

**PRESENT:** Mayor Conrad Teller  
Trustee Patricia DiBenedetto  
Trustee Charles Palmer  
Deputy Mayor Hank Tucker  
Trustee Ralph Urban

Clerk-Treasurer Rebecca Molinaro  
Village Attorney Richard Haefeli

Mayor Teller opened the meeting by making an announcement that if anyone was here for the closing of Main Street the application was withdrawn.

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#### **PUBLIC HEARINGS**

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Mayor Teller made a motion to open the public hearing on Special Exception Application-Sunset West, LLC and Teserra, LLC. Seconded by Deputy Mayor Tucker and approved 4 Aye and 0 Nay.

Mayor Teller asked if anyone would like to be heard.

There being no response, Deputy Mayor Tucker made a motion to hold-over the public hearing, seconded by Trustee Urban and approved 4 Aye 0 Nay.

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Mayor Teller made a motion to open the public hearing on Special Exception Application-Oliverio/LSM Development Corporation. Seconded by Trustee Urban and approved 4 Aye and 0 Nay.

Mayor Teller asked if anyone would like to be heard, Mr. Mendelson was asked if he wanted a special exception, Mayor asked Mr. Haefeli if there was anything else, he stated it was to be used as administrative office only, no contractor vans to be parked there.

Motion made by Mayor Teller to close public hearing seconded by Trustee Urban and approved 4 Aye and 0 Nay.

The applicant is the owner of an improved parcel of commercial property located on the west side of Sunset Avenue in the B-1 Business District. The applicant proposes to convert the existing use to a contractor's office which is a permitted use by way of a special exception permit issued by this Board.

The property is currently being used for real estate office and the applicant does not propose to make any external changes to the existing building or to change the existing parking.

The Planning Board has a site plan application presently before it and based upon its review of the applicant's site plan it has submitted a recommendation to this Board that the special exception permit be granted.

Based upon the foregoing, the applicant's requests for a special exception permit for a contractor's office is granted subject to the applicant complying with the special conditions set forth in section 197-80.7 of the Zoning Code and in addition complying with any requirements imposed by the Planning Board in its site plan approval.

Seconded by Trustee DiBenedetto and approved 4 Aye and 0 Nay.

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Mayor Teller mad a motion to open public hearing on Local Law to Override Tax Levy Limit. Seconded by Trustee Urban and approved 4 Aye and 0 Nay.

Mayor commented about reason for this resolution, option to override tax levy cap. Mayor asked if anyone wanted to be heard, there being no response Mayor Teller made a motion to close public hearing, seconded by Trustee Urban and approved 4 Aye and 0 Nay.

WHEREAS, this Board has advertised a local law adding Chapter 162 of the Village Code, entitled "TAX LEVY" and

WHEREAS, a public hearing was held on April 4, 2013, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 617.7 in determining the environmental significance of this action, and

WHEREAS, this Board has determined that the proposed local law is one of general applicability;

IT IS THEREFORE RESOLVED that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action; and

WHEREAS, all persons present at the meeting have had an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

NOW THEREFORE, that after due deliberation the Board of Trustees of the Village of Westhampton Beach finds that it is in the best interest of the Village to adopt the Local law as advertised and attached.

Seconded by Deputy Mayor Tucker and approved 4 Aye and 0 Nay.

Motion made by Mayor Teller to open public hearing 2013-2014 Tentative Village Budget, seconded by Deputy Mayor Tucker and approved 4 Aye and 0 Nay.

Mayor asked if audience had copies, question asked if there were any changes made from previous copy. Mayor again asked if anyone in audience had any questions.

Mayor Teller commented, total expenditures and revenues went up, appropriated surplus of \$350,000, budget under 2% tax cap. There were no layoffs, retirements with no replacements. Mayor Teller asked board members for any questions, Trustee DiBenedetto commented that they just received some information regarding seasonal part time employees and needed to look over this information. Trustee Palmer questioned the compensated absences amount, and staffing requests. Trustee Palmer suggested holding over the hearing because of the ongoing contracts, Mayor responded that those amounts were factored in. Deputy Mayor Tucker continued discussion about holding over to a special meeting.

Motion made by Mayor Teller to hold over 2013-2013 Tentative Budget, seconded by Deputy Mayor Tucker voted as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

Deputy Mayor Tucker made a motion to add a resolution to the agenda. Mayor Teller asked what the item was, Deputy Mayor Tucker passed out the resolution. Discussion continued about this resolution. Motion made again by Deputy Mayor Tucker to add a resolution to the agenda, seconded by Trustee DiBenedetto and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

RESOLVED, That we hereby hire Kathy McGinnis as an independent contractor to serve in the interim and to train the new Village Administrator (when Adopted) or Clerk/Treasurer when the search is complete at a rate of \$60/hour. Ms. McGinnis will receive full access to the financials, facilities and documents, and office cooperation as she did in her prior 16 years of service to the Village as Clerk/Treasurer. Ms. McGinnis will inform us when the replacement is ready to serve on their own and will report to the Board of Trustees as to the progress.

Audience members spoke out against this resolution, Mayor Teller called for a 5 minute recess, meeting resumed with no vote.

## RESOLUTIONS

### Accept minutes of Board of Trustees Meeting

Motion by Deputy Mayor Tucker:

RESOLVED, that the minutes of the Board of Trustees Meeting of March 7, 2013 are hereby accepted.

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

### Accept Departmental Reports

Motion by Trustee Urban:

RESOLVED, that the Treasurer's reports for January 2013, Justice Court, Police Department's and Building Inspector's reports for February 2013, are hereby accepted.

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

### Accept Proposal for Services – EMT Governmental Accounting

Motion by Trustee DiBenedetto to hold over:

RESOLVED, that the proposal submitted by EMT Governmental Accounting Services for the 2013-14 Fiscal Year is hereby accepted pursuant to the attached at a rate of \$92.00 per hour.

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

### Approve Use of Village Property- WHB High School Student Government

Motion by Trustee Palmer:

RESOLVED, that the Westhampton Beach High School Student Government is hereby authorized to conduct a 5K race on Sunday, April 21, 2013 from 8:30 a.m. to 10:00 a.m. per the route on file. Schedule Public Hearing on 2013–14 Tentative Village Budget

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

### Approve Use of Village Property-Library Avenue Owners Corporation/Harbor House

Motion by Deputy Mayor Tucker:

RESOLVED, that the Library Avenue Owners Corporation/Harbor House is hereby authorized to use the Trustee Meeting Room at Village Hall on Sunday, June 2, 2013 from 9:30 a.m. to 1:30 p.m. for a Board of Directors Meeting.

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

**Approve Use of Village Property-Hurricane Education Foundation**

Motion by Trustee Urban

RESOLVED, that the Hurricane Education Foundation is hereby authorized to conduct the Annual Amazing Race and Scavenger Hunt on Saturday, June 8, 2013 from 8:00 a.m. to 12:00 p.m. per the route on file.

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

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**Approve Use of Village Property-Library Avenue Owners Corporation/Harbor House**

Motion by Trustee DiBenedetto:

RESOLVED, that the Library Avenue Owners Corporation/Harbor House is hereby authorized to use the Trustee Meeting Room at Village Hall on Saturday, June 22, 2013 for the Annual Shareholder's Meeting.

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

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**Approve Use of Village Property-Westhampton Cultural Consortium**

Motion by Trustee Palmer:

RESOLVED, that the Westhampton Cultural Consortium is hereby authorized to conduct outdoor concerts each Thursday beginning July 4, 2013 through August 29, 2013 from 7:00 p.m. to 9 p.m. at the Village Green.

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

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**Approve Use of Village Property-Family Service League**

Motion by Deputy Mayor Tucker:

RESOLVED, that Family Service League is hereby authorized to use the Great Lawn on Saturday, July 13, 2013 from 7 p.m. to 11 p.m. for the Annual Dinner Dance Gala.

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

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**Approve Use of Village Property-Westhampton Beach Performing Arts Center**

Motion by Trustee Urban:

RESOLVED, that the Westhampton Beach Performing Arts Center is hereby authorized to use the Great Lawn from Thursday, July 25, 2013 through Sunday, July 28, 2013 for the Zoppe Family Circus for five performances.

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

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**Approve Use of Village Property-Gould Parking**

Motion by Trustee DiBenedetto:

RESOLVED, that Helaine Gould is hereby authorized to use the Lashley Beach Parking lot on Saturday, August 10, 2013 from 6:30 p.m. to 11:00 p.m. for overflow parking.

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

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**Approve Use of Village Property-Rotary Club of Westhampton**

Motion by Trustee Palmer:

RESOLVED, that the Rotary Club of Westhampton is hereby authorized to use the Great Lawn on Saturday, August 10, 2013 and Sunday, August 11, 2013 from 10:00 a.m. to 5:00 p.m. and 12:00 p.m. to 5:00 p.m., respectively, for the Annual Rotary Flea Market.

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

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**Appoint 2013 Election Inspectors**

Motion by Trustee Tucker:

RESOLVED, that Bonnet Brophy is hereby appointed Chairperson of the Election Inspectors, and John Bouvier, Thomas Betjemann and Jeannette Smith are appointed as Election Inspectors and Carol Matthews is appointed as Poll Clerk and each are to perform the official duties of the Village General Election to be held on Friday, June 21, 2013 and are to be compensated at a rate of \$13.00 per hour.

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

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**Appoint 2013 Seasonal Beach Personnel**

Motion to hold-over by Trustee Palmer :

RESOLVED, that the following personnel are hereby appointed to the positions specified below at Rogers and Lashley Beaches for the 2013 season:

Managers (40 hours/week):

Kathleen Gristina – Manager	\$22.00/hour
Michael Polan – Assistant Manager	\$18.00/hour
James Duca – Assistant Manager	\$18.00/hour

Lifeguards (40 hours/week):

Thomas Abbatiello – Head Lifeguard	\$21.00/hour
Drew Peters – Assistant Head Lifeguard	\$16.00/hour
Matthew Montpetit – Lifeguard	\$15.00/hour
Robert Duca – Lifeguard	\$15.00/hour
Connor Raynor – Lifeguard	\$12.50/hour
Christopher Rothe – Lifeguard	\$12.00/hour
Brendon Spano – Lifeguard	\$12.00/hour
Zachary Moore – Lifeguard	\$11.75/hour
Timothy Murphy – Lifeguard	\$11.75/hour
Brianna Spano – Lifeguard	\$11.75/hour
Emma Tracy – Lifeguard	\$11.75/hour
Jackie Schaub – Lifeguard	\$11.75/hour
Alexa Brocoli – Lifeguard	\$11.75/hour
Kyra Williams – Lifeguard	\$11.50/hour
Jack Murphy – Lifeguard	\$11.00/hour

Attendants (40 hours/week):

Michael Polan	\$10.00/hour
Samuel Wiles	\$9.75/hour
Kaitlyn Gristina	\$9.50/hour
Foster Rignola	\$9.50/hour
Emma Gristina	\$9.50/hour

Brian Corrigan	\$9.25/hour
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Attendants (16 hours/week)

Andrew Boskamp	\$9.50/hour
Samantha Vickers	\$9.25/hour

Patrick Dean \$9.25/hour  
 Jesse Haber \$9.00/hour

Seconded by Trustee DiBenedetto and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Appoint 2013 Seasonal Police Officers**

Motion to hold-over by Trustee Palmer :

RESOLVED, that the following 2013 Part-Time/Seasonal Police Officers will be hired at the rate of \$20.00 per hour and will be scheduled to work at the discretion of the Chief of Police:

John Rankin	Robert Benjamin	Jason Luhrs
Richard Spera	Marc DeMartino	Steven Frano
Danielle McManus	Jeffrey Platt	John R. Murphy

Seconded by Trustee DiBenedetto and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Appoint 2013 Seasonal Traffic Control Officers**

Motion to hold-over by Trustee Palmer :

RESOLVED, that the following 2013 Seasonal Traffic Control Officers will be hired at the rate of \$16.00 per hour and will be scheduled to work at the discretion of the Chief of Police:

Gennaro DeScalo	Ronald Gholson	Jenna Elco
Thomas Glover	Matthew Stevens	Vincent Ianella

Seconded by Trustee DiBenedetto and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Appoint 2013 Seasonal Part-Time DPW Laborers**

Motion to hold-over by Trustee Palmer :

RESOLVED, that Raymond Swanson and Lee Kearns are hereby appointed as Part-Time Laborers in the Department of Public Works to work as assigned by the Public Works Superintendent at an hourly rate of \$15.00 per hour effective May 15, 2013.

Seconded by Trustee DiBenedetto and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Appoint 2013 Seasonal Marina Personnel**

Motion to hold-over by Trustee Palmer :

RESOLVED, that Frank Prudente is appointed as Dock Manager to be compensated at a rate of \$16.00 per hour, Vincenzo Portelli as Dock Attendant to be compensated at a

rate of \$14.00 per hour and Zachary Downs as Dock Attendant to be compensated at a rate of \$9.25 per hour.

Seconded by Trustee DiBenedetto and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Authorize 2013 Renewal of Firehouse Pizza Outdoor Dining Permit**

Motion by Trustee Urban:

WHEREAS, Firehouse Pizza has applied to renew the Outdoor Dining Permit for 2013 to place three (3) picnic tables with attached benches pursuant to §196-1 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved and subject to the same set of conditions.

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

**Authorize 2013 Renewal of Goldberg's Outdoor Dining Permit**

Motion by Trustee DiBenedetto:

WHEREAS, Goldberg's Deli has applied to renew the Outdoor Dining Permit for 2013 to place four (4) tables and twelve (12) chairs pursuant to §196-1 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved in 2008 and subject to the same set of conditions.

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

**Authorize 2013 Renewal of Shock Outdoor Tables, Chairs and Benches Permit**

Motion by Trustee Palmer:

WHEREAS, Shock Ice Cream has applied to renew the Outdoor Tables, Chairs and Benches Permit for 2013 to place three (3) outdoor tables with attached benches pursuant to §196-2 of the Village Code; and

WHEREAS, there were no incidents or reports filed with the Police Department concerning said use; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the placement of outdoor tables and chairs as shown on the submitted plan approved in 2004 and subject to the same set of conditions.

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

**Authorize 2013 Renewal of Shock Outdoor Music Permit**

Motion by Deputy Mayor Tucker:

RESOLVED, that the Board of Trustees hereby approve the renewal of Shock Ice Cream Outdoor Music Permit for 2013 subject to the same set of conditions as set forth on the Determination dated August 3, 2006, the provisions of Chapter 196-3 of the Village Code and the requirement that the volume of the amplification shall not be so excessive as to annoy or disturb a reasonable person of normal auditory sensitivity.

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

**Approve Village Emergency Preparedness Plan**

Motion by Trustee Urban:

RESOLVED, that the Board of Trustees hereby adopt the attached Village Emergency Preparedness Plan thereby replacing any previously utilized Village Emergency Preparedness Plans.

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

**Approve 2011–12 Fiscal Year Annual Financial Statements**

Motion to hold over by Trustee DiBenedetto:

RESOLVED, that the 2011–12 Fiscal Year Annual Financial Statements prepared by Satty, Levine and Ciacco for the Village of Westhampton Beach and the Village Justice Court are hereby approved.

Seconded by Trustee Palmer and the voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Approve 2011–12 Fiscal Year Budget Transfers**

Motion to hold over by Trustee DiBenedetto:

RESOLVED that the following 2011-12 Fiscal Year Budget Transfer to account A1420.4 Contractual in the amount of \$44,538.12 from account A1420.401 Litigation, leaving a balance of \$18,418.07 effective 5/31/12, is hereby approved.

Seconded by Trustee Palmer and the voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Approve 2011–12 Fiscal Year Budget Transfers**

Motion to hold over by Trustee DiBenedetto:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A1430.4 Personal Attorney in the amount of \$18,418.07 from account A1420.401 Litigation effective 5/31/12, is hereby approved.

Seconded by Trustee Palmer and the voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

**Approve 2011–12 Fiscal Year Budget Transfers**

Motion to hold over by Trustee DiBenedetto:



RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.100 Police Department – Personal in the amount of \$124,601.55 from account A1990 Contingent Items, leaving a balance of \$40,485.98 effective 5/31/12, is hereby approved.

Seconded by Trustee Palmer and the voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

#### Approve 2011–12 Fiscal Year Budget Transfers

Motion to hold over by Trustee DiBenedetto:

RESOLVED, that the following 2011-12 Fiscal Year Budget Transfer to account A3120.103 Police Department-Overtime-Personal in amount of \$24,312.07 from account A190 Contingent Items, leaving a balance of \$16,174.91 effective 5/31/12, is hereby approved.

Seconded by Trustee Palmer and the voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

#### Approve 2011–12 Fiscal Year Budget Transfers

Motion to hold over by Trustee DiBenedetto:

RESLOVED, that the following 2011-12 Fiscal Year Budget Transfer to account A31120.105 PD Detective Overtime-Personal Service in the amount of \$2,054.28 from account A1990 Contingent Items, leaving a balance of \$14,120.63 effective 5/31/12, is hereby approved.

Seconded by Trustee Palmer and the voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

#### Approve Financial Review from Satty, Levine and Ciacco

Motion to hold over by Trustee DiBenedetto:

RESOLVED, that the Board of Trustees hereby accept the financial review performed by Satty, Levine and Ciacco received March 6, 2013.

Seconded by Trustee Palmer and the voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	No

#### Authorize PBA Contract

Motion to hold over by Trustee DiBenedetto:

RESOLVED, that the Mayor is hereby authorized to execute an Agreement with the Village Police Benevolent Association and the Village of Westhampton Beach commencing June 1, 2012 through May 31, 2017.

Seconded by Mayor Teller and voted on as follows:

Trustee DiBenedetto	Aye	Mayor Teller	No
Trustee Palmer	Aye	Trustee Tucker	Aye
		Trustee Urban	Aye

**Approve Part-Time Employee Policy**

Motion by Trustee DiBenedetto:

RESOLVED, that the Village approves the attached Part-Time Employee Policy for employees hired after its ratification.

Seconded by Trustee Urban and unanimously approved. 4 Aye 0 Nay.

**Determination Renewal of Jonesey's 2013 Outdoor Dining Permit**

Motion by Trustee Palmer:

WHEREAS, the applicant has applied for an outdoor dining permit for fourteen (14) chairs and five (5) tables pursuant to the provisions of Chapter 196-1 of the Village Code of the Village of Westhampton Beach with respect to the premise located at 141 Montauk Highway and identified as SCTM# 905-5-2-6.1 and located in the B-2 Zoning District; and

WHEREAS, at the present time there are outstanding violations with respect to said premises and accordingly the permit is denied; therefore be it

RESOLVED, that the applicant shall have the right to reapply for a permit once the outstanding violations have been corrected.

Seconded by Trustee Urban and unanimously approved. 4 Aye 0 Nay.

**Approve Warrant for April 2013**

Motion by Deputy Mayor Tucker:

RESOLVED, that the warrant for April 2013 in the amount of \$266,634.60 for the

General Fund is hereby approved.

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

Mayor Teller made a motion to open the public hearing on Special Exception Application-Sunset West, LLC and Teserra, LLC. Seconded by Deputy Mayor Tucker and approved 4 Aye and 0 Nay.

Rocco Letteri appeared, no tenant as of yet, no other questions.

Mayor Teller asked if anyone would like to be heard.

There being no response, Mayor Teller made a motion to close the public hearing, seconded by Deputy Mayor Tucker and approved 4 Aye 0 Nay.

The applicant has applied for a Special Exception Permit, pursuant to the provisions of Section 197-76 et seq of the Zoning Code of the Village of Westhampton Beach for a change of use from a bowling alley use to a 3,162 square foot wet stores with food and 3,534 square foot 50-seat restaurant use within the existing building to be renovated into 14-unit multi-use occupancy per a site plan last dated December 19<sup>th</sup>, 2012, submitted to the Westhampton Beach Planning Board respecting the above premises. After applicant filed a site plan application with the Planning Board for the above work, the Planning Board deemed itself lead agency under SEQRA (State Environmental Quality Review Act), and determined that this action was an unlisted action. On February 28, 2013, the Planning Board adopted a Negative Declaration respecting the site plan review of the applicant, and although the site plan filed by applicants is still pending, it is sufficiently developed, that the Planning Board has issued a recommendation to the Board of Trustees that the Special

April 4, 2013

Exception approval be granted.

A public hearing was held before the Board of Trustees on April 4, 2013, at which time applicant produced testimony and exhibits in compliance with the provisions of Article VIII of the Zoning Code. Based on the information submitted, this Board finds the standards set forth in Section 197-79A-D have been satisfied, and the Board gave due consideration to Section 197-80A(1)-(8). Accordingly, this Board grants the Special Exception Application to perform the above work, subject to the conditions imposed by the Planning Board and the site plan review presently pending, and subject to the additional conditions set forth under Section 197-80.1 of the Westhampton Beach Code, for a Special Exception Permit for a standard restaurant.

RESOLVED, that the attached Special Exception Determination to change a use of a an existing bowling alley with associated uses to a 3,162 square foot of wet stores with food and 3,534 square foot 50-seat standard restaurant use in the existing building to be renovated into 14-unit multiple-use occupancy per a site plan last dated December 19<sup>th</sup>, 2012, filed with the Westhampton Beach Planning Board respecting the premises 81 through 131 Sunset Avenue, is hereby approved.

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

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#### PUBLIC DISCUSSION

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Mayor Teller asked if anyone else would like to be heard. Mr. Mendelson spoke about Trustee DiBenedetto's comment about putting the government back in the hands of the people, he has been asking the Village Board to vet his proposal to the people and can't get that done. He is asking the Village Board to do that. Continued discussing the master plan. Mr. Mendelson asked to be put on the agenda for the next work session to discuss the master plan. Mr. Urban stated that he asked Kyle Collins to attend the next work session reference the B-3 Business District.

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Mayor Teller asked if anyone else would like to be heard. There being no further response, he made a motion to adjourn the meeting. The motion was seconded by Trustee Urban and unanimously approved. 4 Aye, 0 Nay.

Respectfully submitted,



Elizabeth Lindtvit  
Clerk-Treasurer