

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday, March 5, 2020 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING:**

1. Continue - Order to Repair or Demolish Un-safe Building Located at 72 South Road
2. Local Law Amending Chapter 178 - Vehicles & Traffic
3. Local Law Amending Chapter 197 - Zoning (Attachment 2.1)
4. Special Exception - Outdoor Chairs, Sydney's Taylor Made Cuisine

**RESOLUTIONS:**

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Schedule Public Hearing on 2020–2021 Tentative Village Budget
4. Appoint Justice to East End Veterans Court
5. Approve Use of Village Property-St. Patrick's Day Parade
6. Authorize Use of Village Property-East End Little League
7. Authorize Use of Village Property-Greater WH Chamber of Commerce
8. Authorize Use of Village Property-Greater WH Chamber of Commerce
9. Authorize Use of Village Property-Greater WH Chamber of Commerce
10. Authorize Use of Village Property-Greater WH Chamber of Commerce
11. Authorize Use of Village Property-Greater WH Chamber of Commerce
12. Authorize Use of Village Property-Musical Mime co., Inc.
13. Authorize Use of Village Property-WHB Performing Arts Center
14. Authorize One Day Peddling Permit
15. Authorize Renewal of 2020 Outdoor Sales and Displays Permit- John's Swimming Pools
16. Authorize Renewal of 2020 Outdoor Sales and Displays Permit-Collect
17. Authorize Renewal of 2020 Outdoor Sales and Displays Permit-Best Market

18. Authorize Renewal of 2020 Outdoor Sales and Displays Permit-Mustique
19. Authorize Renewal of 2020 Tonino's Outdoor Dining Permit
20. Authorize Renewal of 2020 The Claddagh Restaurant Outdoor Dining Permit
21. Authorize Renewal of 2020 Beach Bakery Outdoor Tables, Chairs and Benches Permit
22. Authorize Renewal of 2020 Goldberg's Outdoor Tables, Chairs and Benches Permit
23. Authorize Renewal of 2020 Hampton Coffee Outdoor Tables, Chairs and Benches Permit
24. Authorize Renewal of 2020 Firehouse Pizza Outdoor Tables, Chairs and Benches Permit
25. Authorize Renewal of 2020 Joe's American Grill Outdoor Dining Permit
26. Authorize Renewal of 2020 Whitney's Deli Outdoor Table Chairs and Benches Permit
27. Authorize Renewal of 2020 Best Market Outdoor Table Chairs and Benches Permit
28. Authorize Renewal of 2020 Beach Bakery Outdoor Music Permit
29. Authorize Renewal of 2020 Tonino's Pizza Outdoor Music Permit
30. Authorize Entertainment Permit
31. Approve 2020 Fire Inspection Services with Southampton Town
32. Authorize Employee to Attend Tree City USA Recognition Ceremony
33. Approve 2020–21 Real Property Tax Exemptions
34. Authorize Services for 2020 Stormwater Management Report
35. Schedule Public Hearing-Change of Zone
36. Schedule Public Hearing-Special Exception Application-Change of Use
37. Accept Proposal-Irrigation System, Village Marina
38. Approve Warrant for March 2020
39. Refer Special Exception Application-Outdoor Dining to Planning Board

**PUBLIC COMMENT**  
**ADJOURN**

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday March 5, 2020 at 5 p.m.**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING:**

1. Continue - Order to Repair or Demolish Un-safe Building Located at 72 South Road
2. Local Law Amending Chapter 178 - Vehicles & Traffic
3. Local Law Amending Chapter 197 - Zoning (Attachment 2.1)
4. Special Exception - Outdoor Chairs, Sydney's Taylor Made Cuisine

**RESOLUTIONS:**

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

RESOLVED, that the minutes of the Board of Trustees Meeting of February 6, 2020 are hereby accepted.

**2. Accept Departmental Monthly Reports**

RESOLVED, that the Treasurer's report for January 2020, Justice Court, Police Department's and Building Inspector's reports for February 2020 are hereby accepted.

**3. Schedule Public Hearing on 2020–2021 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 15, 2020 at 5:00 p.m. at the Village Hall on the 2020–2021 Tentative Village Budget.

**4. Appoint Justice to East End Veterans Court**

WHEREAS, pursuant to Section 170.15 of the Criminal Procedure Law, then Chief Administrative Judge of the Courts, Gail Prudenti, on November 20, 2013, created the East End Veterans Court effective June 19, 2013 consisting of the Town and Village Courts for the Towns of East Hampton, Shelter Island, Southold, Southampton, and Riverhead; and

WHEREAS, said Veterans Court has been denominated as part of the East End Regional Intervention Court pursuant to C.L.P. 170.15(4); and

WHEREAS, C. Randall Hinrichs, District Administrative Judge, will execute an order assigning Westhampton Beach Village Justice Martha Rogers to serve as the East End Regional Intervention Court Justice for the East End Veterans Court; and

WHEREAS, pursuant to Section 106 of the Uniform Justice Court Act, Town or Village Justices will be designated to serve in the East End Regional Intervention Court including the East End Veterans Court and adjudicate matters arising within the territorial jurisdiction of said court; now, therefore, be it resolved that the Village Board of Trustees for the Village of Westhampton Beach hereby consents to Westhampton Beach Village Justice Martha Rogers serving as Justice to the East End Veterans Court at no additional compensation; and be it further resolved that the Village Clerk is hereby directed to forward a copy of this resolution to Hon. C. Randal Himichs, District Administrative Judges Office, 400 Carleton Ave, Central Islip, New York 11722; Hon. Deborah E. Kooperstein, Southampton Town Court, 32 Jackson Avenue, Hampton Bays, New York 11946; Hon. Helen Rosenblum, 1287 East Main Street, Riverhead, New York 11901; Hon. Allen M. Smith, 210 Howell Avenue, Riverhead, New York 11901; Hon. Martha Rogers, 165 Mill Road, Westhampton Beach, New York 11978 and Hon. Eileen A. Powers, PO Box 1179, Southold, New York 11971.

**5. Approve Use of Village Property-St. Patrick's Day Parade**

RESOLVED, that the Westhampton Beach St. Patrick's Day Parade Committee is hereby authorized to conduct the Annual St. Patrick's Day Parade on Mill Road to Sunset Avenue to Hansen Place on Saturday, March 14, 2020 from 12:00 p.m. to 3:00 p.m.

**6. Approve Use of Village Property-East End Little League**

RESOLVED, that East End Little League is hereby authorized to use the Great Lawn from March 1, 2020 through July 1, 2020, Monday through Friday from 4 p.m. to 8 p.m. for games and practices.

**7. Authorize Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Glovers Lane Park and Main Street for the annual "Easter Egg Hunt" event on Saturday April 4, 2020 from 11:00 a.m. to 1:00 p.m.

**8. Approve Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Saturdays starting May 9, 2020 and ending November 21, 2020 from 8:00 a.m. to 1:00 p.m. for the seasonal Farmers Market, subject to limitations created by post Labor Day Main Street construction, and approved signage limited to 1 on-site location sign only.

**9. Approve Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Great Lawn on Saturday August 1, 2020 and Sunday August 2, 2020 from 10:00 a.m. to 6:00 p.m. with set-up date on Friday July 31, 2020 from 9:00 a.m. to 8:00 p.m. for the Mary O. Fritchie Juried Fine Art Show with approved signage limited to 1 on-site location sign and no more than 10 18" x 24" lawn signs placed as on application.

#### **10. Approve Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Sunday May 24, 2020 and Monday May 25, 2020 from 10:00 a.m. to 5:00 p.m. with set-up date on Saturday May 23, 2020 immediately after the Farmer's Market closes, for the Maggie Burbank Arts and Craft Show with approved signage limited to 1 on-site location sign only.

#### **11. Approve Use of Village Property-Greater WH Chamber of Commerce**

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green on Sunday October 11, 2020 and Monday October 12, 2020 from 10:00 a.m. to 6:00 p.m. with a set up date of Friday October 10, 2020 immediately after the Farmer's Market closes, for the Gordon Werner Art and Craft Show with approved signage limited to 1 on-site location sign only.

#### **12. Authorize Use of Village Property-Musical Mime Co., Inc.**

RESOLVED, that the Musical Mime Co., Inc. is hereby authorized to use the Great Lawn on Friday August 7, 2020 and Saturday August 8, 2020 from 7:00 a.m. to 10:30 p.m. for an "Evening of Classical Ballet" performance with set-up on Wednesday And Thursday August 5 & 6, 2020.

#### **13. Authorize Use of Village Property-WHB Performing Arts Center**

RESOLVED, that the Westhampton Beach PAC is hereby authorized to use the Great Lawn on Saturday July 25, 2020 from 9:00 a.m. to 7:00 p.m. for "Westhampton Wheels" car show subject to revised site plan.

#### **14. Authorize One Day Peddling Permit**

WHEREAS, Leonard Goldberg has applied for a one-day Peddling Permit to sell novelties during the St. Patrick's Day Parade on Saturday March 14, 2020 pursuant to §128-3 of the Village Code; and

WHEREAS, the Police department has reviewed and investigated the applicant and found no criminal history pursuant to §128-4; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes a One-day Peddling Permit to Leonard Goldberg effective March 14, 2020 and is subject to the requested documentation being supplied and all other conditions in Chapter 128-10 and 128-11 of the Village codes.

#### **15. Authorize Renewal of 2020 Outdoor Sales and Displays Permit**

WHEREAS, John's Swimming Pools, 1082 Old Riverhead Road, Westhampton Beach (SCTM 0905-2-2-5), has applied to renew the Outdoor Sales and Displays permit for 2020 pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, and

WHEREAS, there were no incidents or reports filed concerning said use; now therefore be it

RESOLVED that the application for an Outdoor Sales and Displays permit for 2020 is granted subject to the following conditions:

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; No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and

This permit shall be in effect from April 15 to November 15, 2020, 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.

#### **16. Authorize 2020 Renewal for Outdoor Sales and Displays Permit - Collect**

WHEREAS, Leif Neubauer, tenant of the premises known as Collect, located at 83D Main Street, Westhampton Beach (SCTM 0905-11-2-10), has applied for a 2020 renewal permit for Outdoor Sales and Displays pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, and

WHEREAS, there were no incidents or reports filed concerning said use; now therefore be it

RESOLVED that the application for an Outdoor Sales and Displays permit for 2020 is granted subject to the following conditions:

1. All conditions set forth in section 140-2(A) shall be followed;
2. Pursuant to the Planning Board's report, there can be no placement of signs or any items which reflect signage, and all items must be placed a minimum of 30" from the Village right of way.
3. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and
4. This permit shall be in effect to November 15, 2020, 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.

#### **17. Authorize 2020 Renewal of Best Market Outdoor Sales and Displays Permit**

WHEREAS, Best Market has applied to renew the Outdoor Sales and Displays Permit for 2020 to allow the limited outdoor sale and display of seasonal items pursuant to §140-2(A) (11) of the Village Code; and

WHEREAS, it appears from the Outdoor Display Plan and Planning Board report that the application satisfies the conditions of section 140-2(A) of the Village Code, with the exception of subdivision (11) thereof (which limits the seasonal display to the period of April 15 to November 15 of each year), and

WHEREAS, the Board finds that, under the unique circumstances of this property, the nature of a year-round grocery store use, and the seasonal items described in the Outdoor Display Plan, a waiver of the seasonal limitation of section 140-2(A) (11) is warranted; now therefore,

BE IT RESOLVED that the application for an Outdoor Sales permit is granted subject to the following conditions:

1. All conditions set forth in section 140-2(A) shall be followed with the exception of subdivision (11), which is expressly waived so as to allow year-round sales according to the Outdoor Display Plan;
2. Outdoor items installed on moveable racks shall be on racks that are secured to the building so as to prevent the racks and items from obstructing ingress and egress to and from the building, and pedestrian walkways;
3. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees;
4. This permit shall be in effect to April 1, 2021, 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.

### **18. Authorize 2020 Renewal for Outdoor Sales and Displays Permit - Mustique**

WHEREAS, Nadine Hampton, tenant of the premises known as Mustique, located at 3 Glovers Lane, Westhampton Beach (SCTM 0905-12-4-32), has applied for a 2020 renewal permit for Outdoor Sales and Displays pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, and

WHEREAS, there were no incidents or reports filed concerning said use; now therefore be it

RESOLVED that the application for an Outdoor Sales and Displays permit for 2020 is granted subject to the following conditions:

1. All conditions set forth in section 140-2(A) shall be followed;
2. Pursuant to the Planning Board's report, there can be no placement of signs or any items which reflect signage, and all items must be placed a minimum of 30" from the Village right of way.
3. No substantial deviation from the Outdoor Display Plan shall be allowed without further approval of the Board of Trustees; and
4. This permit shall be in effect to November 15, 2020, 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.

### **19. Authorize Renewal of 2020 Tonino's Outdoor Dining Permit**

WHEREAS, Tonino's Pizza has applied to renew the Outdoor Dining Permit for 2020 to place three (3) tables and (12) chairs pursuant to §196-1 of the Village Code; and

WHEREAS, 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 approved October 6, 2011 and subject to the same set of conditions and plan attached to the 2020 application.

**20. Authorize 2020 Renewal of The Claddagh Restaurant Outdoor Dining Permit**

WHEREAS, The Claddagh Restaurant has applied to renew the Outdoor Dining Permit for 2020 to place six (6) tables and (12) chairs pursuant to §196-1 of the Village Code; and

WHEREAS, 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 approved April 27, 2017 and subject to the same set of conditions and plan attached to the 2020 application.

**21. Authorize Renewal of 2020 Beach Bakery Outdoor Tables, Chairs and Benches Permit**

WHEREAS, Beach Bakery Grand Cafe has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020, to place thirteen (13) tables and twenty-eight (28) chairs and 3 Village benches to be placed on the south side and west side of the building pursuant to §196-2 of the Village Code; and

WHEREAS, 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 based upon the recommendation of the Planning Board the placement of outdoor tables, chairs and benches as shown on the submitted plan approved July 2, 2014 and subject to the same set of conditions and plan attached to the 2020 application.

**22. Authorize 2020 Renewal of Goldberg's Outdoor Tables, Chairs and Benches Permit**

WHEREAS, Goldberg's Deli has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place four (4) tables and sixteen (16) chairs pursuant to §196-2 of the Village Code; and

WHEREAS, 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 approved in 2008 and subject to the same set of conditions and plan attached to the 2018 application.

**23. Authorize Renewal of 2020 Hampton Coffee Outdoor Tables, Chairs and Benches**

WHEREAS, Hampton Coffee Company has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place four (4) tables and sixteen (16) standard chairs pursuant to §196-2 of the Village Code; and



WHEREAS, 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 approved in 2006 and subject to the same set of conditions and plan attached to the 2020 application.

**24. Authorize 2020 Renewal of Firehouse Pizza Outdoor Tables, Chairs/Benches Permit**

WHEREAS, Espana 2015 for Firehouse Pizza has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place three (3) tables with attached benches pursuant to §196-2 of the Village Code; and

WHEREAS, 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 approved in 2018 and subject to the same set of conditions and plan attached to the 2018 application.

**25. Authorize 2020 Renewal of Joe's American Grill Outdoor Dining Permit**

WHEREAS, Joe's American Grill has applied to renew the Special Exception permit for Outdoor Dining for 2020, to place three (3) tables and twelve (12) pursuant to §196-2 of the Village Code; and

WHEREAS, 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 based upon the recommendation of the Planning Board the placement of outdoor tables and chairs as shown on the submitted plan approved June 8, 2017 and subject to the same set of conditions approved in 2017 and the plan attached to the 2020 application.

**26. Authorize 2020 Renewal of Whitney's Deli Outdoor Tables, Chairs/Benches Permit**

WHEREAS, Whitney's Deli has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place two (2) outdoor tables and eight (8) chairs pursuant to §196-2 of the Village Code; and

WHEREAS, 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 approved in 2016 and subject to the same set of conditions and plan attached to the 2020 application.

## **27. Authorize 2020 Renewal of Best Market Outdoor Tables, Chairs/Benches Permit**

WHEREAS, Best Market has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place ten (10) outdoor tables and twenty (20) chairs pursuant to §196-2 of the Village Code; and

WHEREAS, 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 approved in 2016 and subject to the same set of conditions and plan attached to the 2020 application.

## **28. Authorize Renewal of 2020 Beach Bakery Outdoor Music Permit**

RESOLVED, that the Board of Trustees hereby approves the Outdoor Music Application and attached schedule submitted by Beach Bakery, and authorizes and grants to Beach Bakery an Outdoor Music Permit for 2020 subject to the same conditions as set forth in the Determination dated September 3, 2009, and the provisions of Chapter 196-3 of the Village Code and 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 together with the following conditions:

1. It shall be the obligation of Beach Bakery that the public sidewalk is not obstructed and that no structures shall be placed on Main Street, preventing the use of any parking spaces in front of Beach Bakery.
2. No more than 2 musicians on Thursday and Sundays.

## **29. Authorize Renewal of 2020 Tonino's Pizza Outdoor Music Permit**

RESOLVED, that the Board of Trustees hereby approves the renewal of the Outdoor Music permit request submitted by Tonino's Pizza to place a small one or two-piece band as depicted on the plan and shown in the designated area and grants an Outdoor Music Permit for 2020 subject to the same conditions as set forth in the Determination dated May 3, 2018, and the provisions of Chapter 196-3 of the Village Code and 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 together with the following conditions:

1. It shall be the obligation of Tonino's Pizza and Italian Eatery 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.
2. No substantial deviation from the Outdoor Music Plan shall be allowed without further approval of the Board of Trustees; and
3. This permit shall be in effect from April 15 2020 to October 31, 2020, 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.

### **30. Authorize Entertainment Permit**

WHEREAS, The Claddagh Restaurant, 141 Montauk Highway, Westhampton Beach (SCTM 0905-5-2-6.2), has applied for an Entertainment Permit pursuant to Chapter 80 of the Code of the Village of Westhampton Beach, to allow the restaurant to offer limited entertainment accessory to the restaurant use; and

WHEREAS, the applicant submitted a sketch plan and description of the entertainment that it seeks to offer (hereinafter, the "Proposed Entertainment Plan"); and

WHEREAS, the Board of Trustees authorized an Entertainment Permit for 2017 with no renewal for 2018 and a renewal for 2019, the applicant The Claddagh Restaurant has applied to renew this permit for 2020; and

WHEREAS, it appears from the application and Proposed Entertainment Plan that the application satisfies the conditions of section 80-2(A) of the Village Code; now therefore,

BE IT RESOLVED that the application for an Entertainment Permit is granted subject to the following conditions:

All conditions set forth in section 80-2(A) shall be followed;

1. No substantial deviation from the Proposed Entertainment Plan shall be allowed without further approval of the Board of Trustees; and
2. This permit shall be in effect to December 31, 2020, unless previously revoked, and the applicant shall be required to follow the renewal provisions set forth in section 80-2(B) of the Village Code for future entertainment beyond such expiration date.

### **31. Approve 2020 Fire Inspection Services with Southampton Town**

RESOLVED, that the Mayor is hereby authorized to execute the renewal of the 2020 Fire Inspection Services Agreement with the Town of Southampton pursuant to fees established by the Town of Southampton and the type of necessary service.

### **32. Authorize Employee to Attend Tree City USA Recognition Ceremony**

RESOLVED, that Andrew DeRubeis is hereby authorized to attend the 14th Annual Tree City USA Recognition Ceremony in Albany from March 18, to March 19, 2020 at a cost of \$225.00 for lodging plus travel expenses from G/L account code A8510.402 Beautification Materials.

### **33. Approve 2020–21 Real Property Tax Exemptions**

RESOLVED, that the Board of Trustees hereby approve the attached list of taxpayers to receive aged exemptions, disabilities with limited income exemptions, clergy exemptions, Veterans exemptions and volunteer ambulance/firefighter exemptions as indicated for the 2020/21 tax year.

#### **34. Authorize Services for 2020 Storm Water Management Program**

RESOLVED, that the Board of Trustees hereby authorizes D & B Engineers and Architects, P.C. to prepare the 2020 Annual Storm Water Management Report at a cost of \$2,900.00 and additional services for the 2020 Storm Water Management program not to exceed \$3,500.00.

#### **35. Schedule Public Hearing-Special Exception Application**

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday April 2, 2020 at 5:00 p.m. at the Village Hall on a Special Exception application filed by Mark Tech Corp. (The Corner Restaurant) for a "Change of Zone".

#### **36. Schedule Public Hearing-Special Exception Application**

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Thursday April 2, 2020 at 5:00 p.m. at the Village Hall on a Special Exception application filed by Westhampton Inn, LLC for a "Change of Use" to allow construction of an Inn/Hotel in the B-1 district.

#### **37. Accept Proposal for Irrigation-Village Marina**

RESOLVED, that the Board of Trustees hereby accepts the proposal from Soto's Irrigation to install a new irrigation system at the Village Marina in an amount not to exceed \$7,000.00 from G/L account code T37 Park Fund.

#### **38. Approve Warrant for March 2020**

RESOLVED, that the warrant for March 2020 in the amount of \$270,106.65 for the General Fund and \$993,911.36 for the Capital Fund is hereby approved.

#### **39. Refer Special Exception Application to Planning Board**

RESOLVED, that the Special Exception application for Outdoor Dining filed by Michael Brunetti (Brunetti Pizza) for property located at 61 Main Street is hereby referred to the Village Planning Board for review.

#### **PUBLIC COMMENT**

**DATED: March 5, 2020**

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

## **Order to Repair or Demolish Un-safe Building Located at 72 South Road**

WHEREAS, the Village Clerk was directed to publish for a public hearing regarding alleged unsafe structures at 72 South Road, Westhampton Beach, further identified as Suffolk County Tax Map # 905-008-01-027; and

WHEREAS, a hearing was conducted on February 6, 2020, at or about 5 pm at the Municipal Building to discuss the state of the subject structures pursuant to Chapter 71 of the Village Code; and

WHEREAS, the Building Inspector's report dated January 23, 2018, cites numerous defects regarding the integrity of the structure and premises that persist to this day; and

WHEREAS, the Westhampton Beach Police have responded several times due to unlawful trespassing onto the property and within the abandoned structures.

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees, hereafter referred to as the Board, upon due deliberation and consideration, of all evidence adduced at the hearing, has determined the subject structures are unsafe and constitute a hazard and detriment to health, safety, and welfare; and be it further

RESOLVED, the Board orders the subject structures be demolished/removed in their entirety and property affected be remediated; and be it further

RESOLVED, that the Village Clerk is hereby authorized to post and publish the attached Notice to Bidders for demolition of the structures and remediation of the affected property in the February 20, 2020 issue of the Southampton Press, the official Village newspaper; and be it further

RESOLVED, that the costs incurred in association with the Demolition and Remediation Project shall be assessed against the property and a statement of said expenses shall be provided to the property owner in accordance with the provisions of Chapter 71; and be it further

RESOLVED, the Board acknowledges the property owner retains the right to undergo the work necessary to ameliorate the unsafe condition whether by demolition or reconstruction until such time when a bidder has been awarded; and be it further

RESOLVED, the Village Clerk shall send certified copies of this resolution and notice to Deutsche Bank National Trust Company, 2000 Avenue of The Stars, Los Angeles, CA 90067, the property owner of record, and to Terry Borne, Select Portfolio Services, 10401 Deerwood Park Blvd, Jacksonville, FL 32256, the property manager of record.

## **Adopt LL # 2 of 2020**

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 5<sup>th</sup> day of March 2020 to amend Chapter 178, entitled "Vehicles and Traffic," of the Code of the Village of Westhampton Beach; and

WHEREAS, the adoption is required as a result of the new traffic patterns established in conjunction with the Main Street Improvement Project.

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.

## **Adopt LL # 3 of 2020**

WHEREAS, a public hearing was held before the Village Trustees at the Municipal Building, 165 Mill Road, Westhampton Beach, New York, on the 5<sup>th</sup> day of March 2020 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 20, 2020, determined the proposed amendment to be a matter of local determination; and

WHEREAS, the Building & Zoning has recommended that the proposed action be considered an Unlisted action under 6 NYCRR 617 (SEQR) without the need for coordinated review and that the Board of Trustees assume lead agency status.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees assumes Lead Agency and determines the adoption to be an Unlisted action without the need or coordinated review; and be it further

RESOLVED, the Board of Trustees, as Lead Agency, issues a negative declaration of significance for the purposes of SEQRA compliance; and be it further

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.

## **Approve Special Exception Application Sydney's Taylor Made Cuisine-Additional Outdoor Seating**

WHEREAS, the applicant has applied for a Special Exception for additional outdoor seating of (2) Adirondack chairs around a self-contained fire pit pursuant to the provisions of Chapter 196 of the Zoning Code of the Village of Westhampton Beach located at 32 Mill Road, Westhampton Beach, SCTM # 905-12-4-50. The application was referred to the Planning Board, and the Planning Board issued a report dated February 27, 2020 in which it recommended approval of the additional (2) Adirondack Chairs for a total of (8) chairs around the firepit with conditions as below.

A public hearing was held before the Board of Trustees on March 5, 2020, this Board grants approval of the permit, subject to all conditions and limitations set forth by the Planning Board report dated February 27, 2020 which includes the following conditions:

1. Location of (8) Adirondack chairs and fire pit shall be placed as per the attached plan.
2. The fire pit shall conform to section 307 of the NS Fire Code.
3. The applicant shall apply for and obtain an approved Fire Prevention permit from the Village of Westhampton Beach Fire Marshal.