

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

PUBLIC HEARING:

Special Exception - Change of Zoning, 85 & 105 Montauk Highway

Mayor Moore stated this public hearing is a continuation of previous hearing, Mayor Moore asked in anyone had additional questions of comments, Trustee Frano asked if there were any written comments from the public, this is to change the zoning line and since there were no more comments the Mayor asked for a motion to close the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays. (Trustees Frano, Rubio, Deputy Mayor Urban and Mayor Moore; Trustee Tymann had to leave the meeting prior to the vote for a medical emergency).

Motion made by Deputy Mayor Urban:

WHEREAS, 85 & 105 Montauk LLC (Emanuel Maris, President), which reportedly owns what is known as the Corner Restaurant properties at 85 and 105 Montauk Highway (SCTM Nos. 905-5-1-12 and 905-5-1-53.1), and the JoAnn Dean Family Trust, Raymond Dean, Trustee, which reportedly owns what is known as the "Dean Family" property (SCTM No. 905-5-1-52.2) (hereinafter referred to as Tax Lot 52.2) ("applicant") have submitted a request, by petition dated March 30, 2019, to rezone Tax Lot 52.2 from the Residential R-4 Zoning District to the Business B-2 Zoning District, in effect relocating the current division line between the R-3 and B-2 Zoning Districts from the north to the south and west of Tax Lot 52.2, to allow the two properties to be merged and create a better parking plan for the Corner Restaurant properties; and

WHEREAS, the Board of Trustees of the Village of Westhampton Beach has determined that, subject to the conditions herein, relocating the B-2/R-4 zoning district division line further south of its current location so that it would include Tax Lot 52.2, is consistent with the goals and objectives for the B-2 Zoning District as set forth in the 2006 Business District Comprehensive Plan Update; and

WHEREAS, the proposed amendment to the local zoning law is an action subject to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law); and

WHEREAS, the proposal was referred to the Planning Board for its comments on May 2, 2019; and

WHEREAS, the Planning Board assumed the role of "lead agency" for purposes of conducting a coordinated SEQRA review; and

WHEREAS, on March 12, 2020, the Planning Board, as lead agency, adopted a SEQRA Conditional Negative Declaration subject to four enumerated conditions relating to maximizing parking (condition 1), the design of the commercial building (condition 2), the installation of a solid fence and landscaping as a buffer along the southern and western property lines (condition 3), and the prohibition against buildings being constructed on the rezoned portion of the property (condition 4); and

WHEREAS, in connection with the referral, the Planning Board indicated that it had "no objection" to the proposed rezoning; and

WHEREAS, a public hearing was held on the proposed rezoning and relocation of the B-2/R-4 zoning district division line on April 2, 2020 and April 15, 2020; and

WHEREAS, the proposed amendment to the local law has been in final form since April 7, 2020 and copies of it have been upon the desks or tables of the members of the Board of Trustees in this form since that date; and

April 15, 2020

NOW, THEREFORE, be it resolved that the Board of Trustees of the Village of Westhampton Beach hereby enacts and adopts Local Law # 4 of 2020, a local law amending the B-2/R-4 zoning district division line on the "Zoning Map of the Village of Westhampton Beach," so that the division line runs along the boundary of and includes the entirety of SCTM No. 905-5-1-52.2 (Tax Lot 52.2), subject to the following conditions:

1. All conditions set forth in the Conditional Negative Declaration adopted by the Planning Board on March 12, 2020 are hereby incorporated, in their entirety, as conditions of this rezoning.
2. The rezoned property, Tax Lot 52.2, shall not be used for commercial or business purposes, as allowed under the B-2 Business District, until all steps of the site plan review process have been completed, a new site plan has been approved, all conditions of the site plan process have been fulfilled (including the recording of required covenants, if any), and the property (Tax Lot 52.2) has been formally merged with all of the Corner Restaurant Properties, by a deed or deeds in a form approved by the Village Attorneys.

AND BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Westhampton Beach authorizes the Mayor to sign the local law annexed hereto and authorizes the Village Clerk to certify the local law annexed hereto as a true and correct enactment adopted by this Board and to forward it in proper form to the Secretary of State for filing.

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

2020-2021 Tentative Budget

Motion was made by Trustee Frano to open the public hearing, seconded by Trustee Rubio and unanimously approved 4 Ayes, 0 Nays. Mayor Moore explained some items in the tentative budget resulting in an overall increase in Expenditures, but because of the increase in assessed valuation the tax rate was able to be lowered from last year's budget. The Mayor asked if anyone had a comment, there being no response the Mayor asked for a motion to close the public hearing, motion made by Deputy Mayor Urban, seconded by Trustee Frano and unanimously approved 4 Ayes, 0 Nays.

Motion made by Trustee Frano:

WHEREAS, the Village Clerk-Treasurer has presented to the Board of Trustees a Tentative Budget in compliance with the requirements of Section 5-508(1) Village Law; and

WHEREAS, the Trustees have had a chance to review said budget and to conduct a public hearing on the Tentative Budget in accordance with Section 5-508(1) on April 15, 2020; and therefore, be it

RESOLVED, that, without further change, alteration, or additions, the Board of Trustees hereby adopts the 2020-2021 fiscal year Tentative Budget in its current form.

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

Authorize Mayor to Sign Agreement

Motion made by Trustee Rubio:

Resolved that the Mayor is Authorized to execute the Tolling, Standstill and Waiver Agreement with Verizon New York Inc. on behalf of the Village of Westhampton Beach.

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

Meeting adjourned at 6:45 PM.

Respectfully submitted,

Elizabeth Lindtvit
Clerk-Treasurer

LOCAL LAW NO. 4 OF 2020

AMENDING THE "ZONING MAP OF THE VILLAGE OF WESTHAMPTON BEACH"

Be it enacted by the Board of Trustees of the Village of Westhampton Beach as follows:
SECTION I. PURPOSE

The Board of Trustees has reviewed the request submitted by 85 & 105 Montauk LLC (Emanuel Maris, President), and the JoAnn Dean Family Trust, Raymond Dean, Trustee, to relocate the B-2/R-4 zoning district division line further south of its current location along the northerly boundary of the Dean Family Property, Suffolk County Tax Map parcel No. 905-5-1-52.2 so as to include the entirety of said Dean Family Property, and finds that it is consistent with the goals and objectives for the B-2 District set forth in the 2006 Business District Comprehensive Plan Update.

SECTION II. AMENDMENT TO THE "ZONING MAP OF THE VILLAGE OF WESTHAMPTON BEACH"

The property identified by Suffolk County Tax Map. No. 905-5-1-52.2 is hereby re-zoned from the Residential R-4 Zoning District to the Business B-2 Zoning District, and the division line between the B-2 and R-4 zoning districts, as shown on the "Zoning Map of the Village of Westhampton Beach," shall be relocated from the northern boundary of said property to the western and southern boundaries of said property, so as to include the entirety of the property, consisting of 9,503 square feet, described more particularly as follows:

- BEGINNING at a point on the westerly side of Old Riverhead Road (Oak Street) as widened, said point being located South 9 degrees 48 minutes 20 seconds West, 111.45 feet from the southerly end of a curve having a radius of 25.00 feet and a length of 34.44 feet, said curve connecting the southerly side of Montauk Highway with the westerly side of Old Riverhead Road (Oak Street) as widened and from said point of beginning,
- RUNNING THENCE, North 80 degrees 18 minutes 30 seconds West, 123.48 feet;
- THENCE South 25 Degrees 10 minutes 00 seconds West, 73.97 feet along the easterly side of Lot 12 on Map of Lilac Farm, Map No 860;
- THENCE South 80 Degrees 10 minutes 30 seconds East, 143.08 feet along the dividing line between Lots 10 and 11 on said Map. No. 858 to a point on the westerly side of Old Riverhead Road (Oak Street) as widened;
- THENCE along the westerly side of Old Riverhead Road (Oak Street) as widened, North 9 degrees 48 minutes 20 seconds East, 71.30 feet to the point or place of BEGINNING.

SECTION III. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

