

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 1, 2007 at 7 p.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

PRESENT: Mayor Conrad Teller
Deputy Mayor James Kametler
Trustee Toni-Jo Birk
Trustee Joan Levan
Trustee Hank Tucker

**Clerk Treasurer Kathleen McGinnis
Village Attorney Hermon Bishop**

Mayor Teller opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS:

2008/2009 Community Development Funding

Deputy Mayor Kametler made a motion to open this public hearing. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Mayor Teller asked if anyone would like to address the Board regarding this hearing.

Judy Margolis, Executive Director of Family Counseling Services and Dr. Allison Byers thanked the Village for the support they have given to Family Counseling Services. Ms. Margolis said she had only been Executive Director for two years, but she knows from speaking to the staff and to the Board of Directors, that Westhampton Beach Community Development money has always been generous and supportive to their programs. She explained that they continue to be responsive to the needs of the Westhampton Beach community and they work with approximately five thousand families, children and adults that come through their doors. She said some of the programs that are of particular interest to the Westhampton Beach community would be their affiliation with the Westhampton Beach High School. They work very closely with Dr. Lynn Schwartz in working with the children in the High School. They have a counselor, a social worker that is placed at Westhampton Beach High School that has an open door for the youth, who can come in and talk to their counselor. If there is a need for services afterwards, they come and are seen at the counseling center. She said that program was fully funded, so they were not asking for funds for that program. She said some of the other programs they have that are not fully funded are for some of the families and individuals that you really just don't see that often, but they are part of Westhampton Beach, and the money that they are asking for is for this group. She said Dr. Byers would explain what that money is for.

Dr. Byers explained that she was a forensic psychologist and had been working for the last twenty-five years with a population of individuals exposed to domestic violence, both children and adults. She said that one of the programs they run at Family Counseling Services serves individuals, female victims, as well as working with child witnesses, to domestic violence. Sadly, domestic violence cuts across all kinds of racial lines and socioeconomic lines and a lot of the victims do live right here in our own area. She said the services they provide run from both individual counseling with their domestic violence worker, as well as group services with their mental health counselors on site. That is for both individual victims as well as their children. She said they would respectfully ask that the Village continue to fund this program, because it is something that is absolutely vital for the residents, sadly, of our very town.

Trustee Levan asked if that was the program where Mr. Werner lists Counselor I, five hours a week.

Dr. Byers responded that actually they have a worker that is on staff with them for thirty hours a week, and they are asking for this grant to fund this counselor for five hours a

week. This counselor specifically handles domestic violence services and she works four days a week. They have her covered for twenty-five hours a week and they are looking for funding for the additional five.

Harris Palmer, 69 Beach Road, asked if there was any connection with this group and the program that is headquartered in the basement of Town Hall in Southampton.

Dr. Byers informed Mr. Palmer that the office in Town Hall was called Domestic Violence Advocacy Program and that it is a court advocacy program run by the District Attorney's Office, so it has nothing to do with the mental health counseling program that Family Counseling Services was requesting funding for.

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

Local Law 12/2007 to amend income eligibility for tax exemptions

Deputy Mayor Kametler made a motion to open the public hearing. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Mayor Teller asked if anyone would like to address the Board regarding this hearing.

Village Attorney Hermon Bishop explained that this was a local law where the New York State Legislature has permitted the Village to increase the maximum eligibility levels for exemptions for individuals over sixty-five and persons with disabilities. The law permits these exemptions to go from fifty percent with a minimum income of \$27,000 and ranges up to \$35,400, at which point the individual would receive a five percent reduction in taxes.

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

Motion by Trustee Tucker:

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 November 1, 2007 to hear all parties on a proposed Local Law entitled "A Local Law amending Chapter 161 of the Village Code, entitled "TAXATION", and

WHEREAS, notice of said public hearing was duly advertised in the Southampton Press, Western Edition, and posted on the Village Clerk's signboard on October 22, 2007, and

WHEREAS, said public hearing was duly held on November 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 of the Environmental Conservation Law (State Environmental Quality Review Act) (SEQRA), that it resolves itself lead agency, that it has prepared and reviewed the EAF Part I, and lists this action as a Type 2 action, pursuant to 6 NYCRR Section 617.5 (30), and accordingly, no further environmental review is necessary, 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 12/2007 entitled "A Local Law amending Chapter 161 of the Village Code Entitled Taxation" 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 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

Resolutions:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Birk:

RESOLVED, that the minutes of the Trustee Meeting of October 4th and Special Meeting of October 17, 2007 are hereby accepted.

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

Accept Departmental reports

Motion by Deputy Mayor Kametler:

RESOLVED, that the Treasurer's report for September 2007, Justice Court, Police Department's and Building Inspector's reports for October 2007, are hereby accepted.

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

Appoint Sign Ordinance Review Committee Members

Motion by Trustee Levan:

RESOLVED, that the following persons are hereby appointed to serve as members of the Sign Ordinance Review Committee:

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|-------------------------|----------------------------------------|
| Trustee Hank Tucker | Village Planner Kyle Collins |
| Ken Schnabel | Oakley Gentry |
| Joseph Musnicki | Scott Miller |
| Susan O'Rourke | Representative from Planning Board |
| Representative from ARB | Representative-WHB Chamber of Commerce |

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

Accept proposal from KPC Planning for Sign Ordinance Plan Review

Motion by Trustee Tucker:

RESOLVED, that the proposal submitted by Kyle Collins of KPC Planning Services to perform a comprehensive review of the Village's sign ordinance at a cost of \$11,000.00 is hereby accepted.

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

Approve East End Hospice Tree of Lights Ceremony @ Village Green Dec. 2nd

RESOLVED, that the East End Hospice is hereby authorized to hold the annual "Tree of Lights Ceremony" at the Village Green on Sunday, December 2nd from 2:30 – 3:30 p.m.

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

Accept donations of memorial benches

Motion by Deputy Mayor Kametler:

RESOLVED, that the following memorial bench donations are hereby accepted:

Donor	Size	Location/Honoree
Maureen McAloon	5 ft.	Village Green for Eileen & Tom Hughes
Margie Vandercook	6 ft.	Rite Aid for Walter Goldstein

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

Appoint Special Counsel – Article 78 Litigation

Motion by Trustee Levan:

RESOLVED, that Richard T. Haefeli, Esq., is appointed Special Counsel to prosecute the appeal of Malone v. Zoning Board of Appeals, Index No. 06-16316 at the rate of \$165.00 per hour.

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

Approve November 2007 warrant

Motion by Trustee Tucker:

RESOLVED, that the warrant for November 2007 in the amount of \$267,455.72 for the General Fund and \$85,456.41 for the Trust & Agency Fund is hereby approved.

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

Public Discussion

Mayor Teller asked if anyone in the audience would like to address the Board regarding any issue.

Alfonso Triggiani of Touch Dancing Studio read the attached letter into the record. He said he would like a permit to dance and to do his gig for the community.

Mayor Teller responded that right now the law does not permit it.

Mr. Triggiani said that was an interpretation.

Mr. Bishop explained that basically, what you have is a pre-existing, non-conforming use as a restaurant/bar and dance use and it is permitted. There can be ballroom dancing there. You do not need a permit or anything else.

Village Building Inspector Paul Houlihan said he was actually in Mr. Triggiani's corner and would love to learn how to do the Cha Cha Chi. He said that the problem has been that the restaurant is a restaurant/bar use. There was actually litigation with that piece of property and it is a pre-existing non-conforming use. The dance studio is a permitted use and Mr. Triggiani's landlord could let him go up there and convert that second floor to the permitted use. The problem is the Village zoning code, like all zoning codes, says that once you change a non-conforming use to a conforming use, you cannot change back. That is the normal, reasonable, rationale condition you will find in all of the municipalities around here, it is not just ours. He said that this was not an accessory use. He said that this started when Mr. Triggiani wanted a sign. Mr. Houlihan explained that he could not give permission for a sign to an accessory use and it is a principal use. That is exactly what was represented to the Village, they were not going to be part of the restaurant, they were, in fact, a separate use for ballroom dancing. He felt it was a great use for the Village and would like to get it up there. He said that Mr. Triggiani's landlord already really knew that this would jeopardize his use and knew that from speaking to other legal help that he had. When they confirmed with him that this was the problem, he withdrew the application. Mr. Houlihan felt that this was really the issue. The landlord does not want to have anything to do with an application for a change of use. Mr. Houlihan informed Mr. Triggiani that they will continue to help him in any way, but that they cannot do it without his landlord agreeing to come in to the Planning Board. He said he could not speak for the Planning Board, because they make those decisions, but it is a permitted use and is probably a permitted use that they would be happy to see go up there and remove a portion of that non-conforming use.

Mr. Triggiani felt that it was not up to the zoning boards to decide what a conforming use was and what was not. He felt that it was up to the Village Board, as they were the authority. He felt Mr. Houlihan had no right to deny his application.

Mr. Bishop explained that it was not the case. He said it was not up to this Board to determine what is a non-conforming use or a conforming use. It depends on what the zoning code says and the use that is existing in that particular zoning district.

Mr. Triggiani felt this was a matter of interpretation and said if he went to the community, they would disagree with Mr. Bishop.

Mr. Bishop said that he was just saying that this Board could not say this is what it is or it isn't, but what is or isn't a non-conforming use, so when you say they have the right to do that, they don't unless they amend the zoning code. He said he would think that based on a non-conforming use as a restaurant/bar and dancing, that you could have dancing on the top floor and it wouldn't be a problem. You could be doing it tomorrow.

Mr. Triggiani said he did not understand what the problem is. He said his people know him as touch dancing. He wants to say, "Come touch dance above the Steakhouse Restaurant". Mr. Houlihan is saying I can't do that and that I am conforming the use.

Mr. Bishop said the only problem is that he cannot have the sign. He said if Mr. Triggiani does it without a sign, there is no problem, but you can't have a sign for an accessory use. You have to have a sign for a primary, principle use.

Mr. Triggiani responded that you could have ballroom dancing at this location, but nobody knows where to go to. He said that did not make sense. He said the landlord did not say he withdrew the application. He read the last paragraph of the letter, "If the Village changes its position and would be interested in accepting an application for a dance studio as an accessory to the current use(s) then I would be more than happy to aid those involved as long as the current tenant is in agreement." He felt that the Village had totally disregarded his landlord. He said he had not withdrawn it at all. He said this was like a parlor game and he did not believe they were serving the people of this community. They want ballroom dancing here and the Board should listen to the community. He said if he did not get anywhere, he was going to go to the people and they would tell them what to do.

Trustee Levan commented that even though Mr. Triggiani could not have a sign at the Steakhouse, he could advertise it in the paper.

Mr. Triggiani said that he had done that and the Building Department got on his back and violated the building and he had to remove everything so they wouldn't shut down the building.

Mr. Houlihan said the bottom line is that Mr. Triggiani is looking to put a dance studio in there, which is a separate and distinct use from the restaurant. The dance studio cannot go there. The issue of the sign is that you certainly can't have a sign for an accessory use and you can't operate a separate dance studio. That is what is looking to go on, signing a separate lease with the owner of the restaurant, and it is not an accessory use to the restaurant. The restaurant already has the permission for dancing at the restaurant. If someone goes up there and orders dinner, they can have dancing there. But, this is not what is being requested. That is what has been the problem here from the start. He said the Building Department had talked to Mr. Triggiani and had done everything they could to try and assist him in this, but the owner of the property is adamant that he does not want any change of use. He said if there are going to be some people going up and eating dinner and dancing there, that was never a problem. But, that is not what is being looked at for here, he wants to take that top floor over as his dance studio. He said that was what was presented to us in the documents and the written application and what is happening now at this public hearing, it is not being presented that way and you are not looking at the full application. The Board members don't have the benefit of that. He said he would be happy to show the Board what was submitted and what we went through and how we articulated it. He said the issue was that if you want a dance studio up there, that would be changing it to a conforming use. He felt that it would be a desirable use up there and our Planning Board would probably approve it. They can't go back to the restaurant/bar/nightclub use that they had though and that is the issue.

Mr. Triggiani asked if he could respond.

Deputy Mayor Kametler said yes, but reminded him that this was not a public hearing.

Mr. Triggiani said that he felt that everyone here would agree that if you own a piece of property and they want to devalue it, you would not agree to it. He said this devalues the property when you want to change it. He said you are allowing young adults to hip-hop and all of this stuff and cause chaos, that's okay and now you are saying that mature adults like you see here are not allowed to do ballroom dancing upstairs. He felt this was what the real issue is and that is what the reality of your procedure and all of your laws boil down to. He felt something was wrong and something needs to be changed.

Deputy Mayor Kametler told Mr. Triggiani he had just heard the attorney for the Village state to everybody in this room that you can do this, you just can't put a sign up.

Mr. Triggiani stated that the problem is that he wants to take away the license from the bar and restaurant upstairs and that devalues the property for the landlord. He said that is why he has no interest in this. The dance studio is worthless to him, but it is not worthless to the community to be upstairs. He felt that whatever laws the Village has, whatever your function is, it is not working in this particular situation. He said to "smell the coffee".

Elyse Richman, 78 Rogers Avenue, said she felt it was very difficult to do business in this Village as it is and it is so simple, maybe things could be changed. This is something the Village should have. She said she had been here for twenty-four years, she was here on Main Street and she thought it should be allowed and whatever it takes, the Board should try and do something.

Dean Speir, 256 East Main Street, asked if that was a discontinued use about ten years ago.

Mr. Bishop responded that it did not discontinue, the Planning Board ruled or found in their site plan approval that it was a pre-existing, non-conforming use that continued as

a bar/restaurant and dance use, as a dance floor they had on the site plan, so it wasn't discontinued. The uses are pre-existing, non-conforming and it does permit dancing there.

Mr. Speir asked if Mr. Bishop had been at a hearing on that in the mid or latter nineties when he was on the Zoning Board at about the time it was a transfer from the Fetter operation.

Mr. Bishop did not remember if he had been in on that. He remembered when it was going through the approval process, but was not sure if he was on the Board at that time.

Mr. Speir felt there was a complicated history with that property and its current use and he felt something was lost about ten years ago.

Mr. Bishop said that the main problem with all of this is that a dance studio is a permitted use in the building and the Planning Board is willing to approve that in a second, but if that occurs then it may affect the pre-existing, non-conforming nature of the use because it would be turned into a dance studio.

Mr. Speir stated that would be antithetical to the interest of the retail liquor use.

Mayor Teller added that the building has been advertised for sale for \$1,800,000.

Teri Seidman, 3024 Mitchell Road, said she was a little prejudiced, since her favorite show is "Dancing With the Stars". She explained that she was really an arts person, Chairman of the Advisory Council of the Performing Arts Center and she really cares very much about arts in this Village, as she felt most people did. She said she sensed that the people here would really like to make this work and it seemed to her that it was just a matter of how and right now she was getting that there was no legal way.

Mr. Bishop responded that there was a legal way, but everybody has to agree to the legal way. We have an owner that says he does not want to turn it into a dance studio and we have a Village that says we would like to turn it into a dance studio, but it may affect the pre-existing, non-conforming use.

Ms. Seidman said the owner does not want to turn it into a dance studio because he would lose his liquor license or something like that for the two bars. She felt there were a lot of professionally trained legal minds here and other people of good will. She asked if there was any way of finding a variance or another solution or a creative way of a temporary something. She said she respects the law and the technicality and she certainly respects the landlord not wanting to devalue his property, but if everyone would put their heads together, and there were more professional minds than hers in terms of the law, she asked if there were some solution where we can still keep this dancing facility for the community, especially now when it is such a popular thing and such good exercise, too.

Mr. Bishop said he agreed. He would love to have the use, there is no question about it. He said that the Building Inspector, Mr. Houlihan, would love to have the use, as well. He did not know if Mr. Houlihan agreed with him, but he felt that they could do some dancing on the second floor.

Mr. Houlihan said he would give a little bit of a zoning lesson. He explained that the purpose of making a use non-conforming when you have a nightclub use, for instance, the Village decided fifteen to twenty years ago that the nightclub uses in the B-1 zone were very disruptive and that has been a problem and most of that has been taken away. He said it is deemed a non-conforming use. When you have a non-conforming use, the purpose of doing that in the zoning law, is to phase it out eventually. He stated that the Village is very happy to have Alphonso's dance studio in there and we would love him to do that. He felt the Planning Board, he couldn't speak for them, but he felt they would very quickly approve that. But, what you do when you set a non-conforming use is, you say "now we're going to freeze you, if you want to do anything to that, the only change you can make is to a conforming use." What the landlord wants is to have his cake and eat it, too. He wants to say, "Well, I've got the

restaurant/bar/nightclub downstairs and they want to lease out the top. I'll let you do that, but when Alphonso goes, I want it to then go back to the non-conforming use." That is the problem. If you start doing that with one non-conforming use, it's not just going to affect this. We have many non-conforming uses. We are going to say to people, "Okay, change that non-conforming use in a residential neighborhood, you can use it for a house for a while and then you can go back to the other use that is non-conforming." That is the problem. When you look at all the zoning regulations on the East End and mostly on Long Island, they have similar restrictions, because you want to eventually get everyone to a conforming use. He said that is all that is going on, but he felt that everyone supports the dance studio.

Ms. Seidman felt that was not the question. She felt that the question was "If we support it, how do we get it?" She said she respects the law because the law protects us, but if what she hears Mr. Houlihan saying is right, then why isn't each thing taken on its merits. She said there were always exceptions and variances and just because we do one thing here doesn't mean we have to forever do it elsewhere. She said that she had danced at Scarlett's and she saw a lot of stuff going on there, a lot of booze, a lot of drugs. She said she really wanted to reiterate that this was an extremely wholesome activity.

Mr. Houlihan replied that he had danced at Scarlett's himself in 1978, so he knew what she meant about that, but that is the point. He felt the dance studio is great and if the Village could replace the whole building with Alphonso's dance studio, they would jump at it. He said the problem is that they have to keep the measure there for the non-conforming use.

Ms. Seidman said she felt Mr. Houlihan was a smart fellow, so she asked how he could protect the landlord's interest and still give the community what it should have.

Trustee Tucker explained that part of that problem is just what Mr. Houlihan had said. Let's say that there was a way and you were able to look at something on its merits individually and then the landlord sells the building and the new owner of the building doesn't want a dance studio in there anymore, he wants to go back to having three floors that are bars and nightclubs and rowdy dancing or whatever kind of dancing that he wants. That is the whole idea, you would want to get rid of that non-conforming use so you don't have that. He said that is your opportunity to get rid of it to have something great like his dance studio in there.

Ms. Seidman felt it should not be at the landlord's expense, he should not be the one to make a decision. She said we would be hurting him if we changed it, and that is not a good thing. She said this is a good Village and we shouldn't throw the baby out with the bath water. She felt there should be some creative solution if everyone put their heads together.

Trustee Tucker responded that he was for the arts, as well, and for getting rid of nightclubs that could cause problems, he lives around the corner from there. However, in Mr. Triggiani's letter, when he says the Building and Zoning office should not be making these kinds of judgments, what you are saying is that they should be making those kinds of judgments. When you look at things on each individual merits, then that leaves things open to different boards and different departments to actually look at things on their merits and decide value-judgment wise. He said that is why as a Village we have a set of laws and we have different boards. He wanted to make it clear that the Zoning Board upholds the laws that are already created by the Village and if we change the law we have to change it for every non-conforming use.

Ms. Seidman said she respected everything Trustee Tucker was saying, but that then that was the wrong solution, that is why the logic of it or the process of it should not be up to her, because that was clearly not a logical or workable suggestion.

Trustee Tucker said the Board did understand what she was saying.

Ms. Seidman said the point is that she just knows from her own business, which is interior design and architecture, that sometimes if somebody wants to put a certain kind of roof on the building that hasn't been done before, there is a way of achieving it. So,

when you have something good, she can only ask the question, "How can we achieve it without having the laws work against us?"

Mr. Houlihan said he had one solution to that. He said he was not sure it defaces anyone's value, there is actually plenty of room in that building for a dance studio and a restaurant. It really comes down to the landlord just doesn't want to do it. He said what that comes down to is there are other buildings you could look at and go into, but we can't make the landlord do that.

Ms. Seidman responded that the landlord did want to do it until he was told that it would jeopardize his position, so it is fair to say the landlord doesn't want to do it, but you have to finish the rest of the sentence. She felt if the landlord was protected, the landlord would be delighted to do it. She asked how the Village could protect the landlord.

Mr. Houlihan responded that it comes down to if the Board wants to modify its non-conforming use provision. He wanted to say that the non-conforming use provisions in this Village are probably identical to every single municipality on the east end and he would leave it at that.

Joseph Musnicki, 50 Library Avenue, said he was a businessman in the Village and had been for about twenty-five years. He said he did have sympathy for Alphonso. He felt Mr. Houlihan does a great job and he is very professional, as was this Board. He said he was hearing that the Building Department, Board of Trustees, Planning Board and the landlord all want the dance studio. He thought there should be a way to make that happen. He thought that when we lose a use like that in our Village, its part of the fabric of what we have here. He felt it was very, very important for him not to lose that. He said we've lost things over the years, a little here, a little there, this is another little chunk. He reiterated what Ms. Seidman said that we all have great minds and should put our heads together and see how we can make this work.

Mayor Teller said the Board would take this matter under advisement and see what kind of research they can do on it. He said he didn't think they wanted him for a student over there at the dance studio.

Mr. Triggiani responded that he would be perfect.

Paul Montagna, 228 Sunset Avenue, asked about the park tax. He said he had just gone through the subdivision process and they met their compliance with the removal of their garage. He thought they were probably the first subdivision that is going on in the immediate future, he thought he had a deadline of November 9th. He said he did not know how the park tax would affect him and he just wanted to conform.

Mayor Teller responded that the Board should have a final answer by the next meeting.

Mr. Bishop added that they would be discussing this at the next work session. He said the Town of Southampton has a provision they are working on that has a flat rate for two-lot subdivisions. They haven't made a decision on that. The Planning Board in the Town of Southampton has rejected it at this point. The Village is working on it. He said that as the law stands now it is based on five acres or one hundred units you have to buy park reserve areas. He said that Mr. Montagna has one unit, so he would have to divide fair market value by 875 square feet, that is the way it stands now. He said the Board has been examining the possibility of reducing that based on the notion that the recreational needs of the Village could absorb an extra lot, but the Board is still working on that.

Mr. Montagna asked if this was something he should just continue and eventually he would get a bill.

Mr. Bishop responded that he had his subdivision approval, so this decision is not holding up the filing of his map or anything.

Deputy Mayor Kametler said he felt Mr. Montagna just didn't want to be surprised with a huge bill.

Mr. Bishop agreed that was it, and if this were to go forward it would be substantially lesser.

Mr. Montagna said he was not trying to rush anything, he was just wondering how it was going to play out.

Mayor Teller said it should be ready by the December meeting.

Mr. Montagna asked if he would get a bill at some point from the Town attorney.

Mr. Bishop said it would come from the Village. He said if there is a new law that goes into effect, then it would be different than the way it is calculated at this time.

Mr. Montagna applauded the Board for even pursuing the aspect of something being different, the subdivision aspect from a developer v. homeowner aspect.

Mr. Bishop responded that he did not think they could really distinguish between a developer and a homeowner. He said he had done research on it and we can't distinguish between a person who lives in the Village and a person who lives outside the Village, so he thought if they were going to grant the relief they will have to either change the law for everybody or keep it the way it is.

Mr. Montagna said he just felt that a developer would have more than one lot versus a homeowner.

Mr. Bishop said he was just talking about two lot subdivisions.

Deputy Mayor Kametler said a developer does it for a living, that's how he determines a developer.

Mayor Teller asked if anyone else would like to address the Board. There being no further response, Deputy Mayor Kametler made a motion at 7:52 p.m. to adjourn the meeting to Executive Session. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk