

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Monday, September 13, 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**

Mayor Strebel opened the meeting at 10 a.m. with the Pledge of Allegiance.

Public Hearings:

Local Law amending Zoning Code

Village Attorney Richard Haefeli explained that once or twice a year changes and revisions are made to the Code. This local law adds and makes changes to the definition sections. Also, in the B1 District if a person has an existing one-family house, basically they cannot rebuild it, expand it or do anything to it. With the proposed change here it would allow an existing one-family residence to be re-built using the 15,000 square foot limitations that are in the Code. A provision was also put back in the Code that if someone does want to come in with a hotel, they can come in with what would basically be an efficiency type of unit. There are some changes to the non-conforming use sections that prohibit any expansion of most non-conforming uses, but will allow an expansion of some of our non-conforming, not-for-profit organizations such as the beach clubs and some of the tennis clubs and the country club. There were a couple of Court of Appeals cases that came down last year regarding the powers and the authority of the Zoning Board. This provision amends the Code so that it is clear that the authority of the Zoning Board in the Village is the same as set forth in the Village Code. A long environmental assessment form has been done and the Board has to consider it before any final action is taken on this.

Mayor Strebel asked if anyone in the audience had questions or would like to address the Board regarding this local law.

Arthur DiPietro, spoke on behalf of his client, Peter Simmons. He asked what the rationale was in imposing the R-4 setbacks on this proposed amendment to allow the renovation, expansion or rebuilding of the residences. He said that his client had a proposal that was winding its way through various Village offices to re-construct what was a single family residence on the west side of Glovers Lane, just north of the Chamber of Commerce building. It is to re-construct it and then get a permit to operate as a bed and breakfast. He said given the size of the lots on Glovers Lane, it does not seem that the R-4 creates a sufficient amount of flexibility with regard to utilizing property in the B-1 district that are now single family residences and certainly one that is proposed to be converted into a bed and breakfast. This is kind of a hybrid type of thing. The way the code is written now you can't have a bed and breakfast unless you first have a single family residence. Yet it is acknowledged that a bed and breakfast is in the nature of the business use, because it is permitted in B-1. He felt there should be a greater degree of flexibility and would like the Board to consider revising the proposed amendment to allow setbacks to either be equivalent of all other business uses in B-1 or something less restrictive than R-4.

Village Attorney Richard Haefeli responded that the Village code always had a provision in it that prohibited one-family residences new in the B-1 district, but the code used to have in it a provision that said if you expand or put a new residence in, it would use the R-4 zoning setback, which is the least restrictive residential setback we have. When the

code was amended three or four years ago to update it as far as all of the business uses, the reference to using the R-4 was deleted for some reason or other. He said that basically what the Board is doing is putting back into the code what had been there before.

Mr. DiPietro asked that even if the Board adopted this if they would consider a greater deal of flexibility. He said that he had done a "seat of the pants" rundown through his mind, an inventory of houses from single family residences that are legal pre-existing single family residences in the B-1. He explained that it seemed to him that except for the ones on the northeast side of Mill Road, most of the other single family residences that exist in the B-1 are on smaller lots where the R-4 setbacks create almost an automatic need to get a variance. Secondly, he asked that in conjunction with some of the issues that have come up with the Simmons application, the Board revisit the setback requirements for a bed and breakfast in the B-1 district. He thought it would probably be more appropriate to the streetscape to create the traditional Village look in the B-1 and a less restrictive setback would be more in line with achieving that goal.

Mayor Strebel asked if anyone else would like to address the Board. There being no response a motion was made by Trustee Raynor to close the public hearing. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Local Law 3/2004 amending Chapter 140 – Sidewalks

Mr. Haefeli explained that this is an attempt to regulate the outdoor displays on and adjacent to businesses, specifically in the B1 District. There have been some problems as far as some merchants putting their displays out. This just tightens up the code to make it very clear that they cannot do that except under some instances when there is approval from the Board of Trustees or on certain days when there are special events. This reaffirms the fact that the merchants will not be allowed to put their merchandise outside in front of the store.

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 "ZONING" and

WHEREAS, a public hearing was held on Monday, September 13, 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 3/2004 as advertised and attached.

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

Regular Meeting:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Raynor:

RESOLVED, that the minutes of the Special Meeting of September 1, 2004 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Barnett:

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

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

Appoint Seasonal Employees

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby approve the following seasonal appointments:

Name	Title	Effective	Hourly Wage
John Balzano	Lifeguard	8/13/04	10.00
Eric Sweet	Lifeguard	8/19/04	10.00
Omar Rose	Lifeguard	8/19/04	10.25

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

Schedule 10/12 Public Hearing- Local Law amend Zoning Code

Motion by Trustee Laube:

RESOLVED, that the Village Clerk is hereby directed to post a Notice of Public Hearing to be held on Tuesday, October 12, 2004 at 10 a.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, on a proposed Local Law to amend the Zoning Code Chapter 197.

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

Authorize Lee Ann Gionta to attend NYS Magistrate Court Clerks Conference

Motion by Trustee Raynor:

RESOLVED, that Senior Justice Court Clerk Lee Ann Gionta is authorized to attend the NYS Magistrate Court Clerks Annual Conference at the Holiday Inn in Saratoga Springs on October 4-6, 2004 at a cost of \$25 for registration and \$213.99/day for lodging and meals, plus travel expenses.

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

Authorize purchase of Justice Court computers

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby approve the purchase of two (2) HP Pavilion a630n Pentium 4 Processor computers, HP LCD Monitors and HP DeskJet 5110 Printers from Comp Usa at a cost of \$2,733.82 minus \$600.00 rebate.

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

Authorize lease agreement with Twin Forks Office Products

Motion by Trustee Kametler:

RESOLVED, that the Mayor is authorized to execute an agreement with Twin Forks Office Products, Inc. to lease a Kyocera Mita 1 KM-1810 Digital Copier for 36 months at a cost of \$36.40 per month plus initial filing fee.

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

Authorize GWCOG to hold a "Buy Local Sidewalk Sale" 9/18 – 9/19/04

Motion by Trustee Laube:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to hold a "Buy Local " Sidewalk Sale on Saturday September 18 and Sunday September 19, 2004 from 9:00 a.m. to 5:00 p.m. on Main Street between Moniebogue Lane and Library Avenue.

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

Memorializing Resolution Opposing Closure of 106th Air National Guard Base

Motion by Trustee Raynor:

WHEREAS, there is a proposal by the Department of Defense to reduce the number of military bases in the United States by 20 percent and this proposal threatens the closure of the 106th Air National Guard at Gabreski Airport in Westhampton; and

WHEREAS, the military base is among the largest employers on the East End, employing 1,275 people and bringing in an estimated \$100 million of economic activity every year and provides essential security to all of Long Island and the areas surrounding New York City; and

WHEREAS, the elimination of the air base would have a severe economic impact and would compromise the safety and security of the residents of the Greater New York region; therefore be it

RESOLVED, that the Board of Trustees of the Village of Westhampton Beach is adamantly opposed to the closure of the military base at Gabreski Airport and will take all measures to ensure that the 106th Air National Guard has a permanent home in Westhampton; and be it further

RESOLVED, that the Board of Trustees hereby direct the Village Clerk to forward this resolution to President George W. Bush, Secretary of Defense Donald Rumsfeld, U.S. Senator Charles Schumer, U.S. Senator Hillary Rodham Clinton, U.S. Congressman Timothy Bishop, Governor George Pataki, NYS Senator Kenneth LaValle, NYS Assemblyman Fred W. Thiele, Major General Thomas McGuire, Suffolk County Executive Steve Levy; Suffolk County Legislator Jay Schneiderman, East End Supervisors & Mayors Association.

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

Authorize funding in support of GRIP

Motion by Trustee Barnett:

WHEREAS, the Gabreski Rescue Initiative Partnership (GRIP), a not for profit organization, has been formed to save the 106th Air National Guard from being moved from Gabreski Airport; and

WHEREAS, this effort will require local representation before the United States Congress to avert the potential closure of the military base at Gabreski Airport; and

WHEREAS, the closure will have a negative impact on the Village of Westhampton Beach economy; and therefore be it

RESOLVED, that the Board of Trustees hereby authorize funding for GRIP in the amount of \$5,000.00.

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

Authorize Mutual Aid & Assistance Agreement with Town of Southampton

Motion by Trustee Kametler:

RESOLVED, that the Mayor is hereby authorized to execute a Municipal Mutual Aid and Assistance Agreement with Southampton Town to enable the Town to use the resources of the Village, if available, in the event of a disaster.

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

Accept Employee Vision Insurance Program Proposal

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby accept the proposal submitted by Superior Vision to provide the Village Police Department and the full time Office/Administrative Staff with a vision care benefit plan pursuant to the terms of the PBA contract and Office Administrative Staff Agreement.

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

Accept bid for Six Corners Village Hall project

Motion by Trustee Raynor:

RESOLVED, that at the recommendation of Sandpebble Builders, Inc., construction managers for the Six Corners Village Hall project, the bid for the earthwork & drainage work submitted by Bodkin Excavating, Inc. at a cost of \$162,268.00 is hereby accepted as the lowest qualified bidder.

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

Accept resignation School Crossing Guard

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby accept the resignation of School Crossing Guard Vanessa Jones effective September 7, 2004.

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

Approve Warrant for September 2004

Motion for Trustee Kametler:

RESOLVED, that the warrant for the month of September 2004 in the amount of \$183,904.63 for the general fund, and \$70,645.26 for the Capital Fund is hereby approved.

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

Add on resolutions:

A motion was made by Trustee Raynor to add on several resolutions to this meeting's agenda. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Accept resignation of Chester Morris II as member ARB

Motion by Trustee Raynor:

RESOLVED, that the Board of Trustees regrettfully accept the resignation of Chester E. Morris II as a member of the Architectural Review Board effective immediately.

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

Accept resignation of Susan Rogers as a Planning Board Member

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees regrettfully accept the resignation of Susan Rogers as a member of the Planning Board effective immediately.

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

Appoint Sharon Wittschen as a member of the ARB

Motion by Trustee Kametler:

RESOLVED, that Sharon Wittschen is hereby appointed as a member of the Architectural Review Board to fill the term vacated by Chester Morris II to expire as of 5/31/05.

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

Appoint William Ciraco Jr. as a member of the Planning Board

Motion by Trustee Laube:

RESOLVED, that William Ciraco Jr. is hereby appointed as a member of the Planning Board to fill the term vacated by Susan Rogers to expire as of 5/31/05.

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

PUBLIC DISCUSSION:

Arma "Ham" Andon, 39 Beach Road, wanted to be assured that nothing was being done to Lashley Beach. The only thing he felt might be worthwhile would be installing a floating dock for young people that wanted to sail or come over by boat. He felt there might be a problem, however, with the DEC.

Mayor Strebel responded that it had been brought up before, but there was some question as to this being an area with an estuary unlike most.

Mr. Andon also felt that the Village Green was not the place for a playground. He had observed traffic and congestion all summer long around that area while he was getting his mail. Then when he heard about this proposal he was concerned that some child could be hurt, as little children can run away so easily.

Mayor Strebel stated that he was not the only person that felt that way, as other residents had expressed this same opinion. He felt the Village is very much in need of a toddler's playground, but that it doesn't necessarily have to be located at the Village Green. He said there are several other locations that are being considered.

Mr. DiPietro asked the Mayor to elaborate on the timing of the resignations of Sue Rogers and Chet Morris, Jr., and the process by which the two replacements were selected.

Mayor Strebel answered that he had received letters from people requesting to be on one or another of these Boards that he has had on file for a long time. Some did not care which Board, they just wanted to serve. As far as the timing with Chester Morris, Jr., it was quite sudden because he suddenly had to work nights. There was a concern that since he could not attend the meetings, they might be short on the Board if people went on vacation or were sick, etc. Susan Rogers had the same problem. She has been on the Board for quite a while and she is going to be away most of the winter, so

she will not be able to make the meetings. The Board reviewed these letters and felt that these people would be very good choices. The Village tries to get a mix of people from different areas and walks of life.

Bill Matthews, 61 Brittany Lane, explained that in the past year an issue has come up in the Patio Villas' community. He said the problem was with the egress from the basements. He said he had met with Paul Houlihan, the Village Building Inspector, and that Mr. Houlihan conducts himself in a most professional manner. The problem is that anyone who has finished their basement in Patio Villas should put in a second method of egress. That is in a life safety code for the State of New York. This life safety code was in effect at the time of construction of Patio Villas, but somehow this got overlooked. Folks have purchased their units, thinking everything was in legal order, and it was not. The owners of Patio Villas are now in the process of retrofitting these egress methods to be in conformance with the law. They do not wish to point the finger of fault with this Board or prior Boards. This just happened to happen, the units are up and he said they are happy and satisfied with them. He felt they were happy and satisfied with what has gone on regarding this issue. He said they don't think they should be grandfathered, as this is a life safety issue, and you don't grandfather those type things. He said he would like to take a strong stand on that and he asked the Board to keep this a life safety issue and allow the owners to move forward and take care of this on their own.

Mr. Haefeli responded that there have been several people that have been required by the Building Inspector over the last year or so to put that extra egress in, so the Building Inspector would not allow someone who had not done it, to not do it in the event he does an inspection and finds out it is not there. We have picked up most of these based upon a change in the code about three years ago where on every re-sale we require an updated certificate of occupancy. One of the reasons for doing that is to make sure that we can pick up issues such as this and get them corrected.

Mayor Strebel said it was his understanding that the Building Inspector did not go to residential areas on a regular basis and inspect homes unless they ask for a certificate of occupancy update.

Mr. Haefeli said that unless there is a building department application or unless they are going to sell their house and they request an updated CO or unless when he is driving around he sees an obvious violation, the Building Inspector does not go around and look at other people's property. If we did not have this provision regarding updated certificates of occupancy, this would probably not have been picked up. This is a life safety issue and it should be corrected. They should correct it now, but the Village will require it to be corrected when they sell their unit.

Mr. Matthews also asked about "trip hazards" where you can trip over a hazard, as in a sidewalk. He wanted to know if the Village had an ordinance on such hazards as far as notification is concerned.

Mr. Haefeli responded that before an individual can sue the Village, there has to be a prior notice that the sidewalk is defective.

Mrs. McGinnis said that if someone finds a defect, they should call the Village Clerk's Office. It is put in a log and then followed up to make sure it is fixed.

Patricia Stinchi, 10 Humphrey Street, advised that there is a very bad sidewalk in front of Sexton's that has been patched, but the patch is really not good.

Mrs. McGinnis said the Village had been notified before and it had been fixed, but since it needs to be fixed again this was a new notification and she would make sure it was taken care of.

Troy Kandler, a local organic gardener, said she did not live in the Village but she does work in the community. She said that while she appreciated the fact that the Village Green and a lot of other places are organic now, she was concerned with the use of Miracle Gro every week on the hanging baskets. There is a terrible runoff into the drain and into Moniebogue Canal or onto the ground where children are playing. She said there were other organic materials to use other than Miracle Gro, since it has a lot of chemicals. She recommended fish emulsion with kelp. She said she buys the same hanging baskets and there is a timed-release fertilizer in them, so it does not have to be done as much. She felt the Village could be an example for everyone else by using organic products, especially with the new building going up.

Mayor Strebel responded that with the new building they were trying to use mostly indigenous plants. He was not aware this was being done as far as using chemical fertilizers. He thought we were using organic products, but he would certainly look into it.

Trustee Laube asked where they stood as far as research on a proposal for a local law for a million dollar referendum that he had brought to Mr. Haefeli two months ago.

Mr. Haefeli answered that the local law would bring restriction on the authority of this Board and therefore the local law itself would be subject to a mandatory referendum. In order to be certain on this he had drafted and is sending a letter requesting an opinion from the Comptroller as to whether or not such a local law itself requires a mandatory referendum.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, a motion was made at 10:40 a.m. by Trustee Raynor to adjourn the meeting to Executive Session. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk