

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, September 7, 2023 at 5 p.m. at Village Hall, 165 Mill Road, Westhampton Beach, NY.

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

Clerk-Treasurer Elizabeth Lindtvit
Village Attorney – Stephen Angel

SWEARING IN OF POLICE OFFICERS: Matthew Kinahan and Kelsey Sweeney

PUBLIC HEARINGS:

Special Exception Application – One Trick Pony, 59 Main Street

Mayor Moore asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained this application is for outdoor seating and displays, the planning board has issued a recommendation that they had no objection. Mayor Moore asked the board if anyone had any comments, Trustee Tymann commented on the barriers that are set up for each business. Mayor Moore asked if anyone in the audience had any comments, there being no response she asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Special Exception Application – Brunetti Pizza, 61 Main Street

Motion made by Trustee Tymann to open the public hearing, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained that this application was for additional tables in the Village ROW and there is an ongoing issue with a wood pile in the back of the building that the Building Inspector and Code Enforcement are dealing with. Mayor Moore asked the board if they had any concerns or questions then asked the audience, there being no response she asked for a motion to close the public hearing, motion made by Trustee Frano, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays.

Special Exception Application – Goldbergs, 65 Main Street

Mayor Moore explained this application for additional tables in the Village ROW, asked for a motion to open the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays. Mayor Moore stated that the additional tables were approved as temporary outdoor dining in the past and with the Village code change the Board can approve these additional tables in the Village ROW. Mayor Moore asked the board if they had any comments, Trustee Frano commented that this was previously discussed and Trustee Tymann commented that he sees it everyday and it is working. Motion made by Trustee Frano to close the public hearing, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays

RESOLUTIONS:

Accept minutes of Board of Trustees Meeting

Motion made by Trustee Tymann:

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

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Accept Departmental Reports

Motion made by Deputy Mayor Urban:

RESOLVED, that the Treasurer's Report for June and July 2023 and Police, Building and Justice Court reports for July 2023 are hereby accepted.

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

Approve Warrant for September 2023

Motion made by Trustee Frano:

RESOLVED, that the warrant for September 2023 in the amount of \$341,328.53 for the General Fund and \$1,280,531.32 for the Capital Fund is hereby approved.

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

Appoint 2023 Seasonal Beach Personnel

Motion made by Trustee Rubio:

RESOLVED, that Fernando Atancuri is hereby appointed to the position of Beach Attendant at an hourly rate of \$12.25 effective August 19, 2023.

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

Appoint 2023 Part Time Police Officer

Motion made by Trustee Tymann:

RESOLVED, that Casey Coudrey is hereby appointed as Part Time Police Officer in the Police Department at an hourly rate of \$30.00 to work as assigned by the Chief of Police effective September 7, 2023 to be funded from G/L account A3120.104 Seasonal Part Time.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Use of Village Property-Knights of Columbus

Motion made by Deputy Mayor Urban:

RESOLVED, that the Knights of Columbus, Father Slominski Council 7423 are hereby authorized to hold a memorial 5K run/walk in honor of Vinnie Zorbo on Saturday, September 30, 2023 from 7:00 a.m. to 11:00 a.m. on the designated route approved by the Police Chief and Board of Trustees.

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 Bike to the Beach Inc. is hereby authorized to hold a special event 100 mile Charity ride through the Village from Manhattan to Dockers on Dune Road, East Quogue on Sunday September 10, 2023 from 12:00 p.m. to 4:00 p.m. as per route on file with application.

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

Authorize Use of Village Property-Beach Cleanup

Motion made by Trustee Rubio:

RESOLVED, that Meghan Kelly is hereby authorized to use Roger's beach on Sunday September 10, 2023 from 8:00 am to 11:00 am for a beach wide cleanup project with volunteers to help and with village issued parking passes.

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

Authorize Use of Village Property – The Hampton Synagogue

Motion made by Trustee Tymann:

RESOLVED, that The Hampton Synagogue is hereby authorized to use the Village Marina on Sunday September 17, 2023 from 3:00 pm to 7:00 pm for a "Tashlich Religious Ceremony".

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Use of Village Property-Fall Festival

Motion made by Deputy Mayor Urban:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use Glover’s Park on Saturday October 7, 2023 from 11:00 am to 5:00 pm for a petting zoo and children’s activities for the Main Street Fall Festival.

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

Authorize Use of Village Property-Filming

Motion made by Trustee Frano:

RESOLVED, that TXE Westhampton LLC is hereby authorized to use various locations, including Main Street, Parlato parking lot and Rogers Beach for 10-25 people using a single camera to create a feature film entitled “Westhampton” on Tuesday October 24, 2023 and Wednesday October 25, 2023 from 7:00 am to 7:00 pm and Friday October 27 and Saturday October 28, 2023 from 7:00 pm to 7:00 am.

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

Authorize Use of Village Property-Lashley Parking

Motion made by Trustee Rubio:

RESOLVED, that Peter and Liz Nesvold of 145 Dune Road are hereby authorized to use the Rogers Beach parking lot subject to availability on Saturday September 9, 2023 from 3:00 p.m. to 9:00 p.m. for 25 cars, if no availability authorization is given to use Lashley bay side lot, also subject to availability and with village issued parking passes.

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

Authorize Use of Village Property - Wedding

Motion made by Trustee Tymann:

RESOLVED, that Joseph Spano is hereby authorized to use Lashley Beach for a wedding gathering on Saturday September 23, 2023 from 5:00 p.m. to 6:30 p.m. for approximately 50-60 persons, with village issued parking passes.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Accept Resignation of Employee

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby accepts the resignation of William Krause as Police Officer effective August 15, 2023.

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

Accept Resignation of Employee

Motion made by Trustee Frano:

RESOLVED, that the Board of Trustees hereby accepts the resignation of Matthew Meyer as Police Officer effective August 22, 2023.

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

Accept Retirement of Employee

Motion made by Trustee Rubio:

RESOLVED, that the Board of Trustees hereby accepts the retirement of Police Officer Ashley Hurteau effective August 16, 2023.

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

Authorize Purchase of Equipment – Board Meeting Room

Motion made by Trustee Tymann:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 18” Gooseneck Condenser Microphone from IVCI Audio to be placed at the podium in the Board meeting room in an amount not to exceed \$4,000.00 to be taken from G/L account A1620.405 Municipal Building Expenditure.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Purchase of Equipment – Police Department

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby authorizes the purchase of 1 2023 Ford Police Interceptor SUV from County of Westchester Contract # RFB-WC-22336 in an amount not to exceed \$45,767.25 to be taken from G/L account A3120.2 Equipment, Lightbar and Accessories not to exceed \$17,491.06 and radios not to exceed \$6,971.35.

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

Authorize Waiver to SLA

Motion made by Trustee Frano:

WHEREAS, the Village Board has received an application from the Greater Westhampton Chamber of Commerce to have a Fall Festival on Main Street on Saturday October 7, 2023, the perimeters which are set forth on the map submitted with the application and,

WHEREAS, the Chamber of Commerce has asked the Village Board to waive the Village code chapter 54 Section 1-A to allow open containers within the perimeters, and to assist the Chamber and its participants with an application to the State Liquor Authority to authorize open container alcoholic beverages for this particular event on that day, now therefore be it;

RESOLVED, that the Village of Westhampton Beach agrees to waive the provisions of the open container law as set forth in Chapter 54 Section 1A, and the Mayor is authorized to prepare and sign a “Container Letter” as quoted by the SLA confirming that the Village of Westhampton Beach authorizes and approves the use of open containers for this particular event within the perimeters.

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

Authorize Employee to Attend NYSDCJS Public Safety Symposium

Motion made by Trustee Rubio:

RESOLVED, that Steven McManus is hereby authorized to attend the NYSDCJS Public Safety Symposium in Albany, NY from September 26, 2023 to September 28, 2023; lodging at \$680.56, meals and travel expenses not to exceed \$500.00 to include gas and tolls from G/L account code A3120.415 Training.

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

Authorize Employees to Attend Marine Patrol Vessel Operator Course

Motion made by Trustee Tymann:

RESOLVED, that Marc Demartino is hereby authorized to attend the NYS Parks Marine Patrol Vessel Operator's Course in Lake George from September 25, 2023 to September 29, 2023; lodging and meals are provided at no cost, travel expenses not to exceed \$300.00 to include gas and tolls from G/L account code A3120.415 Training.

Seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays

Authorize Employees to Attend Marine Law Enforcement Training Program

Motion made by Deputy Mayor Urban:

RESOLVED, that Marc Demartino is hereby authorized to attend the NYS Parks Marine Law Enforcement Training Program in Lake George from September 18-22 2023; lodging and meals are provided at no cost, travel expenses not to exceed \$300.00 to include gas and tolls from G/L account code A3120.415 Training.

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

Special Exception Application-59 Main Street, One Trick Pony

Motion made by Trustee Frano:

WHEREAS, Shelly Lynch-Sparks of One Trick Pony, 59 Main Street has applied for an Outdoor Tables and Chairs permit pursuant to Section 196-2 of the Code of the Village of Westhampton Beach, to allow the placement of eight (8) café tables and sixteen (16) seats; and an Outdoor Sales and Displays permit for an on premises oyster shucking display;

WHEREAS, the applicant submitted a sketch plan of the location, and photographs of the design, of the proposed tables and seats (hereinafter, the "Outdoor Tables and Chairs Plan") and the proposed location of the oyster shucking display and;

WHEREAS, the application was before the Village Planning Board and by memorandum dated July 28, 2023, stated that it has no objection to the placement of the eight (8) café tables and sixteen (16) café seats provided that certain conditions are met; and

WHEREAS, a public hearing was held by the Board of Trustees on the application on September 7, 2023, pursuant to Section 196-3(D) of the Village Code; and

WHEREAS, it appears from the sketch plan and Planning Board report that the application satisfies the conditions of Section 196-2(B) of the Village Code for Tables and Chairs and;

WHEREAS, the Board of Trustees has reviewed the application for Outdoor Displays and determined the application satisfies the conditions of chapter 140-2 of the Village Code for Outdoor Displays and,

BE IT RESOLVED that the application for an Outdoor Tables and Chairs permit pursuant to Section 196-2 of the Village Code is granted and subject to the conditions set forth in Section 196-2(B) of the Village Code and the following:

- a. No substantial deviation from the Outdoor Tables and Chairs Plan shall not be allowed without further approval of the Board of Trustees;

- b. This permit shall be in effect until November 15, 2023 pursuant to Section 196-2(B) (10) of the Village Code, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in Section 196-4 of the Village Code for future outdoor tables and chairs in subsequent seasons.

AND FURTHER BE IT RESOLVED that the application for the Outdoor Displays permit pursuant to Chapter 140-2 of the Village Code is granted and subject to all applicable requirements of the NYSDEC and the Suffolk County Health Department.

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

Special Exception Application-61 Main Street, Brunetti Pizza

Motion made by Trustee Rubio:

WHEREAS, Michael Brunetti of Brunetti Pizza, 61 Main Street has applied for an Outdoor Tables and Chairs permit pursuant to Section 196-4.1 of the Code of the Village of Westhampton Beach, allowing tables and seats on the Village of Westhampton Beach right-of-way for the placement of eight (8) café tables and sixteen (16) seats;

WHEREAS, the applicant submitted a sketch plan of the location, and photographs of the design, of the proposed tables and seats (hereinafter, the "Outdoor Tables and Chairs Plan") and;

WHEREAS, a public hearing was held by the Board of Trustees on the application on September 7, 2023, pursuant to Section 196-3(D) of the Village Code; and

WHEREAS, it appears from the sketch plan the application satisfies the conditions of Section 196-4.1(C) of the Village Code for Tables and Chairs in the Village right-of-way and now therefor;

BE IT RESOLVED that the application for an Outdoor Tables and Chairs permit in the Village right-of-way pursuant to Section 196-4.1 of the Village Code is granted and subject to the conditions set forth in Section 196-4.1(E) of the Village Code and the following:

- a. No substantial deviation from the Outdoor Tables and Chairs Plan shall be allowed without further approval of the Board of Trustees;
- b. This permit shall be in effect until November 15, 2023 pursuant to Section 196-2(B) (10) of the Village Code, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in Section 196-4.1 of the Village Code for future outdoor tables and chairs in subsequent seasons.
- c. Completion of application before Planning Board for the wood storage rack and abatement of the violation.

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

Special Exception Application-65 Main Street, Goldbergs

Motion made by Trustee Tymann:

WHEREAS, Craig Swift of Goldbergs, 65 Main Street has applied for an Outdoor Tables and Chairs permit pursuant to Section 196-4.1 of the Code of the Village of Westhampton Beach, allowing additional tables and seats on the Village of Westhampton Beach right-of-way of four (4) café tables and eight (8) seats;

WHEREAS, the applicant submitted a sketch plan of the location, and photographs of the design, of the proposed tables and seats (hereinafter, the "Outdoor Tables and Chairs Plan") and;

WHEREAS, a public hearing was held by the Board of Trustees on the application on September 7, 2023, pursuant to Section 196-3(D) of the Village Code; and

WHEREAS, it appears from the sketch plan the application satisfies the conditions of Section 196-4.1(C) of the Village Code for Tables and Chairs in the Village right-of-way and now

therefor;

BE IT RESOLVED that the application for an Outdoor Tables and Chairs permit in the Village right-of-way pursuant to Section 196-4.1 of the Village Code is granted and subject to the conditions set forth in Section 196-4.1(E) of the Village Code and the following:

- a. No substantial deviation from the Outdoor Tables and Chairs Plan shall be allowed without further approval of the Board of Trustees;
- b. This permit shall be in effect until November 15, 2023 pursuant to Section 196-2(B) (10) of the Village Code, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in Section 196-4.1 of the Village Code for future outdoor tables and chairs in subsequent seasons.

Seconded by Deputy Mayor Urban and unanimously approved, 4 Ayes, 0 Nays

Special Exception Application – Sunset West LLC

Motion made by Deputy Mayor Urban:

RESOLVED, that the Board of Trustees hereby approves Special Exception Permit for Sunset West LLC as written and attached hereto.

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

PUBLIC COMMENT:

There being no public comments, at 5:29 pm Mayor Moore asked for a motion to go into Executive Session for a litigation update from the Village Attorney, motion made by Trustee Tymann, seconded by Deputy Mayor Urban and unanimously approved 4 Ayes, 0 Nays.

Dated: September 7, 2023

Elizabeth Lindtvit
Village Clerk

WHEREAS, by Special Exception Permit Application dated March 26, 2023, Sunset West LLC (hereinafter, the “applicant”) requested a special exception permit from the Board of Trustees to allow the use of the “Phase II” building (6,000 sf) at the property located at 87 Sunset Avenue, Westhampton Beach, New York, SCTM 905-12-1-49.1, to be used for a single medical use; and

WHEREAS, the property is located in the Village’s B-1 zoning district; and

WHEREAS, in the Village’s B-2 zoning district, a single use in excess of 3,000 sf, up to 10,000 sf, may be permitted by special exception pursuant to the conditions outlined in §197-80.8 of the Village Code; and

WHEREAS, the site is already the subject of a March 3, 2016 resolution by the Board of Trustees granting special exception approval for a use in the “Phase I” building in excess of 3,000 sf, as well as a site plan approval of the Planning Board approving a site plan for the Phase I, Phase II, and Phase III buildings; and

WHEREAS, as a result of a preliminary review by the Planning Board, which found that the conversion of the proposed use would require additional parking demand, the applicant has proposed to eliminate the “Phase III” building and modify the site plan to create additional parking in lieu of said building, thereby avoiding the need for a parking variance; and

WHEREAS, the application is a “Type II” action under the State Environmental Quality Review Act (SEQRA), because it proposes merely the conversion of previously-permitted space and the construction of no new buildings on a site that has already undergone SEQRA review, and therefore no further review is required; and

WHEREAS, pursuant to Village Code Section 197-80.8, following a public hearing, the Board of Trustees has the power to approve, disapprove, or approve with conditions an application for a Special Exception Permit for nonresidential uses in excess of 3,000 total square feet of gross floor area in any building, up to a maximum of 10,000 total square feet of such gross floor area; and

WHEREAS, a Public Hearing was duly noticed and held on August 3, 2023, where all interested parties were been given an opportunity to be heard, and

WHEREAS, the Board of Trustees having deliberated on the application and the testimony presented at the public hearing, finds that, subject to the conditions herein, the requirements of Village Code Section 197-80.8 have been met, and the proposed use will not have an undue adverse impact on other properties or current uses within the neighborhood and the community, will provide adequate parking, and will incorporate appropriate measures to ensure that site activities and operations do not generate noise that adversely affects adjacent residential uses and districts; Now, therefore, be it

RESOLVED that, the applicant’s request for a Special Exception Permit to convert the Phase II building to a single-use in excess of 3,000 sf., is hereby approved, subject to the following conditions:

- a. The applicant shall eliminate the “Phase III” building from the site plan;
- b. Any deliveries and/or trash removal associated with the proposed use shall be limited to daytime hours, and incorporated into any final site plan approval and/or covenants to be recorded in connection therewith; and
- c. Applicant shall obtain final site plan approval from the Planning Board incorporating the foregoing conditions, but nothing herein shall be deemed to pre-empt the Planning Board from reviewing the site plan and imposing such additional conditions as may be reasonable and appropriate.