual election meeting.

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

Authorize Special Event-Bike to the Beach

Motion made by Trustee Frano:

RESOLVED, that the Westhampton Beach Elementary School is hereby authorized to hold a special event bike to the beach for the 5th graders on Thursday June 15, 2023 from 9:45 a.m. to 2:30 p.m. as per route approved by the Police Department.

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

Authorize Special Event-Fundraiser

Motion made by Trustee Rubio:

RESOLVED, that Lillian Schon, 63 Main Street is hereby authorized to use the Village sidewalk in front of 63 Main Street for a Fundraiser for Making Headway Foundation in memory of Jake Greenbaum on Sunday June 11, 2023 from 11:30 a.m. to 3:30 p.m..

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

Authorize Renewal of 2023 Outdoor Tables, Chairs and Benches Permits

Motion made by Trustee Tymann:

WHEREAS, the Village received an application to renew the Outdoor Tables, Chairs and Benches Permit for 2023 with no changes from the 2022 application from The Corner Cafe Restaurant, 77 A Main Street for 2 tables and 4 chairs in front of store

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.

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

Authorize Renewal 2023 Outdoor Sales and Displays Permit - Mixology

Motion made by Trustee Frano:

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 2023 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:

- 1) All conditions set forth in section 140-2(A) shall be followed;
- 2) No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and
- 3) This permit shall be in effect 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.

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

Authorize Purchase of Gazebos – Park Fund

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of three (3) 10' x 10' Pergolas from Craftsman Fence Corporation for the Village Marina, not to exceed \$13,800.00 including installation pending receipt of warranty and prevailing wage certification paperwork, to be taken from G/L account Park Fund.

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

Authorize Purchase of Gazebo – Park Fund

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of one (1) 12' x 16' Pergola from Craftsman Fence Corporation for the Green space along the Moniebogue Canal, abutting the Parlato parking lot, not to exceed \$7,820.00 including

installation pending receipt of warranty and prevailing wage certification paperwork, to be taken from G/L account Park Fund.

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

Schedule Public Hearing Local Law Amendment

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 Monday July 3, 2023 at 5:00 p.m. at the Village Hall to amend Chapter 197-29 entitled "Zoning- Non-Conforming Uses" of the Code of the Village of Westhampton Beach.

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

Schedule Public Hearing Local Law Amendment

Motion made by Trustee Rubio:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Monday July 3, 2023 at 5:00 p.m. at the Village Hall to amend Chapter 197-63 entitled "Zoning- Site Plan Procedure" of the Code of the Village of Westhampton Beach.

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

Authorize Village Attorneys for Article 78

Motion made by Trustee Tymann:

RESOLVED that the Village Attorneys, Esseks, Hefter, Angel, Di Talia & Pasca, LLP, are hereby authorized to represent the Village's Zoning Board of Appeals and Brad Hammond in the CPLR Article 78 proceeding entitled "Robert & Jacqueline Sprotte v. Zoning Board of Appeals of the Village of Westhampton Beach, Brad Hammond as Chief Building Inspector and Lisa Canty" brought in New York State Supreme Court under Index Number 612910/2023, at the hourly municipal rate schedule for special services set forth in the Village Attorneys' retainer letter dated August 14, 2014.

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

Appoint 2023 Seasonal DPW Laborers

Motion made by Trustee Frano:

RESOLVED, that Anthony Sunderman Jr. is hereby appointed as a Seasonal Laborer at an hourly rate of \$18.00 in the Department of Public Works to work as assigned by the Public Works Superintendent effective June 5, 2023 to be funded from G/L account A5110.103 Seasonal Part Time.

PUBLIC COMMENT

CheckValet gave a presentation about the services they offer. It is through an app, the Village Board seemed interested. The company was informed they would need to find the parking areas, the Village will not give them any municipal parking areas. Deputy Mayor Urban asked if there was anyone that would like to speak, there being no response, Deputy Mayor Urban asked for a motion to close the meeting, motion made by Trustee Rubio, seconded by Trustee Frano, and unanimously approved 4 Ayes, 0 Nays. The meeting adjourned at 5:52 p.m.