

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, March 2, 2006 at 10 a.m. in the Municipal Building, 92 Sunset Avenue, Westhampton Beach

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

Clerk-Treasurer Kathleen McGinnis
 Village Attorney Richard T. Haefeli

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

Public Hearing:

Gentry Holding Group Special Exception Use to establish contractor's office

Richard Haefeli, Village Attorney, explained that Mr. Gentry is presently before the Planning Board to get a site plan approval. He is moving his contractor's office from the downtown B-1 district where it is not permitted, up onto the highway to the B-2 district, where it is permitted. There is a provision in the Code which requires this Board to permit a Special Exception for a contractor's office with certain conditions in the Code that they have to meet in order to get the Special Exception. He said it is his understanding that the existing building was used as an office, Mr. Gentry will continue to use it as an office and there will be no external changes to the building which would require any additional work at this point in time.

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

Motion by Trustee Teller:

The applicant is the owner of an improved parcel of commercial property on the south side of Montauk Highway in the B-2 Business District. The applicant proposes to convert the existing use to a contractor's office which is a permitted use by way of a special exception permit issued by this Board.

The property is currently being used for medical offices and the applicant does not propose to make any external changes to the existing building or to change the existing parking.

The Planning Board has a site plan application presently before it and based upon its review of the applicant's site plan it has submitted a recommendation to this Board that the special exception permit be granted.

Based upon the foregoing, the applicant's requests for a special exception permit for a contractor's office is granted subject to the applicant complying with the special conditions set forth in section 197-80.7 of the Zoning Code and in addition complying with any requirements imposed by the Planning Board in its site plan approval.

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

Regular Meeting:

Accept minutes of Board of Trustees Meeting

Motion by Trustee Laube:

RESOLVED, that the minutes of the Board of Trustees regular meeting of February 2, 2006 and Special Meeting of February 15, 2006 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Barnett:

RESOLVED, that the Treasurer's report for January 2006, Police Department and Building Inspector's reports for February 2006 are hereby accepted.

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

Schedule 4/6 Public Hearing on proposed Local Law - Outdoor Music

Motion by Trustee Teller:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post a Notice of Public Hearing to be held on Thursday, April 6, 2006 at 6:00 pm at the Village Hall on a proposed Local Law to amend the Village Zoning Code Chapter 196 Outdoor Music.

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

Authorize Notice to Bidders Re: Rogers Beach Siding Project

Motion by Trustee Laube:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post a Notice of Bid Opening to be held on Monday, March 27, 2006 at 11:00 am at the Village Clerk's Office for the supply and installation of siding and soffits on the Rogers Beach Pavilion.

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

Refer Fruit Market @ North Mall Spec. Exception to Planning Bd.

Motion by Trustee Barnett:

RESOLVED, that the Special Exception application submitted by John Siegmund to establish a fruit and vegetable market at the North Mall #68-100 Old Riverhead Road (SCTM # 905-2-2-6.1 & 6.2) is hereby referred to the Planning Board for an advisory review.

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

Schedule public hearing fiscal year 2006-07 budget

Motion by Trustee Teller:

RESOLVED, that the Village Clerk is hereby scheduled to publish and post a Notice of Public Hearing on the 2006-07 fiscal year budget to be held on Thursday April 6, 2006 at 6:00 p.m. at the Village Hall.

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

Authorize addendum of lease with WHB Fire District

Motion by Trustee Laube:

RESOLVED, that the Mayor is hereby authorized to execute an addendum to the existing lease to rent the Village Hall office space and meeting room at the cost of \$4,973.00 per month retroactive to November 1, 2005 on a month by month basis with said term to be no later than September 2, 2006 and to authorize payment of a 10% fuel service charge on any gas & diesel fuel pumped from the WHB District gas pumps.

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

Appoint election inspectors for June 16th General Election

Motion by Trustee Barnett:

RESOLVED, that Anne Poillon is hereby appointed to serve as Chairperson of the Election Inspectors and Jeannette Zegler, Anne Creed, and Mary V.N. Gallagher are appointed as Election Inspectors, and Rose Swerdzewski is appointed as a Poll Clerk, to perform the official duties of the Village General Election to be held on Friday, June 16th to be compensated at the rate of \$11.75 per hour.

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

Accept proposal from KPC Planning Services for Business District Planning Study

Motion by Trustee Teller:

RESOLVED, that the Village Board hereby accepts the proposal submitted by KPC Planning Services Inc. to prepare a planning study of the Village Business District at a cost of \$30,000.00.

Seconded by Trustee Laube and approved as follows:

Trustee Barnett	Aye	Trustee Laube	Aye
Trustee Kametler	Aye	Trustee Teller	Nay

Amend St. Patrick Day Parade Committee permit – aerobatic show

Motion by Trustee Laube:

RESOLVED, that the St. Patrick's Day Parade Committee's permit is hereby amended to authorize public access and parking at the Rogers Beach Pavilion for an aerobatic demonstration by stunt pilot Mike Mancuso at 3 p.m. and to permit the committee to decorate the Main Street light poles with green lights.

Seconded by Trustee Barnett and approved. 3 Aye, 0 Nay – Trustee Laube Abstained

Authorize SH Parks Dept. use of Great Lawn - Family movie night

Motion by Trustee Barnett:

RESOLVED, that the Town of Southampton Parks & Recreation Department is hereby authorized to use the "Great Lawn" to erect a 300 square foot inflatable screen for a family movie night on Monday July 10th between 6-11:00 p.m.

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

Approve 10/9/06 as a rain-date for the GWCOG Arts & Craft Show

Motion by Trustee Teller:

RESOLVED, that the GWCOG use of Village property permit for the Annual Arts & Craft Show is hereby amended to add Monday, October 9th as a raindate for the event.

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

Accept 2006 Tree/Plant Maintenance Program

Motion by Trustee Laube:

RESOLVED, that the proposal submitted by FOX IPM Corp. for the 2006 plant and tree care program at a cost of \$7,150.00 is hereby accepted.

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

Grant property tax exemption Westhampton Free Library property

Motion by Trustee Barnett:

WHEREAS, the Westhampton Free Library is a non-profit organization with a tax exempt status, and

WHEREAS, the Westhampton Free Library acquired Tax Map #0905-11-2-30 on October 17, 2003 for the purpose of expanding and renovating the library to provide increased services to the community taxpayers,

NOW, THEREFORE, BE IT RESOLVED, the Westhampton Free Library is granted a full tax exemption on Tax Map #0905-11-2-30.

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

Accept bid for Village Hall stucco contract #4.400

Motion by Trustee Teller:

RESOLVED, that the Board of Trustees hereby accept the bid from Gilber Stucco & Painting in the amount of \$15,636.00 for the base bid and Addendum #1 & #2 to supply and install Stucco and EFIS at the new Village Hall contract #4.400.

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

Accept bid for Village Hall pre-fab Interior Window trim

Motion by Trustee Laube:

RESOLVED, that the Board of Trustees hereby accept the bid from Pazera Associates to supply pre-fab interior window trim at a cost of \$2,800.00 at the new Village Hall contract #6.110.

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

Reject bids submitted for Village Hall generator

Motion by Trustee Barnett:

RESOLVED, that all bids submitted for the Village Hall generator contract #16.285 are hereby rejected.

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

Reject bid submitted for Village Hall countertops

Motion by Trustee Teller:

RESOLVED, that all bids submitted for the Village Hall stainless steel countertops contract #6.701 are hereby rejected.

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

Authorize Mayor to Execute an Agreement with the Village DPW employees

Motion by Trustee Laube:

RESOLVED, that the Mayor is hereby authorized to enter into an agreement with the Department of Public Works employees pursuant to the terms of the Memorandum of Agreement dated February 3, 2006 for the term commencing June 1, 2005 through to May 31, 2009.

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

Establish a Planning Study Citizens Advisory Committee

Motion by Trustee Barnett:

WHEREAS the Board of Trustees are undertaking a planning study of the Business-1, B-2 and Business-3 Zoning Districts and believe that the study should include the impute from members of the community, and

WHEREAS, the Board of Trustees believe that an advisory committee should be established.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Board of Trustees hereby establishes a Citizen Advisory Committee consisting of seven members of the community appointed by the Mayor with the consent of the Board of Trustees to participate in the planning study.

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

Schedule 4/6 Public Hearing -Local Law amend Code- moratorium Business Zones

Motion by Trustee Teller:

RESOLVED, that the Village Clerk Treasurer is hereby authorized to publish and post a Notice of Public Hearing to be held on Thursday, April 6, 2006 at 6:00 pm at the Village Hall on a proposed Local Law to amend the Village Zoning Code Chapter 197 imposing a moratorium on the B1, B2, and B3 Zoning Districts.

Seconded by Trustee Barnett and approved as follows:

Trustee Barnett	Aye	Trustee Laube	Aye
Trustee Kametler	Aye	Trustee Teller	Nay

Approve warrant for the month of March 2006

Motion by Trustee Laube:

RESOLVED, that the warrant for the month of March 2006 in the amount of \$246,990.63 for the General Fund and \$245,684.40 for the Capital Fund is hereby approved.

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

Motion to add resolution to agenda

Motion by Trustee Laube to add a resolution on to this agenda. Seconded by Trustee Teller and unanimously approved. 4 Aye, 0 Nay

Authorize Labor Agreements with the Public Safety Dispatcher II employees

Motion by Trustee Barnett:

RESOLVED, that the Board of Trustees hereby authorize labor agreements with the Public Safety Dispatcher II employees effective June 1, 2006 through to May 31, 2010.

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

Public Discussion

Arthur DiPietro, 41 Sunset Avenue, said that after a long and arduous process, they were about to open their café on Sunset Avenue. He said if you went outside right now, you would see cars parked all along the curb of the west side of Sunset Avenue. They are there for most of the day. He said that he and his wife, Bonnie, own two properties between the 7-11 property and the property immediately to the south. They have conforming off-street parking. None of the cars parked along the curb right now have anything to do with either of their properties. Any vehicles having to do with their properties are parked in either the parking lots or the driveway. LIPA trucks, telephone company trucks, landscaping trucks with trailers, park regularly to use either the 7-11 or the delicatessen. They park there, they meet there, they stay there for an entire lunch hour period. He asked the Board, the Village Engineer and the Village Police Department to consider three things. At the very least, he asked that stalls be painted along the curb of both sides of Sunset Avenue so that it is clearly indicated that it is for car-sized parking. Trucks that use the 7-11 can use Hansen Place without an imposition on the business and residential properties along Sunset Avenue. He asked for time limit parking, such as was used many years ago at the liquor store at Six Corners, because people using the movie theater were parking in front of Eckart's and the liquor store and creating problems for their businesses. He felt the Village Engineer and the Police Department should consider time limit parking and come up with a recommendation as to how long it should be for. He also asked the Village consider angle parking on the west side of Sunset Avenue. He said the way Sunset Avenue curves as it comes into Main Street and narrows when it gets down to the Westhampton Agency, he believes that angle parking in front of the café, their residence and the Ramsay property, would do two things. It would clear up the truck and trailer parking issue completely, would provide more spaces and would provide a traffic calming impact as the cars head towards Main Street. He said that all of these are suggestions, it is the first time he is bringing it up and he does certainly not expect an answer today.

Mayor Strebel thanked Arthur for his suggestions.

Jim Hulme, 323 Mill Road, said that he and his firm represent CVS, who hopes to develop the bowling alley property. He does not represent the contract vendee who will ultimately come if the CVS is installed there and will become CVS's landlord. He also does not represent the current owner. Mr. Hulme wanted to let people know that the moratorium does not save the bowling alley. He felt the bowling alley's life was extremely limited several years ago when the property was sold from somebody who was actually interested in using it as a bowling alley to somebody who was interested in using it for other purposes. He said the current owner has explored opportunities to use it in a manner other than as a bowling alley since they purchased it and the moratorium will not save the bowling alley, because the people are not making any money operating it as a bowling alley. He applauded the Board for creating the Citizen Advisory Committee. He felt this would be a very useful thing and thought it was always useful for municipalities to sit down and take a look at where they are going and why they are going there. However, he also felt the Village had already done this with the Hyatt Palma study, as recently as 1999 and the use to which the CVS wants to put this particular site is exactly the kind of development that the study, and the master plan that was adopted thereafter, was looking for. He felt the goal was to move certain types of retail businesses down into the Main Street B-1 corridor. He did not believe the Board needs the moratorium to do the further study that it wants to do. He said the moratorium would only capture two to three projects and those are projects that are already in the pipeline. One of the projects is the CVS, one is the project that Simon has for the bakery down on Main Street and the third project is the library. Anything else that is coming, isn't here yet. He said it has been his experience with the Planning Board and the planning process is that it will take several months or more for any project that is starting today, to even get to the point where it is going to be approved. He felt that other than capturing these three projects, and he felt they would not want to capture the library project, you are just capturing these two projects to take the time to do something that you have time to do without passing the moratorium at all.

Mr. Haefeli commented that the Board is not trying to do anything with the library, but in order for you to move forward with any kind of proposal for the library, you have to get some sort of sense from the Health Department as to what you can do or what the requirements are going to be, which has nothing to do with the Village. Last month the Planning Board granted a SEQRA determination that would allow them to go to the Health Department. He said it had been his experience with the Health Department that you do not find out anything from the Health Department for at least three to six months. He just wanted to make that observation that there is no intent by this Board to do anything with the library, but he did not think the library would be prepared to come back to this Village Board until such time as this moratorium is up.

Mr. Hulme said he accepted that but felt this made his point even stronger that it would only be two projects that this moratorium would capture.

Mr. Haefeli responded that it was just two projects today, but next month there could be another two projects and the following month it could be two more projects. The whole purpose of a moratorium is to allow a municipality to sit back and review what has taken place and what they would like to see possibly take place in the future.

Mr. Hulme said that other than these two projects which have already started that would have, but for a moratorium, come up for final determination during the next six months, any project that is not in the pipe line now that would start by the time of the next Planning Board meeting, and it is too late to get on the March meeting, we would be talking about something that would be initiated at the April meeting, any project of a scale that would concern you, would take five or six months to get through to the end, anyway. You don't need a moratorium to prevent those projects that haven't started yet from getting in under the wire, because the time it is going to take, and as Mr. Haefeli has correctly pointed out to him many times over the years, is the law that applies is the law that exists at the time the approval is granted, not the law that exists at the time that the application is made. He felt that from his perspective, the only projects this moratorium captures are the two projects he has mentioned.

Mr. DiPietro felt it was remiss of everyone to be focusing on the need for a moratorium as a stop-CVS or preserve the bowling alley measure. It may have been the issue that triggered the very healthy community involvement that we have seen over the past couple of months, but it is not the focus and the end-all for the Village to go back to the drawing boards and re-evaluate. He said we live in dynamic times and there has been a tremendous amount of pressure on real estate. The Hyatt Palma studies and the other studies that followed it could be considered back in the Stone Age. We are in 2006 and what has happened between 1999 and 2001, 2002 and 2006 is probably, in his opinion, the equivalent of what happened between the mid-1970's and the early 1990's as far as evolution of a community is concerned, so it certainly is timely. He felt that a moratorium is draconian. He said he respected Trustee Teller's vote on it. He did not necessarily agree with it, but he thought moratoriums should always be looked upon with a certain degree of reservation. He is assuming the planner the Village hired is highly qualified and highly familiar with our community, which is a refreshing change from some of the planners that were hired in the past. He said he assumes the planner will take the opportunity to look at a comprehensive evaluation of our needs and our concerns. One of the things that has come up is a collateral matter to this specific topic of bowling alley/CVS, an inordinate amount of office business uses in the B-1 district, as opposed to retail. He said the retail enhances the vitality of a community and the magnetism of a community to be a place where people want to come and spend some time, and not necessarily to spend money the first time they get here. He said he had attended the last informal meeting regarding this, and there was a gentleman that spoke and it sounded like a lot of sour grapes because the theater had put in a bar which cut into his business and new people coming to town were mommies with babies who buy a coke and sit and take up space and don't buy seventeen margaritas in two hours. He said he truly believes that if we are a desirable community and give off a desirable atmosphere and an aura of a place where people want to spend time, have a convivial atmosphere on Main Street, those people will come back. If we are patient and not patently greedy, eventually they may also spend some money. He felt they give so much more to the community than just dollars or credit card swipes. They give us the atmosphere and the quality of life that we are all very proud of. He referred to a letter to

the editor by Mr. Hildreth of Hildreth's Department Stores focusing on the concerns he has for the plight of Southampton Village, where because of rents and landlords, retail uses are being closed and they are suffering the same trend of attrition of retail and conversion into real estate offices, mortgage broker, whatever. Mr. Hildreth made a suggestion that Mr. DiPietro agreed with and felt that this study should look at, and the step back and take a breath opportunity of the moratorium should give us the opportunity to evaluate. He said that in his opinion, it is totally legal and totally appropriate from a planning standpoint, to consider the elimination of office use from the B-1 zone. The offices, banks and real estate offices that are in the B-1 zone have an invested pre-existing right to continue if they do so without interruption. But, if any of those places were to change hands or to change use in a sufficiently significant way, then attach Planning Board jurisdiction even on a site-plan waiver, which is required for commercial change of uses. Then perhaps the moratorium could also have the impact to not allow this attrition to continue until you've had an opportunity to study it and consider changes either limiting or prohibiting a continuation and proliferation of office business type of use in the B-1 zone.

Jim Hulme, spoke on behalf of some clients who purchased a number of properties on Riverhead Road north of Montauk Highway and have been seeking consideration of use of that property as to some multi-family housing. He showed a plan that was a reflection of what a person who developed the property would hope to do in order to make money on the project at the same time as providing for this need. He said the project involves a series of townhouse style condominiums to be located on a 6.6 acre parcel of land which is about 1500 feet north of Montauk Highway on Old Riverhead Road. It has about 520 feet of road frontage. It is an amalgamation of six different tax lots, some of which lots were vacant and some of which had single family residences. The property is currently under the hotel zone. He thought that this was possibly an area the Board was looking at to make a change and they were here to try and encourage that. The plan consists of 56 townhouse units spread over ten 2-story buildings. There are 48 units that are termed marked units, which are two stories in and of themselves, three bedrooms with a garage, 2700 square feet. In addition, there would be another 8 affordable or work-force homes that would consist of 1-story, two bedroom units. The affordable houses are handled by taking a 2-story section and putting an apartment on each floor. The apartment on the first floor would be served by a garage. The apartment on the second floor would not. They would be approximately 1200 square feet. There are 129 parking spots for use by the tenants. That number includes a parking spot inside each garage. There are another 17 parking spots for guests and visitors. There will be a pool, a clubhouse and a gazebo to provide recreational activity for the occupants of the units. He said that even if the Village were to change the rules to allow this density, they would still have Health Department issues. For this particular density development to work, we would need to participate with the project the Village is looking into regarding the County sewer system. He said they would certainly participate at some level with assisting the Village to see that it happens. He said they were just attempting to participate in the process to provide some guidance to the Board from the private sector as to what economically works from a private developer point of view. They asked that the Board consider that perspective when they are deliberating on whatever legislation they ultimately decide to adopt.

Toni Burk, 101 Potunk Lane, asked what price range they considered to be affordable.

Mr. Hulme said it has not been determined as yet, but they were hoping it would come out in some of the discussions with the Village.

Mr. Haefeli said that would ultimately come from the Village and not the developer. He said there is a distinction between affordable housing and work-force housing. The Town code presently has a definition of affordable housing as 120 – 130% of the median income and work-force housing has become synonymous with something between moderate income housing and market place housing. The Village has not come up with a definition of either of those as of today, because that is something that has to be worked on.

Mayor Strebel asked if anyone else would like to address the Board. There being no further response, Trustee Laube made a motion at 10:46 a.m. to adjourn the meeting to Executive Session. Seconded by Trustee Teller and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk