

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Monday, April 11, 2005 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:

Tentative Budget for fiscal year 2005-06

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

Motion by Trustee Laube:

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 11, 2005; and therefore be it

RESOLVED, that without further change, alteration or additions, the Board of Trustees hereby adopt the 2005/2006 fiscal year tentative budget in its current form.

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

Special Exception Use Permit - St. Marks internal cell tower

Mayor Strebel opened the public hearing and asked if anyone would like to address this issue.

Jacalyn Fleming, of Munley, Meade, Nielsen and Re, 36 North New York Avenue, Huntington, said that she was present to represent New Cingular Wireless & AT & T Wireless. She explained that Cingular seeks to locate its antennas within the steeple of St. Mark's Church and the equipment associated with the facility will be located in the basement. This proposal is entirely within the church itself. Cingular Wireless is licensed by the FCC to maintain and operate its cellular system throughout Suffolk County and much of the United States. She said Cingular strives to provide reliable service within each service area. They have determined that there is a service gap throughout this part of Westhampton Beach and the proposal at St. Mark's Church will fill this gap and provide reliable service to the area. She provided the Board with written testimony explaining their case and said they would also present oral testimony from their various experts.

John Cloutier, the engineer whose firm prepared the site plan, briefly summarized the layouts and how the system was designed throughout the church. He said they would bring in 400 amp electrical service. He said there was no permanent generator, but if the system were to lose power, Cingular would bring in a portable generator that would be used temporarily. He said that Cingular was installing this solely for Cingular's use. There will be room for one other carrier to co-locate within the steeple and basement.

Trustee Raynor asked if the steeple will be changed or if it will all be inside. He felt the aesthetics of the steeple should not be changed.

Kurt Hofmann, spokesman for St. Mark's Church, said that the steeple will not be changed for this application. He added that no matter who comes in there, the aesthetics of the steeple will not be changed.

Ginny Watral, 368 Veterans Memorial Highway, Commack, said her firm looked at this proposed facility from a number of viewpoints at the request of Cingular. These are unmanned facilities with the entire operation inside the building, so from an environmental perspective there would be no disturbance of soils. There would be no adverse impact on the topography or ecology of the area. These sites are remotely monitored 24 hours a day, seven days a week. There is minimal traffic as the physical inspection by a technician takes place once every four to six weeks. There is no visual change to the steeple and does not change the aesthetics of the area.

Lou Carnacchia, President of his own engineering firm, said he had worked for the wireless industry for about fourteen years providing them with FCC compliance analysis. He said they had examined the proposed antenna location in the steeple and determined the elevation of the antenna is effective for a dual-band transmitting system.

Mr. Haefeli asked him to explain what a dual-band system is.

Mr. Carnacchia explained that the system will operate in two different frequency bands, one a cellular band and the other in what we term the PCS band. The cellular band is in the 800 to 900 megahertz region and the PCS band is in the 1900 to 2000 megahertz region. There is also a small dish to be mounted up there for purposes of positioning. It will be located within the steeple itself. In accordance with the FCC, we have to include in our analysis a worst case scenario and every potential event that could possibly cause the highest emission, is what we theoretically include in our analysis. The highest emissions we incur are approximately 225 feet and an elevation of 36 feet above ground. That cumulative level of all the antennas transmitting simultaneously will be less than 1% of the more strict FCC general public standards. We examined the peak of the roof in the event someone would be standing on that peak, walking on the roof due to a leak or whatever problem might exist. We examined buildings on site and we looked at the beginning of the golf facility approximately 225 feet away. We went on to a distance of 2,000 feet.

Mr. Haefeli asked if they had considered the impact this would have on the Country Club and the adjacent properties to St. Mark's Church.

Mr. Carnacchia replied that they had examined buildings that were closer, approximately 175 feet away. The impact on those was less than the impact at 225 feet. The reason is because at the elevation that the antennas will be mounted, about 48 feet, the beam disperses like a flashlight does into a narrow beam. As it transmits out into the community, it begins to disperse and at some point it reaches an elevation of 36 feet. Beyond that point, it touches ground. Even at that level, and that is a reasonably high level, the cumulative level would be just under 1%. We will be complying with FCC standards, even a more restrictive standard.

Mr. Haefeli said that this site has the ability of having at least one other antenna within it. So, if you combined it with a total of two carriers, what would be the effect.

Mr. Carnacchia responded that if you multiplied this application by a factor of two, the level would be just under 2%.

Ms. Fleming added that only Cingular's application is currently before this Board. If the church does decide to allow a co-location of a second carrier, a separate application would then come before the Board and you would have a chance to consider the impacts of any subsequent application.

Natalie Noel, a radio frequency engineer, contracting for Battel Corporation, 63 Beaver Brook Road, Lincoln Park, New Jersey, said she had been working in the wireless industry since 1997 with various carriers. She had prepared at the request of Cingular, coverage maps that show the existing radio frequency coverage for Cingular in the area. She also prepared proposed coverage maps showing what the coverage would be like if the Board should approve this application. She said that the coverage in this area is what they deem unreliable coverage. Unreliable coverage is depicted by calls being terminated involuntarily, incoming calls are missed because you don't hear the phone ringing and the muting of calls where you have to repeat yourself because the other person doesn't hear you or you don't hear them. Cingular is trying to improve this service by erecting antennas at this site within the normal FCC guidelines for emissions. She said if another carrier were to co-locate at this site, it would improve the service for that company, but not for Cingular customers.

Mr. Hofmann, advised that when this came about, the applicant was asked not to take up the whole area, and to leave enough room for a second carrier. At some point in time, if technology improves and things get smaller, as they do every year, then there are two places to go. One is in the steeple itself, which would require the removal and replacement of the steeple with something that would be radon quality, because it is all copper clad. The other place to go would be right below where they are going where the louvers are going, where the clock is. That is another 15' lower, so the coverage would be less than what Cingular is experiencing.

Ms. Noel said everyone with Cingular service would get improved coverage throughout the entire Village with the exception of a couple of small areas. She said that this improvement in the reliable coverage area would include the E911 services, which Cingular has a mandate by the federal government to meet and have throughout their service footprint. If there is a service deficiency they can't provide the correct level of E911 service that they are required to have. She said that if they have that they can provide it all the way to the most sophisticated service that is available which is called Phase II, which uses GPS to locate where the person is without the person having to give up where they are located or having to speak their location.

Arthur DiPietro, 41 Sunset Avenue, felt that this kind of proposal was an excellent use. He said that cell phones are an inevitable part of the future and this is just an intelligent mixed use of a piece of property where you are taking an existing piece of architecture and cloaking something that has created a lot of local controversy. Yet, there is an FCC imperative to expand service, so he felt this was a win-win situation. He said the technology in the future will enable these transmitting towers to be incorporated in structures such as flag poles to make them as visually innocuous and non-polluting as possible. He felt this was a good idea.

Michael Lynch, a state certified real estate appraiser, with offices at 294 New York Avenue, Huntington, said he had been appraising for over twenty years and had appeared at many Villages and municipalities across Nassau and Suffolk County. In addition to submitting his report, he showed a display of photos, along with a radius map that depicted the subject property as well as the surrounding neighborhood. He said that he had worked on over two hundred sites across Nassau and Suffolk Counties and this was one of the best sites he had ever been associated with, in that it is a completely concealed facility. He said that from a planning standpoint, it is ideal. It is also ideal from a property value standpoint because it is completely concealed and out of sight from any nearby residents or passersby. He said that he had looked at several visible sites across Nassau and Suffolk Counties and he had not found that they had resulted in any devaluation of surrounding property values, so an invisible site certainly would not. He felt that from a character standpoint there would be no change in the neighborhood and from a property value standpoint there will not be any negative effect.

Ms. Fleming summarized by reiterating that this application, being entirely enclosed at a height that is much higher than any other existing structure in the Village was by far the least intrusive method we could find to provide the type of coverage that we need in this area. She said they have presented evidence that this should have no effect on the community property values and so forth.

Mr. Haefeli requested that Ms. Fleming submit a copy of the agreement between St. Mark's and Cingular showing the language that would permit an additional carrier to use the site, assuming they can.

Mr. Hofmann responded that he would provide one if the Village did not already have it.

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

Local Law 1/2005 amending Zoning Code Re: Moratorium

Mayor Strebel opened the hearing and asked if anyone would like to be heard regarding this issue.

Ben Larson, 12 Montauk Highway, stated that he had lived here all of his life and owned a piece of property on the corner of Depot Road and Montauk Highway. He said he had a couple of questions before he stated his case. He asked if this was going to be accepted as a moratorium regardless of how much he or anybody else speaks.

Richard Haefeli, Village Attorney, responded that a public hearing is where the Board members listen to the public. The Board members then make up their mind.

Mr. Larson said he had been a landscape contractor for the last fifty years on this 2.5 acres. He said he had offered this property to the Village quite some time ago so that they could use it for affordable housing, but he felt no one listened to him regarding that. He said he had offered it to the Board of Education for ball fields for the schools, but they didn't want it. He said he is now in the process of selling the property and closing on it. Because of this, he does not feel this moratorium should apply to him in regards to his possible sale. He said he was completely against this moratorium and felt the Board should not stop the sale of his property. He said that all of the firemen and village workers lived outside the Village anyway, so if you hire them, what is the difference if they live here or there.

Don Larson, son of Ben Larson, asked why the entire Village was not included in the moratorium. He felt that there might be other sites that would be well suited for affordable housing. He felt that the property owned by the Village across from St. Mark's Church would be suitable. He wanted to know how the area included in the moratorium was picked.

Mr. Haefeli explained that the Board specifically addressed that issue on the basis that the area encompassed by the moratorium is the only large undeveloped piece of property left in the Village.

Don Larson asked if it that area had been pre-determined as affordable housing.

Trustee Laube said that in the area between Depot and 31, there is a large tract of land that is undeveloped. He felt there was a huge emergency in Suffolk County and all of Long Island for affordable housing. He had contacted one of the realtors a few weeks ago and the cheapest house on the market in Westhampton Beach right now is about \$520,000.

Mayor Strebel added that he was told yesterday that the cheapest house in the Village was \$595,000.

Ben Larson remarked that if the Board puts in affordable housing for the Village of Westhampton Beach, Trustee Laube will probably be the first person to get one.

Trustee Laube responded that he would go on record saying he will not get on that list and will let everyone else go ahead of him, if that would make Ben happy. He said he would work hard for everyone else that is in the same boat as himself, people that will probably have to move to North Carolina or Arizona. He said the character that makes up this Village isn't the fact that they are trying to preserve open vistas for the rich, it is to preserve it for the people who grew up here. He added that he wants the opportunity to finish growing up here and raise a family just like Mr. Larson did. He said this emergency has come about in the last five years.

Ben Larson asked if that isn't a reason why the entire Village should be included in the study. He said his children and his grandchildren are growing up here and they are making do.

Mayor Strebel said that this area encompasses thirty-eight acres and the proximity to Grabreski Airport and the sewage treatment plant is the only thing that might be able to make it affordable. Property values in the Hamptons are so high, it is not the cost of building a house here, it's the cost of buying the property. We've saved thousands and thousands of acres in the Pine Barrens, and that is a wonderful thing for the wildlife and the water supply. But, property values here are so high that people can't afford to buy a lot to build a house. We are proposing to take advantage of the sewage system at Gabreski Airport. Mayor Strebel also said that he was not a realtor, but he felt that this would make the value of Mr. Larson's property worth more money if the zoning goes through. They are trying to increase the density so that someone can build a house on there and not have to pay a half million dollars for a building lot to put a \$150,000 or \$200,000 house on it. He felt that Trustee Laube should not have to exclude himself from this affordable housing just to make someone happy or unhappy. Trustee Laube is a Village resident and should be able to take advantage of this just like anyone else. He said that he was very fortunate that his children have homes, except for the last one that married and is going to move to Boston. He said that this is the only area that he knows of that there has not been one resident that has pulled a "NIMBY", that they do not want it next to them. He felt it would only increase the value of Mr. Larson's property.

Don Larson asked what the time frame was on this and whether they would be doing studies.

Mayor Strebel answered it would be six months and studies would be done by an outside planner.

Trustee Laube stated that he had several people in the Village speak to him about the moratorium. He felt that people should give the Village time to get its ducks in a row.

Don Larson responded that he felt it would take longer than six months. He said that Brookhaven Town and Southampton Town have both had multiple moratoriums in place and they were extended many times. Brookhaven Town has one that has been in place for almost three years as the Town continues to extend it on legal standpoints.

Mayor Strebel said you have to take into consideration how many people those Towns have. He said that things should go much faster in a little Village than they do in the Town.

Trustee Kametler asked if Ben Larson had a contract to sell this property right now. He said that if he did then he should just sell it.

Mr. Larson answered that he did have a contract, but the buyer was not pleased with the fact that there is now going to be a moratorium potentially enacted a month prior to the contract closing date.

Mr. Haefeli advised that if Mr. Larson was selling his property to a developer, then developers know that things like this happen. If you have a contract to sell, unless you have a condition in the contract that precludes the sale because of the moratorium, that

sale should go through. He said that this is not affordable housing. This is a moratorium to stop anyone from coming in with an application while the Village undertakes a study. It is also to see whether the County and the Village can come together with a sewer district. He felt that without the sewer district, this would not go anywhere. He said that the Village should have a pretty good idea whether they can connect to the sewer district within six months.

Mayor Strebel added that he and the Trustees were meeting tomorrow with Suffolk County, again, to talk about the sewer district. He said that if the County tells them there is no chance of hooking up to the sewer district, then that ends it. He said you need the sewer district to increase density. Since Mr. Larson's property is in the hotel district (R-3), this type of density will make a huge difference in what he can build. He felt that the sewer district would multiply the density so that Mr. Larson might have four, five, six, seven or eight times as much density. The Mayor felt that this could only increase the value of Mr. Larson's property by five or six fold.

Ben Larson asked about the affordable housing that was being considered as far as the old cement plant.

Mr. Haefeli responded that this was not part of the moratorium area, but was in the study area for moderate income housing.

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

Motion by Trustee Raynor:

WHEREAS, this Board has advertised a local law adding Chapter 197 of the Village Code, entitled "ZONING" and

WHEREAS, a public hearing was held on Monday, April 11, 2005, 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 law 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 1/2005 as advertised and attached.

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

Local Law amending Zoning Code Re: Accessory Apartment

Mayor Strebel opened the hearing and asked if anyone would like to address the Board regarding this issue.

Mr. Haefeli suggested this hearing be held over to make a correction as far as the number of parking spaces that would be required. The way it is written now an applicant has to put in at least three. It should be one parking space for every bedroom for an accessory apartment. That modification can be made and the public hearing can be continued next month.

A motion was made by Trustee Raynor to hold over the hearing regarding accessory apartments until May 9, 2005. Seconded by Trustee Laube and unanimously approved.
4 Aye, 0 Nay

Local Law amending Zoning Code Re: Apartments over Stores

Mayor Strebel asked if anyone would like to address the Board regarding this issue.

Elyse Richman, 78 Rogers Avenue, asked how many parking spots you would have to buy if you put up a two bedroom apartment over the store.

Building Inspector Paul Houlihan responded that you need two spaces per apartment regardless of the bedrooms.

Mr. Haefeli explained that this proposal will limit the number of bedrooms to two and will limit the size of the apartment to 850 square feet.

Ms. Richman felt that was a very small apartment for a family that wanted to rent an apartment.

Trustee Laube said that this was aimed at young couples without any children or with one child.

Ms. Richman said that the building she is in has a big space and if the owner wanted to build above the store it could hold more than 850 square feet.

Mayor Strebel stressed that they are trying to help locals and year-round residents. He said the larger apartments always go to the summer rentals. He added that anything that is done of this nature, can always be changed. This was also recommended by the Village planner, David Emilita. The reason behind this is to try and restrict it so the local kids that are trying to get out of mom and dad's cellar, or the young couple that is getting married will have a place to live.

Mr. DiPietro said that he has a building permit, but no CO and that they were 90% complete with a two bedroom apartment that is about 1,175 square feet. He said he assumed that would be grandfathered in.

Mr. Haefeli responded that as long as he had his building permit and had completed everything asked of him, the code presently automatically exempts him from any change.

Mr. DiPietro said he was not sure about the square footage limit. He agreed somewhat with Elyse, but also understood what the Board was trying to do. He felt there was another factor involved. When he and his wife, Bonnie conceived and began to implement their project, they felt that for economic as well as community reasons, the mixed use and the apartment was an important element of that. It absorbed 225 gallons a day. They had a single and separate tax lot which predated 1982 or '84, whatever the effective grandfathering date was of Article 7. So, they were awarded the 300 gallon per day as a single and separate lot. They exceeded that by 70 some odd gallons and had to purchase a fractional Pine Barren credit. They did that and were very fortunate that it was three or four years ago. He felt that he had some of the familiarity and the expertise that the person coming down the street on his own might not have, so he went directly to the clearing house website and was put in contact with two retired people. They had precisely the number of Pine Barren credits he needed. He purchased them at the then going rate of \$20,000 for a full credit. Today, the cost is in the vicinity of

\$100,000 for a credit. He felt that anything the Board would do with regard to accessory apartments, apartments over stores or the affordable housing initiative has to get the attention of the Health Department. He did not think they should limit getting the attention of the Health Department and the County Executive purely by means of proposing a sewer district. He strongly believed, especially with the acquisition of Pine Barrens and the fact that 80% of the land in the immediate vicinity of Westhampton Beach is preserved for water and aquifer protection purposes as its main reasons, and we are 100% served by Suffolk County Water Authority that has deep wells in that aquifer, that Article 7 is confiscatory and it is counterproductive to the initiatives that this Board and many other local governments on the East End are trying to accomplish with regard to reasonably priced year-round housing, with regard to mixed use, with regard to the vitality of our traditional downtown areas. Every one of these initiatives, which he felt everyone in the room would agree to some extent or other is beneficial, sound great and then they run smack right into the brick wall of the Suffolk County Health Department and a set of regulations that have no scientific purpose in 2005. He felt a sewer district would certainly help, but he strongly suggested that this Village, its Planner, Trustees and representatives initiate that dialog with Suffolk County before a sewer district.

Mayor Strebel remarked that the course Mr. DiPietro proposed certainly has its merits, but it has none for Main Street. He said that if you get pine barren credits for Main Street, all you are doing is polluting Moniebogue Bay. He felt the Village needs sewers on Main Street. In order to do anything, we have to put in a sewer treatment plant, which is cost prohibitive or we have to hook up to the sewers. The fact that you can go out and buy Pine Barrens credits is true, but that does not help Moniebogue Bay. He said he had already had meetings with Suffolk County, the new County Executive's platform was based on affordable housing. The initiative that this Board is putting forth, is probably the strongest and surest one that he could help. He said there had been absolutely no outside criticism from the people in this Village. The residents have not called and responded and said this was a terrible idea. He said that anyone who has approached him personally is 100% for it. People do not realize how much of a chance we have to do this. We have a better chance than any of the other ones out there. We are very, very close. We have a treatment plant right now that is not functioning properly because it does not have enough treatment. We talk about all of the studies that they are going to have about developing the property, but this is here now. The Mayor said that to the best of his knowledge the County seems to be behind us. He felt it would not take as long as some people think it will. He said it is not a pipe dream, it is a serious thing that we have been working on for the last couple of years. He said that the gentleman in the back asked about a study. We had an engineer come in and take a study to see the different methods that we could use to treat the effluent ourselves. We had studies to see the different methods of getting it to the County and we have a plan on how that part of it would be done if Suffolk County gives us permission to hook up. That is really the biggest holdup. He said he could not think of another thing that would help Main Street more. Most of the restrictions on Main Street are there because of the sewerage. We are pursuing this not only for the affordable housing, but also for Main Street. He felt that this could bring about a rebirth of Main Street. He said that there were people doing projects of value that have approached the Board and want to throw money in. They also found that there was around five million dollars of County money that we might be able to get.

Trustee Laube said there could be a lot of help with infrastructure from the County.

Mayor Strebel said that when he first became Mayor there was talk of a Business Improvement District. There was a big meeting at the performing arts theatre. Everyone in the business district came. As soon as they found out it was going to cost money, they all left. He said this is going to cost money, but not that kind of money. He said he had been thinking about this for the past eight years, how are we going to do it. The Gabreski sewage treatment plant is a shining star and he feels the County is going to have a tough time not helping us with it. He feels the Village needs it and has to have it to save Main Street. We could also throw a dent into affordable housing. When Ben Larson says that everybody has a place to live - everybody does not have a place to live. He said the Board is not trying to force people to live in Westhampton Beach, that's not the reason. He said that people are moving way out of the area. Trustee Laube had said that young people were moving to North Carolina. Mayor Strebel said

he hates to hear that - that young people who grew up here have to move to North Carolina. Why should they have to move to North Carolina? Why shouldn't they live here? We're not talking about making a slum area. He asked if people realized that when you talk about affordable housing, the salary rate is from \$60,000 to \$90,000 a year depending on what your situation is with the number of people in your family. Some people have the misconception that you have homeless people moving here. He felt that this is a win-win situation and we should have the patience to go through with this. He said that this Board is bonded to this effort, the last Board that sat with him was also bonded to the effort. He felt that they were closer to it now than they ever were. They did not want to get on a soap box and say "Hey, this is what we're going to do, we're going to use this as a political platform". That's not the way it works. This has been going on for years and now it has come to the position that we really think we can jump on it. He said there was not anyone sitting up there on the Board that was not really excited about it.

Mr. DiPietro said he agreed with the Mayor 100%. He felt that his suggestions to put the Health Department in front of the sewers was on a parallel track with the Mayor's ideas. He said he agreed that there were many properties on Main Street, especially in the drain that ends up in Moniebogue Creek, where the septic systems are floating in water now. He said he had built on Sunset Avenue and it is amazing how much the elevation changes. The last thing he wants is any further degradation of our marine environment. He felt there was an in-between area. He said the R-4 area, some of the parcels, whether it is accessory housing or a potential for two-family housing that are going to run into the existing Article 7 regulations. Nobody will buy a Pine Barrens credit for one apartment anymore. It is worse than paying for the land, to spend a hundred or a hundred-fifty thousand to do that. He said there may be alternatives for a gravity feed system that uses the Moniebogue wetlands, but he agreed with the Mayor. He said that the Mayor was on a focus with an initiative with the County and money available. He felt that even though he had a favorite son attitude with his own ideas, it would be irresponsible for him to get up and say for the Board to look at alternatives, because they would lose the focus and initiative and momentum they have for the County. He believed that it would be better to get the Board's way than his own way, if his way was going to end up being no way. He reiterated that he was 100% in support of what the Board was doing with the County, because once you get that in place there are always other options you can pursue.

John Blaney, wanted to express his support for this project. He thought the enthusiasm of the Mayor and the Board was wonderful. He felt this was a great project. He hoped they would get it done, because it would be a wonderful thing for the Village.

Mr. Haefeli suggested that this Local Law be put over until next month. He said what the law provided for was three dwelling units within a building. If we continue with that we will then make one of these buildings a multiple dwelling, which will present a problem. His suggestion was to put it over and change the number of apartments in the building to two. We will make that correction and put this up for re-consideration next month.

Mayor Strebel asked if anyone else would like to address the Board regarding this issue. There being no response, a motion was made by Trustee Raynor to hold over this hearing until May 9, 2005. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Local Law amending various Sections of the Zoning Code

Mr. Haefeli advised that this law was just adding certain definitional sections and making some other procedural changes. It clarifies where the setback is on Dune Road and also eliminates accessory uses for automobile repair shops in that they will not be able to open up a 7-11 within the gas stations.

Mayor Strebel opened the hearing and asked if anyone would like to address the Board regarding this issue. There being no response, a motion was made by Trustee Raynor

to close this hearing. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Local Law 2/2005 Re: Animal Littering

Mr. Haefeli said this local law will require people with animals, specifically dogs, to pick up the litter that the animal makes.

Ms. Richman asked if there would be a fine and how much it would be. She also wanted to know if signs will be posted on Main Street like they are in Southampton. She felt people would not know about this unless there were signs up.

Mr. Haefeli responded that the fine would be \$250.

Mayor Strebel said there would be signs up, but he did not know what they would look like yet.

Michael Weinstein, 18 Sweet Grass Road, Westhampton, read the rules regarding dogs at the marina, which says that the dog owner must pick up after said dog. He complained that at Rogers Beach, the only signage says, "No animals at any time", that's it. He said he goes to the beach after hours and people come with their dogs and let them run loose and defecate on the area bordering the dunes where children leave their shoes. His contention was that there is little or no enforcement of the rules that are in force now. He said he had called the police numerous times about a loose dog roaming on the beach. He said the police would respond and walk with the owner off the beach as if they were their next door neighbor. No summons is issued. He has seen this happen many times.

Trustee Kametler agreed that this needs to be addressed and felt they also needed to step up enforcement.

Trustee Raynor said this local law encompasses the whole Village, not just the beach. It is a local law for the whole Village.

David Mead, 16 Sweet Grass Road, Westhampton, wanted to make a point about enforcement. He said that when he reads the sign on the beach that says "No Dogs Allowed", it doesn't say at any time. He would be happy if it was all the time that there were no dogs allowed on the beach. He said he had been sitting down on the beach with his wife when a dog defecated about two feet from where they were sitting. He looked at the owner and the owner took his foot and threw some sand and said "What's the big deal?" After the season a woman comes on the beach with her dog and he said to her in a very nice way, "No dogs allowed on the beach". She told him to call the police. He called the police, the policeman obviously knew the woman, walked her off the beach like he was apologizing. Her husband came down and they had words. He felt the dog owners had to be made aware of the Village's policy through enforcement.

Trustee Laube said he was at the Beach on Saturday, and he saw just what they were talking about. He said he had left his dog in the truck.

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

Motion was made by Trustee Barnett:

WHEREAS, this Board has advertised a local law adding Chapter 103 of the Village Code, entitled "Littering" and

WHEREAS, a public hearing was held on Monday, April 11, 2005, 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 law 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 2/2005 as advertised and attached.

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

Regular Meeting:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Kametler:

RESOLVED, that the minutes of the Special Meetings of March 7, 2005, March 17, 2005 and March 30, 2005 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Laube:

RESOLVED, that the Police Department and Building Administrator's reports for March 2005 are hereby accepted.

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

Schedule 5/9/05 hearing Bridgehampton Bank Special Exception

Motion by Trustee Raynor:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing to be held at the Village Hall on Monday, May 9, 2005 at 10:00 a.m. on the Special Exception permit application submitted by the Bridgehampton National Bank for the placement of two (2) outdoor tables and four (4) chairs at the new branch to be located at 194 Mill Road and identified as SCTM #0905-8-3-23.

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

Authorize Police Department Management/Staffing Study - CGR

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby accept the proposal submitted by the Center for Government Research to conduct a management/staffing study of the Village Police Department at a cost of \$25,800.00.

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

Appoint Poll Watcher

Motion by Trustee Kametler:

RESOLVED, that Mary V. N. Gallagher is hereby appointed to serve as a Poll Clerk for the Village General Election to be held on Friday, June 17, 2005, to be compensated at the rate of \$11.50 per hour.

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

Decision Special Exception Application – Beach Road Howell House

Motion by Trustee Laube:

The applicant is the owner of a 2.39 acre parcel of property located on the east side of Beach Lane and the north side of Main Street in the B-1 Business District. The applicant proposes to construct nine (9) three (3) bedroom residential condominium units on the property which requires special exception approval from this Board pursuant to section 197-17.1 of the Code.

The applicant received site plan approval from the Planning Board on February 10, 2005 and a number of conditions were imposed by the Planning Board in its approval, including: (1) the second-floor decks of all of the units are to remain open and can not be enclosed or converted to habitable space, (2) the garage of all of the units cannot be converted to habitable space and can only be used for storage, including vehicle storage, (3) the basement of all units can only be used for storage and cannot be converted to habitable space. These conditions were imposed to ensure that no dwelling unit would have more than three bedrooms and could not be converted to a dwelling unit with more than three bedrooms.

To ensure that these conditions imposed in the site plan approval were complied with, the Planning Board required the applicant to file a covenant setting forth these conditions.

To ensure that the impact of vehicle traffic would be minimized, the Planning Board limited and provided one-way access to the property, with the entrance being on Main Street and the exit being on Beach Road. To minimize the vehicle traffic on the site, all vehicle parking is required to be at least 50 feet from any property line.

Based upon the foregoing, the applicant's request for a special exception to permit the construction of nine (9) three bedroom residential dwelling units is granted subject to the conditions imposed in the site plan approval of the Planning Board dated February 10, 2005.

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

Approve April 2005 warrant

Motion by Trustee Raynor:

RESOLVED, that the warrant for the month of April 2005 in the amount of \$160,933.27 for the General Fund and \$67,708.31 for the Capital Fund is hereby approved.

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

Public Discussion:

Ben Larson asked if anything had happened regarding installing sidewalks on South Road between Potunk Lane and Oneck Road.

Mayor Strebel responded that they had obtained some prices. It would cost less than a million dollars to do sidewalks in all of the areas where children have to walk to school because of no bus service. The Board feels that these areas should come first. Those areas they are looking at are South Road, Old Depot Road, Oak Street and to continue the sidewalk down Beach Lane near Sunswyck and an area of Jessup. He said the Board has to decide whether they have to make a referendum for it. It is less than a million dollars. He said they all felt that it is a good thing and they should do it. He felt that everyone on the Board was in favor of doing this. Oak Street is a federal evacuation road. We tried to get some money from the feds, because it is substandard, but it fell on deaf ears. He said he hopes to be able to start this project in 2005. They would like to not only build new sidewalks, but get all of the sidewalks in the Village fixed.

Hank Woodward, 54 Oak Street, said that he has lived on the corner of Oak Street and Cyrta Lane for twenty-three years and the Village has always maintained Cyrta Lane. He said it was blacktopped by the Village about thirty or forty years ago. He said Bill Brown, his neighbor, said he knows the Village has been maintaining it for the last fifty years because he has lived there that long. Mr. Brown told him he had given Trustee Raynor a petition in 2001 signed by all the neighbors to turn Cyrta Lane over to the Village.

Trustee Raynor responded that when he received this petition, he told Mr. Brown that the road would have to come up to code.

Mayor Strebel added that you can't just give a road to the Village. You have to bring it up to Village standards and that would be quite expensive. He said that road had not been re-paved since he was the Mayor.

Mr. Woodward asked if they could block that road off since it was a private road. He said that when motorists discover the road is a dead-end, they turn around in his driveway causing potholes.

Mr. Haefeli answered that it needed to be open for emergency vehicles.

Mr. Woodward responded that they have firemen that live on the road and the Village did not plow it. He said it had been plowed by the Village for the last thirty years and then all of a sudden it had stopped.

Trustee Raynor said they plow the road because it is an emergency access.

Mr. Woodward said it was not plowed during the last snowstorm. When he asked the highway crew why it was not plowed, he was told that Mr. Benedetto, the Highway Superintendent, had told them not to.

Mayor Strebel and the Trustees Raynor and Kametler said that this was the first they were hearing of this and they would look into it.

Trustee Raynor added that first the public roads get plowed, then the private roads and side roads will be plowed for emergency vehicles to make access. The Village would not strand someone out there and not plow it. He said Cyrta Lane had been plowed every year for fifty years and this was the first year it had not been plowed. He felt it was just a misunderstanding with the Highway Superintendent and the Board would get it straightened out. He said that they could not do anything about the potholes, since this was a private road.

Trustee Kametler said that maybe they could get a dead-end sign put up there.

Mr. Woodward asked again if they could block the road and stop the general public from coming down there.

Mr. Haefeli answered that since this was a private road, Mr. Woodward would have to check with his attorney to determine what he and his neighbors were entitled to do.

Elyse Richman, asked why there were two abandoned cars in the back municipal parking lot. She said there were children playing in them this weekend and they were filled with broken glass. She felt they should be removed.

Mayor Strebel said they belong to the Fire Department. They practice on them.

Trustee Raynor said the Fire Department uses them for life-saving rescue drills. That is why they are there.

Mayor Strebel said he would contact the Fire Department and see if the cars could be removed or made safer if they posed a risk.

Arma Andon, 39 Beach Road, reinforced what Mr. Larson had said regarding South Road. He felt it was getting very dangerous.

Mayor Strebel said he and the Board were in total agreement.

Mr. Woodward said that if you exit Maple Street onto Oak Street, going east, looking north, there is a big tree that is almost in the road that leans out and you have to edge your way out of Maple Street onto Oak Street before you can make the left. That tree was at one time, when Mr. Andon was Mayor, marked to be cut down. It has never been cut down and it has only gotten larger. Looking left you cannot see. He felt it was an accident waiting to happen.

Mr. Andon agreed that it should be cut down.

Police Chief Ray Dean responded that he had checked it a few years ago. It might have gotten larger. It wasn't a problem at the time.

Mayor Strebel asked Chief Dean to check it again and if it needs cutting he will have the Highway Department cut it down.

Mr. Andon asked if the Board had checked on grants from the government regarding Oak Street.

Mayor Strebel responded that they had sent letters to two congressmen trying to get grants, and there has been no response.

Clerk-Treasurer Kathleen McGinnis said that letters had been sent to Congressman Bishop and Congressman Grucci.

Trustee Tim Laube said he had spoken to Congressman Bishop last Saturday and he said he would look into it.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, Trustee Raynor made a motion at 11:47 a.m. to adjourn the meeting to Executive Session. Seconded by Trustee Laube and unanimously approved. 3 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk