

The Board of Trustees of the Village of Westhampton Beach held their Regular Meeting on Thursday, November 6, 2008 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

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Mayor Teller opened the meeting with the Pledge of Allegiance.

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**Public Hearings:**

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**Goldberg's Deli Outdoor Dining Application**

Mayor Teller opened the public hearing and asked if anyone would like to be heard regarding this application.

Motion by Trustee Tucker:

RESOLVED, that the attached Outdoor Dining application for the premises, 65 Main Street (Goldberg's Deli) is hereby approved.

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

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**Sunset Café Outdoor Music Application**

Mayor Teller opened the public hearing and asked if anyone would like to be heard regarding this matter.

Stephen Ramsay, 33 Sunset Avenue, said there had been a number of complaints about the music at the Sunset Cafe. He felt they seemed to have a problem complying with the rules when it comes to music – outdoor and indoor music. He did not see going forward that they were going to change very much. He asked how many complaints you have to get before you decide not to give people permission to have outdoor music or indoor music.

Mayor Teller indicated they had five complaints on file.

Mr. Ramsay said he knew that three of them were his. He said the first complaint he made was in July when they had a band outside that was amplified and they did not have permission at that point to have an outside band. Since then, they have a band inside which is amplified and the complaints he had made were at 11:15, 11:20 in the evening and he is a couple hundred feet away. He asked how they were going to deal with that. He did not think he should have to live with that, to be honest.

Simon Jorna, owner of the Beach Bakery, asked if this was an application for next year.

Village Attorney Hermon Bishop explained that actually, the application is for the prior year, that is the dates ended on 9/28/08.

L.J. Delman said she was one of the managers of the Sunset Cafe. She explained that the first incident Mr. Ramsay brought up is actually the incident that brought it to her attention that she needed to put in an application, which is why their application is being reviewed post-season, because she did not know that an outdoor music application was required. She said that of the five complaints they had received, two were from the former manager who had been fired and was living above the premises and the other three were from the Ramsay household. She said she did not know that anyone from the Ramsay household had ever contacted them and spoken with them about turning down the music once. She said that under multiple complaints, the officers note in their logbooks that upon arrival the music was not of an unreasonable volume.

Deputy Mayor Kametler asked if she had seen the logbooks.

Ms. Delman replied she had. She said that every time they got a complaint she came in to see them. She was sorry she had not brought them with her. She did not realize she needed to show that. She said that all of those complaints came about 10:30 p.m. She said that as far as she knows, there is not a limit on having indoor music in terms of time; she hoped she was not setting herself up for something, but she manages the Dodger and sometimes she has bands start at 11 p.m. She felt they had actively made an effort to turn down the volume and that was only Saturday night, Spanish night, is a ten-piece band. She said they had never, ever had a complaint about their musicians on Friday nights, upcoming Friday nights they are having a solo cellist, they are having Ben Tinker and an alternative vocalist. She felt this was a very specific complaint from one party and she would love to work this out, but she did not know how to do that other than to.....she said they have closed the windows, closed the doors and turned down the volume. She stated that the cops have come and not found anything to report, so she realized this application is already post-dated and her hope was that it would pass so that she would just be applying for a renewal for next season. She did not think that having the vocalists that they have had, with the exception of the ten-piece band, which she did not think they would even be doing outside on Saturday nights, so she did not feel there was any reason for this application to be denied.

Mr. Bishop asked Ms. Delman if there was a possibility of a ten-piece band that would be playing outside.

Ms. Delman said she did not think so.

Mr. Bishop asked her not to say what she thinks, but if she knew or did not know.

Ms. Delman said they had been playing inside all summer.

Mr. Bishop asked if they would be playing inside during the summer if they had the ten-piece band again.

Ms. Delman responded yes, that would be for Saturday night and for Friday nights they would probably have the music outside because there are only one or two musicians then. She did not think they even have enough room in the area that she had marked off where they would be having them outside.

Mr. Bishop said there would not be a ten-piece band outside.

Ms. Delman said there would be two, maximum, musicians outside.

Deputy Mayor Kametler asked Mr. Bishop if there were any limitations on the amount of musicians relating to these permits.

Mr. Bishop responded that it did not say how many musicians can be outside. Basically you have the right under the code, if you have noise problems to revoke a permit and to not grant a permit. He told Ms. Delman she should be working real hard with her next door neighbors.

Ms. Delman said they were not next door, they were two doors down and she walks down that street every night and she does not hear the music in front of their house.

Barbara Ramsay, 33 Sunset Avenue, said she was sorry, but they had guests for 4<sup>th</sup> of July weekend who were staying in the bedroom closest to the house next to them, which is one house away from this establishment and they could not sleep, which is why they called the police.

Ms. Delman stated that if she would have called the Cafe, they would certainly have turned it down and that was the beginning of July before she knew that they needed a permit, but that wasn't even outside.

Mrs. Ramsay said it was definitely outside.

Ms. Delman said that might have been at the very beginning, but it was moved inside. She explained that there were either one or two weeks that they played outside and that is how she found out they needed the outside permit.

Mr. Ramsay remarked that the problem was that Ms. Delman did not know the code. He said you are not supposed to be making noise after 11:00 p.m.

Ms. Delman said that you could inside.

Mr. Ramsay said you could not make noise inside. He said you were not supposed to be able to hear the noise fifty feet from her establishment by code, end of story. He said they were 200' away and they could not sleep, so he was sorry, but she was wrong.

Mayor Teller asked that they not get into this back and forth, but said he appreciated their input. He asked if anyone else would like to be heard regarding this hearing.

Victor Levy, 58 Beach Road, explained he had sat on one of the Boards that gave Ms. Delman approval for that building, after what the previous owner regarded as an inordinately long time. He was curious when he heard ten-piece band, he was trying to remember what the occupancy of the building was supposed to be for the serving of food and drink.

Building Inspector Paul Houlihan said it was for eighteen seats and they have a service area.

Mr. Levy asked if it was also for a ten-piece band.

Mr. Houlihan said a ten-piece band was news to him. He related that Mr. Ramsay had spoken to him about three weeks ago or so. He said they had discussed this and he went down there after that, just recently. The issues the Ramsay's were dealing with back last July 4<sup>th</sup>, the police responded to that. Mr. Houlihan said he had seen the report and there was noise coming from the building and they asked them to shut the doors and quiet it down and the Police Officer said they did. He said he really did not know the follow-up on it.

Mr. Levy said he was just curious, because when one balances a ten-piece band with eighteen people inside a building.....

Ms. Delman said that was not their occupancy, that was their seating for food service.

Mr. Levy asked if there were no more than eighteen seats in the building for food service.

Ms. Delman stated that was so, as far as she knew.

Trustee Tucker stated that when you approve a place to be able to have music inside, say we had given approval to have a piano at the bar area, he asked if there is any

stipulation as to how many pieces you can or can't have. He said that was his question to Mr. Houlihan.

Mr. Levy said he was trying to make some sense of the relationship of a ten-piece band where you need eighteen seats and maybe another ten seats or twelve seats. He said the initial applications, if you look at it, were for a rather modest establishment inside. He said it seems if you have a ten-piece band, that modest establishment inside may have grown a little bit.

Mayor Teller said there had been a change of use from a coffee shop to a cafe.

Mr. Levy said that was the other question he had. He felt there was something about service of alcohol and such in the original application. He did not remember it, but he did not think it was a permitted use.

Mr. Houlihan said there was nothing about service of alcohol, but service of beverages and food products. He said it had music inside, but that was a four-piece whenever you talk about any restaurant use, that is the most you can have, so no, you couldn't have a ten-piece band. He said that as far as the outside music permit the Trustees would be giving, he thought that was limited to five pieces, so this is being interjected new, this is brand new tonight.

Mr. Bishop said that this was an application for music on dates that have already passed, so perhaps this application is moot.

Deputy Mayor Kametler said he agreed with that.

Mr. Bishop felt the Board may not want to make a determination on this because it is moot. He suggested that the applicant could reapply and set forth the actual dates they want this next summer and see how it goes during the winter. That will give the Board some indication of how things are going over there.

Trustee Tucker added that the Board is also reviewing amplification in general as it applies to the whole Village and music everywhere, so this is backdated and we may be granting something that could be moot at that point, also.

Deputy Mayor Kametler asked if they were tabling this until the next application.

Mr. Bishop thought they could deny the application without prejudice for the applicant to make a new application for it for future times that they are actually going to be having outdoor music, because the time periods have already passed. He did not know what they were really doing with this application at this time.

Dean Speir, 256 East Main Street, asked if there would still be a record of tonight's hearing.

Mr. Bishop responded that yes, there would be.

Ms. Delman said the application was submitted four months ago.

Mr. Bishop said that she was not prejudiced because she is still going to be coming before the Board; it is just going to be an application that applies to the time period that we would be dealing with.

Trustee Tucker made a motion to deny the outdoor music application of the Sunset Café without prejudice. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

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**Westhampton Associates Special Exception Use Application**

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

Jim Hulme, from Kelly & Hulme, PC, 323 Mill Road, appeared for the applicant. He said he was here tonight on a special exception application that was filed for a project located on Old Riverhead Road approximately across the street from the western side of County Road 31 approximately across the street from what we refer to as the North Mall. The project consists of six different tax lots that were assembled by his client on a 6.6 acre site and a proposal to construct multi-family units consisting of 39 two-story, three-bedroom units contained in five different buildings with five different floor plans throughout the project. He said that some of the units are served by attached garages and other of the units are served by garages that are located on other parts of the property. The project also includes a pool, a gazebo and a clubhouse as some of the recreational facilities for the project. He said they had submitted the plan that was actually approved by the Planning Board earlier this week. He said he was giving an overview of those here. He said the other feature contained on the property is a sewage treatment plant, contained wholly on the property. The project also consists of a proposed landscaping that he would describe as substantial in nature and special attention was paid to both the front and the rear of the project. The landscaping in the front includes plantings and trees and a berm and the project is set back almost 100 feet from Riverhead Road. In addition, since the project, through a variance, was allowed to move a little bit closer to the rear of the project as would have been normally allowed, substantial time and attention was spent on preserving what existing vegetation could remain there and also some significant landscape plantings are there as well and throughout the site. Road improvements, street improvements, streetscapes are all contained in the project and are all shown in the packet that we provided. The project as proposed as finally configured, met and meets all of the applicable requirements under the zoning code for the Village of Westhampton Beach except for the rear yard setback, which as he indicated, the Zoning Board back in 2007 granted a variance. This application was filed in either 2006 or 2007 and is related to an application that was filed for this project before the Planning Board back in 2006, which between 2006 and August of 2008 went through significant review by the Planning Board, the Health Department, the Architectural Review Board, and the Building Department. The Zoning Board took a look at this project, the Village Engineer took a look at this project, the Village Planner also took a look at the project and all of that eventually and ultimately matured into a resolution by the Planning Board approving this project, which then freed us up to return here for this special exception permit part of the project. He said that as he was sure the Board was aware, the subject project is located in the Village's Hotel District, which includes as a special exception use, a multi-family project such as the one as has been proposed. He said he was sure they were also aware, under Section 197-79 of the Village code, there are a number of things that the Board is supposed to determine in reaching a conclusion about whether a special exception permit will be granted or not relative to this project. They include the impact of the project on the orderly and reasonable use of the adjacent properties. He said he believes that if you review much of the Planning Board testimony, there was considerable discussion of this project and how it fit in the area and how other parcels surrounding the project might be developed as the future went forward. He believes that this issue was very adequately addressed by the Planning Board and was very adequately addressed by the plan as it is proposed. The other determination has to do with prevention of the orderly and reasonable use of permitted or legally established uses in the district. He said that as he had indicated, what they are proposing is a use that is allowed with the special exception in this particular zone. It is directly across from the North Mall. It is in a relatively sparsely improved residential area, but an area that he believes the Village, by enacting the laws that it did, is exactly the place where this kind of development was wanted under the Village code. Therefore, he thought that not only does it not interfere with the uses, he thinks it promotes the type of uses that the Village was looking for at this entrance to the Village. Another determination has to do with whether the safety, health, welfare, comfort, convenience or order of the Village will not be adversely affected by the special exception use and its location. It is located on the outskirts of the Village. It is located on one of the more major roads

within the Village. He said that great care and consideration were taken to how the proposal was laid out and how it developed through the Planning Board process. Where the entrance was provided for and a number of other issues were very adequately addressed by the Planning Board and are addressed by this plan. He thought the plan as proposed is very much in keeping with that determination. The last determination has to do with preserving and protecting the environment and being in harmony with and promoting the general purposes and intent of the chapter. He said that as he had indicated, this is one of the uses the code talks about going at this location and he thinks that if you look at the landscaping plan as proposed for the project, you will see a project that is very environmentally friendly from that perspective. Again, considerable time was spent at the Planning Board hearing dealing with the fact that this is on one of the main roads that comes into the Village and looking very carefully at the streetscape and within the project as well as the landscaping around the project. He thought that the amenities in the development of this project are very much in keeping with that type of a determination. The Village code goes on to indicate a number of things in 197-80 that need to be considered when making the determinations that we talked about. One of them is the character of the existing and probable development of uses. Again, he thinks this is where the Village wants this use to be, based on the code as was adopted that allowed for this type of use at that location. The conservation of property values – he thinks it was clear from their presentation to the Planning Board that the units that are proposed are appropriate for the area, are going to be appropriately priced for the area and will only have a positive impact on their value and the value of the adjacent properties. The availability of public and private facilities for treatment of sewage and things like that, there is a wholly contained sewage treatment plant on the property which will contain all of the sewage for the property. The availability of utilities are well provided for in this project. Regarding hazard to life and limb on property because of fire, flood, erosion or panic, he trusts this project won't create panic, nor will it have any impact on flood or the likelihood of fire. Regarding overcrowding on the land, it is built to the density that is provided for in the code, so he did not believe that would cause any overcrowding situation. Its impact on recreational facilities is one of the other factors to be looked at and they provided some recreational facilities. Also, there was a provision in the Planning Board approval to deal with the other recreational impacts this project may have on the Village. He said that is basically the project in a nutshell.

Deputy Mayor Kametler asked what he meant by “other recreational”.

Mr. Hulme responded that he believed there was a park fee required as part of the Planning Board approval that is designed under the Village code to provide funds to the Village to provide recreational....

Deputy Mayor Kametler said he was aware of the park fee requirements. He thought maybe they were allowing Village residents to use their recreational facilities.

Mr. Hulme said that would not be a bad idea.

Mr. Bishop asked Mr. Hulme if he would like to incorporate the Planning Board file into the record tonight.

Mr. Hulme responded that he would.

Carol Matthews, 61 Brittany Lane, said she was assuming this was the piece of land where there are the empty houses.

Mr. Bishop said it was.

Mrs. Matthews said she would like to congratulate the attorney and the owner for moving this forward. She said it had been a long time. She felt it would be a great improvement and she hoped the Board would okay this special exception. She said it was really needed and she hoped there would be some affordable housing for some of the members of the community.

Mr. Bishop said there was none. He said that part of the law that requires affordable housing was passed after this application was filed, so they are exempt from it.

Mrs. Matthews said that she would still like to see it built. She felt it was better than what was sitting there now.

Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion to close the public hearing. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Birk:

RESOLVED, that the attached Special Exception Determination to construct a 39-unit three-bedroom townhouse development on a 6.6 acre site in the Hotel Zoning District at the premises on the west side of Old Riverhead Road, is hereby approved.

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

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**2009/2010 Community Development Funding**

Mayor Teller opened the public hearing and asked if anyone would like to be heard regarding this application.

Trustee Levan asked if anyone was in the audience to apply for this funding. There being no response, she said it could be put on again for the December meeting.

Mayor Teller made a motion to adjourn this hearing to December 4, 2008. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

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**Resolutions:**

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**Accept minutes of Board of Trustees Meeting**

Motion by Deputy Mayor Kametler:

RESOLVED, that the minutes of the Trustee Meeting of October 2, 2008 are hereby accepted.

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

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**Accept departmental reports**

Motion by Trustee Levan:

RESOLVED, that the Treasurer's report for September, and Justice Court, Police Department's and Building Inspector's reports for October 2008, are hereby accepted.

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

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**Authorize Westhampton Elementary School PTA Halloween parade**

Motion by Trustee Tucker:

RESOLVED, that the Westhampton Beach Elementary School PTA is retroactively authorized to hold the annual Halloween parade on Friday, October 31<sup>st</sup> starting at the Westhampton Beach Elementary School on Mill Road at 3:00 p.m. and ending with Trick or Treating on Main Street until 5:15 p.m.

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

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**Authorize public hearing on Local Law to amend Chapter 161 relating to Taxation**

Motion by Trustee Birk:

RESOLVED, that the Village Clerk Treasurer is hereby directed to publish and post a Notice of Public Hearing to be held on Dec. 4, 2008 at 7 p.m. at the Village Hall on a proposed Local Law to amend Chapter 161 of the Village Code in reference to eligibility for real property tax exemptions.

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

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**Authorize East End Hospice Tree of Lights Parade**

Motion by Deputy Mayor Kametler:

RESOLVED, that the East End Hospice is hereby authorized to hold the annual "Tree of Lights" ceremony at the Village Green on Sunday, December 7, 2008 from 2:30 p.m. to 4:00 p.m.

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

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**Appoint Village Police Officer**

Motion by Trustee Levan:

RESOLVED, that Mark Yakaboski is hereby appointed as a probationary Police Officer from list #08TA277 in accordance with the rules and regulations of the Suffolk County Civil Service Department at a bi-weekly salary of \$1,815.54 effective December 1, 2008.

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

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**Refer Villa Cuscatlan Special Exception Application to Planning Board**

Motion by Trustee Tucker:

RESOLVED, that the Special Exception application submitted by Villa Cuscatlan to restore a pre-existing video store usage in a rental unit located at 30 Old Riverhead Road, is hereby referred to the Planning Board.

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

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**Refer Hampton Synagogue Special Exception Application to Planning Board**

Motion by Trustee Birk:

RESOLVED, that the Special Exception application submitted by the Hampton Synagogue to convert a single family dwelling to offices on the second floor and a meeting hall on the first floor with associated kitchen, located at 154 Sunset Avenue, is hereby referred to the Planning Board.

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

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**Appoint Planning Board Member**

Motion by Deputy Mayor Kametler:

RESOLVED, that George Lawrence is hereby appointed as a member of the Planning Board to fill the term vacated by Barbara Ramsey to expire as of 5/31/09.

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

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**Accept resignation of Planning Board Member**

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees regrettfully accepts the resignation of Planning Board Member Sundry Schermeyer effective immediately.

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

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**Appoint Planning Board Member**

Motion by Trustee Tucker:

RESOLVED, that Patricia DiBenedetto is hereby appointed as a member of the Planning Board to fill the term vacated by Sundry Schermeyer to expire on 5/31/12.

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

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**Authorize lease purchase Dodge Durango 4 X 4 for Police Department - \$30,517.37**

Motion by Trustee Birk:

RESOLVED, that the Mayor is hereby authorized to sign a lease purchase agreement with Ford Motor Credit Company for the purchase of a Dodge Durango 4 X 4 SE under NY State Contract #PC62963 for the Police Department for \$30,517.37 to be paid in three annual installments of \$10,846.53.

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

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**Authorize warrant for November 2008**

Motion by Deputy Mayor Kametler:

RESOLVED, that the warrant for November 2008 in the amount of \$197,198.53 for the General Fund is hereby approved.

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

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**Public Discussion**

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Simon Jorna, proprietor of the Beach Bakery on Main Street, asked if there was any update on his efforts regarding a parking lot behind Main Street.

Mayor Teller responded that he had just received a full report on it today and they would discuss it at the Work Session on November 19<sup>th</sup> at 7 p.m.

Mr. Jorna then advised the Board that on Main Street a lot of things are broken down, the sidewalks, the nice light posts have not been painted in the ten years he has been there. He said they desperately need to be painted, rusted bolts need to be removed and replaced and the glass should be washed and replaced. He said there was a tree that need to be replaced. He asked if the Village could do anything about this.

Mayor Teller responded that there was a limit on what the Village could spend, but they are in the process of having the poles painted, they have to clean the glass, the Village Green has got to be done.

Mr. Jorna asked if there was a possibility of getting an update for the Main Street merchants so they know what will be done before next Spring, in case they don't like what is not getting done they can complain about it again, instead of waiting until next May and then it is too late. He asked if the Mayor could get a letter to them stating what the Board is planning to do for the next six months.

Mayor Teller said he would take care of it.

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Dean Speir, 254 Main Street, asked Mr. Bishop to explain how the Board can vote on an application with a 25 million dollar canon pointed at everybody's head.

Mr. Bishop explained that the Board had an opinion from the Attorney General's office investigating whether or not there is a conflict of interest and whether or not the Board, even the Planning Board, should be allowed to vote on that resolution as well, or whether an ad hoc Board should be appointed. The opinions have indicated that the Planning Board can make a determination and this Board can, as well.

Mr. Speir asked if he realized there was a quid pro quo somewhere along the line.

Mr. Bishop said the question is whether the applicant has met the standard with respect to a special exception use. A special exception use is a use contemplating within the ordinance and not in variance to it, as long as it meets the standards set forth in the ordinance and mitigates any impact on the surrounding area, the applicant is entitled to it.

Mr. Speir said he understood that part of it, but he just noted with a certain amount of irony, that at every stage of the game the fact that the Zoning Board and the Planning

Board, the applicant has first after the Zoning Board approval, filed a 25 million dollar 1983 special civil rights action. Then subsequent to the Planning Board approval and referral back to the Village Board, it was amended not to remove anybody but to further load the gun pointed at the Village.

Mr. Bishop said he could not comment on the litigation pending before the Village and second, he said he is not representing the Village.

Trustee Tucker added that anyone can sue, but the Village has to follow proper procedures in handling special exceptions....

Mr. Bishop said he felt that Mr. Speir's question had been answered.

Mr. Speir said that was his question as to whether that was proper procedure with a sort of Damocles hanging over your head. On the special exception for the Synagogue that was referred to the Planning Board, he asked if it didn't just get referred from the Planning Board back to the Village Board.

Mr. Bishop replied it did not. He said what happened is the applicant never filed a special exception use application, it was just an oversight. So, they had been going through a change of use application before the Planning Board but at the same time the applicant should have filed a special use permit application, as well, but never did so, so this is a technicality more than anything.

Mr. Speir asked "pushing some papers around".

Mr. Bishop said "exactly". He said the applicant has to file it and then do just what Mr. Hulme did today, which was just to come up and discuss the standards set forth in the special exception use provision of the code. It is theoretically referred to the Planning Board but the Planning Board is reviewing that application for general use, but it is also reviewing the standards set forth in the special use provisions of the code.

Mr. Speir asked if they were just going to pick it up where they are, or does the Synagogue have to go back to square one on that.

Mr. Bishop explained that when you are reviewing a change of use, you are reviewing all of the standards set forth in the special exception provisions of the code, all of those standards that Mr. Hulme just discussed. Whether there will be any impact on the environment or the surrounding areas, whether it is going to impact on values of land, those issues are reviewed by the Planning Board as well as the site plan improvements on the parcel and changes of use that would occur. So, this is a simultaneous review. The special use application is filed, is referred to the Planning Board. The Planning Board then makes a recommendation to the Board of Trustees. The applicant's attorney or the applicants themselves come up and discuss the standards and whether or not they meet those standards and the Board makes a determination after that.

Mr. Speir asked if this was actually a continuation of the application that was filed in January 2003.

Mr. Bishop stated they were separate applications, but much of the work that is done by the Planning Board during the change of use will be incorporated into the special exceptions.

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Mr. Speir asked how many vehicles the Police Department have now.

Chief Dean replied that off the top of his head, ten. He said they just lost a four-wheel drive. This is replacing the one that they just lost. The other one they have has 120,000 miles on it at last count and is on its last legs. He said the other one was transferred over to the Fire Marshal.

Trustee Tucker explained they took two old vehicles and made one good one out of them.

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Hermon "Hank" Beck said he was the fellow who put the application in with Calpaso for the Bricklin special exception for the Village Green. He said he had been told it was going to be on the agenda tonight.

Mayor Teller said that it was not on for tonight, but it could be put on the agenda for the work session in a few weeks.

Trustee Birk asked if Mr. Beck had submitted dates for that.

Mr. Beck responded that they had submitted the dates, the insurance certificate, everything was filed. He said the date is July 25<sup>th</sup> and it is a chance to bring the Bricklin International Collector's judging to the Great Lawn. It is a one day event on the Great Lawn, there is no charge for it, it is free. He said there would be somewhere between forty and sixty cars, they don't know how many and they will be doing other things throughout the community and working on coordinating it. Also, he said he would like to support Mr. Jorna, from the Chamber of Commerce's point of view, about seeing that Main Street is being maintained well. He said he was not here officially from the Chamber, although he is a Chamber member and officer, he felt Mr. Jorna brought up good points. He felt they were worth considering, since it is part of what keeps our Village kind of special. In terms of all the other Villages, he thought they have done a pretty good job in attracting businesses here and keeping it here. He felt the Bricklin thing will bring our first national show to Westhampton Beach. He said it is small, it is modest and it is very clean.

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Patricia DiBenedetto, 21 Adam Lane, thanked the Trustees for her appointment as a Planning Board member.

Mayor Teller jokingly remarked that after about the second meeting, she might not thank them.

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Mayor Teller asked if anyone else would like to address the Board. There being no further response he made a motion at 7:45 p.m. to adjourn the meeting to Executive Session. Seconded by Deputy Mayor Kametler and unanimously approved. 4 Aye, 0 Nay

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Respectfully submitted,

Christine Owen  
Deputy Clerk