

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Tuesday, October 12, 2004 at 10 a.m. in the Municipal Building, 92 Sunset Avenue, Westhampton Beach**

**PRESENT:** Mayor Robert Strebel  
Deputy Mayor Mark Raynor  
Trustee Ora Belle "Ridgie" Barnett  
Trustee James Kametler  
Trustee Timothy Laube

**Clerk-Treasurer Kathleen McGinnis  
Village Attorney Richard T. Haefeli**

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Mayor Strebel opened the meeting at 10 a.m. with the Pledge of Allegiance. He said he was happy to open the meeting with a "pleasantry". The Chairman of the Planning Board had asked the Board to acknowledge one of his members that had resigned. That member was Susie Rogers, who spent eleven years on the Planning Board and he felt, as did the Board, that she deserved recognition for this accomplishment. They had a plaque made for her as well as for Harold Williams, who had spent seven years on the Zoning Board of Appeals and six years as a Trustee for a total of thirteen years of service to the Village. There was also a plaque made for Chet Morris, who had spent five years as a Trustee. Mayor Strebel wanted to personally thank these three people, as did the Trustees, for their dedication to the Village.

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**Public Hearing:**

**Local Law 5/2004 amending Chapter 146 Street & Sidewalks**

Village Attorney Richard Haefeli explained that this was a proposal that comes from the Village traffic engineer and relates to the setback of building on corner lots in the B-1 District. He felt that the existing setbacks for corner lots as it affects the residential district was too great in the B-1 District and that a lesser setback would be appropriate for the corners in the B-1 District. None of it would be required on Main Street simply because of the width of the sidewalks. This law is an attempt to modify what the setbacks have to be and is strictly applicable to the B-1 District.

Mayor Strebel asked if anyone would like to address the Board. There being no response, Trustee Raynor made a motion to close the public hearing. Seconded by Trustee Barnett and unanimously approved.

Motion by Trustee Laube:

WHEREAS, this Board has advertised a local law adding Chapter 146 of the Village Code, entitled "STREETS AND SIDEWALKS" and

WHEREAS, a public hearing was held on Tuesday, October 12, 2004, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local or is one of general applicability.

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt Local Law 5/2004 as advertised and attached.

Seconded by Trustee Raynor and unanimously approved. 4 Aye, 0 Nay

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**Regular Meeting:**

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**Accept minutes of Board of Trustees Meetings**

Motion by Trustee Raynor:

RESOLVED, that the minutes of the Board of Trustees regular meetings of August 9, 2004, September 13, 2004 and Special Meeting of September 27, 2004 are hereby accepted.

Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**Accept departmental reports**

Motion by Trustee Barnett:

RESOLVED, that the Treasurer's reports for August 2004, and the Police Department and Building Department reports for September 2004 are hereby accepted.

Seconded by Trustee Raynor and unanimously approved. 4 Aye, 0 Nay

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**Reschedule Board of Trustees Meeting – Tuesday, Nov.9, 2004**

Motion by Trustee Kametler:

RESOLVED, that the date of the next Board of Trustees meeting is hereby changed to Tuesday November 9, 2004 at 10 a.m.

Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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**Authorize Bldg. Administrator to attend NYSBOC conference**

Motion by Trustee Laube:

RESOLVED, that Paul Houlihan, Building & Zoning Administrator, is hereby authorized to attend the NYSBOC Capital District 12<sup>th</sup> Annual Education Conference on October

18-20, 2004 in Albany, NY, at a cost of \$245 for registration and \$98/day for lodging, plus reimbursement for meals and travel expense.

Seconded by Trustee Raynor and unanimously approved. 4 Aye, 0 Nay

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**Schedule public hearing on 2005 Community Development Funds**

Motion by Trustee Raynor:

RESOLVED, that the Village Clerk is hereby directed to publish and post a Notice of Public Hearing to consider the budget for the 2005 Community Development Block Grant Funding in the amount of \$14,500.00 to be held on Tuesday, November 9, 2004 at 10 a.m. at the Village Hall, 92 Sunset Ave., Westhampton Beach.

Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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**Authorize Hurricane Foundation 5k Walk/run**

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby authorize the Hurricane Foundation to hold a 5K Walk/Run on Saturday, November 13, 2004 between 8:00 and 9:30 a.m. and approve the closure of streets listed on the attached event route.

Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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**Authorize Halloween Parade – Friday October 29th @ 3:30 p.m.**

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby authorize the Westhampton Beach Elementary School PTA to hold the annual Halloween Parade and road closings on Friday, October 29, 2004, with said parade commencing at the WHB Elementary School on Mill Road at 3:15 p.m. and ending with Trick or Treating on Main Street until 5:15 p.m.

Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**Authorize Mayor to sign agreement with GWCOG Re: Office Bldg.**

Motion by Trustee Laube:

RESOLVED, that the Mayor is hereby authorized to execute the attached agreement with the Greater Westhampton Chamber of Commerce relating to the ownership and maintenance of the building constructed by the Chamber on Village property for use as the Chamber office and to provide public restrooms.

Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**SEQRA Resolution Local Law Amending Zoning Code Chapter 197**

Motion by Trustee Raynor:

**A RESOLUTION DETERMINING THE ENVIRONMENTAL NON-SIGNIFICANCE OF THE PROPOSED LOCAL LAW AMENDING THE ZONING CODE OF THE VILLAGE OF WESTHAMPTON BEACH WITH RESPECT TO DEFINITIONS, EXISTING ONE FAMILY DWELLINGS, BUSINESS AND HOTEL DISTRICT TABLE OF USE REGULATIONS, NONCONFORMING USES, SIGNS, MF20 AND HOTEL DISTRICT TABLE OF PERMITTED USE DENSITY**

The Board of Trustees of the Village of Westhampton Beach at a regular meeting held on October 12, 2004, does hereby resolve as follows: Pursuant to the provisions of Section 617.6 NYCRR the Board of Trustees of the Village of Westhampton Beach hereby determines as follows:

1. That the action is an unlisted action pursuant to SEQRA, and the action does not involve a Federal agency or any other agency. The action involves the adoption of a local law of general applicability throughout the Village.

2. That the Board of Trustees is the only involved agency, and that Board of Trustees determines that it will be lead agency with respect to the adoption of an approval of the above action.

3. The Board of Trustees further finds and determines that:

(a) it has considered the action and reviewed the full environmental assessment forms Part 1 and Part 2 as well as the criteria set forth in 6 NYCRR section 617.7, it has thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed Village of Westhampton Beach Local Law entitled, "A Local Law Amending Chapter 197 of the Village Code (Zoning) with respect to Definitions, existing one family dwellings, business and hotel district table of use regulations, nonconforming uses, signs, signs, MF20 And hotel district table of permitted use density

(b) the project (to wit, the adoption by the Board of Trustees of the Local Law) will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment, and, therefore, a negative declaration will be prepared;

(c) the reasons supporting this determination are set forth on Part 2 of the Full Environmental Assessment Form with respect to this project a copy of said form is on file in the Office of the Village Clerk;

4. The Board of Trustees, as Lead Agency with reference to the above-described project, hereby: (a) adopts a negative declaration pursuant to 6 NYCRR Section 617.7 with respect to the project; (b) authorizes the Mayor of the Village of Westhampton Beach to sign a negative declaration determination of non-significance with respect to the project.

5. This Resolution shall take effect immediately.

Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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**Notice of Adoption Local Law 4/2004 amending Zoning Code Chapter 197**

Motion by Trustee Barnett:

WHEREAS, all persons present at a meeting held on September 13, 2004 had an opportunity to speak on behalf of or in opposition to the proposed Local Law Amending Chapter 197 of the Village Code (Zoning)

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law 4/2004 as advertised and attached.

Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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**Appoint part time police officers to attend SC Police Academy**

Motion by Trustee Kametler:

RESOLVED, Michael Walsh, Joseph Pesapane and David Santora are hereby appointed as part time Police Officers and are granted immediate leaves of absence to attend the Suffolk County Police Academy to obtain New York Training Council certification.

Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**Accept resignation of Michael Chih as Planning Board member**

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby accept the resignation of Michael Chih as a member of the Village Planning Board effective September 21, 2004.

Seconded by Trustee Raynor and unanimously approved. 4 Aye, 0 Nay

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**Appoint Planning Board Member**

Motion by Trustee Raynor:

RESOLVED, that Sundy Schermeyer is hereby appointed as a member of the Village Planning Board to fill the vacant term of Michael Chih to expire on May 31, 2007.

Seconded by Trustee Kametler and unanimously approved. 4 Aye, 0 Nay

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**Authorize Mayor to sign SC Health Dept. covenant**

Motion by Trustee Barnett:

WHEREAS, the Suffolk County Department of Health Services has approved the Village plan for the construction of the new Village municipal building subject to the Village executing a covenant, a copy of which is attached.

Seconded by Trustee Raynor and unanimously approved. 4 Aye, 0 Nay

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**Abolish part time Custodian position**

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby abolish the position of part time Custodian effective immediately.

Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**Accept proposal for Surveying Services – Six Corners Roundabout**

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby accept the proposal submitted by Norton Brothers Dunn to provide land surveying services as outlined in the Request for Proposals Scope of Work at a cost of \$15,550.00.

Seconded by Trustee Raynor and unanimously approved. 4 Aye, 0 Nay

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**Approve Warrant for October 2004**

Motion by Trustee Raynor:

RESOLVED, that the warrant for the month of October 2004 in the amount of \$193,475.95 for the General Fund and \$74,993.06 for the Capital Fund is hereby approved.

Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**Public Discussion**

Arthur DiPietro, 41 Sunset Avenue, talked about a proposal he had for the Board's consideration and the review of the Village Attorney, Building Inspector and Planning Board. He was proposing an amendment to the Code related to the Architectural Review Board. On behalf of his client, Westhampton Bay Company, whose building is now under construction between his office and the Seven Eleven, he submitted a copy of a letter to the Village Clerk for the record. He said it was dated March 26, 2004 and was addressed to Greg Minasian, Chairman of the Architectural Review Board. It requests that the ARB, pursuant to the Code, make findings of fact with regard to their determination involving the Westhampton Bay Company and that they forward a copy of that determination to the applicant within fifteen days as required by the Code. He said it is now almost seven months since that letter and they have gotten no response from the ARB. The article pertaining to the Architectural Review Board is chapter 5 and it stands alone like other provisions in the Village Code such as Alarms and Alarm Systems, Garbage, Taxation, etc. He wanted to propose that the provisions relating to the authority and duties and standards of the Architectural Review Board be moved into the Zoning Code portion of the Village Code. He felt their activity related to an application for a building permit. When the Building Inspector receives a building permit application, the first thing that is done is that it is referred to the ARB. In certain instances where there are more complex site plan issues with commercial properties, the Planning Board has site plan jurisdiction. Although it is not identical to the aesthetic jurisdiction of the ARB, it is sufficiently related that there are times when advisory opinions go back and forth. With regards to the letter he submitted and the silence that has ensued for the seven months since he sent the letter, he requested that section 519, which is the provision under the authority and responsibility of the ARB, have the following added "with regard to appeals, failure to make findings of fact within the time specified shall be deemed an approval of the applicant's design as originally submitted". He said that every other Board in the Village acts either voluntarily or under the constraints of the law within a time limit. He felt that it was only fair to any applicant to have the right to pursue the review process that is set forth in the law without being just "hung out" for months and months and months. He said that in fairness to the ARB, he was before them at their last meeting and pointed this out to them. The Chairman, Mr. Minasian, assured him that he would look into it and attend to it.

Trustee Raynor asked Mr. DiPietro what would happen if an applicant changed their mind sixteen different times.

Mr. DiPietro responded that he thought they would have to apply and make a modification or an amendment to their building permit. He felt it could be a problem. He said that most of it is relatively simple. He had been to many ARB meetings, it is kicked around and a reasonable alternative is worked out. He said that in his case they had a very reasonable and workable dialogue with regard to materials such as the shingles, etc. They even had an interesting kind of anomaly between two sets of codes. Both the ARB and Mr. DiPietro's client wanted the fire treated cedar shingles, the natural cedar. There was a code provision that may or may not have mandated what is called "hardy plank" or a synthetic cement and fiberglass type of siding material which is rated as fireproof, not highly fire retardant. We worked that out to everybody's satisfaction. We kicked colors around and we came within a range. He said the instance they had was relatively significant, it was the design of the roof that his client felt was integral to the entire original design of the building. We had requested a raised-seam metal roof and the ARB found some exception to it and specified an asphalt roof of high quality, which we installed, because we couldn't just let the project sit for a year. He said they would like the opportunity to see if, in fact, the ARB exceeded their authority and discretion by doing what they did and then he would like the option if his group is successful enough to have a reserve fund, to put the roof on that they initially designed and intended to have on that building sometime in the future, whether it be two months or two years from now. He said that was all they were requesting.

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Mayor Strebel asked if anyone else would like to address the Board. There being no further response, a motion was made at 10:28 a.m. by Trustee Raynor to adjourn the meeting to Executive Session. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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Respectfully submitted,

Christine Owen  
Deputy Clerk