

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 3, 2005 at 10 a.m. in the Municipal Building, 92 Sunset Avenue, Westhampton Beach**

**PRESENT:** Deputy Mayor Timothy Laube  
Trustee Ora Belle "Ridgie" Barnett  
Trustee James Kametler  
Trustee Conrad Teller

Clerk-Treasurer Kathleen McGinnis  
Village Attorney Richard T. Haefeli

**ABSENT:** Mayor Robert Strebel

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Deputy Mayor Laube opened the meeting with the Pledge of Allegiance.

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**Public Hearings:**

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**Annual Stormwater Management Plan Status Report to NYS**

Deputy Mayor Laube opened this public hearing.

Walter Bundy gave an update on the Village's stormwater management plan. He explained that since March of 2003, the Town and its Villages were all mandated to implement a stormwater management plan. This was a five year plan to implement a lot of minimum requirements that have come down from the EPA to the New York State Department of Conservation and then on to us. He said it is a monster program and is largely an unfunded federal mandate on looking at pollutants and how it affects us. He said the Village is required to report every year on the progress they are making towards this. Typically, there are six minimum measures that we must address in our plan. He addressed each measure as described in the attached report.

Deputy Mayor Laube asked if there were any questions from anyone in the audience. There being no response, a motion was made by Trustee Teller to close the public hearing. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**2006 Community Development Budget**

Deputy Mayor Laube opened this public hearing and asked if anyone would care to speak regarding this.

Village Clerk Kathleen McGinnis asked that it be noted in the record that the Village did get a proposal on this funding from the Family Counseling Service. She said that the Family Counseling Service had received funding under this program before. They do a therapeutic intervention for at risk individuals and families in the community. The Village does provide some of the funding. Mrs. McGinnis had been told by Community Development that this year there would be \$13,000.00 earmarked for the Village, which is less than we have received in other years, so federal funding has been reduced.

A motion was made by Trustee Teller to close this public hearing. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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**Special Exception Use permit application 170 Mill Road Corp.**

Deputy Mayor Laube opened this public hearing and asked if anyone would care to speak regarding this.

Aram Terchunian from First Coastal Corporation appeared for the applicant. He said that this project had been before the Planning Board for a period of time. They had worked out a site plan that incorporates office space, retail space and an apartment above. He said it was an apartment that conforms with the new Village code.

Richard Haefeli, Village Attorney, asked if there was a separate access to the apartment from the outside.

Mr. Terchunian responded that there was.

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

Motion by Trustee Teller:

The applicant is the owner of a 15,416 square foot parcel of property located at the intersection of the left side of Mill Road and the south side of Brood Road in the B1 business district. The applicant proposes to construct a two-story building which will contain 2,350 square feet of office space, 650 square feet of retail space and an 850 square foot apartment. In order to convert the second floor into an apartment, the applicant needs approval from the Board pursuant to 197-17 and 197-40.1. This section permits an apartment over stores provided that the size of the apartment does not exceed 850 square feet. The section further provides that if only one apartment is being constructed on the property, a park fee will not be imposed.

The plans submitted by the applicant and the applicant's testimony establishes that the apartment will be constructed on the second floor of that part of the building used for retail space. There will be a separate access to the apartment. The apartment will not exceed 850 square feet. There will be only one apartment and the provisions of Section 197-40.1 will be complied with.

Based upon the foregoing, the applicant's request for a Special Exception to permit the second floor apartment is granted subject to the Planning Board's granting site plan approval and all conditions to be imposed by the Planning Board. In addition, since only one apartment is being constructed on the property, the applicant shall not be required to pay a park fee.

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

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### **Local Law 8/2005 to amend Chap. 197 Zoning code – Bldg. Heights**

Deputy Mayor Laube opened this public hearing and asked if anyone would care to speak regarding this.

Mr. Haefeli said that there had been a discussion at the Work Session regarding this and the flood plain, which is basically the area south of Main Street and all of Dune Road. We currently have a provision that limits the height of buildings to forty feet. That is the actual absolute top portion of the building. There are a number of instances where based upon the existing height of an existing house, specifically on Dune Road, to meet the forty foot height requirement, the only type of dwelling that can be constructed is one with a flat roof. This proposal is an attempt to give a little additional height to the roof area only, so that the architect or the owner can design a house other than a flat roof house. It does not change the requirement that it can only be a two-story house. It just changes the requirement of where we can measure the roof line from.

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

Motion by Trustee Barnett:

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 November 3, 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 8/2005 as advertised and attached.

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

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#### **Local Law 9/2005 to amend Vehicle & Traffic Code Re: Parking fines**

Deputy Mayor Laube opened this public hearing and asked if anyone would care to speak regarding this.

Mr. Haefeli advised that this proposed local law will increase the fine to \$50 for parking and increase some of the other fines. It will basically bring the parking type fines into the same area that the other Villages in the Town have. He said that our fines in this area, has been up until now, less than what the other municipalities charge and this is an attempt to bring our fines in line with what the surrounding areas are charging.

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

Motion by Trustee Kametler:

WHEREAS, this Board has advertised a local law adding Chapter 178 of the Village Code, entitled "VEHICLES AND TRAFFIC" and

WHEREAS, a public hearing was held on November 3, 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 9/2005 as advertised and attached.

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

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**Regular Meeting:**

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**Accept minutes of Board of Trustees Meetings**

Motion by Trustee Teller:

RESOLVED, that the minutes of the Trustees Meeting of October 6, 2005, and Special Meetings of October 19<sup>th</sup> & October 26<sup>th</sup> are hereby accepted.

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

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**Accept departmental reports**

Motion by Trustee Barnett:

RESOLVED, that the Treasurer's reports for September 2005, and the Police Department, and Building Inspector's reports for October 2005 are hereby accepted.

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

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**Appoint Special Counsel Re: Guildi Article 78 Zoning Litigation**

Motion by Trustee Kametler:

RESOLVED, that Village Attorney Richard T. Haefeli is hereby appointed to represent the Village in the Article 78 proceeding brought by George Guildi and to be compensated at the rate of \$155 per hour.

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

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**Authorize East End Hospice Tree of Lights Ceremony**

Motion by Trustee Teller:

RESOLVED, that East End Hospice is hereby authorized to hold a Tree of Lights Ceremony on the Village Green on Sunday December 4<sup>th</sup> commencing at 1:30 p.m.

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

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**Authorize WHB Chamber Annual Tree & Menorah Lighting**

Motion by Trustee Barnett:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to hold the Annual Holiday Tree and Menorah Lighting on the Village Green on Saturday, December 3<sup>rd</sup> commencing at 5:00 p.m.

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

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**Schedule public Hearing Local Law Amend Zoning Code- review of site plans**

Motion by Trustee Kametler:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish & post a Notice of Public Hearing to be held on Thursday, December 1, 2005 at 6 p.m. in the Village Hall, 92 Sunset Avenue, Westhampton Beach, on a proposed Local Law to amend the Zoning Code Chapter 5 Re: ARB concurrent review of site plans.

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

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**Schedule public hearing Local Law amending the Zoning Code Chap. 197**

Motion by Trustee Teller:

RESOLVED, that the Village Clerk-Treasurer is hereby directed to publish & post a Notice of Public Hearing to be held on Thursday, December 1, 2005 at 6 p.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 Barnett and unanimously approved. 4 Aye, 0 Nay

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**Approve auditor's report for fiscal year 2004-05**

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby approve the 2004-05 fiscal year annual financial report as prepared by Giaquinto & Company.

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

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**Authorize St. Patrick's Day parade**

Motion by Trustee Kametler:

RESOLVED, that the St. Patrick's Day Parade Committee is hereby authorized to hold the annual St. Patrick's Day Parade on Saturday, March 11<sup>th</sup> at 12 noon starting at the corner of Mill Road & Oneck Lane, proceeding down Mill Road to Main Street and ending at the reviewing stand, subject to submission of the required liability insurance coverage.

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

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**Designate official street names**

Motion by Trustee Teller:

WHEREAS, there are four officially un-named streets off of Hazelwood Avenue; and

WHEREAS, due to new construction in these areas, the Village needs to designate street names for the E911 communication system to ensure that emergency responders will be

able to locate residents requiring emergency assistance; and therefore be it

RESOLVED, that the Board of Trustees hereby designate the following street names as specified on the attached tax map:

Liggon Lane  
Morris Court  
Sherman Patterson Way  
Makransky Court

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

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**Authorize disposal of surplus Building Department equipment**

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees authorizes the disposal of the attached list of obsolete Building Department office equipment by the Department of Public Works.

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

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**Authorize budget transfers**

Motion made by Trustee Kametler:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to transfer unexpended balances in the following capital fund accounts to the specified general fund expenditure accounts:

<b>FROM</b>	<b>TO</b>
H6000 (Bulkheads)	A5110.408.1 (Bulkheads)
H4000 (Street Lighting)	A5110.408.1 (Bulkheads)

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

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**Accept proposal for access control system for new Village Hall**

Motion by Trustee Teller:

RESOLVED, that, at the recommendation of Sandpebble Builders, the proposal submitted by Intelli-Tec in the amount of \$19,210.00 to provide an access control system for the new Village Hall contract #8740, is hereby accepted.

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

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**Accept change order HVAC Contract #15.100 – Dynaire Corp.**

Motion by Trustee Barnett:

RESOLVED, that, at the recommendation of Sandpebble Builders, change orders #1, #2 & #3 as proposed by Dynaire Corp. for the new Village Hall HVAC contract #15.100 are accepted thereby reducing the total cost by \$17,000.00.

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

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**Approve Warrant for November 2005**

Motion by Trustee Kametler:

RESOLVED, that the warrant for the month of November 2005 in the amount of \$183,709.00 for the General Fund and \$141,987.79 for the Capital Fund is hereby approved.

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

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**PUBLIC DISCUSSION:**

Adrienne Abby, 3002 Mitchell Road, said she had attended the Gabreski Airport Committee Meeting on October 6<sup>th</sup> and she was curious as to why she had not seen any of the Trustees from Westhampton Beach Village there just to get the tenor of the flavor of the meeting. She felt it would be nice if one or all of the Trustees could attend these meetings to see what is going on and generally what the public had to say. Her feeling was that there was more concern about increased air traffic than anything else. People didn't seem to be upset about commercial business advancement there, but mainly were concerned about the air traffic. She wanted to know if the Trustees had formed an opinion on this yet.

Deputy Mayor Laube said if he could make the meetings, he would definitely be there. He said his own feeling on the airport was that this community and the surrounding communities have done their bit for King and country. We have the Air Guard and what is going on there, we accept that, but his feeling was that we now have to put our foot down and draw a line in the sand or we will end up like MacArthur Airport. He felt it was important for the community to come together and draw that line in the sand. He said he supports commercial development up there, but not air traffic development.

Trustee Barnett said she felt it was very important that people express their views on this. She said that anyone who has stood on the ground when one of these planes goes directly overhead, everything stops. It is a terrible thing to think that we would get 32,000 more flights of that. She felt they need to get as many people as they can to speak out against this.

Ms. Abby said she could not express herself until she went to the meeting. She felt there were many people who did not know much about it and public outcry has been known to change a lot of things.

Dennis Yuen, President of the Chamber of Commerce, said the Chamber has a representative at the Advisory Board meeting.

Ms. Abby said there was a gentleman named Brian who attended.

Mrs. McGinnis said that he was the Village's representative. She said the Village passed a resolution months ago appointing Brian Tinman to be Westhampton Beach Village's

representative at these meetings.

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Deputy Mayor Laube asked if anyone else would like to address the Board. There being no further response, Trustee Teller made a motion at 11:03 a.m. to adjourn the meeting to Executive Session. Seconded by Trustee Kametler and unanimously approved. 4 Aye, 0 Nay

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Respectfully submitted,

Christine Owen  
Deputy Clerk