

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, January 4, 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

Mayor Teller opened the meeting at 7 p.m. with the Pledge of Allegiance. He wished everyone a Happy and Healthy New Year from the Board.

Presentations

Holiday Lighting Contest Awards

Trustee Barnett announced the residential winners of the Holiday Lighting Contest. (See attached list.) She said they had some very beautifully decorated homes this Christmas and the committee had a very tough time deciding who would win. She said this was the first year that people had to register to be in the contest and so that made it a little easier for the judges. Some people may have had very beautiful decorations, but may not have registered and maybe that is why they did not win the prize. Trustee Birk explained that this year they did something a little bit different. The first place winners received \$100 cash and all of the winners received a photograph of their house. She then announced the business winners. (See attached list.)

Police Proclamation

Mayor Teller presented a proclamation to Police Officer Joseph Pesapane in honor of his designation as the Police Department's Police Officer of the Year for 2006. He said he was also being recognized for his heroism on July 19th. (See attached proclamation.)

Police Lieutenant Trevor Gonce added that Officer Pesapane testified against the perpetrator mentioned in the proclamation and he was sentenced to four years and is hopefully awaiting deportation again. He said that this didn't happen in the Village, but these are officers that the Village puts through and they are working all of the time, no matter where they are, on-duty or off-duty, and all the residents should be proud.

Public Hearing:

Update of the Business Districts Plan

Mayor Teller opened the public hearing and said this was an update on the Business District plan.

Village Planner, Kyle Collins, said this was a very important evening in that this was the first public hearing on the 2006 draft of the Business District Comprehensive Plan Update. He said he would be going through primarily the plan aspects of the document tonight. He said the document is actually the update of the 1999 draft plan which was adopted in December of 1999 and consisted of two other planning documents. First was a Downtown Market Analysis Plan and Economic Enhancement Strategy and also the Westhampton Beach Downtown Audit. He said the Village Trustees, back in the spring of 2006, appointed a task force, six members, made up of business owners and also residents to assist in the review of the 1999 document. The task force met over a seven month period and put in long hours. He said the original 1999 plan consisted of five different elements.

First was the vision and goal section, which was identified for the downtown and business districts. Basically, those goals and visionings came out of that Westhampton Beach

downtown audit that was performed with public hearings. The task force went through each one of those goals and objectives and vision statements to determine which of those were still valid today, which ones were no longer valid or have been implemented since the adoption of that 1999 plan and made recommendations based on the changes since the 1999 plan. The next section of the 1999 plan was the business inventory, which identified the number and different types of uses within the various business districts. The third section is the assessment of the development potential within the business districts, the B1, B2 and B3 zones. The fourth was to identify a future land use plan based on the findings of those previous sections, really to create a blueprint on how the Village would develop in the future. The fifth element was the implementation strategies. Those implementation strategies consisted of several different mechanisms. Primarily are zoning regulations which will implement the recommendations coming out of the plan. Also, capital improvement projects will implement the plan, as well as certain acquisitions that can be made consistent with the recommendations of the plan. He then went over the various aspects of the draft in depth.

Mayor Teller thanked Mr. Collins and the committee and then asked if there were any questions from members of the audience.

Ed Dean, 99 Oak Street, said that according to Mr. Collins nothing can happen unless the Board of Health lets you put a sewer system in. He felt nothing was going to happen down there unless a sewer system gets in there. He said all these studies, they come up with the same thing. He said he has been here forty-five years and every four or five years we get a study of the same thing saying the same thing that was just quoted from the last study and five years from now we'll be here again.

Mr. Collins said he was correct in the fact that this issue had not changed since 1998. He said that it was not necessarily the case that nothing can happen without sewers. He said it depends on the property you have. There are always parcels that can currently develop but Mr. Dean is correct in that it is one of the major issues for the majority of the parcels along Main Street.

Bart Froiseth, said Mr. Collins had talked a lot about underdeveloped properties in the B-1 zone. He felt he had not talked about any specifics, what properties the Village was actually looking to acquire, who is going to be affected.

Mr. Collins responded that there was only one parcel that has been looked at to be acquired here and that is the parcel in conjunction with the proposed park alongside Moniebogue Canal. He said he wanted to clarify that and say it would require a willing seller.

Mr. Froiseth asked if the Village was changing the zoning to an HDC.

Mr. Collins answered that it was HC or hamlet commercial residential property.

Mr. Froiseth asked if he were to purchase property in this HC and it would have to conform to something, what would that do to the property value. Does the Village have the right to come and take it when we want to sell it? He said this will affect him.

Mr. Collins said there is no reference to the Village proposing to take anybody's property. It is proposing changing it from one zoning designation to another zoning designation. He said it permits the same uses that are permitted. However, it requires that the character of the development is consistent with the residential character. The intent there is to create these transition zones between the higher intense commercial corridors, i.e., Main Street and Sunset Avenue and the outlying residential areas.

Mr. Froiseth asked if there were any changes or plans in the future that design this to be commercial. He asked if he had a house in that area if there were any future plans right now in this plan that says when you sell it this will be commercial.

Mr. Collins responded that actually, in the HC zoning district, unlike in the B-1 zoning district now, your house is now a permitted use, where in the B-1 zoning it is not. Right now an existing house in the B-1 zone is a permitted use. However, if you had a vacant lot you could not build a house in the B-1 zoning district. The location where the HC zoning

districts are proposed are in those areas that are currently residential in character. The intent of that is to maintain that residential character without affecting the use as a business use. So, you could still convert your property or your house to a business if you so choose to, but it would have to maintain a residential character. This is not to say that you would have to keep your existing house. You could still re-develop that property, but whatever you re-developed it as would have to maintain that residential character.

Jim Flood, 59 Rogers Avenue, stated that on page 45 it says the Village should actively pursue the creation of a waterfront park along the east side of Moniebogue Canal. He asked if this was a child's playground.

Mr. Collins said that in the 1999 study they did talk about a playground. But, right now it is for a park. What components that park would take would come out of the stage during the review of that park. There is no specific recommendation to have a playground under this study.

Mr. Flood recommended the Village parking lot that is south of Mill Road and west of the Fire Department for a playground. He felt it was underutilized, was paved already and it would be very easy to put a playground in there with a very minimal expenditure of funds to do so.

Trustee Birk commented that there is a playground committee that was formed back in the early part of the summer and they will actually be doing a presentation to the Board at the January 17th work session to show what they have identified and what they want to propose to the Board. The primary site they have identified is the Yacht Basin, but the Farmer's Market parking lot that Mr. Flood was referring to is also one of the site locations. She said that nothing is concrete.

Mr. Flood asked if Trustee Birk felt that the location at the Yacht Basin with its proximity to water was safe. He was worried that a child might drown.

Trustee Birk responded that the toddler committee is trying to identify a location in the Village for toddlers, that is, pre-school age children. She said there are laws that require the playground site to have four foot high fences and self-latching doors and it is something the committee has thrown around.

Mr. Flood said that when he was a little kid he could climb over a four foot fence.

Trustee Birk said absolutely, but as you are well aware, all parents are different. Some parents are more hands on than others in watching, so there is always a flip side to everything.

A member of the audience said that children drown in the backyard pool.

Trustee Birk said that a child can drown in a bucket of water, but she said Mr. Flood's point was well taken as far as the playground is concerned. She said the parking lot is on the list of what the committee is looking at. The number one site right now is the Yacht Basin and they will be doing a presentation on January 17th.

Mr. Collins advised the audience that they had just completed the first phase of the study. That first phase consisted of himself, ADL III, which was the other consultant on this project, as well as the task force, reviewing and updating the 1999 document. He wanted to make sure everyone knows that it is a draft and it is not complete. He said the second phase is this public hearing process to get the input from the public, from the Village Trustees and the Planning and Architectural Review Boards. We are into the second phase of this planning process. The third phase is the actual implement or adoption and then subsequent implementation whether that be zoning regulations or some other implementation that will be determined. He said this will not be the only public hearing

regarding this. In the next public hearing he will be further reviewing the specific zoning regulations that are proposed to implement the recommendations coming out.

Jackie Bennett, Parlato Place, said she and her husband own the parcel that the Village would like to turn into a park. She said it is her side yard, the only yard she has. Her house creates this zone, so it is right on the line, so she has no side yard and almost no

backyard. The whole yard goes over there to the water. She wanted to know if the Village takes that, what would she do? She asked if the Village has its eyes on this and is willing to wait patiently for twenty years like a snake in the woods, does this mean that she can't go to the Planning or Zoning Boards or the Building Department, nobody is going to let her do anything because the Village has got their eyes on her land.

Mr. Collins responded that she has the rights under the zoning that her property has. As the current owner of that property and the requirement of having a willing seller would determine how much land that she would sell and where those new property lines would be. He said the proposal does not include the fish store as part of the park, because they found that to be an asset to the Village. That would actually be carved out as part of the process to create that park. He said if she so chose to sell the property to the Village, she would determine what side yard and rear yard she would have as it relates to how much she sold to the Village.

Village Attorney, Hermon Bishop, said that it was also clear that there would be no zoning change with respect to that property. He said it is zoned B1 now, so she would be able to do whatever she wants with that property. This is a plan, not legislation that will change the use or development of that property.

Mr. Collins added that there is no proposal to re-zone that to open space conservation. There is a zoning category within the Village Code that says open space conservation. There is no proposal here to rezone that. He said that would restrict Mrs. Bennett's property extremely if that was the case. That is not the intent here.

Trustee Birk said that this plan is to give we as Village residents a vision as to how we want our Village to be. We are not talking here that we are going to take your property from you, that is not the intent of this. It is to give us a vision of how we want the character and the layout of our Village to be. She said we are in phase two right now and she was happy to see all these people here because we all live here and people need to give the input of how we want our Village to be. In an ideal situation we would love to keep that space open, but it is Mrs. Bennett's land now and the Village is not coming after her now or in twenty years.

Mr. Collins said that Mrs. Bennett or another future owner would have to step up to the plate if that recommendation was to be implemented.

Bill Bennett, husband of Jackie Bennett, said they were a little gun shy, to say the least. Back in 1965 their family was approached to put the south municipal parking lot in. At that time his mother-in-law had business people looking at it and she was offered a price. He said to make a long story short, the Village condemned it – two acres on the waterfront – and made a parking lot out of it. He did not believe you could do that today with that being the flood plain the way it is with the DEC permits and everything else. He felt you could not make a parking lot there today with the drainage system they have. He said when this Village incorporated, his father-in-law was the first Chief of the Fire Department. He served eight to ten years at that. He put a building up and bought the first ambulance in the Village and he was only in the grave two years when they took the property away from his mother-in-law. He felt that if he was alive, the Village would never have touched it. He was too powerful a man in this Village. He said that what he was getting at was that if the Village sterilizes that land for twenty years it is going to have a condition on it. He said it was left to Jackie and himself and they want to leave it to their children. He asked if that was asking too much from anyone in this room with your own home, your own yard, just because you are close to the business area. He said he guaranteed that you could bulkhead the whole thing, which they have never done – they left it open space, it would not be used for boats, but by schoolchildren with their beer and cigarettes doing what some young people do. He felt it will not be any different than the park in Riverhead on the water. He said Riverhead Town had so many problems and they just spent about ten

million dollars to straighten that mess out, but he did not feel they had straightened it out. He said he and Jackie had been in this Village their whole lives, they were born here. He served as a fireman for thirty-five years and served on the first Conservation Council that Ted Hulse appointed him to, so he has done his share of volunteer work. He said they have fifty fruit trees on that property and also fourteen pairs of purple martins, they are protected. He has an osprey on the corner, an endangered species. He felt he has a park for wildlife, not for Saturday night wildlife.

Mayor Teller responded that in all honesty, as long as he sits on this Board, they will not take the Bennett's land for a park. He said this is only a preliminary document. There have been many more that he has reviewed back since the eighties and none of them have ever been fully implemented. Some of the suggestions are very good, some of them most of us can't live with. He said the Board had not reviewed it amongst themselves. They had read it individually, but they had not had any discussions. This was the first public meeting. He said they will continue with the public meetings and they will review it. He emphatically stated that he would not see any local person hurt by a piece of paper. He asked the audience how many of them were interested in a sewer district.

From a roomful of people, a few hands were raised and a few people said they wouldn't know until they had seen the figures.

Deputy Mayor Kametler said the figures were getting so high, they probably couldn't even count it up.

A member of the audience said that clearly, this report indicates that a sewer district isn't the lone solution to progressing with the B-1 business district.

Mr. Collins said that was correct.

Jeanne Rakowski, 256 Main Street, said she had been a Westhampton Beach resident for quite a while on and off and everybody knows that Susie Rogers (a local artist) did this painting and everybody in this room knows where it was from (she held up a picture of a flower garden in front of Bill Bennett's fish shop). She felt that if you pave paradise and put up a parking lot, you waste this. She said that this is the soul of Westhampton Beach.

Elyse Richman, 78 Rogers Avenue, asked Mr. Collins what type of businesses he would like to see here and how the Village would attract them and support the businesses that are here already.

Mr. Collins replied that one of the recommendations coming out and that was a particular issue that came out of the 1999 study, was to determine what the appropriate use mix is for the downtown area. He said that if you really want to have a true downtown, you want to have a diversified use mix. One of the recommendations here is to consult, not to do a complete study, because a lot of the groundwork has been done as it relates to this, but to consult a commercial retail mix expert to give some direction as it relates to that. He said it is a very specified field on that. As it relates to attracting businesses, we do have a Chamber of Commerce, there are funds as it relates to the ability of the Chamber of commerce. He said another way to galvanize the business community is something called a BID, business improvement district, which actually has the authority to raise funds for doing street and façade improvements or other types of things in the downtown area. He said that absolutely as part of that plan what would come out of that is a marketing strategy to get people to come downtown.

Harris Palmer, 69 Beach Road, asked if this will be completed before the consideration of zoning code changes are undertaken.

Mr. Collins said there are no zoning code changes right now that are proposed that would limit types of uses.

Mr. Palmer asked if any changes that are suggested by the revision of this plan would be held until the retail study is complete.

Mr. Collins said no, because there are no changes proposed. The reason there are none proposed is because the recommendation is to consult with an expert as it relates to use

mix in the downtown area. So, there is no proposal in this that says what types of uses should go where, so there are no current regulations that are proposed that would address that issue.

Elyse Richman asked if real estate offices can keep opening and banks can keep opening, will this keep going on.

Mr. Collins said there is nothing about types of uses currently proposed. There is proposed legislation as it relates to size of uses that can go on. That is the reason why we identified what the existing character of the uses or the sizes of the uses within the business district is now.

Ms. Richman said only because you'll lose all the mom and pop.

Mr. Collins said there is a proposal to limit the maximum size of buildings as a right to 3,000 square feet. There are some exceptions to that which would need further analysis. The reason we went to the 3,000 square feet was based on the analysis that was done of existing uses that exist in the Village now. By special exception you could go larger than that and we will go through that in more detail at the next public hearing. But that is only as it relates to uses, it is only the size of uses, not types of uses. Types of uses and location of uses would come out of that further consultation.

Claire Merle, 44 Mill Road, asked what the study proposed behind the post office on Beach Road on both sides. She asked about the vacant lots.

Mr. Collins responded that this was HC, hamlet commercial residential. He said that was what we were discussing before. Hamlet commercial residential does not affect the uses currently under the B-1 zone. It affects the type of development that would exist on those lots. The intent is to keep the residential character associated with those areas.

Mrs. Merle said that is not what she had heard.

Trustee Birk said we can get someone else in and do a study of what the best retail mix is. She said she was really excited that they were finally to a public forum. She said we all live here. She asked what everyone wanted to see, what kind of stores would bring any of them out to spend money in the Village. She said she didn't know if we need a specialist to tell us what would go best here. We live here, we should be able to identify what we want to spend our money on and if we need more and if not....

Mr. Collins said there are certain aspects in that the business district and the businesses within the business district aren't exclusively patronized by the Village residents. Although it would be nice to get that analysis, and probably a survey would be done. But, there is a bigger threshold population that serves these businesses that are outside the Village boundaries and those types of analysis is what those types of experts would provide you.

A member of the audience asked what type of retail store needs 3,000 square feet and what the size of the average retail store downtown is. He thought it was about 600 to 800 square feet.

Mr. Collins said that right now there is no maximum square footage, right now it is unlimited depending on what the size of your site is and your site constraints depending on your parking calculations, you have to provide so many parking calculations. Right now it is to be more restrictive as it relates to size of uses to try to maintain the existing character of the uses that we have in our downtown instead of going to the big box retail use that typically is at the expense of those smaller stores. He said the average size of a retail store downtown is approximately 1,900 square feet and all business uses about 2,500 to 2,800 square feet. But, you have to realize when you take into that calculation you do have some larger stores that makes that number rise a little bit.

A member of the audience asked if it is actually possible to specify what kind of stores we would like, don't the people who are going to be the business people have to come and

say, "I want to open a certain business". If we want National's back, can we go out and woo a five and dime.

Mr. Collins said absolutely. This would be something that the Village and/or the Chamber of Commerce could actively pursue those types of uses.

Deputy Mayor Kametler asked Mr. Collins how active the Chamber of Commerce had been with him and this report.

Mr. Collins said he had received a request from the Chamber to make a presentation at their January meeting. However, he said this Board has not directed him to reach out to the Chamber or the Chamber to reach out to him. He said if he were to do that presentation he would need to get authorization from this Board.

Hugh Merle, 17 Beach Road, said that Mr. Collins had made a representation that there would be no taking of property without a willing seller and you could not use Community Preservation Funds for that. He asked what was to prevent the Village from using funds, because the last time he had read the Real Property Law any entity such as the Village can condemn a property. He said they can't use Community Preservations Funds, but they have the authority to raise other funds. He asked if Mr. Collins was saying that he was not recommending any condemnation of property.

Mr. Collins said that would be up to the Board. He said his recommendation is the most likely funds to come up with would be CPF and absolutely, he would never put in any of his planning documents a recommendation of condemnation of anything. Nor does he think that any municipality that he has ever worked with, particularly on eastern Long Island, would be willing to use the "C" word, as they say.

Mr. Merle said he owns 15 Beach, which is one of the three vacant lots. He said the reason he asked that question is that he was approached blindly and they asked what he thought about the proposal to put a sewage pumping station next to the Village Green. He said he had not heard anything about that. He said Mr. Collins had mentioned that they needed some sewage facilities and they could not be put south, they would have to be put north, one on Sunset and one on Beach.

Mr. Collins said that was an alternative that was identified in one of the reports.

Mr. Merle said that linking the two, your first representation is that you're not going to be taking any property and you have to be a willing seller, but if the recommendation came in for a sewer district that we either need holding tanks, pumping facilities or some type of facility north of Main Street, i.e. the Village Green, are we supposed to be basically penalized for not developing that lot. He said that if he had put up a building, he would not be eyeing it right now.

Mr. Collins said he is not eyeing anything.

Mayor Teller reiterated that there is no intention of this Board, nor is there any money to buy any land.

Mr. Merle said he hopes that Mayor Teller has three or four terms in yet. He said there will be someone out there that will challenge Mayor Teller a year and a half from now who thinks it is the greatest idea to put a sewer district in.

Mayor Teller said he didn't even want to tell somebody that their condos were overlooking a potential sewer pumping station. He said he is not interested in it in any way, shape or form. He said nobody has shown him a reason for it yet. He has been Mayor six months and he has not received one phone call asking for a sewer district, nor when he walked around knocking on doors did anybody run out with their arms out and ask him if he was going to do it. He said he is not going to do it until the public in this Village says it in its entirety, not just the businesses.

Trustee Levan added that that they mailed 3,680 Village View newsletters to all of you and also to residents who are in New York and in Florida. We received exactly eight responses regarding the sewer district. She did not feel it was the "hot button issue" that everybody thought it was.

Ms. Richman asked about the other land that Mr. Collins was talking about on Glovers and on Sunset. She didn't think the Village owned that either.

Mr. Collins said that they were not proposing to take that either. He said as it relates to site plan approval, let's use the Sunset Avenue, the approximately two acre vacant site. They would have to come into the Planning Board. There are two options. You can use two models. You can use the model that is consistent with the existing pattern of the Village

which would push the building along Main Street and put the parking to the rear. For any site plan approval you have to provide adequate parking on-site. The other model is you can put the parking lot on Sunset Avenue and put the building to the rear of the site. The recommendation coming out of this report is to maintain that existing streetscape that is established along Main Street. Again, to be analogous with Job's Lane or Newtown Lane that is part of the Towns of Southampton and East Hampton. The question is, how are you going to get that. Through the normal course of a site plan review, the Planning Board determines where the parking is going to go and where the access to that is. They can require cross-access agreements as it relates to those things, as they typically and often do. That is how you would get that. It wouldn't be through a purchase. It would be through the redevelopment. However, there could be some proactive approach in trying to get some of those other properties, particularly the ones that are north of the buildings that front on Main Street, east of Glovers Lane. That is underutilized, could be more efficiently utilized for parking. There are some mechanisms where you could try to give those property owners incentives and this was done very effectively out in Bridgehampton for the public parking that was done behind the shops on the north side of Main Street. Prior to about ten years ago, the Town took the initiative, reached out to the business owners, got easements over those properties and now created a parking lot that is available to everyone and provided much needed parking in the Bridgehampton area. That was a public/private partnership that was done with the business owners to create that parking in the rear. First you can do it through the site plan process. The other is through granting easements and maybe some incentives to those property owners in exchange for what is one of the proposals under the legislation - to have some waiver of some of your parking requirements if a public easement is granted for parking, to achieve the objective identified on that future land use plan.

A member of the audience said that no one uses the parking lots, even in the summer the only time the community uses it is when they have the farmer's market.

Mr. Collins said that is because there is a disconnect there because nobody knows it is there. The relationship between Main Street and the new Mill Road parking lot is Glovers Lane. That was identified in a 1999 plan as well as identified here. As Glover's Lane redevelops, that connection will be made. He said that was correct right now that this parking lot is totally underutilized.

The same member of the audience asked if they were going to open another parking lot and then nobody is going to know about it either.

Mr. Collins responded that this parking lot was associated with further development if it is on the Planning Board. He said you have to provide your adequate parking for the uses that you are proposing. The other one is really for circulation issues, to try and alleviate some of those turning conflicts onto Main Street by providing that circulation alley on the north side, which would also accommodate some parking which right now it would be closer to your parking demand as it currently exists. He said the audience members point was well taken. Right now Mill Road, as currently exists, the parking demand is not up there. But that is not to say that the parking demand in the future would not be for that. Maybe there is some interim use, there is a proposal to use some of that as a park right now. The parking that we are talking about directly behind the stores on north Main Street is to try to further utilize that land efficiently, which is not now being done, for parking where the parking demand is currently generated from.

Kevin Fitzgerald, 48 Main Street, said that while they were talking about business development, one of the problems he had as being a retailer in the Village was the parking issue where the people don't follow the time limits or time restrictions on the parking downtown. We have many, many people who work in the Village just parking in front of the stores and it hurts the retailers. He said he does custom framing and he has people literally walking three blocks, he had a fifty year old woman walking blocks to bring a 40" frame because she couldn't find parking. He asked if anything was going to be done to address that. He said public parking was great for the crowds at night, but what about the actual retailers that are trying to do business and people can't get into their stores because they have to park four blocks away.

Trustee Barnett said she had been thinking about what he was saying. She said the parking lot on Mill Road that is underutilized could accommodate all the employees of the shops on Main Street and leave parking available for the patrons.

Dennis Yuen, President of the Chamber of Commerce, wanted to state that the Chamber of Commerce offered to have representation on the committee but more or less the committee was filled out. He said he had been monitoring it through a couple of the committee members, but the Chamber is willing to commit to communicate with Mr. Collins and the Board and give them their input.

Mr. Collins said he did get their request and if he gets authorization from the Board he would be happy to make that presentation.

Mr. Bishop asked Mr. Collins if the only apparent zone change that there would be in the Village was the change from the Business 1 to the Hamlet Commercial. He asked if he would explain what exactly would be the changes. He said that Mr. Collins had indicated there would be no changes as to uses, but would there be any dimensional changes or any setback differences.

Mr. Collins responded that he would go over it briefly and he would go further at the next public hearing. He said that specifically design standards residential in character, maximum size of one building is 3,000 square feet as a right, could go up to 6,000 by special exception. However, you have to take into consideration even if you have a maximum of 3,000 square feet, your site would have to be able to accommodate 3,000 square feet. He said that if you had a large enough site, you could have multiple 3,000 square foot buildings. The intent here is to keep the character of the existing residential lots. Some of those sites that the HC has proposed are on sites that can't even accommodate a 3,000 square foot building. He said that just because there is this 3,000 square foot limit, every building will not be able to be built with 3,000 square feet. He said that with reference to the front yard and side yard setbacks, everything has to be done in residential character. As to the setbacks, there is a proposed dimensional table within the Code. The setbacks are consistent with residential setbacks. Right now in the B1 zone, actually you are mandated to build either 0 or 5. If a house on Potunk right next to the R1 zoning district down the street from the Village Hall where the B1 zone stretches about six to seven parcels down Potunk, if that house was torn down for residential use, that property would have to be redeveloped with a building that sat no more than five feet off the property line and it could go from lot line to lot line, so it is zero setbacks. Under the HC the minimum setbacks are set back to 30 feet, which is probably consistent with the existing setbacks there and the side yard setbacks are 15 and 15 for a total of 30. There is also a rear yard setback for the building. The intent here, though, is any parking, one of the requirements here is that parking be placed in the side and the rear yard. When you talk about a rear yard setback, that is not a rear yard setback for your parking. Your parking would be 10 feet off the property line. So, it would only be for buildings. The intent here, again, is through both dimensional setbacks, as well as building size and design standards, maintaining that residential character associated with those transition areas from the higher intense commercial development and the outlying residential districts.

Mr. Bishop wanted to state for disclosure purposes that he is Hermon J. Bishop, that he is the Village Attorney, that he resides at 114 Potunk Lane in Westhampton Beach and he owns that parcel. He stated that he also owns 159 Mill Road in Westhampton Beach. He said that both parcels are located on Six Corners and are currently zoned B1 and the proposal seeks to change that to Hamlet Commercial.

Trustee Birk stated that she is Toni-Jo Birk, that she is a Village Trustee and her family owns a parcel on Potunk Lane that is currently zoned B1 and it is also being looked upon as Hamlet Commercial, and pertaining to that, she just wanted to disclose this.

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 February 1, 2007. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

Local Law amend Chapter 178 Vehicles & Traffic

Mayor Teller opened the public hearing and asked if anyone would like to address the Board.

Aram Terchunian, 28 Woodland Avenue, said he understood that the Board was considering banning parking completely on the east side of Oneck Lane and he just wanted to advise them of the various discussions had at the Board of Education meetings regarding parking along Oneck, as it has been an issue for them as well. He said they recognize that the roadway is narrower there than in some other areas. They had tossed around the idea of requesting the Town to restrict parking on the west side of Oneck. It is currently restricted to school hours and they had considered asking the Town to restrict it to Monday to Saturday until 9 pm. He said the real problem there is that when there are sporting events, people park on both sides of the road and it is virtually impossible to navigate even one way safely. The other use that occurs there is for a lot of practices and there are a lot of parents and coaches that tend to park along Oneck to participate in those practices. He said the consideration that the Board of Education had was that by eliminating parking on the west side, which is the non-curb side and which fronts on residential parcels, would be the better place to do it if it was going to be done, because the east side is curbed and fronts on the school the entire way. By allowing parking after school hours and on Saturday and Sunday during these practices and sporting events, people could still park on the east side. If you had a practice that was on the far north end of the field you wouldn't have to park in the parking lot eight hundred or a thousand feet away in order to bring your equipment and do all the other things. They had considered requesting that the Town only restrict the parking from the entrance to the school by the tennis court north to Montauk Highway in that one section. He said they had realized that parking on both sides is a hazard and it should be addressed. They did not want to request that the Village ban it completely on Oneck, because they felt that would not just be inconvenient for people that were accessing the sporting fields during practices, but also the people that live on Oneck would not have parking when they had guests over.

Trustee Barnett commented that it did seem to make sense to park on the east side of the road to be close to the school so you are not crossing the street. She asked why they would not ban it from the entrance of the school parking lot south. She said the road was still just as narrow.

Mr. Terchunian responded that it was experience based. He said that what happens is that it is banned there during school hours now, so nobody parks in that area during school hours and during sporting events that is not really an area where they park. There is no parking on either the east or the west side of Oneck during school hours all the way from Mill to Montauk. That area from Mill to the entrance by the tennis courts is available for parking after school hours and on weekends. If you have a football game, you would get some parking in that area but if they are having a practice or something like that or a smaller event, that area barely gets used at all. It really is experience based. When you

look at the intensity of use and the convenience of use, it is that area from the entrance at the tennis courts to Montauk Highway that is the most valuable for those people.

Mayor Teller said he wished they had conveyed this to the Board when the school had asked for no parking down there.

Mr. Terchunian apologized saying he was not aware they had done it that way.

Mayor Teller said that personally as a former Chief of Police, he did not feel there should be any parking on that road as it was too narrow. He said that on the other side they can squeeze them up on the lawn a little bit, but the school side is a little tough, but that was only his personal opinion.

Ray Dean, Chief of Police, commented that the original proposal came from the school asking for no parking on the east side. He said he concurred with the Mayor because on the east side of the roadway, when cars park along that roadway, because of the curb they are parking in the roadway. He felt it does make more sense to allow parking on the west side. He said that had been the discussions he had with the school district and this was news to him.

Mr. Terchunian again apologized and said there had been a slip.

Jim Hulme, 323 Mill Road, added that what they had intended to ask for, from the school's perspective, was the ability to not have parking on the school side of Oneck during special events to address the very issue that Mr. Terchunian has raised as well. He said that perhaps it was too late to do anything about this, but if the Oneck part of this resolution could be redacted for the moment, perhaps the School Board and the Village Board could approach the Town about addressing the parking across the other street. He felt that some of Mr. Terchunian's comments were right on point. If you are going to allow any parking on either side, the best place to have that parking is on the side with the sidewalk and curb. He said the School Board would be happy to work with the Village to work with the Town to deal with that issue, because it is an important issue that affects the community and affects the school.

Trustee Barnett said the Village Board would be glad to work with the School Board and asked Mr. Hulme to write the letter and get it started.

Mr. Hulme responded that he would be happy to do that.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion to close this hearing pending amendments to the law. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

Local Law 1/2007 amend Chapter 197

Mayor Teller opened this hearing and asked if anyone would like to address this Board.

Village Attorney, Hermon Bishop, explained that this was an adoption of a moratorium extension with certain additions to allow applications to be excluded from the moratorium. He said they were withdrawing the prior moratorium law and any application that deals with the change in use of an existing building that does not require a variance, that would not be subject to the moratorium. Any addition or alteration of an existing building not more than twenty-five hundred square feet and does not require a variance, that would not be subject to the moratorium. Any interior alterations to areas occupied by a business, that would not be subject to the moratorium. Areas occupied by a business would not be subject to the moratorium. Applications submitted to comply with disability requirements of federal and state regulations would be outside the moratorium and sign permits would be outside the moratorium. In addition, the period of the moratorium would be shortened from one hundred eighty days to one hundred twenty days.

Mayor Teller asked if anyone would like to be heard. There being no further response, he made a motion that this hearing be closed. Seconded by Deputy Mayor Kametler 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 January 4, 2007, to hear all parties on a proposed Local Law entitled "Zoning" 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 January 4, 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 1/2007 entitled "Zoning" 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

BMB Enterprises - exemption from moratorium

Mayor Teller opened the public hearing and asked if anyone would like to address the Board.

Architect, Nicholas Vero, 120 Mill Road, appeared on behalf of Barry Bernstein of BMB Enterprises, LLC, 145 Main Street. He said that they are looking for an exemption from the moratorium from Local Law #2/2006 and he requested the Board to consider their request for the following reasons:

The owner, Barry Bernstein, has received Planning Board approval for a 3,000 square foot one-story retail building located on the southwest corner of Main Street and Library Avenue. This approval was granted on August 18, 2005 with the requirements that a building permit be received within six months and the building be completed within eighteen months. He said they had not secured the building permit due to Mr. Bernstein's financial situation, but he is ready to do so now. He said they assume if their request is granted, the Planning Board will grant the extension of the original approval as it was approved back in August of 2005. They have the permits from Suffolk County Department of Health Services for an on-site sanitary system and that is on file with the Planning Board. The project as outlined in the Planning Board approval will not have any impact on endangered plant or animal species, wildlife or other similar environmental concerns. The

extent of the proposed development of this property is to improve the existing vacant parcel with a new building, parking area, sanitary system and landscaping as per the approved site plan dated May 20, 2005. He said it was their opinion and the Planning Board's opinion that the proposed development is compatible with building and zoning and is in character with the neighborhood and from the presentation earlier tonight made by Kyle Collins, it appears that this building at 3,000 square feet, will comply with what is recommended for future zoning.

Mr. Bishop said that Mr. Vero's client had submitted a letter dated December 7, 2006 where he is requesting relief from the moratorium to go to the Zoning Board of Appeals for twenty-four hundred square feet of storage space and also for relief from...

Mr. Vero interrupted and responded that his client was withdrawing that and they are staying with the original application and going forward with the original approval.

Mr. Bishop said he just wanted to make sure for the record since it was part of the file.

Trustee Barnett said that in the original application there had been plans for an apartment above the retail space.

Mr. Vero responded that Mr. Bernstein would like to eventually do that but they just don't have sanitary or flow.

Trustee Barnett asked if they do that in the future, what would be the square footage of the total building.

Mr. Vero said it would depend on the size of the apartment. If they were to do a 600 square foot studio apartment, then we would be looking at 3600 square feet. If we were to get an 1100 square foot apartment meeting with the requirements of the Health Department, then we would be looking at a 4100 square foot building.

Trustee Barnett commented that we always like to think about apartments above the stores.

Mr. Vero said he had planned his building on Mill Road that way, too, and he needs to get an exemption from the Health Department for some additional flow.

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

Motion by Trustee Birk:

WHEREAS, BMB Enterprises, LLC, (hereinafter referred to as "applicant",) is the owner of real property (hereinafter referred to as "the premises") located at 145 Main Street, Tax Map No.: 0905-11-2-29 in the Business 1 Zoning District; and

WHEREAS, applicant obtained site plan approval from the Planning Board of the Village of Westhampton Beach on July 14th, 2005, respecting improvements to the premises; and

WHEREAS, applicant seeks the issuance of a building permit by obtaining an exemption from Section 197-96 respecting a moratorium affecting properties located in the Business 1, Business 2 and Business 3 Zoning Districts in the Village of Westhampton Beach; and

WHEREAS, applicant subsequently submitted a purported amendment to the instant application permitting applicant to obtain relief of provisions of Chapter 197, Zoning, which would be in contravention to Chapter 197-96.4 requiring that the applicant establish that the exemption proposal complies with all provisions of the current code; and

WHEREAS, a public hearing was held on January 4th, 2007; and all persons present at that hearing had an opportunity to speak on behalf of or in opposition to the application; and

WHEREAS, the Board of Trustees of the Village of Westhampton Beach has reviewed applicant's Environmental Assessment Form Part 1.

NOW THEREFORE, after due deliberation, the Board of Trustees finds as follows:

- 1) That the above action is subject to SEQRA pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and its implementing regulations.
- 2) That the Board of Trustees resolves itself lead agency for purposes of this action and that there are no other involved agencies.
- 3) That the Board of Trustees resolves that this action is an unlisted action, pursuant to 6NYCRR Section 617.2, and due to the nature of the action, the application is not expected to result in any significant adverse environmental impacts.
- 4) That, accordingly, the Board of Trustees hereby adopts a negative declaration as to this application.
- 5) That pursuant to 197-96.4 (Exemption from Moratorium), after consideration of all of the facts and circumstances of this matter, the application dated November 10th, 2005, is granted for the issuance of a building permit pursuant to the site plan approval granted by the Planning Board of Westhampton Beach on July 14th, 2005, together with all covenants, restrictions and declarations filed or to be filed in

accordance therewith and further provided that the issuance of said permit would comply with all provisions of the Code of the Village of Westhampton Beach.

- 6) That with respect to any further exemption from the Moratorium, especially the relief sought in applicant's letter of December 7th, 2006, same is denied. To grant such relief would be beyond the authority of this board, under Section 197-96.4 of the Village Code.

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

Walbaum's (Spa 77 N.L.P.) exemption from moratorium

Mayor Teller opened the public hearing and asked if anyone would like to address the Board.

Jim Hulme, from the law firm of Kelly and Hulme, PC, said he was here as the attorney for Waldbaum's. He said there was a site plan application filed back in 2005 to expand the Waldbaum's into the former National's portion of the store and to completely redo the parking lot, the landscaping and the street scape of the current Waldbaum's site. The application was completely and rigorously reviewed by the Planning Board and was approved in the fall of 2005. Unfortunately, between then and the onset of the original moratorium, we were unable to get the final plans before the ARB and get a permit issued prior to the onset of the moratorium. In addition, while his clients are greatly interested in having this project done, they do not want to do this project in the middle of the summer, which would certainly disrupt their business. He said they have filed all of the necessary paperwork for the building permit. They have not yet been to the ARB officially, but they have discussed this application a number of times with the ARB and they have indicated unofficially that what his clients propose is acceptable to them. He said they are ready to go now and believe that if they can get this exception at the current time, they will be able to complete the project on or before Memorial Day so they don't have any interference with the summer. If they were to wait until the expiration of the moratorium, it wouldn't happen until the fall. He said they have gotten two extensions from the Planning Board of their approval, but they have indicated that they would not smile too kindly on another request for an extension of that approval. He said that all things point to them wanting to get going

as quickly as possible so they can get this project finished and not interfere with the Village during the summertime.

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

Motion by Deputy Mayor Kametler:

WHEREAS, Waldbaum (SPA 77 N.L.P.), (hereinafter referred to as "applicant"), is the owner of real property (hereinafter referred to as "the premises") located at 70 Sunset Avenue, Tax Map No.: 0905-12-4-20.1 in the Business 1 Zoning District; and

WHEREAS, applicant obtained site plan approval from the Planning Board of the Village of Westhampton Beach on October 13, 2005, respecting improvements to the premises; and

WHEREAS, on December 14th, 2006 the Planning Board extended applicant's time to obtain a building permit from October 13th, 2006 to April 13th, 2007; and

WHEREAS, applicant seeks the issuance of said permit by obtaining an exemption from Section 197-96 of the Code of the Village of Westhampton Beach respecting a moratorium affecting properties located in the Business 1, Business 2 and Business 3 Zoning Districts in the Village of Westhampton Beach; and

WHEREAS, a public hearing was held on January 4th, 2007; and all persons present at that hearing had an opportunity to speak on behalf of or in opposition to the application; and

WHEREAS, the Board of Trustees of the Village of Westhampton Beach has reviewed applicant's Environmental Assessment Form Part 1.

NOW THEREFORE, after due deliberation, the Board of Trustees finds as follows:

- 7) That the above action is subject to SEQRA pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and its implementing regulations.
- 8) That the Board of Trustees resolves itself lead agency for purposes of this action and that there are no other involved agencies.
- 9) That the Board of Trustees resolves that this action is a Type 2 action, pursuant to 6NYCRR Section 617.5(19) and (27), and accordingly no further environmental review is necessary.
- 10) That pursuant to 197-96.4 (Exemption from Moratorium), this application would result in the issuance of a building permit that complies with all other provisions of the current Code, and after consideration of all of the facts and circumstances of this matter, the application is granted.

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

Regular Meeting:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Levan:

RESOLVED, that the minutes of the Trustee Meeting of December 7, 2006 and Special Meeting of November 9, 2006 are hereby accepted.

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

Accept departmental reports

Motion by Trustee Barnett:

RESOLVED, that the Treasurer's reports for November 2006 and the Police Department and Building Inspector's reports for December 2006 are hereby accepted.

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

Approve 2007/08 real property tax exemptions

Motion by Trustee Birk:

RESOLVED, that the Board of Trustees acting in the capacity as the Board of Assessors hereby approve the attached list of taxpayers to receive aged exemptions, disability exemption, veterans exemptions, clergy exemptions and volunteer ambulance workers/firefighters exemptions for the 2007/08 tax year as indicated: (see attached list)

Seconded by Deputy Mayor Kametler. Mayor Teller and Trustee Birk recused themselves from this vote. Motion approved. 3 Aye, 0 Nay

Schedule Grievance Day – Tuesday, February 20, 2007, 1 p.m. – 5 p.m.

Motion by Deputy Mayor Kametler:

RESOLVED, that the Board of Assessors will meet for the hearing of the complaints on the 2007-2008 assessment roll on Grievance Day, Tuesday, February 20, 2007 between the hours of 1:00 pm and 5:00 pm at the Village Hall, 165 Mill Road, Westhampton Beach.

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

Schedule Village Tax Lien Sale March 13, 2007 @ 10:30 a.m.

Motion by Trustee Levan:

WHEREAS, from the accounts of unpaid taxes heretofore returned by the Treasurer of the Village of Westhampton Beach, New York, to this Board for the year 2006 or years 2006-07 both inclusive, the following taxes still remain due and unpaid after due notice and demand on each of the property owners for the payment of said taxes, to wit:

(see attached copy of unpaid taxes)

WHEREAS, no action has been commenced to recover said unpaid taxes and no sale, on account of said unpaid taxes, has heretofore been held pursuant to law and therefore let it be

RESOLVED, that such unpaid taxes shall be collected by the sale for taxes as provided in Section 1454 of the Real Property Tax Law of the State of New York; that a copy of this resolution, duly certified by the Clerk, shall be transmitted forthwith to the Treasurer of this Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such an account of unpaid taxes and a certified copy of this

resolution is authorized and directed to cause to be published in the official newspaper of the Village once each week for three successive weeks a list of statement of the real estate upon which such taxes are unpaid, as shown in the tax list, with the amount of the tax, a twenty-five dollar (\$25) advertising fee, interest and charges thereon and also a notice that the said real estate will, on a day subsequent to the expiration of said three weeks, be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge, the tax, twenty-five dollar (\$25) advertising fees, interest and charges aforesaid, which may be due thereon at the time of such sale, and that said Village Treasurer, at the time and place specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as above set forth, and continue at the same from day to day until the sale is completed.

BE IT FURTHER RESOLVED, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for amount sufficient to pay the said tax, fees, interest and charges, the said premise shall be deemed to have been sold to and purchased by the said Village of Westhampton Beach, New York.

RESOLVED, that all remaining unpaid taxes for the fiscal year 2006-07 shall be collected by Public Sale to be held on Tuesday, March 13, 2007, at 10:30 a.m. in the Office of the Village Clerk-Treasurer and such unpaid taxes be advertised in the Southampton Press issues dated February 22, March 1, and March 8, 2007, in accordance with the statutory law.

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

Authorize 2006-07 tree pruning

Motion by Trustee Barnett:

RESOLVED, that the proposal submitted by FOX IPM Corp. for the Main Street tree pruning at a cost of \$4,350.00 is hereby approved.

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

Schedule General Village Election Friday, June 15, 2007 12 noon

Motion by Trustee Birk:

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 15, 2007 at the Village Hall, 165 Mill Road, Westhampton Beach, New York between the hours of 12 noon to 9 p.m. prevailing time, and the offices to be filled are:

Village Justice – one (1) for a term of four (4) years

Trustees – two (2) for a term of two (2) years

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

Authorize 2007 Youth Recreation Program - \$3,200.00

Motion by Deputy Mayor Kametler:

RESOLVED, that the Mayor is hereby authorized to expend \$3,200.00 for the 2007 Youth Summer Recreation Program provided by the Westhampton Beach School District subject

to reimbursement of \$1,600.00 by NYS Office of Children & Family Services and the approval of the Westhampton Beach UFSK budget in May 2007.

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

Approve Yacht Basin rules & rates for 2007

Motion by Trustee Levan:

RESOLVED, that the attached Yacht Basin rate schedule and rules for 2007 are hereby approved.

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

Authorize Bldg. Dept. employees to attend FLBOA conference

Motion by Trustee Barnett:

RESOLVED, that Bldg. Permits Coordinator Kerry Rogazinski and Code Enforcement Officer Bridget Napoli are hereby authorized to attend the 2007 Finger Lakes 32nd Annual Building Officials Conference in Hilton, New York on March 19-22, 2007 at a total cost of \$780.00 for registration and \$352.00 for lodgings, plus reimbursement for meals and travel expenses.

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

Appoint Special Counsel Article 78

Motion by Trustee Birk:

RESOLVED, that Hermon Bishop is hereby appointed to serve as Special Counsel to represent the Village in the Habitat 215 Article 78 proceeding and to be paid at the rate of \$165.00 per hour.

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

Approve Zoning/Planning Board training policy

Motion by Deputy Mayor Kametler:

WHEREAS, Chapter 662 of the Laws of New York State requires members of Village planning boards and zoning board of appeals to receive four hours of training per year; and

WHEREAS, the Village of Westhampton Beach strongly supports Chapter 662 and wishes to provide convenient training opportunities to the members of the Village Planning Board and Zoning Board of Appeals; and

WHEREAS, the Village is a participating member of the New York Municipal Insurance Reciprocal which provides free training online from Pace University School of Law which will fulfill the four hour requirement; and therefore be it

RESOLVED, that the Village approves the NYMIR online training and will facilitate access to training by providing computer access and will make other arrangements as necessary to accommodate the needs of the board members; and be it further

RESOLVED, that the members of the Village Planning Board and Zoning Board will provide proof of successful completion of the NYMIR training program to the Village Clerk's Office by no later than September 1, 2007 or six (6) months from the date of appointment to office, whichever is later.

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

Appoint School Crossing Guard

Motion by Trustee Levan:

RESOLVED, that Ray Hahn is hereby appointed as a part time school crossing guard, to be compensated at the rate of \$10.00 per hour, effective immediately.

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

Approve budget transfers

Motion by Trustee Barnett:

RESOLVED, that the following budget transfer is hereby approved:

	FROM	TO
Appropriated Fund Balance A590	\$ 75,737.08	
Village Hall – Capital Project H1500		\$ 75,737.08

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

Authorize warrant for January 2007

Motion by Trustee Birk:

RESOLVED, that the warrant for January 2007 in the amount of \$250,266.06 for the General Fund and \$21,038.34 for the Capital Fund is hereby approved.

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

Public Discussion

Mayor Teller asked if anyone else would like to address the Board. There being no further response, he made a motion at 9:30 p.m. to adjourn the meeting to Executive Session. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk