

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Monday, March 14, 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**

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

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**Presentation:**

**Affordable Housing – David Emilita, Village Planner**

Mayor Strebel introduced David Emilita who would discuss the Village's affordable housing plan and the moratorium.

Mr. Emilita explained that the Village, like most Villages, does not have a formal program for affordable housing at this point. He said affordable housing can take many physical forms, such as multiple units, accessory apartments and single family units. The current thinking is to try and stimulate it one or two ways in the beginning, see what response we get from the marketplace and then refine it as we go. He then explained the current regulations regarding apartments over stores. He said he would give his recommendations for apartments over stores in business districts, senior citizen housing as a way of stimulating that type of housing with an affordable component, and multiple family housing in general. He said that last year the Village re-zoned the northeastern industrial district north of Rogers Avenue, east of County Road 31 from industrial to multi-family. We haven't had any proposals on that yet, because the two industrial activities are still in place. We are hoping that at least one of them will move out and maybe both. We can then entertain some affordable housing there. To adequately deal with the subject of senior citizen housing, which would be permitted in the MF20, the Village needs a set of regulations to do that. Right now it is mentioned in the business district table of use regulations and also is defined in the definition section with a few controls, but it really isn't detailed enough to stimulate and to regulate what the Village would like to do. He said he would have a draft in a few weeks of the residential district's component of the Village comprehensive plan update. He said it would include an affordable component of approximately 20% of the units which would be made available for moderate income senior citizens. He said the Village also allows multiple family dwellings in the hotel district, which is along the west side of County Road 31. There has not been any hotel development or multi-family development proposed for that area. He felt that the economics were not quite right yet and that may well have to do with lack of adequate sewage treatment. He said he was aware that the Village was thinking of negotiating with the County to use some available capacity of the treatment plant that is up at the airport. He felt that was a great idea. If it was possible to use that excess capacity to stimulate affordable housing along County Road 31 and reach down through the center of the Village, it would solve longstanding sewage treatment issues. The future of downtown and the improvement of the water quality along Moniebogues Bay would be greatly enhanced.

Mayor Strebel added that there was a study taken at least two years ago that was taken by Aldo Andreoli, a local engineer that worked many years for the Health Department. He said they started the study to see what the needs were for the Main Street area and the thirty-eight acres here and recently we had a preliminary meeting with the County. There is some interest, there is no guarantee because it is still fundamentally new. That would really be the catalyst for the whole thing as to whether we could get the sewage capacity from Gabreski. He felt there seems to be a true interest from the County. We have been working on this for a long time and he felt it was finally on its way.

Mr. Emilita said there are a couple of different ways to finance that. One way might be to set up a Special Assessment District for the area proposed to be sewered. Another way would be to utilize the DEC's Environmental Quality Bond Act revolving fund.

Mayor Strebel added that there might be money available through the County. He had found out about that last Friday when Trustee Laube and he had gone to a meeting with Jim Morgo, Head of Economic Development for the County.

Mr. Emilita felt that was a very worthwhile exploration. He felt it would set a new century for the Village if that could be done.

Mr. Emilita presented the attached memo that dealt with his recommendations as to how to improve and update regulations regarding accessory apartments in the B-1 and B-2 Districts. He said that in the last six months, the Planning Board has had site plans for business uses in the B-1 that have proposed apartments on the second floor. Concerns have been raised as to how to adequately deal with it using the existing regulations. We found that they do not adequately deal with it as well as they should. This memo was prepared to deal with that.

Trustee Kametler asked what the formula was for charging the park fee.

Mr. Emilita said that the park fee is calculated by taking an appraisal of raw land based on ratio of five acres of park per hundred dwelling units. He said that as far as senior citizen housing they were contemplating cutting the park fee in half and they might want to use that same formula for apartments over stores.

Trustee Laube asked if he was recommending any change to the B-3

Mr. Emilita said he was recommending none in the B-3. He said it was really your gateway business district, the type of structures that exist or are being proposed are larger. He said the new auto dealer that is going up is not, in his opinion, a good building to put an apartment in.

Trustee Laube questioned whether there wouldn't be a situation where someone might come in there to build and there would be an opportunity to have apartments. He said we have a dearth of rental space in this Village and it is tough to get a place. He felt that any opportunity the Village has to add to our housing supply would be a good one.

Mr. Emilita answered that in general, yes. He felt that the Village should not use all of the tools at the outset or it will overwhelm the administration. There are public hearings involved, site plans and so on. He said it would be better to get comfortable with a couple of them first and then expand it as you go. We are coupling this with the sewage study on County Road 31 and enacting a moratorium on that area so that everyone can take a breath and give it a good study. Those are significant thought provoking activities.

Trustee Barnett said the Village is really concerned about all of these places where Mr. Emilita is suggesting that we add apartments for senior citizens and young people. She said they felt they were very much needed. She asked if it would be an incentive for developers to build more apartments if we reduced the park fee as Mr. Emilita suggested. Would it be to the Village's advantage to have more young people in an apartment if they didn't have to pay a fee, or would it be an onus to building more, so they would build one bigger one instead of making two or three smaller ones.

Mr. Emilita responded that it was a balance. To completely eliminate the park fee for apartments over stores, philosophically goes against the park fee. The purpose of the park fee is to have the user pay a share of the cost of the load the user puts on the Village park system. Of course, an apartment dweller does not have a yard, doesn't have any outside recreation facility, necessarily on the parcel. So it is a balance. Maybe 50% is not right, maybe it should be 30% or something like that.

Mayor Strebel said he personally felt that the Village was on the right track with what they were doing. He also agreed with Mr. Emilita's suggestion that they not bite off more than they can chew. He said they could always adjust it as they go along. He felt this was the exact opposite of what went on in the 70's when we were having problems with vendors and so forth. The Village went through great pains to restrict. We are keeping that in the back of our minds, so that does not happen again. He felt that for the Board to take their time with this is a good thing.

Michael Pitcher asked if Mr. Emilita saw the prices on these senior citizen housing apartments being totally market driven. He wanted to know if there would be any restrictions that the Village would impose by regulation to govern how much they are going to cost.

Mr. Emilita answered that when they are talking about the moderate income component of, for example senior citizen housing or multiple family housing in general, there will be a need to administer the process of the initial sale or rental. There will also be a need to monitor that process, particularly for rentals and then for re-sale of units. There will be a chapter in the Village Code that will need to be composed and adopted to do that. He did not know if the administration of this could be managed in-house or if the Village may have to contract with the Southampton Town Community Development Department.

Mayor Strebel said that this is something that will have to be looked into and studied. He said there might be County funds available. The County may have some restrictions, like SonyMae mortgages. It will all have to be worked out. The first thing that will have to be worked out is a feasibility study as to whether it is feasible for us to do it and whether the County will help us by letting us into the sewage treatment plant. These other problems will have to be worked out as we go along. He said the Board is very excited about being able to do it. He said he didn't know of another area on the east end of Long Island that has the unique situation that we have. We have been looking into this for a long time.

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### **Presentation by Victor Canseco, Sandpebble Builders**

Mayor Strebel introduced Victor Canseco, who would present an update as to how the schedule of the new Village Hall is going. He said that as bad as the weather has been, they were able to sneak quite a bit in.

Mr. Canseco said that this was not the first time they had built a block building in the winter, so they put a little buffer in there when they do their scheduling. He said there should be more steel going up this week so they can do the entrance. Next week will be more block and then the week after that they would be putting some second floor steel up, so they can get the second floor roof done. He said as soon as the ground warms up they can do a little more site work to get it dressed up for the summer, so it looks a little bit less like a construction site. He said everything is still on schedule.

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### **Special Exception Application – Beach Road Howell House**

Mayor Strebel opened the public hearing and asked if anyone in the audience would like to address the Board.

Village Attorney, Richard Haefeli, explained that this was a part of the overall process in order to get final approval. The applicant received site plan approval last month from the Planning Board for nine units. The code also requires that they obtain a Special Exception from this Board and that is what this public hearing is for today.

John Blaney appeared for the applicant and said the project has been going on for a couple of years. It is located on Beach Lane and Main Street. They are here to ask that they be granted the Special Exception. They have successfully gone through the Planning Board process and have received Health Department approval.

Mr. Haefeli said that it was basically whether or not the proposal would have an adverse impact on the area. The Planning Board did an extensive environmental review and adopted a negative declaration which effectively found that the construction of nine units would not. This was held up for a while to get the Health Department approval. Basically, based upon the Planning Board resolution all of the criteria that they have to meet for a Special Exception have been met.

Kurt Hoffman, Chairman of the Planning Board, we did have a lot of public-neighbor input for this project from the north and the east and we were satisfied there.

Mayor Strebel asked if this project had gone from twenty some units down to nine.

Mr. Hoffman responded it had and said that they put a larger buffer in and this conforms to all of the Planning Board requirements.

A motion was made by Trustee Raynor to close the public hearing. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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**Regular Meeting:**

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**Accept minutes of Board of Trustees Meeting of 2/14/05**

Motion by Trustee Laube:

RESOLVED, that the minutes of the Board of Trustees meeting of February 14, 2005 are hereby accepted.

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

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**Accept departmental reports**

Motion by Trustee Raynor:

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

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

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**Approve Chamber of Commerce 2005 events**

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby approve the Greater Westhampton Chamber of Commerce 2005 events to be held on Village properties pursuant to the attached list.

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

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**Approve Westhampton Beach Performing Arts Concert on Great Lawn**

Motion by Trustee Kametler:

RESOLVED, that the application submitted by the Westhampton Beach Performing Arts Center to hold a concert fundraiser on "*The Great Lawn*" on Saturday, August 21<sup>st</sup>, 5-11p.m., is hereby approved.

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

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#### **Schedule public hearing on FY 2005-06 Budget**

Motion by Trustee Laube:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing on the 2005-2006 Fiscal Year Tentative Budget to be held on Monday, April 11, 2005 at 10 a.m. at the Village Hall.

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

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#### **Schedule public hearing on Bridgehampton Natl. 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, April 11, 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 #905-8-3-23.

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

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#### **Schedule public hearing on St. Marks cell tower Special Exception**

Motion by Trustee Barnett:

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, April 11, 2005 at 10:00 a.m. on the Special Exception permit application submitted by St. Marks Episcopal Church to install an internal cell phone facility in the church building located at 40A Main Street and identified as SCTM #905-12-3-15.

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

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#### **Schedule public hearing on Local Law amending Zoning Code**

Motion by Trustee Kametler:

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, April 11, 2005 at 10:00 a.m. on a proposed Local Law to amend the Village Zoning Code.

Mr. Haefeli explained that this is for the purpose of amending the code for the guest houses and for the apartments as well as a moratorium. The only question to be drafted on the moratorium is the length of the moratorium. Mr. Haefeli suggested it be for six months. He felt it would take at least that long to obtain a resolution from the County as to whether or not we will be able to use their facilities. If we are successful with the County, we can always extend the moratorium so the rest of the components

can be put together so that by the time everything is put together you would have all of the laws you want and the ability to connect to the system.

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

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**Authorize change order for 7 Group contract Re: HVAC redesign**

Motion by Trustee Laube:

RESOLVED, that the contract with the Seven Group for LEEDS Certification consulting services for the new Village Hall is hereby amended to provide additional consulting services for the redesign of the HVAC system and additional energy modeling at a cost not to exceed \$7,880.00.

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

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**Appoint Election Inspectors**

Motion by Trustee Raynor:

RESOLVED, that Anne Poillon is hereby appointed Chairperson of the Election Inspectors and Jeannette Zegler, Anne Creed and Carol Aldrich are appointed as Election Inspectors for the General Village Election to be held on Friday, June 17, 2005, to be compensated at the rate of \$11.50 per hour.

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

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**Reschedule March monthly work session meeting**

Motion by Trustee Barnett:

RESOLVED, that the date of the March work session is hereby changed to Wednesday, March 30, 2005 at 10:00 a.m. at the Village Hall.

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

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**Appoint Giaquinto & Company to audit 2004-05 financial statements**

Motion by Trustee Raynor:

RESOLVED, that the firm of Giaquinto & Company, Certified Public Accountants, is hereby authorized to audit the Village financial statements for the 2004-2005 fiscal year at a cost of \$12,000.00.

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

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**Approve 2005 Village Beach Rates/Rules**

Motion by Trustee Laube:

RESOLVED, that the attached beach rates and rules as amended for 2005 are hereby approved.

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

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**Refer Special Exception Use Application to Planning Board**

Motion by Trustee Raynor:

RESOLVED, that the Special Exception Use Application submitted by John D. Dolena for a children’s dance studio/costume party retail store at the North Mall, SCTM 905-2-2-6.1 & 6.2, pursuant to Chapter 197-17 of the Village Code is hereby referred to the Planning Board.

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

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**Renew outdoor tables permit- Shock Homemade Ice Cream & Candy Cafe**

Motion by Trustee Barnett:

WHEREAS, Shock Homemade Ice Cream & Candy Café has applied to renew the Special Exception permit granted in 2004 to place three (3) outdoor tables with attached benches pursuant to Section 197.80.3 and Section 197-76 of the Code and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use, and therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables with benches pursuant to the Board of Trustees determination and conditions dated April 12, 2004.

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

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**Authorize Mayor to execute lease/purchase agreement – DPW Street Sweeper**

Motion by Trustee Kametler:

RESOLVED, that the Mayor is hereby authorized to execute a five (5) year lease/purchase agreement for the DPW street sweeper with Leasehampton Equipment Services Corporation at an annual cost of \$29,683.99.

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

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**Approve March 2005 warrant**

Motion by Trustee Laube:

RESOLVED, that the warrant for the month of March 2005 in the amount of \$156,072.80 for the General Fund, and \$156,063.05 for the Capital Fund is hereby approved.

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

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**Motion to Add-on resolution regarding Dog Litter**

A motion was made by Trustee Raynor to add a resolution on to this agenda. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

Mr. Haefeli advised that this was an oversight. The Board is considering a provision regarding dog litter, specifically on the beaches, etc. We have to amend the littering provisions to the code and a public hearing has to be held first.

A motion was made by Trustee Raynor to authorize the Village Clerk to publish and post a Notice of Public Hearing to be held at the Village Hall on Monday, April 11, 2005 at 10:00 a.m. on a proposed Local Law to amend the Village Code. Seconded by Trustee Laube and unanimously approved. 4 Aye, 0 Nay

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**Public Discussion**

Scott Mitchell, 80 Potunk Lane, said he had a concern about the banks going up around town, specifically the ATM machines. They put one in across the street from his house. He said that by federal law they have to have so much wattage in the security lights at night and it boosts up the wattage. The woods across the street, it's all lit up now - all of these lights going up, it gets harder and harder to see the nice sky and stars. He felt that is why a lot of people come out here. The guests he has had from Rockville Centre and Oceanside and they can't believe how many stars and constellations they can see here. These lights just drown everything out. He said the Town of Southampton is making a push to curb the lighting. He asked if there is something the Village can do to address this.

Mr. Haefeli responded that he was working on a law as far as lighting is concerned. He said that when Bridgehampton National Bank came in for their site plan approval, the law regarding the lighting for ATM's was in the process of being changed so that the government requirements for wattage at ATMs was reduced almost in half. Once we verify this law has been adopted and has become effective, and we adopt our own lighting law, we will contact all of the banks in the area and bring them into compliance.

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Sheryl Little, 55 Harbor Road, explained that she was a year-round resident of the Village of Westhampton Beach. She stated that she and her husband had bought their house in 2001 and then decided in 2002 that they wanted to finish off a loft that had been an existing storage area to make a bathroom and baby area. She showed the Board pictures of what the house looked like before the improvements and then what it looks like today. She went over the points in the attached letter with the Board. She pleaded with the Board to share her side of the story with the Zoning Board so they could keep their house.

Mr. Haefeli responded that the Zoning Board had found that the work was done without a Building Permit. It was in violation of the provisions of the code. In 1983 there were specific provisions put in the code regarding Pond Point. Those provisions were what the Board relied on. The Board has denied at least two or three other applications regarding height variances. This case went to the Supreme Court. The court found that the determination by the Board was reasonable and rationale and upheld the determination of the Zoning Board.

Mrs. Little said they were unable to present any new evidence to the Supreme Court so they only saw the transcripts from the initial hearing, which she said she was never at any hearing. She said her architect, Nick Vero, was to speak on their behalf.

Mr. Haefeli said that although Mrs. Little had not been at the hearing, her husband had been at the hearing and had testified. He said that Mr. Vero had testified that the work

was done without his knowledge after he had informed the Little's that they could not do what they wanted to do.

Mrs. Little said that a house not too far down from her numbered 88, at the very same time, the very same architect, built that house brand-new and built it too tall. Mr. Vero took responsibility in that one and a variance was issued because it would cost the owner too much money to lower his house and it wouldn't serve much purpose to lower the house one foot.

Trustee Laube asked Mr. Haefeli if Mrs. Little's depiction of these facts was accurate.

Mr. Haefeli answered that Nick Vero testified in that case he had made a mistake. He thought the coastal elevation line was elevation 12 and in that specific area of Pond Point it is elevation 11. There was no testimony from Nick Vero at the Little's hearing that he had made a mistake. His testimony was that he advised the applicants as to what they could build and what the restrictions were.

Mrs. Little felt the Board was trying to encourage and help young people and families to move into the community. She said if something wasn't done for them, they were going to have to sell their house and move away. She felt that was not what the Board would want.

Mayor Strebel responded that he was not sure exactly what the Board could do about this. He said the builder most certainly should have known that he needed a building permit. When the Village is about to do something with the Code, they hire a planner. He said that he didn't feel that he or the Board members were qualified to just jump in and change the Code. These rules Mrs. Little ran up against that were in the Code were put there after various studies. The Zoning Board, just as the Justice Court, is entirely separate from the Board of Trustees. If we don't like what they do, our only recourse is to not re-appoint them. We can't tell them what to do or request that they do something differently. He felt Mrs. Little's plea was very compassionate. But then again if you have rules in a codebook and you have three to four other people looking for relief then the only way to do it would be to change the Code. He said that is not something that is normally done. He said this was basically the first he had heard about this. He said the Board felt compassion for her plight, but unfortunately there was probably nothing they could do to help.

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Mayor Strebel wanted to thank the Department of Public Works and the Police Department for the St. Patrick's Day Parade. He also wanted to thank them for the way the snow removal was handled this year, since we have had such an inordinate amount of snow. He said he hasn't had any complaints, only kudos as far as the two departments go and he wanted to thank them.

Trustee Laube also wanted to thank Chief Dean and the Police Department. He said they did another excellent job. He also said the Department of Public Works did another excellent job setting up before the parade and cleaning up afterwards. He said it was an all-around great weekend.

Mayor Strebel added that the morning of the parade there was snowfall and he got a call around 11 AM saying the parade was going on. He felt both departments deserved a lot of praise.

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Trustee Raynor shared that the Moniebogue bulkheading would be done soon by South Shore Docks.

Mayor Strebel commented that it was in dire need of being done.

Trustee Barnett announced that she had received a phone call from Tom Neely, who is in Public Works in the Town of Southampton. He called to say that the bus shelter that

has been on the books for a couple of years that we are supposed to get on Mill Road in the parking lot will be ready for us in the spring.

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Mr. Mitchell was concerned about putting more lot space around the new houses in the Village. He felt it was aesthetically displeasing to have big houses in tight little lots.

Mayor Strebel answered that each zoning section has different rules. The zoning laws are complex. He said the thing that makes it not affordable to build a house here is not the cost of building the house, but the cost of buying the property. The more property you take off the market, for whatever good reason it is, the higher the costs are. You can build a house cheaper than you can buy a lot in the Village of Westhampton Beach, by far. That is the problem. There are good reasons for that. We have density problems with the Health Department. That is why our problems are so unique. If we can hook into a sewage treatment plant, it is a win-win situation.

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Trustee Raynor asked if anyone would like to address the Board. There being no response, he made a motion at 10:58 a.m. to adjourn the meeting to Executive Session. Seconded by Trustee Laube and unanimously approved. 3 Aye, 0 Nay

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Respectfully submitted,

Christine Owen  
Deputy Clerk