

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, 7 VILLAGE LANE, QUOGUE, NEW YORK, ON FRIDAY FEBRUARY 20, 2015 AT 4:00 PM.

PRESENT: Mayor Peter Sartorius, Ted Necarsulmer, Jeanette Obser, Kimberley Payne, Village Attorney Richard DePetris and Village Clerk Aimee Buhl

ABSENT: Trustee Randy Cardo

OTHERS PRESENT: Police Chief Robert Coughlan, Fire Chiefs Bruce Davidson and Chris Osborne, Building Inspector Bill Nowak, Dick McChesney, Bill Berrien, David Genser, Bruce Peiffer, Paul Mejean, Frances Ryan, Dick Gardner, Deni McChesney, James McKenna, Alexa Gorman of the Southampton Press

The Mayor invited everyone to join him in the Pledge of Allegiance.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the Minutes of Regular Meeting held on January 16, 2015 were approved.

Upon motion made by Kimberley Payne, seconded by Jeanette Obser and unanimously carried, the Abstract of Audited Vouchers Schedule 02-15, \$229,655.15 and Treasurer's Report for the Month ending January 31, 2015 were approved as follows:

\$ 47,949.94 Checking Account
\$ 603,204.15 Capital Reserves
\$6,254,698.03 Investments
\$6,254,698.03 Total General Fund 1/31/15

The Clerk gave the report for December 2014 False Fire and Burglar Alarms as follows:

Burglar Billed: \$150; Burglar Collected: \$250
Fire Billed: \$200; Fire Collected: \$0

Fire Chief Bruce Davidson gave the January report for the Fire Department, Police Chief Robert Coughlan gave the January report for the Police Department, and Chief Building Inspector Bill Nowak gave the January report for the Building Department.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the following refunds of the Village's 2014-15 taxes as a result of court decisions reducing Town of Southampton 2013-14 assessments as follows:

TAX MAP #	OWNER	ORIG ASSMT	REDUCED TO	REFUND DUE
3-5-18	Glass	970,600	875,000	202.36
4-1-42	Elish	1,233,400	1,059,800	367.46
4-1-10	Weinberg	895,900	847,600	102.24
1-1-17.25	Bands	979,000	890,000	188.39
4-1-7.5	Forman	1,107,700	952,250	329.04

2-1-20	Walsh	537,000	500,000	78.32
3-3-86.8	Wolkenberg	1,244,800	1,170,000	158.33
10-2-50.1	Robinson	1,953,500	1,465,125	1,033.74
3-2-38.2	Brennan	817,900	740,000	164.89
9-1-5.4	Vollano	788,200	655,000	281.95
4-2-2.18	Rubin	1,095,400	821,550	579.66
3-2-31.3	Neubauer	881,000	800,000	171.45
7-2-1.7	Talarico	2,621,600	2,000,000	1,315.74
9-1-40.6	Coughlin	1,697,900	1,500,000	418.90
5-1-5	Allen	3,358,700	2,600,000	1,605.94
4-3-14.18	Klingenstein	1,181,400	1,000,000	383.97
15-1-20.2	Smitelli	3,093,600	2,820,500	578.07
7-1-32.1	Burke	1,554,900	1,300,000	539.55
10-3-11	Bryan	3,108,400	2,178,750	1,967.79
3-4-13	Wassle	637,600	625,000	26.67
15-1-11	Peters	3,025,700	2,641,600	813.03
			Total:	\$ 11,307.49

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Mayor is authorized to execute 2015 Fire Inspection Services Agreement with the Town of Southampton to provide fire investigation and hazardous materials response services from date of execution to December 31, 2015.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Mayor is authorized to execute 2015 Cooperative Agreement for Licensing of Home Improvement Contractors from date of execution to December 31, 2015.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the Mayor is authorized to execute 2015 Cooperative Agreement for Shared Computer Compatibility from date of execution to December 31, 2015.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED the Mayor is authorized to sign the renewal of the Building & Codes Software Support Contract with Williamson Law Book Co. from 3/1/2015 to 2/28/16 in the amount of \$745.00.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the following fees for the 2015 Village Beach Permit Application, 2015 Locker Rental Application, 2015 Seasonal Rental License Application and 2015 Special Events Permit Application are approved.

Vehicle (Resident)	\$90
Vehicle (Renter)	\$240
Walk-In	\$12
Locker Rental Fee	\$250 plus \$50 security deposit
Seasonal Rental Fee	\$250 (more than 31 days)
Seasonal Rental Fee	\$125 (31 days or less)
Late Fee	\$50 if application is received after the commencement date of the lease.
Beach	\$100
Decks and Beach	\$200

Interior Eating Area/Kitchen \$500
Parking Lot For Off-Site Function \$300

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, a transfer in the amount of \$2,000 from A3410413 (Fire Department Electronic Parts) to A3410443 (Fire Department –Building Maintenance) to cover building maintenance and repairs is hereby approved.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, a payment in the amount of \$180.13 to Riverhead Building Supply for additional gym repair materials utilizing Tiff fund is hereby approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer, and unanimously carried, it was RESOLVED, a Verizon Wireless permit application to modify antennas and related equipment at 40 Old Country Road in accordance with lease dated September 1, 1998 is hereby approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the declaration of the 2001 Ford F150 vin #8465 (Fire Department vehicle) as surplus and unneeded property and the acceptance of an offer of \$1,500 (appraised fair market value) for the purchase thereof is hereby approved.

The Mayor opened the Public Hearing on the proposed Local Law No. 2015 “A Local Law Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c.” Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer and unanimously carried, the public hearing was closed at 4:14 P.M.

Upon motion made by Mayor Sartorius, it was RESOLVED, that this proposed law be enacted as Local Law 2 of 2015. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius	Voting Aye
Trustee Payne	Voting Aye
Trustee Necarsulmer	Voting Aye
Trustee Obser	Voting Aye

Local Law No. 2 of 2015

A Local Law Authorizing A Property

Tax Levy In Excess Of The Limit Established

In General Municipal Law §3-c

Section 1. Legislative Intent.

It is the intent of this local law to allow the Village of Quogue to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override.

The Board of Trustees of the Village of Quogue is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Repeal.

If the Board of Trustees of the Village of Quogue adopts a budget for the fiscal year commencing June 1, 2015 that does not require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c (to wit, if the authorization contained in Section 3 of this local law is not utilized), this local law may be repealed by resolution of the Village Board of Trustees (to wit, without a public hearing and without any further local law).

Section 5. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date.

This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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The Mayor opened the Public Hearing on the proposed Local Law No. 2015 "A Local Law Amending Chapter 196 (Zoning) Of The Village Code With Respect To The Business B-2 District."

The Mayor stated that he and the Trustees received a memo from the Planning Board signed by Chairman Bill Berrien in favor of the amendment. The memo included comments requesting to simplify the law, especially in regard to merging the terms professional office and home occupation and the maximum permissible size of the business to be the same. The Mayor proposed a slightly modified version of the originally proposed local law as introduced at the Board of Trustee meeting on January 16, 2015. A copy of the proposed changes is attached.

The Mayor asked the audience for comments. Bill Berrien inquired concerning the proposed changes. Jim McKenna applauded the Board for the proposed changes and believes

the amendment will greatly improve that area. Mr. McKenna also questioned the size of a business sign located at 61 Montauk Highway and whether the panel truck which he said appears to be permanently parked in front was permissible. He also stated that there is a dumpster on the property that is in view. According to Bill Berrien and Planning Board member David Genser, the sign is the same size as the one it replaced. Mayor Sartorius said he will ask Code Enforcement to look into the matter.

Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer and unanimously carried, the public hearing was closed at 4:25 P.M. Mayor Sartorius thanked the Planning Board for their constructive comments. The revised proposed local law with the Mayor's changes is set forth below. Upon advice of Village Attorney Rick DePetris, the Board tabled the adoption of the proposed amendment until the next Board of Trustees meeting to be held on Friday, March 20, 2015 at 4:00 P.M.

A Local Law Amending Chapter 196
(Zoning) Of The Village Code With
Respect To The Business B-2 District

Section 1. The Zoning Map (which constitutes a part of Chapter 196) is hereby amended so as to locate and place the four parcels designated on the Suffolk County Tax Map as District 902, Section 9, Block 2, Lots 1.1, 1.2, 1.3 and 1.4 and the two parcels designated on the Suffolk County Tax Map as District 902, Section 3, Block 4, Lots 70 and 82.4 (said six parcels being currently located in the Business B-2 District) in the Residence A-5 District.

Section 2. The Table of Dimensional Regulations (which constitutes a part of Chapter 196) is hereby amended so as to change the following dimensional regulations as hereinafter set forth in the Business B-2 District:

(a) the minimum lot area regulation is changed from 40,000 square feet to 20,000 square feet;

(b) the minimum lot width and minimum street frontage regulations are changed from 150 feet to 100 feet;

(c) the minimum front yard regulation for principal building (including the minimum abutting side street on corner lot regulation) and the minimum distance from street regulation for accessory buildings and structures are changed from 100 feet to 40 feet.

Section 3. The definition of "special exception use" in §196-2B is hereby amended by inserting the clause "or by the Planning Board, if so provided," immediately after the clause "by the Board of Appeals, if so provided,"

Section 4. §196-14B is hereby amended by adding item (5) to read as follows:

(5) A home professional office accessory use within a one-family dwelling or a home occupation accessory use within a one-family dwelling, as a special exception use, when authorized by the Planning Board, provided that the Planning Board determines that the proposed accessory use on the particular parcel for which proposed will not produce an undesirable change in the character of the neighborhood, and subject to the following provisions:

(a) In the Business B-2 District, a one-family dwelling as permitted in the Residence A-5 District is a permitted use, and various business uses are permitted uses. There is no provision which permits a mixed use building containing a one-family dwelling use and a business use as independent or principal uses. The provisions of §196-14B(5) are intended to accommodate a one-family dwelling with a home professional office accessory use therein or a home occupation accessory use therein on a parcel which is not used for any principal use other than a one-family dwelling.

(b) As used herein, the following terms shall have the indicated meanings and shall be subject to the following restrictions:

(i) A home professional office means the office of a resident physician, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, engineer, interior designer, real estate broker or salesman, insurance broker or agent, or teacher as herein restricted. For the purpose of this definition, a teacher shall be restricted to a person giving individual instruction in academic or scientific subjects to a single pupil at one time. The home professional office of a physician shall not include a biological or other medical testing laboratory. A home professional office shall not occupy more than the equivalent of 1/2 of the floor area of one floor of the dwelling.

(ii) A home occupation means any gainful occupation, other than a home professional office, that the Planning Board determines is suitable for conduct within a dwelling by the residents thereof and is clearly secondary to the residential use and that does not change the character of the dwelling as a residence. A home occupation shall not occupy more than the equivalent of 1/2 of the floor area of one floor of the dwelling.

(iii) A home professional office or home occupation shall not employ more than two persons who are not members of the family.

(iv) A home professional office or home occupation shall not include the office or occupation of any person engaged principally in the purchase or sale of goods at the premises.

(c) The one-family dwelling shall be an owner-occupied one-family dwelling, to wit, occupied by the owner as a residence. Such accessory use shall be conducted by such owner (a resident of the dwelling) as an accessory use that is secondary and subordinate to the residential use.

(d) There shall be no change in the nature or character of the particular accessory use approved by the Planning Board without further approval from the Planning Board.

(e) The floor area of the particular accessory use as approved by the Planning Board shall not be increased without further approval from the Planning Board.

(f) Incident to granting special exception use approval, the Planning Board may impose reasonable conditions and safeguards.

(g) No sign relating to such accessory use shall be installed without approval from the Planning Board. Any sign relating to such accessory use shall be consistent with the character of the property as a one-family dwelling with such accessory use in the Business B-2 District, as determined by the Planning Board. No such sign as approved by the Planning Board shall be enlarged, extended, relocated or changed in style or character without further approval from the Planning Board.

Section 5. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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The Mayor spoke of two new types of bulbs that were recently installed on street lights on Quogue Street. A street light on Quogue Street at the corner of Beach Lane was installed with a LED light and a street light on Quogue Street between Beach Lane and Post Lane was installed with a HPS (High Pressure Sodium) bulb. Many Village street lights are currently utilizing incandescent bulbs which will need to be changed out as they are becoming problematic to replace. The Mayor encouraged residents to look at the lights and offer their opinions.

With no further matters to discuss, and upon motion made by Kimberley Payne and seconded by Ted Necarsulmer, the meeting was adjourned at 4:33 P.M.

Aimee Buhl, Village Clerk

