

**VILLAGE OF WESTHAMPTON BEACH  
BOARD OF TRUSTEE MEETING  
THURSDAY AUGUST 3, 2023 AT 5:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARINGS:**

1. LL # 7 OF 2023-Amend Chapter 196, Outdoor Dining, Tables and Music
2. LL # 8 of 2023-Amend Chapter 197, Zoning, Site Plan Procedures
3. LL # 9 of 2023-Amend Chapter 197, Zoning, Non Conforming Uses
4. Special Exception Application – 87 Sunset LLC, Site Plan Modification
5. Special Exception Application – Outdoor Music, Daphne’s-115 Main Street
6. Special Exception Application – Outdoor Tables, MiPueblito Restaurant, 136 Old Riverhead Road
7. Special Exception Application – Outdoor Tables, Pawcasso Art Studio, 3 Sunset Avenue
8. Special Exception Application – Outdoor Tables, Flora, 149 Main Street
9. Special Exception Application – Outdoor Tables, Haskell’s Seafood, 77 Main Street

**PUBLIC HEARINGS: CARRYOVERS**

Special Exception Application – Outdoor Tables, Goldbergs 65 Main Street

Special Exception Application – Outdoor Tables, Brunetti Pizza, 61 Main Street

Special Exception Application – Outdoor Tables, One Trick Pony, 59 Main Street

**RESOLUTIONS:**

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental monthly reports
3. Authorize Village Clerk, Mayor and Trustees to Attend NYCOM’s Fall Training School
4. Authorize Use of Village Property-Seafield Center
5. Authorize Use of Village Property-FBI National Academy Associates
6. Authorize Use of Village Property-Lashley Beach Parking
7. Approve Warrant for August 2023

8. Authorize Purchase of Equipment – Police Department
9. Authorize Purchase of Equipment – Police Department
10. Accept Retirement
11. Appoint Police Officer
12. Appoint Police Officer
13. Appoint Seasonal Beach Personnel
14. Authorize Employee to attend Training
15. Authorize Mayor to Sign Application
16. Authorize Mayor to Sign Inter-municipal Agreement
17. Authorize Change Order for STP Upgrade
18. Authorize Change Order for STP Upgrade
19. Authorize Change Order for STP Upgrade
20. Authorize Change Order for STP Upgrade
21. Authorize Change Order for STP Upgrade
22. Authorize Change Order for STP Upgrade
23. Authorize LL # 7 of 2023
24. Authorize LL # 8 of 2023
25. Authorize LL # 9 of 2023
26. Authorize Special Exception Permit for Outdoor Music-Daphne's
27. Authorize Special Exception Permit for Outdoor Tables-Mi Pueblito Restaurant
28. Authorize Special Exception Permit for Outdoor Tables-Pawcasso Art Studio
29. Authorize Special Exception Permit for Outdoor Tables-Flora
30. Authorize Special Exception Permit for Outdoor Tables-Haskell's Seafood

## **PUBLIC COMMENT**

**VILLAGE OF WESTHAMPTON BEACH  
BOARD OF TRUSTEE MEETING  
THURSDAY AUGUST 3, 2023 AT 5:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**RESOLUTIONS:**

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

RESOLVED, that the minutes of the Board of Trustees Meeting of July 3, 2023 are hereby accepted.

**2. Accept monthly Reports from Departments**

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

**3. Authorize Village Clerk, Mayor and Trustees to Attend NYCOM's Fall Training School**

RESOLVED, that Village Clerk Treasurer Elizabeth Lindtvit, Mayor Maria Moore, Trustee Brian Tymann and Trustee Stephen Frano are hereby authorized to attend the 2023 NYCOM Fall Training School in Lake Placid from September 17 to September 21, 2023 at a cost of \$868.00 each for lodging, meals \$422.00 and \$365.00 each for conference registration plus travel expenses of \$500 for gas and tolls from G/L account code A1325.406 Clerk Office Expense, A1210.4 Mayor Contractual Expense and A1010.4 Trustee Contractual Expense.

**4. Authorize Use of Village Property-Seafield Center**

RESOLVED, that the Seafield Center is hereby authorized to use the Rogers Beach Pavilion on Friday, September 8, 2023 (rain date September 11, 2023) from 7 a.m. to 4 p.m. for the Annual Wellness Day.

**5. Authorize Use of Village Property-FBI National Academy Associates**

RESOLVED, that the FBI National Academy Associates are hereby authorized to use Rogers Beach Pavilion on Friday, September 15, 2023 from 9:00 a.m. to 3:00 p.m. for a Law Enforcement Fraternal Event for members.

**6. Authorize Use of Village Property-Lashley Parking**

RESOLVED, that Dune Deck Beach Club LLC of 379 Dune Road is hereby authorized to use the Lashley bay side parking lot on Saturday August 5, 2023 from 3:00 p.m. to 1:00 a.m. for 30 cars provided there is the availability and with village issued parking passes

**7. Approve Warrant for August 2023**

RESOLVED, that the warrant for August 2023 in the amount of \$315,143.36 for the General Fund and \$7,505.66 for the Capital Fund is hereby approved.

## **8. Authorize Purchase of Equipment – Police Department**

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 DJI MAVIC 3T Drone from Flymotion, LLC from Sourcewell Contract # 011223-FLM in the amount of \$6,385.99 to be taken from G/L account A3120.2 Police Equipment.

## **9. Accept Retirement**

RESOLVED, that the Board of Trustees hereby regretfully accepts the retirement of Henry Strain effective July 14, 2023.

## **10. Appoint Police Officer**

RESOLVED, that Matthew Kinahan is hereby appointed to the position of Contingent Permanent Police Officer, to provide coverage for line of duty absences, at a semi-monthly salary of \$3,007.28, effective September 7, 2023 from Civil Service Eligible List # 23SR151 and in accordance with Suffolk County Department of Civil Service rules and procedures.

## **11. Appoint Police Officer**

RESOLVED, that Kelsey Sweeney is hereby appointed to the position of Contingent Permanent Police Officer, to provide coverage for line of duty absences, at a semi-monthly salary of \$2,607.89, effective September 7, 2023 from Civil Service Eligible List # 23SR151 and in accordance with Suffolk County Department of Civil Service rules and procedures.

## **12. Appoint 2023 Seasonal Beach Personnel**

RESOLVED, that Reece P. McManus is hereby appointed to the position of Beach Attendant at Rogers Beach for the 2023 season at an hourly rate of \$12.25 to be funded from A7310.100 Attendants effective July 29, 2023.

## **13. Authorize Purchase of Equipment – Police Department**

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 5 AB3 BW Camera bundles from Axon Enterprises, Inc. in the amount of \$5,176.60 to be taken from G/L account A3120.2 Equipment.

## **14. Authorize Employee to Attend SNY Juvenile Officers Association Annual Training**

RESOLVED, that Mark Yakaboski is hereby authorized to attend the SNY Juvenile Officers Association Annual Training in Syracuse, NY from August 27, 2023 to September 1, 2023; lodging at \$799.00 Conference Registration of \$200.00, some meals are provided at no cost, other meal allowance and travel expenses not to exceed \$1,500.00 to include gas and tolls from G/L account code A3120.415 Training.

### **15. Authorize Mayor to Sign Application**

RESOLVED, that the Board of Trustees hereby authorizes the mayor to sign the NYS Law Enforcement Agency Accreditation Application and Agreement.

### **16. Authorize Mayor to Execute Inter-Municipal Agreement**

WHEREAS, The Town of Southampton Department of Land Management received a Historic Site Designation Application from the Westhampton Beach Performing Arts Center, nominating the Westhampton Beach Performing Arts Center (the "WHBPAC"), located at 76 Main Street, Westhampton Beach (SCTM# 905-12-4-29.1), for Town Historic Landmark designation"; and

WHEREAS, pursuant to §330-321 of the Southampton Town Code, the Town Board has authority to designate certain property as Southampton Town Historic Landmarks; and

WHEREAS, the Village of Westhampton Beach (the "Village") is located within the Town of Southampton (the "Town"); and

WHEREAS, the Village has not enacted legislation regarding historic landmarks; however, the Village would like to see the WHBPAC preserved in coordination with the WHBPAC as it contributes to the character of the Village community; and

WHEREAS, General Municipal Law §119-u authorizes the Town and Village to enter into an Inter-Municipal Agreement ("IMA"); and

WHEREAS, the Town and Village seek to enter into an agreement limited to landmarking and preserving the WHBPAC and allowing the Town to administer the provision of the Town Code Article XXVIII as they relate to the WHBPAC; and be it now, therefore

RESOLVED, the Village Trustees of the Village of Westhampton Beach hereby authorizes the Mayor to execute an Inter-Municipal Agreement with the Town of Southampton related to the historic landmark designation and preservation of the Westhampton Beach Performing Arts Center, located at 76 Main Street, Westhampton Beach (SCTM# 905-12-4-29.1) pursuant to Article XXVIII of the Town Code; and be it further

RESOLVED, that the terms and conditions of such Inter-Municipal Agreement shall be subject to the review and approval of the Village Attorney.

### **17. Authorize Change Order for Sewer System Construction**

RESOLVED, that the Board of Trustees hereby approves change order # 1 (G-CO-01) for W.H.M. Plumbing & Heating Contractors, Inc. Contract G for no monetary value for the extension of the contract duration for an additional 121 days.

### **18. Authorize Change Order for Sewer System Construction**

RESOLVED, that the Board of Trustees hereby approves change order # 1 (P-CO-01) for W.H.M. Plumbing & Heating Contractors, Inc. Contract P for changing of the disc filter product and spare parts from the contingency allowance of \$16,694.50.

### **19. Authorize Change Order for Sewer System Construction**

RESOLVED, that the Board of Trustees hereby approves change order # 2 (P-CO-02) for W.H.M. Plumbing & Heating Contractors, Inc. Contract P for no monetary value for the extension of the contract duration for an additional 121 days.

#### **20. Authorize Change Order for Sewer System Construction**

RESOLVED, that the Board of Trustees hereby approves change order # 2 (E-CO-02) for Eldor Contracting Corporation Contract E for a credit in the amount of \$2,310.38 for combined wiring and conduit.

#### **21. Authorize Change Order for Sewer System Construction**

RESOLVED, that the Board of Trustees hereby approves change order # 3 (E-CO-03) for Eldor Contracting Corporation Contract E for a credit in the amount of \$8,321.43 for work performed by SCDPW employees.

#### **22. Authorize Change Order for Sewer System Construction**

RESOLVED, that the Board of Trustees hereby approves change order # 4 (P-CO-04) for Eldor Contracting Corporation Contract E for no monetary value for the extension of the contract duration for an additional 121 days.

#### **23. Authorize LL # 7 of 2023 - Amending Chapter 196 Entitled "Outdoor Dining, Tables and Music"**

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 3<sup>rd</sup> day of August 2023 to amend Chapter 196, entitled "Outdoor Dining, Tables and Music," of the Code of the Village of Westhampton Beach; and

WHEREAS, the Suffolk County Planning Commission, via correspondence dated June 16, 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.

#### **24. Authorize LL # 8 of 2023 - Amending Chapter 197-63 Entitled "Zoning" (Site Plan Procedure)**

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 3<sup>rd</sup> day of August 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 June 20 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.

**25. Authorize LL # 9 of 2023 - Amending Chapter 197-29 Entitled "Zoning" (Non Conforming Uses)**

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 3<sup>rd</sup> day of August 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 June 20 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.

**26. Authorize 2023 Special Exception Permit for Outdoor Music – Daphne’s**

WHEREAS, Steve Carro as applicant for LT Burger West LLC d/b/a Daphne’s has applied for a Special Exception Permit for Outdoor Live Music on the back patio, Thursday thru Sunday nights pursuant to the provisions of Chapter 196-3 of the Zoning Code of the Village of Westhampton Beach located at 115 Main Street, Westhampton Beach, SCTM # 905-11-2-2. The application was referred to the Planning Board, which they indicated they have no objection to the approval of the live music and;

WHEREAS, a public hearing was held before the Board of Trustees on August 3 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 live outdoor music on the back patio as shown on the submitted plan, subject to all conditions and limitations set forth by the Planning Board report dated July 17, 2023.

**27. Authorize 2023 Special Exception Permit for Outdoor Tables & Chairs – Mi Pueblito Restaurant**

WHEREAS, Remigio Rivera as applicant for Mi Pueblito Restaurant 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 136 Old Riverhead Road, Westhampton Beach, SCTM # 905-1-1-4. The application was referred to the Planning Board, and the Planning Board issued a report dated July 17, 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 August 3 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 July 17, 2023.

**28. Authorize 2023 Special Exception Permit for Outdoor Tables & Chairs – Pawcasso Art Studio**

WHEREAS, Barbara Martorelli as applicant for Pawcasso Art Studio has applied for a Special Exception Permit for (5) five tables and (16) sixteen chairs to be placed in the court yard of the property pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach located at 3 Sunset Avenue, Westhampton Beach, SCTM # 905-12.1-1-9. The application was referred to the Planning Board, and the Planning Board issued a report dated July 17, 2023 in which they indicated they have no objection to the approval of the (5) five tables and (16) sixteen chairs and;

WHEREAS, a public hearing was held before the Board of Trustees on August 3 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 July 17, 2023.

**29. Authorize 2023 Special Exception Permit for Outdoor Tables & Chairs – Flora**

WHEREAS, David Hersh as applicant for Flora has applied for a Special Exception Permit for (12) twelve additional chairs for a maximum total of (28) twenty-eight per Village Code Chapter 196-1,15 pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach located at 149 Main Street, Westhampton Beach, SCTM # 905-11-3-1. The application was referred to the Planning Board, and the Planning Board issued a report dated July 17, 2023 in which they indicated they have no objection to the approval of the (12) twelve additional chairs and;



WHEREAS, a public hearing was held before the Board of Trustees on August 3 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 additional outdoor chairs as shown on the submitted plan, subject to all conditions and limitations set forth by the Planning Board report dated July 17, 2023.

**30. Authorize 2023 Special Exception Permit for Outdoor Tables & Chairs – Haskell’s Seafood**

WHEREAS, Peter Haskell as applicant for Haskell’s Seafood has applied for a Special Exception Permit for (3) three 2-seat café tables in the front and (5) five two seat café tables and (3) three four seat tables in the rear of the property pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach located at 77A Main Street, Westhampton Beach, SCTM # 905-11-2-9. The application was referred to the Planning Board, and the Planning Board issued a report dated July 17, 2023 in which they indicated they have no objection to the approval of the (3) three 2-seat café tables in the front and (5) five two seat café tables and (3) three four seat tables in the rear and;

WHEREAS, a public hearing was held before the Board of Trustees on August 3 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 July 17, 2023.

**PUBLIC COMMENT**

**DATED: August 3, 2023**

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