

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, August 3, 2023 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach.**

PRESENT: Mayor Maria Z. Moore  
Deputy Mayor Ralph Urban  
Trustee Rob Rubio  
Trustee Stephen Frano

ABSENT: Trustee Brian Tymann

Clerk-Treasurer Elizabeth Lindtvit  
Village Attorney – Stephen Angel

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**PUBLIC HEARINGS**

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**LL # 7 of 2023-Amend Chapter 196, Outdoor Dining, Tables & Music**

Mayor Moore asked for a motion to open this public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays. Mayor Moore asked Brad Hammond to summarize the Local Law amendments. This change is to make the application process easier; this was discussed previously by the board and there were no objections to this change. Mayor Moore asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays.

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**LL # 8 of 2023 -Amend Chapter 197, Zoning, Site Plan Procedures**

Mayor Moore asked for a motion to open the public hearing, motion made Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays. Brad Hammond summarized this local law for the public attending the meeting, this was discussed previously to streamline the application process with the public hearings and health department approval and the term period is more spelled out with specific renewal periods to a total of 4 years. Also, the Planning Board can approve an application pending the health department approval. The mayor asked if the Board had any comments, then asked the audience, there being no Deputy Mayor Urban made a motion to close the public hearing seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays.

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**LL # 9 of 2023-Amend Chapter 197, Zoning, Non-Conforming Uses**

Motion made by Trustee Frano to open the public hearing, seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays. Brad Hammond stated this public hearing was held over from the July meeting, he explained that preexisting golf courses should be able to rebuild staff housing without increasing the number of occupants, but giving them more space to live with the proper exits and safety features. The Mayor stated this has been previously talked about by the Board at prior work sessions and the ground work was laid for the public hearing, she then asked if anyone in the audience had any comments. There being no comments she 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.

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**Special Exception Application-87 Sunset Avenue**

Motion made by Deputy Mayor Urban, seconded by Trustee Rubio and unanimously approved 3 Aye, 0 Nays. James Hulme, attorney for the applicant spoke to the board describing the process to get to this point, original site plan approved for a 3 phase project. Phase 1 is completed, phase 2 is being completed as a medical building and would need 10 more parking spaces. The applicant is not going to proceed with Phase 3 to allow for more parking. The Mayor asked if anyone in the audience had any comments, she stated there was no determination written up but will be done for the September meeting. Motion made by Deputy Mayor Urban to close the public hearing, seconded by Trustee Frano and unanimously approved 3 Ayes. 0 Nays.

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**Special Exception Application-Outdoor Music-Daphnes, 115 Main Street**

Motion made by Trustee Rubio to open the public hearing seconded by Trustee Frano and unanimously approved 3 Ayes, 0 Nays. Amanda explained the request for music in

the front is for the Monday Lobster bake from 5-9. The request for music in the back is

for a 3 to 4 piece band. The Mayor mentioned that the application process doesn't address the fact that tables and seats must be moved to accommodate the music. She also mentioned about the indoor entertainment permit being used for the music request. Trustee Urban commented on the music being too loud, Trustee Rubio also commented on the music being too loud for the surrounding residents. Trustee Frano's concern is if the bands get too big, the Mayor stated that the Board's resolution states the music should not be too loud. Trustee Frano asked about the schedule for the bands, Trustee Rubio suggested having the music on Monday and Saturday and acoustic only on Thursday. The Board advised to go with the 2 nights for this year and can be modified for the next year. Brad Hammond addressed the board about the village code and not advising them to move the music inside. Mayor asked for a motion to close the public hearing, motion made by Trustee Rubio, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays.

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**Special Exception Application-Outdoor Tables, Mi Pueblito Restaurant, 136 Old Riverhead Road**

Motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 3 Aye, 0 Nays. Mayor Moore asked if there was anyone in attendance for Mi Pueblito at the meeting, they appeared before the planning board and because of the requirements in the B-2 district they are limited to 12 seats max, they agreed to it. Motion made by Trustee Frano to close the public hearing, seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays.

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**Special Exception Application-Outdoor Tables, Pawcasso, 3 Sunset Avenue**

Mayor Moore explained that this application was for tables in the front patio area, not on the sidewalk. Motion made by Deputy Mayor Urban seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays to open the public hearing. Mayor Moore stated when the applicant appeared before the planning board the number of tables was reduced from 5 to 3 with 16 seats. Mayor Moore asked if anyone had any comments there being none a motion was made Trustee Frano to close the public hearing, seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays.

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**Special Exception Application-Outdoor Tables, Flora, 149 Main Street**

Motion made by Trustee Frano to open the public hearing, seconded by Trustee Rubio and unanimously approved 3 Ayes, 0 Nays. Applicant is still before the planning board to modify the site plan. Brad Hammond explained that this application and the next application are for dining in the Village ROW. The Board requires an indemnity form and insurance for this request, the Village has received the insurance but needs the indemnity form. The Mayor asked if anyone had any comments or questions, there being no response, a motion was made by Trustee Rubio to close the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays.

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**Special Exception Application-Outdoor Tables, Haskell's Seafood, 77 Main Street**

Motion made by Trustee Frano to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays. The request was for the maximum number of 28 seats, Peter Haskell spoke about the application's insurance and handed out photos showing the tables placement. The Mayor asked if anyone had any questions, discussion continued about the additional seating in the back, Trustee Rubio suggested using the partition to tell patrons there is additional seating in the rear. Motion made by Trustee Frano to close the public hearing seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays.

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Mayor Moore stated there are three applications being held over Goldberg's, Brunetti Pizza and One Trick Pony because they still owe information to the planning board and will be discussed when the recommendation is sent to the Board of Trustees.  
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**Accept minutes of Board of Trustees Meetings**

Motion made by Deputy Mayor Urban:

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

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

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**Accept monthly Reports from Departments**

Motion made by Trustee Frano:

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.

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

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**Authorize Village Clerk, Mayor and Trustees to Attend NYCOM’s Fall Training School**

Motion made by Trustee Rubio:

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.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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

Motion made by Deputy Mayor Urban:

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.

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

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

Motion made by Trustee Frano:

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.

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

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

Motion made by Trustee Rubio:

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 and subject to payment of required fees.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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**Approve Warrant for August 2023**

Motion made by Deputy Mayor Urban:

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.

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

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**Authorize Purchase of Equipment – Police Department**

Motion made by Trustee Frano:

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.

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

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**Accept Retirement**

Motion made by Trustee Rubio:

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

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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**Appoint Police Officer**

Motion made by Deputy Mayor Urban:

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.

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

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**Appoint Police Officer**

Motion made by Trustee Frano:

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.

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

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**Appoint 2023 Seasonal Beach Personnel**

Motion made by Trustee Rubio:

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.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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**Authorize Purchase of Equipment – Police Department**

Motion made by Deputy Mayor Urban:

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.

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

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**Authorize Employee to Attend SNY Juvenile Officers Association Annual Training**

Motion made by Trustee Frano:

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.

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

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**Authorize Mayor to Sign Application**

Motion made by Trustee Rubio:

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

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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**Authorize Mayor to Execute Inter-Municipal Agreement**

Motion made by Deputy Mayor Urban:

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

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

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

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**Authorize Change Order for Sewer System Construction**

Motion made by Trustee Frano:

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.

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

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**Authorize Change Order for Sewer System Construction**

Motion made by Trustee Rubio:

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, to be reimbursed by Suffolk County.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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**Authorize Change Order for Sewer System Construction**

Motion made by Deputy Mayor Urban:

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.

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

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**Authorize Change Order for Sewer System Construction**

Motion made by Trustee Frano:

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.

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

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**Authorize Change Order for Sewer System Construction**

Motion made by Trustee Rubio:

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.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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**Authorize Change Order for Sewer System Construction**

Motion made by Deputy Mayor Urban:

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

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

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

Motion made by Trustee Frano:

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.

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

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

Motion made by Trustee Rubio:

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.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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

Motion made by Deputy Mayor Urban:

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.

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

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

Motion made Trustee Frano:

WHEREAS, Steve Carro as applicant for LT Burger West LLC d/b/a Daphne’s has applied for a Special Exception Permit for Indoor and Outdoor Live Music on the front or back patio, Monday, (Thursday acoustic only) and Saturday 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 front or 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 and subject to the Village Code for indoor or outdoor music.

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

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

Motion made by Trustee Rubio:

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 (12) twelve 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 (12) twelve outdoor tables and chairs as shown on the submitted plan, but limited to (12) twelve chairs and subject to all conditions and limitations set forth by the Planning Board report dated July 17, 2023.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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

Motion made by Deputy Mayor Urban:

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 (3) 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 (3) three outdoor tables and (16) chairs as shown on the submitted plan, subject to all conditions and limitations set forth by the Planning Board report dated July 17, 2023.

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

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

Motion made by Trustee Frano:

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 chairs per Village Code Chapter 196-1(15) 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, and subject to Village Code Chapter 196-4.1.

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

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

Motion made by Trustee Rubio:

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, and subject to Village Code Chapter 196-4.1.

Seconded by Deputy Mayor Urban and unanimously approved 3 Ayes, 0 Nays

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**PUBLIC COMMENT**

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Kim Wolfersdorf, 17 Beach Road read a statement to the board about Taylor's Sushi operating. The statement mentioned three board members. Video of meeting can be found on Village website: [www.westhamptonbeach.org](http://www.westhamptonbeach.org). Mayor Moore stated she did not instruct the building department to issues 2 tickets, she stated she does not tell that department what to do there is a code enforcement officer and this is how the department handles complaints. The Village code enforcement officer is working weekends and issuing violations to other businesses. Ms. Wolfersdorf asked the Mayor if the Village is considering a TRO, Mayor Moore explained the Board has spoken with the Village Attorneys and they advised it wasn't easy to get. Village Attorney Steve Angle explained the process for the TRO and there could be no certainty that it would be granted.

Meeting adjourned at 6:39 p.m.

**DATED: August 3, 2023**

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**Elizabeth Lindtvit**  
**Village Clerk**