

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, April 5, 2007 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach**

**PRESENT:** Mayor Conrad Teller  
Deputy Mayor James Kametler  
Trustee Ora Belle "Ridgie" Barnett  
Trustee Toni-Jo Birk  
Trustee Joan Levan

Clerk Treasurer Kathleen McGinnis  
Village Attorney Hermon Bishop  
Special Counsel Kim Judd

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Mayor Teller opened the meeting at 7 p.m. with the Pledge of Allegiance. He asked for a moment of silence in memory of former Trustee and Mayor John Petitt who served the Village from 1992 to 1996.

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**Public Hearings:**

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**Tentative Budget for 2007-2008 fiscal year**

Mayor Teller opened the hearing and asked if anyone wished to be heard.

Tim Laube, South Road, said he had come down to thank the Village for the St. Patrick's Day parade. He said the Public Works and Police Department had done another wonderful job. He also said that the Fire Marshal, Bill Hart, did a great job helping them with the paperwork for the fireworks. He asked when the budget had become available to the public.

Village Clerk Kathy McGinnis responded that it had been available since Monday and there had been a notice in the paper.

Mr. Laube asked if this hearing could be tabled for one session, until next month, so the general public could have time to review it.

Mrs. McGinnis explained that under state law the budget has to be in place by May 1<sup>st</sup>, but the Board could schedule a Special Meeting.

Harris Palmer, 69 Beach Road, asked if someone could briefly highlight any significant changes that were proposed for next year, like a major shift in personnel or something of that sort.

Mayor Teller briefly went over the budget. He explained that the Court Clerk was made permanent, as she was number one on the Civil Service list and the Village wants to keep her. They also added two new employees to the Highway Department and a part-time dispatcher in the Police Department. He said they had added a Capital Reserve Fund of \$50,000, which is put aside for major repairs to the Village Hall at a later date. He explained that hospital and medical insurance went up and that is a contractual expense. He said when they were all done the tax rate was 2.40. The total reductions in assessment from Grievance Day was \$37,996,046. He said they had saved some people some money on Grievance Day.

Mr. Palmer asked if there was an item in revenue or expense in the budget for possible property tax refunds if people who were not satisfied with Grievance Day proceed with the next steps, where would that be. He also asked if it was adequate.

Mrs. McGinnis responded it was in litigation and they hoped it would be adequate.

Ralph Neubauer, 33 White Oak Lane, wanted to state for the record that Mr. Laube is not a taxpayer in this Village and although he appreciated Mr. Laube's concern on this, that as a taxpayer Mr. Neubauer trusted this Board.

Mr. Laube responded that he was a resident.

Mr. Neubauer said Mr. Laube was not a taxpayer or a homeowner in this Village.

Trustee Barnett said that when she had received the salary schedule she noticed that in the Police Department there was no longer a line for Police Lieutenant but just five Sergeants. She asked why it was that way in the budget.

Mayor Teller said he had taken the salary out. He said they were working on it and it might come back or it might not, but that it was just a budget item.

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

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Mayor Teller noted that Village Attorney Hermon bishop was stepping down for the next four hearings and Special Counsel Kim Judd was replacing him for these hearings.

Ms. Judd explained that these hearings are regarding local laws that are a result of the Comprehensive Plan that was previously presented by Kyle Collins of KPC Services and the Comprehensive Plan Update for the Business District he had also presented. There are four local laws that are on for hearings tonight that were provided for in that Comprehensive Plan that Mr. Collins had presented to the Board.

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**Local Law amending Village Code Chap. 197 Re: houses of worship, creating architectural design guidelines, & special exception criteria for B1 Zone**

Ms. Judd read over the various changes to Chapter 197 represented in this local law.

Mayor Teller asked if anyone would like to address the Board regarding this proposed local law.

Harris Palmer asked if the 50% of assessed value trigger for a certain review referred to the assessed value of the building or the total assessed value of the property.

Ms. Judd said that was a good point. She thought it was supposed to be on the total assessment.

Mr. Palmer said the value of land has appreciated so much that it is now a major portion of the total assessed value, particularly in residences and could apply to certain types of businesses, also.

Building Inspector Paul Houlihan felt it was intended to be for the building. He said that when a building is being remodeled or there is an addition, they take 50% of the assessed value of the building.

Mayor Teller asked if anyone else wished to be heard. There being no further response, a motion was made by Deputy Mayor Kametler to close the hearing and hold it open for ten days for submission of written comments. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

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**Local Law amending Village Code Chap. 197 to create a hamlet commercial zoning district and special exception criteria**

Ms. Judd explained that the purpose of this local law was to create a transitional zone from the residential zoning districts and the business districts. These would be the guidelines that will apply in the Hamlet Commercial Zoning District.

Mayor Teller asked if anyone would like to address the Board regarding this proposed local law.

Elyse Richman, 78 Rogers Avenue, asked how many parking spots have to be provided if you have an apartment over a store in the HC district.

Ms. Judd responded that you have to provide parking for the business and also for the apartment.

Mayor Teller asked if anyone else would like to speak in regard to this public hearing. There being no further response, he made a motion to close the hearing and hold it open for ten days for submission of written comments. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

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**Local Law amending Village Code Chap. 197 to provide for minimum parking spaces in the Hamlet Commercial Zone and waivers of spaces**

Ms. Judd explained that this was another proposed local law with reference to the Comprehensive Plan and this is very similar to what the Town of Southampton has as far as parking spaces. She said this grandfathers pre-existing non-conforming spaces in. If a building is proposing to increase the size or change the use, then they have to provide the adequate number of parking spaces for the increase in size or change of use. She said there was another section that was new that Mr. Collins had drafted and proposed that was very innovative. She explained it, that if an applicant before the Planning Board should decide to voluntarily dedicate land or an easement for public use, the Planning Board has the ability to waive the number of off-street parking spaces. The applicant still has to provide a minimum of two-thirds of the required number of parking spaces.

Mayor Teller asked if anyone would like to address the Board regarding this proposed local law.

Dean Speir, 256 Main Street, asked what the cost of a space was now.

Mr. Houlihan responded that it was almost \$7,000.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion to close the hearing and hold it open for ten days for submission of written comments. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

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**Law amending Village Code Chap. 197 to create transitional yard requirements**

Ms. Judd explained that this was another local law in furtherance of the Comprehensive Plan. It is going to create transitional yard requirements in B2 and B3 zoning districts.

Mayor Teller asked if anyone wished to be heard regarding this proposed local law. There being no response, Trustee Birk made a motion to close the hearing and hold it open for

ten days for submission of written comments. Seconded by Trustee Barnett and unanimously approved. 4 Aye, 0 Nay

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Mayor Teller commented that the most controversial thing this Board has come up with is the Hamlet Commercial Zoning. He said there are some people with very small parcels that can do certain things in the B1 section that they are currently in. The Hamlet Commercial changes the setback and side yard variances and this Board will be looking in the next ten days as to what they can fully do to protect everybody, to the best of their abilities, so nobody gets hurt. He said that has been the only problem they have had in going through this so far.

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**Regular Meeting:**

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**Accept minutes of Board of Trustees Meetings**

Motion by Trustee Barnett:

RESOLVED, that the minutes of the Trustee Meeting of March 1, 2007, Special Meetings of March 16, 2007 and March 21, 2007 are hereby accepted.

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

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**Accept departmental reports**

Motion by Trustee Birk:

RESOLVED, that the Treasurer’s reports for February 2007 and the Police Department and Building Inspector’s reports for March 2007 are hereby accepted.

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

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**Adopt Negative Declaration- 2006 Business Districts Comprehensive Plan Update**

Motion by Deputy Mayor Kametler:

WHEREAS, the Village Board of Trustees, in accordance with Village Law §7-722(4), is authorized to prepare and adopt a comprehensive plan and amendments thereto; and

WHEREAS, Village Law §7-722(2)(a) enables a comprehensive plan and subsequent amendments to be prepared in the form of maps, charts, studies, resolutions, reports and other descriptive material that identifies the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the village; and

WHEREAS, in December of 1999, the Village of Westhampton Beach adopted the Business District Comprehensive Plan for the Village’s business zoning districts. This plan built upon and incorporated the findings of the Downtown Market Analysis and Economic Enhancement Strategy prepared by Abeles Phillips Preiss & Shapiro, Inc., and the HyettPalma visioning document entitled the Westhampton Beach Downtown Audit, and

WHEREAS, in 2006, the Village Trustees found it appropriate to revisit these plans and to

implement the five major components from the Business Districts Comprehensive Plan of 1999. The Village retained the services of KPC Planning Services, Inc., to draft a 2006 Business Districts Comprehensive Plan Update, and ADL III, Architecture, P.C., to draft architectural guidelines for the Business Districts entitled Draft 2006 Business Districts Comprehensive Plan Update and

WHEREAS, the final 2006 Business Districts Comprehensive Plan Update is in

accordance with the recommendations of the Village of Westhampton Beach's 1999 Business District Comprehensive Plan, and

WHEREAS, the preparation and adoption of the 2006 Business Districts Comprehensive Plan Update is a Type I action under the provisions of the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations; and

WHEREAS, an Environmental Assessment Form Part 1 and Part 2 and a Negative Declaration have been prepared by KPC Planning Services, Inc., now

THEREFORE, BE IT RESOLVED, that the Trustees of the Village of Westhampton Beach hereby adopts a Negative Declaration for the 2006 Business Districts Comprehensive Plan Update, and

BE IT FURTHER RESOLVED, that the Village Board of Trustees directs the Village Clerk to distribute this negative declaration to all interested agencies (Suffolk County Planning Commission and Village of Westhampton Beach Planning Board) and publish Notice of this Type I negative declaration in the Environmental Notice Bulletin (ENB) pursuant to SEQRA.

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

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### **Adopt 2006 Business Districts Comprehensive Plan Update**

Motion by Trustee Levan:

WHEREAS, the Village Board of Trustees, in accordance with Village Law §7-722(4), is authorized to prepare and adopt a comprehensive plan and amendments thereto; and

WHEREAS, Village Law §7-722(2)(a) enables a comprehensive plan and subsequent amendments to be prepared in the form of maps, charts, studies, resolutions, reports and other descriptive material that identifies the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the village; and

WHEREAS, in December 1999, the Village of Westhampton Beach adopted the Business District Comprehensive Plan for the Village's business zoning districts. This plan built upon and incorporated the findings of the Downtown Market Analysis and Economic Enhancement Strategy prepared by Abeles Phillips Preiss & Shapiro, Inc., and the HyettPalma visioning document entitled the Westhampton Beach Downtown Audit. This Business District Comprehensive Plan established a land use oriented framework intended to provide the Village with an overall strategy to guide future commercial development. This Plan consisted of five components: visions or goals for the downtown and other business districts; business inventory that determined the number of type of businesses in the Village, business vacancies, and amount of vacant business zoned land; assessment of the development potential of the business districts, including the relationships with available parking and recommendations for future parking needs, as well as infrastructure constraints based on existing information to be identified and assessed; future land use plan with recommendations for amending the zoning map; and implementing recommendations for land use and design management, and

WHEREAS, in 2006, the Village Trustees found it appropriate to revisit these plans and to implement the five major components from the Business Districts Comprehensive Plan of 1999. The Village retained the services of KPC Planning Services, Inc., to draft a 2006

Business Districts Comprehensive Plan Update, and ADL III, Architecture, P.C., to draft architectural guidelines for the Business Districts. Said plan contained a vision and goal statements for the B-1, B-2 and B-3 zoning districts, contained a business inventory of all businesses in the B-1, B-2 and B-3 zoning districts, contained an existing land use analysis in the B-1, B-2 and B-3 zoning districts, referenced development potential in the business districts, contained a parking inventory, and the re-designation of certain areas in the Village to Hamlet Commercial/Residential, and provided special exception criteria for these newly designated Hamlet Commercial/Residential areas, and

WHEREAS, the draft 2006 Business Districts Comprehensive Plan was referred to the Suffolk County Planning Commission and to the Village of Westhampton Beach Planning Board, and

WHEREAS, the Village Board of Trustees held public hearings on the draft 2006 Business Districts Comprehensive Plan on January 4, 2007, February 1, 2007 and March 1, 2007, and

WHEREAS, the final 2006 Business Districts Comprehensive Plan Update is in accordance with the recommendations of the Village of Westhampton Beach's 1999 Business District Comprehensive Plan, now

THEREFORE, BE IT RESOLVED, that the Trustees of the Village of Westhampton Beach hereby adopt the 2006 Business Districts Comprehensive Plan Update, and

BE IT FURTHER RESOLVED, that the final version of the 2006 Business Districts Comprehensive Plan Update be filed in the Office of the Village Clerk and a copy shall be filed with the Suffolk County Planning Commission.

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

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**Approve annual contract with Town for assessment/computer services**

Motion by Trustee Barnett:

RESOLVED, that the Mayor is hereby authorized to execute a cooperative agreement with the Town of Southampton for shared computer capability and assessing services at an annual cost of \$12,225.00.

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

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**Grant tax exempt status for WHB Performing Arts property (Del Bene parcel)**

Motion by Trustee Birk:

WHEREAS, the Westhampton Beach Performing Arts Center, Inc., is a non-profit organization with a tax exempt status, and

WHEREAS, the Westhampton Beach Performing Arts Center, Inc., acquired property located at # 16 & #18 Sunset Avenue and identified by Suffolk County Tax Map # 905-12-4-27.1 & 27.2 on January 5, 2007 for the purpose of providing children's educational programs, theater and dramatic arts to the community taxpayers,

NOW, THEREFORE, BE IT RESOLVED, the Westhampton Beach Performing Arts Center, Inc., is granted a full tax exemption on Tax Map # 905-12-4-27.1 & 27.2.

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

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**Approve 2007 Beach Rate Schedule**

Motion by Deputy Mayor Kametler:

RESOLVED, that the attached 2007 Village Beach rate schedule is hereby approved.

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

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**Appoint part time Fire Marshal**

Motion by Trustee Levan:

RESOLVED, Richard D. Tebaldi is hereby hired as a part time Fire Marshal to work as assigned by the Chief Bldg. Administrator and to be paid at the rate of \$20.00 per hour.

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

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**Amend use of Village Property permit- Mary O. Fritchie Outdoor Art Show**

Motion by Trustee Barnett:

RESOLVED, that the use of Village property permit issued to the Greater Westhampton chamber of Commerce is hereby amended to extend the hours for the closure of Mill Road to include 6 p.m. Saturday August 4<sup>th</sup> thru to 10 a.m. on Sunday August 5, 2007.

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

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**Schedule hearing on Local Law to amend Chap. 128 Village Code Peddling**

Motion by Trustee Birk:

RESOLVED, that the Village Clerk is hereby authorized to publish and post a Notice of Public Hearing of a proposed Local Law to amend the Village Zoning Code Chapter 128 Peddling to be held on Thursday, May 3, 2007 at 7 p.m. at the Village Hall, 165 Mill Road, Westhampton Beach.

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

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**Approve warrant for April 2007**

Motion by Deputy Mayor Kametler:

RESOLVED, that the warrant for April 2007 in the amount of \$230,433.55 for the General Fund is hereby approved.

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

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Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion at 7:55 p.m. to adjourn the meeting to Executive Session. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

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**VILLAGE BOARD**  
Respectfully submitted,

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**APRIL 5, 2007**

Christine Owen  
Deputy Clerk