

**Village of Westhampton Beach
Board of Trustees Meeting
Thursday, June 4, 2020 at 5 p.m.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

1. LL # 6 of 2020 - Chapter 197 "Zoning" Zoning Map
2. LL # 7 of 2020 - Chapter 197-22 "Design Requirements for Nonresidential Parking"
3. Special Exception Application-Change of Use, 91 Old Riverhead Road
4. Special Exception Application-Change of Use, 51 Old Riverhead Road
5. Special Exception Application-Change of Use, 43 Main Street
6. Special Exception Application-Outdoor Sales and Displays, Ocean Spray Pools
7. Special Exception Application-Outdoor Dining, Brunetti Pizza

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meetings
2. Accept Departmental Monthly Reports
3. Authorize 2020 Renewal of North Fork Roasting Co. Outdoor Tables, Chairs and Benches Permit
4. Approve Warrant for May and June 2020
5. Refer Special Exception Application to Planning Board
6. Accept Proposal for Landscaping Services
7. Adopt Village Hazardous Communication Program Plan
8. Authorize Use of Village Property-Westhampton Cultural Consortium
9. Authorize Change Order for Main Street Improvement Project
10. Authorize Change Order for Main Street Improvement Project
11. Authorize Change Order for Main Street Improvement Project
12. Schedule Public Hearing Special Exception Application
13. Authorize 2020 Renewal of Flora Restaurant Outdoor Dining Permit

14. Authorize 2020 Renewal of Shock Outdoor Tables, Chairs/Benches Permit
15. Authorize 2020 Renewal of Funcho's Fajita Grill Outdoor Music Permit
16. Authorize 2020 Renewal of Funcho's Fajita Grill Outdoor Tables, Chairs & Benches Permit

PUBLIC COMMENT

ADJOURN

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7. Special Exception Application-Outdoor Dining, Brunetti Pizza

RESOLUTIONS:

1. Accept minutes of Board of Trustees Meeting

RESOLVED, that the minutes of the Board of Trustees Meeting of May 7, 2020 and Special Meeting of May 20, 2020 are hereby accepted.

2. Accept Departmental Monthly Reports

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

3. Authorize 2020 Renewal of North Fork Roasting Co. Outdoor Tables, Chairs and Benches Permit

WHEREAS, North Fork Roasting Co. has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place three (3) tables, twelve (12) chairs and two (2) umbrellas 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 on September 1, 2016 and subject to the same set of conditions and plan attached to the 2020 application. Subject to the Restrictions of the NYS Governor's Executive Order for re-opening.

4. Approve Warrant for May and June 2020

RESOLVED, that the warrant for May 31, 2020 in the amount of \$49,319.83, and the Warrant for June 2020 in the amount of \$198,122.60 for the General Fund and \$1,626,997.00 for the Capital Fund is hereby approved.

5. Refer Special Exception Application to Planning Board

RESOLVED, that the Special Exception application filed by the North Fork Roasting Co. coffee shop for property located at 59 Main Street for an "Outdoor Music" permit is hereby referred to the Village Planning Board for review.

6. Accept Proposal for Landscaping Services

RESOLVED, that the Board of Trustees hereby accepts the proposal from Dragonfly Landscape Design Ltd. for plantings and labor around the utility box on the Village Green in an amount not to exceed \$1,200.00 for labor and \$3,785.00 for plantings from G/L account code A8510.402 Beautification Materials.

7. Adopt Village Hazardous Communication Program Plan

RESOLVED, that the Board of Trustees hereby adopt the attached Village Hazardous Communication Program Plan as recommended by OSHA and the NYS Department of Labor PESHA Bureau unit.

8. Authorize Use of Village Property-Westhampton Cultural Consortium

RESOLVED, that the Westhampton Cultural Consortium is hereby authorized to conduct outdoor concerts each Thursday beginning June 25, 2020 through September 3, 2020 from 7:00 p.m. to 9 p.m. at the Village Green, subject to the lifting of NYS Governor's Executive Order # 202.

9. Authorize Change Order for Main Street Improvement Project

RESOLVED, that the Board of Trustees hereby approves change order # PCO-18, (proposed change order) in the amount of \$5,242.00 to remove and reinstall the Potunk Lane median traffic island pavers to be charged to the Capital Fund account H9500 Roads.

10. Authorize Change Order for Main Street Improvement Project

RESOLVED, that the Board of Trustees hereby approves change order # PCO-19 (proposed change order) in the amount of \$19,993.11 for the fabric required as part of the unsuitable material replacement to be charged to the Capital Fund account H9500 Roads.

11. Authorize Change Order for Main Street Improvement Project

RESOLVED, that the Board of Trustees hereby approves change order # PCO-16, (proposed change order) in the amount of \$1,105,458.80 for the incentive bonus

payments to be charged to the Capital Fund account H9500 Roads.

12. 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 Wednesday June 17, 2020 at 5:00 p.m. at the Village Hall on a Special Exception application for changes to a 16 seat standard restaurant filed by David Hersh, Flora Restaurant for property located at 149 Main Street, in light of current situation (COVID 19/PAUSE) the Board has no objection to the Building Inspector issuing a permit to begin work; NO Certificate of Occupancy will be issued without all approvals.

13. Authorize 2020 Renewal of Flora Restaurant Outdoor Dining Permit

WHEREAS, David Hersh has applied to renew the Outdoor Dining Permit for 2020 to place (8) bistro tables or four (4) standard tables and (16) chairs pursuant to Chapter 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 original plan and subject to the same set of conditions approved in 2006 and the plan attached to the 2020 application. Subject to the Restrictions of the NYS Governor's Executive Order for re-opening.

14. Authorize 2020 Renewal of Shock Outdoor Tables, Chairs/Benches Permit

WHEREAS, Shock Ice Cream has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place three (3) outdoor 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 2004 and subject to the same set of conditions and plan attached to the 2020 application. Subject to the Restrictions of the NYS Governor's Executive Order for re-opening.

15. Authorize 2020 Renewal of Funcho's Fajita Grill Outdoor Music Permit

RESOLVED, that the Board of Trustees hereby approve the renewal of the Funcho's Fajita Grill Outdoor Music Permit for 2020 subject to the same conditions as set forth in the Determination dated January 6, 2011, the provisions of Chapter 196-3 of the Village Code and the requirement that the volume of the amplification shall not be as excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

16. Authorize 2020 Renewal of Funcho's Fajita Grill Outdoor Tables, Chairs & Benches

WHEREAS, Funcho's Fajita Grill has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2020 to place four (4) outdoor 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. Subject to the Restrictions of the NYS Governor's Executive Order for re-opening.

PUBLIC COMMENT

ADJOURN

DATED: June 4, 2020

**Elizabeth Lindtvit
Village Clerk-Treasurer**

RESOLUTION ADOPTING LOCAL LAW NO. 6 OF 2020

WHEREAS, the Board of Trustees, as the legislative body of the Village of Westhampton Beach, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Village Law, and the Municipal Home Rule Law; and

WHEREAS, in 2016, a proposed Local Law was prepared to amend Chapter 197-Zoning to relocate the B-2/R-4 zoning district division line further south of its current location on the Zoning Map of the Village of Westhampton Beach in response to a request submitted by Dalmor, LLC; and

WHEREAS, after proper notice, a public hearing was held on the proposed amendment on March 3, 2016; and

WHEREAS, the Board determined that relocating the B-2/R-4 zoning district division line further south of its current location was consistent with the goals and objectives for the B-2 District set forth in the 2006 Business District Comprehensive; and

WHEREAS, at a Special Meeting held on April 20, 2016, the Board approved the amendment to the Zoning Map as Local Law 2 of 2016, but thereafter neglected to file Local Law 2 of 2016 with the New York State Department of State; and

WHEREAS in conformance with Local Law 2 of 2016, the Board is proposing to enact a new Local Law to relocate the B-2/R-4 zoning district division line further south of its current location on the Zoning Map of the Village of Westhampton Beach; and

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

WHEREAS, on January 28, 2016, the Village Planning Board, as lead agency, adopted the EAF (Environmental Assessment Form) Negative Declaration as written for the relocation of the zoning division line; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Board of Trustees for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 4th day of June, 2020, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public during regular business hours in the Office of the Village Clerk; and

WHEREAS, the Board of Trustees has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on June 4, 2020, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, be it;

RESOLVED that that the Board of Trustees of the Village of Westhampton Beach hereby enacts and adopts Local Law # 6 of 2020, a local law amending Chapter 197-Zoning Map of the Village Code relocating the B-2/R-4 zoning district division line further south of its current location and that the Board of Trustees of the Village of Westhampton Beach authorizes the Mayor to sign the local law annexed; and that the Board of Trustees of the Village of Westhampton Beach hereby authorizes the Village Clerk to certify the local law annexed as a true and correct enactment adopted by this Board and to forward it in proper form to the Secretary of State for filing.

RESOLUTION ADOPTING LOCAL LAW NO. 7 OF 2020

WHEREAS, the Board of Trustees, as the legislative body of the Village of Westhampton Beach, is empowered to enact local laws pursuant to the provisions of Article 9 of the New York State Constitution, the Village Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared to amend Chapter 197-22 of the Village Code entitled "Design Requirements for nonresidential parking" in order to change the minimum width of nonresidential parking spaces in the Village from ten (10) feet to nine (9) feet, establishing uniformity for nonresidential parking spaces within the Village; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Board of Trustees for seven calendar days, exclusive of Sunday; and

WHEREAS, the proposed local law is a Type II action under the State Environmental Quality Review Act, 6 NYCRR § 617.5(c)(26) & (33), because it is the adoption of local legislation in connection with routine or continuing agency administration and management; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 4th day of June, 2020, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public during regular business hours in the Office of the Village Clerk; and

WHEREAS, the Board of Trustees has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on June 4, 2020, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, be it;

RESOLVED that that the Board of Trustees of the Village of Westhampton Beach hereby enacts and adopts Local Law # 7 of 2020, a local law amending Chapter 197-22 of the Village Code establishing the minimum width of nonresidential parking spaces within the Village to be nine (9) feet. and that the Board of Trustees of the Village of Westhampton Beach authorizes the Mayor to sign the local law annexed; and that the Board of Trustees of the Village of Westhampton Beach hereby authorizes the Village Clerk to certify the local law annexed as a true and correct enactment adopted by this Board and to forward it in proper form to the Secretary of State for filing.

Approve Special Exception Application - 51 Old Riverhead Road

WHEREAS, by Special Exception Permit Application dated and filed on January 21, 2020, HCMC Holding LLC (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees to change the use of property located at 51 Old Riverhead Road, Westhampton Beach, New York, from residential dwelling to a G/ST Contractors office building; and

WHEREAS, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 197-77; and

WHEREAS, on April 24, 2020, the Planning Board stated that, based upon its review, it believed that the applicant would comply with the provisions set forth in the Village Code and recommended that the Board of Trustees grant the Special Exception Permit for the change of use for the property to the applicant; and

WHEREAS, pursuant to Village Code section 197-76, 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 uses that are specifically provided for in Chapter 197; and

WHEREAS, a Public Hearing was duly noticed and held on June 4, 2020,

NOW THEREFORE BE IT RESOLVED, that, the applicant's request for a Special Exception Permit to change the use of property located at 51 Old Riverhead Road, Westhampton Beach, New York, from residential dwelling to a G/ST Contractors office building is hereby approved.

Approve Special Exception Application - 91 Old Riverhead Road

WHEREAS, by Special Exception Permit Application dated and filed on December 19, 2019, James Trainor (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees to change the use of property located at 91 Old Riverhead Road, Westhampton Beach, New York, from residential dwelling to a General & Special Trade Contractors office building; and

WHEREAS, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 197-77; and

WHEREAS, on May 1, 2020, the Planning Board stated that, based upon its review, it believed that the applicant would comply with the provisions set forth in the Village Code and recommended that the Board of Trustees grant the Special Exception Permit for the change of use for the property to the applicant; and

WHEREAS, pursuant to Village Code section 197-76, 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 uses that are specifically provided for in Chapter 197; and

WHEREAS, a Public Hearing was duly noticed and held on June 4, 2020,

NOW THEREFORE BE IT RESOLVED, that, the applicant's request for a Special Exception Permit to change the use of property located at 91 Old Riverhead Road, Westhampton Beach, New York, from residential dwelling to a G/ST Contractors office building is hereby approved.

Approve Special Exception Application - 43 Main Street

WHEREAS, by Special Exception Permit Application dated and filed on August 12, 2019, Westhampton Inn, LLC (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees to allow construction of an Inn/Hotel in the B-1 Zoning district for property located at 43 Main Street, Westhampton Beach, New York; and

WHEREAS, the Board of Trustees referred the application to the Village of Westhampton Beach Planning Board for its recommendation, pursuant to Village of Westhampton Beach Code section 197-77; and

WHEREAS, on April 24, 2020, the Planning Board stated that, based upon its review, it believed that the applicant would comply with the provisions set forth in the Village Code and recommended that the Board of Trustees grant the Special Exception Permit to allow construction of an Inn/Hotel in the B-1 Zoning district; and

WHEREAS, pursuant to Village Code section 197-76, 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 uses that are specifically provided for in Chapter 197; and

WHEREAS, a Public Hearing was duly noticed and held on June 4, 2020,

NOW THEREFORE BE IT RESOLVED, that, the applicant's request for a Special Exception Permit to allow construction of an Inn/Hotel in the B-1 Zoning district for the property located at 43 Main Street, Westhampton Beach, New York, is hereby approved.

Approve Outdoor Displays and Sales Special Exception

WHEREAS, Joseph Musnicki, owner of the premises known as Ocean Spray Pools, located at 97 Old Riverhead Road, Westhampton Beach, has applied for an Outdoor Sales and Displays permit pursuant to Chapter 140 of the Code of the Village of Westhampton Beach, to allow the limited outdoor sale and display of certain items; and

WHEREAS, the applicant submitted a sketch plan, photographs, and description of the items that it seeks to display and sell outdoors (hereinafter, the "Outdoor Display Plan"); and

WHEREAS, the application was referred to the Village Planning Board on April 22, 2020, which, by memorandum dated May 15, 2020, stated that it has no objection to the placement of the outdoor sales and display items as depicted on the plans and narrative and shown in the designated areas; and

WHEREAS, a public hearing was held on the application on June 4, 2020, pursuant to section 140-2(B) (4) 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; 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;
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.

Approve Outdoor Tables, Chairs and Benches - Brunetti Pizza

WHEREAS, by Special Exception Permit Application dated February 27, 2020, Michael Brunetti, Brunetti Pizza (hereinafter, the "applicant") requested a Special Exception Permit from the Board of Trustees for Outdoor Tables, Chairs and Benches for six (6) tables and twelve (12) chairs located at 61 Main Street, Westhampton Beach, New York, SCTM numbers: 905-11.2-2-5; and

WHEREAS, the applicant submitted a sketch plan with placement of the tables and chairs; and

WHEREAS, this application was referred to the Planning Board, the Planning Board issued a report dated May 15, 2020 in which it recommended the approval of two (2) tables and eight (8) chairs with conditions as below. A public hearing was held before the Board of Trustees on June 4, 2020, and this Board grants approval of this permit, subject to all conditions and limitations set forth by the Planning Board report dated May 15, 2020 which includes the following conditions:

- 1) The tables and chairs must remain within the property owners 4 feet (4") of their property.
- 2) The tables and chairs may not be on the Village sidewalk or right of way.
- 3) Subject to the Restrictions of the NYS Governor's Executive Order for re-opening.