

**The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, February 1, 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**

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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 for former Village Clerk Frank Gould who served the Village in that capacity from 1958 until 1970.

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### **Presentation - Toddler Playground Advisory Committee**

The Toddler Playground Advisory Committee showed the audience a power point presentation which explained their recommendations for a toddler playground for the Village (see attached). They explained the committee's objectives and goals, shared statistics demonstrating the need for a toddler playground, showed the urgency in bringing a toddler park to the Village and also the recommended locations. They all agreed that the most viable option would be to locate the playground at the Yacht Basin. They said there had been a "huge outcry" from the public when they had attempted to put a toddler park at the Village Green several years ago. They explained the disadvantages of the Mill Road Farmer's Market parking lot site, the advantages and disadvantages to the preferred Yacht Basin location and why they considered it ideal. They shared the estimated size and shape of the playground and showed a site plan of the Yacht Basin location. They said that after looking at other playgrounds on Long Island near the water, the committee felt very comfortable having a playground near the water.

Trustee Levan asked if these playgrounds near the water were for toddlers or for older children.

The committee responded that they were not sure because a toddler park was a newer concept and some of these other parks had been around for a while. A member said that at the Agawam Park in Southampton Village, there was a toddler park as well as an older children's park and it is on the water.

Hank Beck, representing the members of the Chamber of Commerce, spoke in favor of the toddler park and the Yacht Basin location for it. He said they did not like the Village Green site because of the Chamber of Commerce events that were held there. They also did not like the Mill Road parking lot site.

Barbara Ramsay, 33 Sunset Avenue, asked if the bathrooms at the Yacht Basin would need to be heated for use in the winter.

Highway Superintendent George Gordon said the bathrooms are presently closed from mid-November until the beginning of May because there is no heat.

Trustee Levan felt that everyone was in agreement as to having a toddler park, but the issue was where it was going to be. She asked what the "huge outcry" was a few years ago regarding having the playground at the Village Green. She felt it was a pretty good location, as she was worried about liability issues having the playground at the Yacht

Basin so close to the water. She felt it was obvious that the committee had chosen one location and one location only because that is where they had done the site plan. She said she

would like to see site plans on other locations, one of which would be the Village Green.

Members of the committee felt the Village Green was too small and they would also have to remove several trees.

Mr. Beck added that having less space for the Chamber of Commerce events would diminish their shows and cut down substantially on tourism.

Trustee Levan asked if the Chamber shows could spill over into the Mill Road parking lot across the street.

Mr. Beck said they would hate to lose any of the parking spaces there.

Trustee Levan also voiced concern regarding adding parking spaces at the Yacht Basin location. She stated that if she was living in a home on Library Avenue and had built her deck facing the marina and was now looking out at a parking lot, she would not be very happy about it.

Committee members said they would use the same parking that was down there but they could re-work the parking lines to create additional spaces.

Trustee Levan asked if they didn't know how many people would come to the park, did the committee envision expanding the toddler park.

Committee members responded that they had talked about the option of having a park for the next age group at another location and also possibly having environmental programs for younger children near the toddler park at the Yacht Basin location.

Trustee Birk said she had spoken to the Village's insurer and was advised that there is no difference in liability rates whether you have the park near the water or at another spot. The rates are contingent upon how many structures are put on the site.

Trustee Levan asked if there was a difference in liability from keeping the site pristine or putting in a toddler park.

Trustee Birk responded that there was no difference in cost to the Village as far as location.

Police Chief Ray Dean had a suggestion to put up a guard rail as a barrier in addition to the fence that would go around the toddler park.

Carol Matthews, 61 Brittany Lane, asked how the parking would be differentiated for the playground parking and boat trailer parking.

Trustee Birk said that the former dockmaster had advised the committee that there is not a lot of traffic there and even on the weekends when there are more boat trailers, Superintendent Gordon has said there is space for more parking there.

A committee member said they were encouraging people to park in the Village parking lots and to walk through the Village, shop at the shops and then walk to the playground. Committee members also said the St. Mark's property had been their first choice, but they were prohibited from using it because of covenants on the property that would not allow any permanent structures. They felt that by putting the playground at the Yacht Basin it could be brought to life with children playing there and could be made more beautiful. They felt it could make the Village a "destination spot" and would bring families into the Village to shop and play.

Ralph Neubauer, 33 White Oak Lane, asked if the committee's search was restricted to currently owned Village property or had they searched other sites.

The committee said they had researched other properties that were for sale, but time was of the essence, so the urgency was to use Village owned property. They also said they had the money in the park fund to cover the costs and would not have to raise money. They were trying to be good stewards of the money they have and the property they own and were trying to get something started that had been talked about for decades.

Joe Musnicki, 50 Library Avenue, questioned the number of children that would be playing in the park. He felt the concept was a good idea, but felt that 3,000 square feet was not a lot of space for children, parents and equipment and that in five or ten years it would be outgrown.

Committee members said not all of the children would be playing there at the same time. Families would walk through the Village and the playtime would be staggered. They felt they wanted to start small and there would be room for expansion at this or another location.

Mrs. Matthews asked how you would stop parents from having parties there. She felt it could get out of hand.

The committee felt the Village could limit that if they wanted to, but they did not think the Village would need to.

Trustee Birk said the consideration at the Yacht Basin for the people that live on Stevens Lane and Library Avenue was that because it was a pre-school park the kids are up early, the parents would bring them to the park by 9 am, hang out for a half hour or hour, the kids go home for a nap and then they are gone by the afternoon. They are going to be pre-schoolers, a couple of hours to burn their energy off early and they will go home, so it shouldn't bother the neighbors. The playground equipment will be built for toddlers and is not conducive for older children to use. She said the park will have the proper signage to show it is for a certain age group.

John Blaney, 54 Library Avenue, said he lives pretty much directly across from the little building at the Yacht Basin. He was concerned that this was morphing from searching to a location for a toddler park to building a "destination" to attract shoppers to Westhampton Beach. He was also concerned that it had gone from needing a toddler park to maybe needing additional parking and maybe doing programs in the future. He felt that the people that live around the Yacht Basin will have this park 365 days a year forever. He said that all of the houses around the marina have been built over the last thirty or forty years with the view of their whole property directed towards the marina. He felt it should be left as open space. He also felt there will be an outcry from the people who live in this area. He supported the idea of a toddler park, but did not know if the Yacht Basin was the place for it. He felt we did not need to attract more people to Westhampton Beach.

Trustee Birk asked if there was another property he felt was more desirable.

He said he thought the Village Green was a great spot.

A member of the audience said there were several playgrounds near her prior home in New Jersey and she wished there was a park here.

Jean Sweibish, 114 Potunk Lane, remarked that she understood that time is of the essence, and the committee had done a lot of work and was trying to work within certain parameters, but she felt the most ideal place for this would be behind the Chamber of Commerce building on Glover's Lane. If there was already a certain amount available as park funds, there were certain people in real estate such as Mr. Blaney that could talk to the owner of that property and maybe he could be offered some tax incentive to come down in price.

A member of the committee responded that the Glover's Lane area would have the same problems as the Mill Road parking lot location. The members said they had discussed looking at that property and getting appraisals of that property, but with time being of the essence, they had not. They said that playgrounds are completely removable structures.

They felt if it was to be placed at the Yacht Basin and they were to acquire this property, the playground could be disassembled and moved.

Deputy Mayor Kametler said the idea behind this is when we do the park, which we are going to do, we want to make sure the location is right so we don't have to move it and it is done. He said that is why we are all here tonight.

Committee members had visited all of the proposed sites and felt the Glover's Lane area has an urban feel and is more confined. They said if that were the only option the committee would support that. After looking at all of the options, the committee felt the Yacht Basin was an absolutely beautiful location that reflects the charm of the community and would reflect the nature of the community with the feel of open space and waterfront where you can smell the sea breeze and see wildlife. They said the Board had asked the committee to come together and find the best location possible and after exhausting private parcels of land, public parcels of land, after months and months of visiting locations, this is the site that the committee has come up with as a recommendation for the park.

They asked the Board and members of the community to visit the various sites, especially the Yacht Basin site and see what a beautiful location it would be and how much open space would still be left there.

Mr. Blaney responded that he had heard all of the comments regarding the wildlife, the open space and how pristine the Yacht Basin property is. He felt this was all true, but a non well thought out rush development of this piece of property will ruin exactly why it is attractive. He did not feel time was of the essence. He said if a private individual came into this Village to do anything that required people coming, parking, events, it could be two or three years in the planning stage by the time everybody fleshed out what exactly it was going to be and how it was going to affect the Village and the surrounding property owners. He did not think there should be a rush to do this.

Mayor Teller explained that this was only a presentation. The committee had brought it to the Board. He said the committee had done a lot of work. He thanked the committee and their chairman, Neil Hanrahan for all of their effort. He said there was still a lot of work to do before the Board could designate Village owned property as a park. It has to be done by Board resolution and by public hearings.

Sabina Trager, 4 Meadow Lane, felt time was of the essence. She said that when she moved here five years ago, she had a one year old and a three year old and she was on a playground committee to bring a park to the Village. She had spent a lot of time on that committee and nothing happened. She felt it should move forward and asked how long it would take.

Trustee Levan responded that just because the committee found a location, the Board should not just put a stamp of approval on it. She said they have to follow a process and she was not sure how long that would take.

Mayor Teller said that nothing in government moves that fast. He said this was the first time his Board was working on this.

Trustee Birk said she was very passionate about this, even though she did not have toddlers any more. She felt it was an identified need. She knew there were a lot of people in this Village that do not want a toddler park, but the reality is the demographics here are changing, there is a need, we are "Family Hampton" and she would like to get this going

for the Village during her term in office. She wanted to give kudos to the Board for doing this. She had informed the committee members that it needed to be presented to the Board and then a presentation to the public. She said she has been trying to take a back seat role because she understands her position as a Trustee, but she is a member of the community and does represent the community. She said it may take more time, but let's get this on record, have a presentation to the public, get the positives and negatives on record so we can address it and keep going forward. She felt the committee had done a great job with all of the info and she said this will be happening.

The committee members thanked the Board for letting them present this information. They felt they were getting somewhere at least.

Mayor Teller said it was a start. He had found out at the last meeting how many square feet we needed, so we are getting there.

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### **Public Hearings:**

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### **Update of the Business Districts Plan**

Kyle Collins continued the presentation he started at the January 4<sup>th</sup> Public Hearing on the Draft 2006 Business District Comprehensive Plan. He went over the goals and objectives and the policy recommendations. He said they are really the foundation for any planning document for which these implementation strategies are trying to achieve. He also reviewed the development potential in the B1 District, particularly in the proposed new Hamlet Commercial Residential District and the proposed regulation and special exception standards for the HC District. He then reviewed the B-1 design standards and guidelines and future land use plan recommendations.

Mayor Teller then asked if there were any questions or comments from the audience.

Jim Hulme, from the local law firm of Kelly & Hulme, PC, 323 Mill Road, disclosed that he had come tonight as an advocate, he does have a client that is quite interested in how this law develops and what the ultimate result is. He said that some of the things he had to say were things that he felt should be considered, in any event, as you go through this process and decide what portions of this ordinance to adopt and perhaps what portions of this ordinance not to adopt. He said he was at the meeting representing the CVS, a project that had been proposed for some time at the bowling alley. He felt that zoning ordinances work best when they are easy to understand and not overly complex. He felt that was important because people come to him, people come to the Village, people come to the Building Inspector, people come to the Village attorney and they really have just one question, "What can I do?" If the code is clear and simple, it becomes an easy task for people to understand what they can do and understand what they can't do. He thought it was important to always look at legislation that you are going to enact in that kind of a lens. He said he wanted to talk about the CVS project and how it morphed a little bit and how it has changed and how this law will affect that. But before he gets to that, he wanted to share some thoughts he had about Mr. Collins' comments about the whole idea is to develop a certain look in this community. He did not necessarily disagree with that overriding goal. But, he thought that the laws and the statutes the Village has on the books already are and will achieve that same end. One of the comments that Mr. Collins made earlier this evening was that you have begun to see a Main Street type streetscape starting to come around the corner from Main Street and up Sunset. Well, why has that happened? That has happened because a number of years ago the Village saw fit to make some very simple, very basic changes to the law in the B1 area including the changing of the setbacks to a 0 to 5 type orientation. That law by itself is what has created the change, like Arthur DiPietro's building - a Main Street building right on the sidewalk, Nick Vero's building - right up on the sidewalk, and will continue to create that kind of experience for

people and that kind of movement in the Village without having lots of involved and difficult to understand sometimes rules and concepts and design guidelines, a whole separate pamphlet for design guidelines. Specifically, to the CVS project itself, when we first started and we applied for that project, our goal was to use the existing building. It is a 20,000 square foot building and we thought that we could put our CVS store right inside there. That concept was really borne from the mistaken belief that people wanted to preserve the architecture of the building itself. That proved not to be the case and it also proved not to be possible for us to do that under the Code. What the Code, as it exists right now, forced us to do was to redesign a brand new stand-alone building for that site and to design a building that fit within the parameters and the requirements of the current Code that provided sufficient

parking, that provided opportunities for cross-access, all of the goals that Mr. Collins has stated as being important as part of this study, but all goals that can be met with the Code as it currently exists. Mr. Hulme shared an example of what the redesigned CVS building could look like. He said it was very reminiscent of the cupola style that you see throughout the entire Village. He said that having shown that, he thought that if you wander around the world looking at other CVS's, you quickly understand that CVS is very amenable to designing a building that is appropriate. They use a lot of Village or local input into what those buildings look like. You see a lot of different styles of CVS's and the reason why they are different is because different communities have different desires, different demands and different rules. They are very much attuned to that and very interested in satisfying that. He said he would take this building for a second and put it through the filter of the zoning codes that are proposed here. He said he would not go through it in great detail, but just cite a couple of examples. There is a new section 197.16B, subsection 3 that has been proposed that requires the design to relate to the neighborhood in which it sits. Right there is a question. What is this building supposed to relate to? Is this building supposed to look like the abandoned gas station to the one side? Is this building supposed to look like the Astoria Federal Savings Bank to the other side? Is this building supposed to look like the Firehouse across the street? Is it supposed to look like the Waldbaum's next door? He asked how you apply that standard. He said it gets back to the idea of

complexity, the idea of simple and easy to understand ordinances. Another section that would apply to this is the human scale of the thing, where Mr. Collins talked about the proposal that if it is granted for 3,000 square feet then the building has to look like it is multiple uses, even though it may not be multiple uses. That may or may not be desirable from a streetscape perspective, but from the retailer inside that store it may create a little bit of confusion as to how you actually get into the building if you have to make this multi-use look by putting multiple doors in the building. It raises issues of security and also how do people get in and what is the main door, things like that. The other thing that comes out of these proposed Code changes, and this is the one that he thinks that most significantly impacts this proposed project, is the idea that the largest project you can have as a right under these proposals, is a 3,000 square foot use. You can have multiple 3,000 square foot uses within the same building, but no single use as a matter of right can be larger than 3,000 square feet. He guessed that this concept is borne from the averages of stores that exist here. He suggested that this result derives more from the fact that the lots are smaller and parking requirements are higher here in any real economic or zoning purpose. He was not sure if it made sense, actually, to link a maximum as a right size to that 3,000 square foot dimension. But, beyond that, not as a matter of right, but with a special exception permit, you can go from 3,000 square feet up to 12,000 square feet and then for certain specific uses you can go beyond that. Already, the building that CVS proposes, which is a 13,000 square foot building, exceeds the 12,000 square feet maximum even with the special exception. He said he can understand what the 3,000 square feet was derived from, but he really did not have any understanding as to why 12,000 square feet was made as a maximum, as opposed to 15,000 square feet or 10,000 square feet or some other number. He said there was just no support that he can find in the report for that particular limit. He said an interesting thing to point out is there is a chart in the study that is an inventory of all of the uses and their sizes as they currently exist in the Village. It is interesting to go through that list and see how many of these spaces that we take for granted within the Village that could not be built under this Code as a matter of right. The bowling alley, for example, the Astoria Federal Bank, the Westhampton Post Office, the

Hampton Arts, the Waldbaum's, Six Corners Liquor, the Beach Bakery, Bank of New York, Hugh Merle's legal office, the Patio restaurant, the Rite-Aid, Eckart's. There is a whole number of them and he invited everyone to take a look at his list and see all of the things and all of the places and all of the businesses that we use on a day to day basis that under this new Code maybe ultimately could get built, but could not get built as a matter of right if this Code is adopted in its entirety. He thought that the goal of zoning and the goal of these kinds of things is to create a vibrant and varied Main Street, a vibrant and varied business district. He was not sure that this proposal, by limiting the size to such a small number and putting such restraints on anything that would be larger than that 3,000 square feet is the way to achieve that end. He said you need small uses, but you need large uses, you need large uses that have more general appeal to people to bring people into the Village so that they can then get attracted into some of the smaller uses. He felt that this was a better model and is a model that the current model achieves by its restrictions and

also by the physical restrictions of the Village, the size of the lots that are available and the like. He said that as the proposed Code sections indicate, if you want to build between 3,000 and 12,000 square feet, you do that as a special exception, but it is a new kind of special exception permit that you need. There is in our current Code certain uses that require you to get a special exception permit and there is a certain procedure, well understood, well used, well perceived procedure for meeting those standards. This special exception permit, however, has gotten some additional requirements that don't really have any precedent in the current Code. The main one is the requirement that each and every time you have an applicant who wants to build something between 3,000 and 12,000 square feet, a marketing study has to be done. So, over and over and over again, every time there is a use that wants to be 3,001 square feet or 5,000 square feet or 8,000 square feet, the Village, at the applicant's expense, which certainly adds to the cost of development in the Village, will cause a marketing study to be done. The results of that marketing study will be used to determine whether or not this particular applicant is entitled to a special exception permit or not. He said he kind of viewed that step as something that the Village should do prior to adopting these kinds of laws and the laws that you adopt be based on the results of those studies globally. Then you end up with a law that is very clear to understand, very clear to interpret and you are not left with an applicant who has to go through this whole process to get to the point where a marketing study is done and until the marketing study is done, not having any clear idea of whether or not they can actually undertake the project that they are hoping to undertake. He felt that particular requirement, out of all of the requirements, seems to be quite an onerous one and a requirement that

makes the ability to advise people as to what they can and can't do in the community a very difficult one to undertake. The need to do and do again and re-do and do over again, this essentially same marketing study, depending on the uses, seems to be an odd way to get to the end that you want to achieve. He said it was an end and a belief that he shares, but an end which he believes the Village will achieve in a very orderly way by the Code as it currently exists. It is working, it takes a long time for a zoning code to actually change a community, because you need buildings to change hands, you need uses to die out and new uses to develop. He felt the tools exist already in the Code as it is right now to cause that to move along and we are seeing it happen already.

Lou Cila said he was the owner of three of these properties in the B-1, adjacent to the Village Hall, that are involved in the change. He felt the real issue is a human thing. He said he does not live in the Village. He reads the papers and felt he should attend the meetings, but doesn't always do that, especially around the holidays. He said that when he spoke to the Building Inspector, Paul Houlihan and Mr. Collins, he was advised that he was not allowed to put up a bigger building on these three parcels. He said he felt that all this planning was appropriate, but as a taxpayer, he is not a voter, but he is a taxpayer, that unfortunately, most of this when he looks at the map, most of this land is owned by people who don't live here and don't vote and probably don't read the Southampton Press or any other local publications. Just like himself, he lives in the Town but he doesn't live nearby, he was a little bit taken aback by the impact that the HC zoning is going to have on his property. As an example, a year and a half ago he submitted a plan to put up a 2500 square foot building right in front of the old garage here. When he sat at the meeting he was told that although you are allowed to have a zero setback, you have to have twenty

feet from the back of the parking lot and so many feet per square foot for the building and when they laid the thing out it was like combining the two pieces of property together there wasn't enough room to put up that size building, because he needed more parking so he would have to make the building smaller so he just decided he really didn't want to be a developer so just he dropped the issue. But then when he started taking the numbers that are injected into the hamlet center and he took each of his pieces of property, he said that basically if you start applying some of those new codes maybe on the corner one that is only a 5000 square foot piece of property, he really couldn't put anything up on it. He said he knows there are probably some exceptions of rules or variances and all of that, but the real issue is as a property owner the people whose properties are involved in this decision should be told by the Village. They should be sent a letter saying we just want you to know that the current rules that exist that you always thought existed to put up a certain size building are now going to dramatically change and could possibly impact the value of your property. Somebody offered him a lot of money for this land, whether or not it is going to happen or not is a separate issue, but when you take commercial real estate and you say

you can only put up a 3000 square foot building but then you are going to have to give up 20 feet for this and 30 feet for that, so now you've got this little building that has a rental value of \$20 a square foot or whatever and all of a sudden the value of your property is based strictly in commercial on what it is worth to rent and you've got property that has no value or very little value or no where near the value that it had under the current zoning law. He felt the only thing he could ask as a taxpayer is that before you implement any plan you should really get the input of the people who are willing to show up and find out exactly what is going to happen to their investment in respects of values. Because on commercial property, what you can put on it determines what it is worth. And when you can't combine it and you can't do this and you can't do that, those are all factors and he didn't honestly know and it set him back a lot just in terms of what is happening. Does he have any control over it, you have the control over it, but you have the responsibility to represent not only the voting public but the taxpaying public, a lot of whom aren't here and probably don't even know this is going on. He did not know if it is allowed, and you guys can say we don't have to do that and you may not have to do that, but he thought it would be in the public's best interest to let all of these people know whose zoning is about to change that there is a proposed change and they might want to have some input into it.

David Assalti, owner of 103 Main Street where Haagen Daaz and Sydney's are, said he was listening to all of the proposals and the resulting change and his main concern is the sewage system that was proposed in the Master Plan and what is the schedule on getting a study done as far as the pricing. He had spoken to Don McPherson, the new owner of Magic's and the people next to 103 Main and they had all expressed an interest in what was going on with that schedule. He said he was here several months ago and it had been said that there was a study being done and he wanted to know with the new zoning changes, is a sewer district included in that whole scheme of things. He asked if it would be dropped from the Master Plan.

Mayor Teller responded that it would not be dropped from the Master Plan, but the Board was trying to figure out the price without spending taxpayer's money. He said they just had to update the figures they had within the next month or so.

Ralph Neubauer, 33 White Oak Lane, remarked that the sewage treatment and the sewage district isn't a foregone conclusion and his reading of the Master Plan seems to contradict what the Southampton Press extracted from that as well that there isn't a recommendation by this plan at this time for a sewer district to be constructed.

Mr. Collins said it was a two-part strategy as it relates to that. As a long term plan they continue to look at the feasibility of doing some type of sewage downtown and the short term solution is to address some potential issues by looking at doing a TDR program downtown. But there is no recommendation because the feasibility studies that really are warranted to make such a recommendation haven't been completed. That is why in the long term as it relates to that, the plan is to continue to look at the feasibility of doing that.

Mayor Teller asked if anyone else would like to address the Board regarding this matter. There being no further discussion, a motion was made to adjourn the public hearing to March 1, 2007. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

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**Local Law 2/2007 amend Chapter 178 Vehicles & Traffic**

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

Motion by Trustee Barnett:

WHEREAS, a resolution was duly adopted by the Board of Trustees for a public hearing to be held by the Board of Trustees at the Village Hall, 165 Mill Road, Westhampton Beach,

New York at 7:00 PM on February 1, 2007 to hear all parties on a proposed Local Law entitled "Vehicle & Traffic," and

WHEREAS, notice of said public hearing was duly advertised in the Southampton Press and posted at various public locations throughout the Village and

WHEREAS, said public hearing was duly held at the Village of Westhampton Beach, on February 1, 2007, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Board of Trustees determines that this action is subject to Part 617 of the implementing regulations pertaining to Article VIII (State Environmental Quality Review Act) (SEQRA), that it resolves itself lead agency that it has reviewed the EAF Part I, and lists this action as a Type 2 action, pursuant to 6NYCRR Section 617.5 (30), and accordingly, no further environmental review is necessary, and

WHEREAS, the Suffolk County Department of Planning, pursuant to §239-M of the General Municipal Law has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law, and

WHEREAS, the Board of Trustees, after due deliberation, finds it is in the best interest of the Village of Westhampton Beach to adopt said Local Law,

NOW, THEREFORE, the Board of Trustees hereby adopts Local Law 2/2007 entitled "Vehicle and Traffic" a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

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

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**Local Law 3/2007 amend Chapter 110 Unnecessary Noise**

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

Motion by Trustee Birk:

WHEREAS, a resolution was duly adopted by the Board of Trustees for a public hearing to be held by the Board of Trustees at the Village Hall, 165 Mill Road, Westhampton Beach, New York at 7:00 PM on February 1, 2007 to hear all parties on a proposed Local Law entitled "Unnecessary Noise" and

WHEREAS, notice of said public hearing was duly advertised in the Southampton Press and posted at various public locations throughout the Village and

WHEREAS, said public hearing was duly held at the Village of Westhampton Beach, on February 1, 2007, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Board of Trustees determines that this action is subject to Part 617 of the implementing regulations pertaining to Article VIII (State Environmental Quality Review Act) (SEQRA), that it resolves itself lead agency that it has reviewed the EAF Part I, and lists this action as a Type 2 action, pursuant to 6NYCRR Section 617.5 (30), and accordingly, no further environmental review is necessary, and

WHEREAS, the Suffolk County Department of Planning, pursuant to §239-M of the General Municipal Law has not identified any significant county-wide or inter-community impacts associated with the proposed Local Law, and

WHEREAS, the Board of Trustees, after due deliberation, finds it is in the best interest of the Village of Westhampton Beach to adopt said Local Law,

NOW, THEREFORE, the Board of Trustees hereby adopts Local Law 3/2007 entitled "Unnecessary Noise" a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

Seconded by Deputy Mayor Kametler 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 Deputy Mayor Kametler:

RESOLVED, that the minutes of the Trustee Meeting of January 4, 2007 and Special Meeting of January 17, 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 Barnett:

RESOLVED, that the Treasurer's reports for December 2007 and the Police Department and Building Inspector's reports for January 2007 are hereby accepted.

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

**Appoint Planning Board member**

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees hereby appoint Ralph Neubauer as a member of the Village Planning Board to fill a vacant term which will expire on May 31, 2010 and accept his resignation as a member of the Architectural Review Board effective immediately.

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

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**Appoint Architectural Review Board member**

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees regrettfully accept the resignation of Architectural Review Board member Randall Dean and hereby appoint Andrea Kaloustian as a member to fill the vacant term which will expire on May 31, 2009; and be it further

RESOLVED, that Steve Arrasate is also appointed as a member of the Architectural Review Board to fill a vacant term which will expire on May 31, 2007.

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

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**Authorize audit 2006-07 financial statements**

Motion by Trustee Barnett:

RESOLVED, that the firm of Giaquinto & Company is hereby authorized to audit the Village's financial statements for the 2006-07 fiscal year at a cost of \$12,750.00

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

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**Authorize 2007 St. Patrick's Day Parade**

Motion by Trustee Birk:

RESOLVED, that the St. Patrick's Day Parade Committee is hereby authorized to hold the 2007 St. Patrick's Day Parade on Saturday, March 10<sup>th</sup> @ 12 noon starting at the corner of Mill Road and Oneck Lane, proceeding down Mill Road to Main Street, ending at the reviewing stand.

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

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**Approve Chamber of Commerce 2007 Events**

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Trustees hereby approve the Greater Westhampton Chamber of Commerce 2007 events to be held on Village properties pursuant to the attached list.

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

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**Authorize WHB School Student Art Exhibit – Village Green**

Motion by Trustee Barnett:

RESOLVED, that the Westhampton Beach School District is hereby authorized to hold a student art exhibit on the Village Green on Saturday, May 19, 2007 from 7 a.m. to 4 p.m.

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

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**Authorize Southampton Hospital Fundraiser on Great Lawn**

Motion by Trustee Birk:

RESOLVED, that the Southampton Hospital Foundation is hereby authorized to hold a fundraiser for the Westhampton Primary Care Center on the Great Lawn, Sunday, May 27, 2007 from 6:30 p.m. to 11:30 p.m.

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

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**Authorize WHB Fire Dept. Dinner/Dance on Great Lawn**

Motion by Deputy Mayor Kametler:

RESOLVED, that the Westhampton Beach Fire Department is hereby authorized to hold a dinner dance on the Great Lawn, on Saturday, June 30, 2007 from 6 p.m. to 11 p.m.

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

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**Authorize Family Counseling Service Gala on Great Lawn**

Motion by Trustee Barnett:

RESOLVED, that the Family Counseling Service is hereby authorized to hold a Gala fundraiser on the Great Lawn, on Saturday, July 14, 2007 from 6 p.m. to 11 p.m.

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

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**Authorize Rotary Annual Flea Market on Great Lawn**

Motion by Trustee Birk:

RESOLVED, that the Westhampton Rotary Club is hereby authorized to hold the Annual Flea Market on the Great Lawn on Saturday, August 11, 2007 from 10 a.m. to 9 p.m. and Sunday, August 12, 2007 from 11 a.m. to 7 p.m.

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

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**Schedule public hearing- Local Law to amend Zoning Code**

Motion by Deputy Mayor Kametler:

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 197 to be held on Thursday, March 1, 2007 at 7 p.m. at the Village Hall, 165 Mill Road, Westhampton Beach.

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

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**Approve change order for Village Hall HVAC Contract**

Motion by Trustee Levan:

RESOLVED, that the contract with Dynaire Corporation for the Village Hall HVAC system is hereby amended by change order #7 in the amount of \$2,900.00 for the electrical wiring of the new airhandler system for the Communications Room.

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

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**Authorize appraisal of Glovers Lane property**

Motion by Trustee Barnett:

RESOLVED, that Hamptons Appraisal Service Corp. is hereby authorized to appraise a parcel of property located at 11 Glovers Lane and identified by SCTM# 905-12-4-4.18 at a cost of \$450.00.

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

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**Authorize survey of Village owned property**

Motion by Trustee Birk:

RESOLVED, that Norton Brothers Dunn is hereby authorized to survey a parcel of Village property identified by SCTM # 905-6-1-12 at a cost of \$1,650.00

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

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**Approve Village computer/internet usage policy**

Motion by Deputy Mayor Kametler:

WHEREAS, the Village is a member of the New York Municipal Insurance Reciprocal which has recommended that all participating municipalities develop and implement a computer/internet usage policy; and therefore be it

RESOLVED, that the Board of Trustees hereby adopt the attached policy.

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

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**Authorize sale/disposal of surplus vehicles**

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby declare the vehicles/equipment specified on the attached list as surplus or obsolete, and authorize the disposal and/or public sale of said vehicles/equipment as recommended by the Superintendent of Public Works.

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

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**Approve budget transfer**

Motion by Trustee Barnett:

RESOLVED, that the following budget transfer is hereby approved:

	<b>FROM</b>	<b>TO</b>
Fund Balance A590	\$50,990.25	
Village Hall Project H1500		\$ 50,990.25

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

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**Authorize warrant for February 2007**

Motion by Trustee Birk:

RESOLVED, that the warrant for February 2007 in the amount of \$288,933.30 for the General Fund and \$82,385.09 for the Capital Fund is hereby approved.

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

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**Public Discussion**

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion at 9:45 p.m. to adjourn the meeting to Executive Session. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

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Respectfully submitted,

Christine Owen  
Deputy Clerk