

MINUTES FOR THE REGULAR MEETING HELD BY THE BOARD OF TRUSTEES ON FRIDAY, FEBRUARY 18, 2022 AT 4:00 P.M.

PRESENT: Mayor Peter Sartorius, Trustees Randy Cardo (via Zoom), Kimberley Payne, Ted Necarsulmer and Robert Treuhold, Village Attorney Wayne Bruyn, Village Clerk Aimee Buhl and Deputy Clerk Denise Michalowski

OTHERS PRESENT: Police Chief Chris Isola, Fire Chief Mike Nelson, Building Inspector Bill Nowak

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the minutes of the Regular Meeting held on January 21, 2022 are approved.

Upon motion made by Ted Necarsulmer, seconded by Robert Treuhold and unanimously carried, the Abstract of Audited Vouchers Schedule 2-22, 258,074.96 and Treasurer's Report for the Month ending January 31, 2022 were approved.

\$ 105,016.29	Checking Account
\$ 1,120,452.22	Capital Reserve
<u>\$ 8,615,227.61</u>	Investments
\$10,236,936.40	Total General Fund 1/31/2022

The Clerk gave the report for January 2022 Fire and Burglar Alarms:

Fire Billed: \$250      Collected: \$1,550  
Burglar Billed: \$175      Burglar Collected: \$325

Fire Chief Mike Nelson gave the January 2022 report for the Fire Department. Building Inspector Bill Nowak gave the January 2022 report for the Building Department. Police Chief Chris Isola gave the January 2022 report for the Police Department.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the list from the Quogue Fire Department, following posting on January 21, 2022, showing the names of firefighters and the points earned in 2021 under the Quogue Fire Department Service Award Program, subject to there being no changes to the expiration of 30 days from the date of posting, is approved.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the 2022 fees set forth below and the forms of the 2022 Village Beach Permit Application, 2022 Locker Rental Application, 2022 Rental License Application and 2022 Special Events Permit Application are approved.

Vehicle (Resident)	\$120
Vehicle (Renter)	\$300
Walk-On	\$15
Locker Rental Fee	\$250
Rental Fee	\$250 (more than 31 days)
Rental Fee	\$125 (14 to 31 days)

Late Fee	\$50	if application is received after the commencement date of the lease
Decks and Beach	\$250	
Interior Eating Area/Kitchen	\$500	

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the Mayor is authorized to sign the renewal of the Building & Codes Software Support Contract with Williamson Law Book Co. from 3/1/2022 to 2/28/2023.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the Mayor is authorized to sign the HVAC System Service Agreement with Mulco Inc. for the heating and air conditioning in Village Hall at a cost of \$950 for the term 3/1/2022 through 9/1/2022.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that refunds of \$10 duplicate payments of 2022 alarm registrations to Thomas Neff, Anne Pelletier and Lenore Sherman are approved.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the Civil Service position of Court Officer is reclassified to Police Department Supervision.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that Blake Gifford is appointed to the position of Police Officer Part Time at a rate of \$26 per hour, effective February 19, 2022.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the 2021 -2022 Village tax for 902-1-40.4 (\$.92) is forgone. Suffolk County took title of the parcel on 7/24/2020.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the following transfers are approved:

- From A718049 Beach/Misc Exp to A7180443 Beach/Improvements & Maint \$1,300
- From A3410443 Fire Dept/Bldg Maint to A9089 Fire Service Award \$5,500
- From A1930400 Special Items/Judgements & Claims to A5110448 Scrub Oak Road Reno \$9,000
- From A1990400 Special Items/Contingent to A5110448 Scrub Oak Road Reno \$6,000

The Mayor opened Public Hearing regarding “Local Law No. \_\_\_\_ of 2022 Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c as introduced at the Board of Trustees meeting held on Friday, February 18, 2022 at 4:00 P.M. There were no comments and the Mayor closed the Public Hearing. Upon motion made by Mayor Sartorius, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that this proposed law be enacted as Local Law 1 of 2022. 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 Cardo voting Aye  
Trustee Treuhold voting Aye

Local Law No. 1 of 2022

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, 2022 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, 2022 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, 2022 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 Public Hearing regarding “Local Law No. \_\_\_\_ of 2022 A Local Law Amending Chapter 196 (Zoning) of the Village Code In Relation to Accessory Structures on Contiguous Lots under Common Ownership in Residential Districts and to clarify certain provisions to confirm that only one of certain types of Accessory Structures are permitted on a Residential Lot” as introduced at the Board of Trustees meeting on Friday, February 18, 2022 at 4:00 PM. There were no comments. Approval has not been received from the Suffolk County Planning Commission and the Public Hearing will remain open until the March meeting.

Local Law No. \_\_\_\_ of 2022

A Local Law Amending Chapter 196

(Zoning) of the Village Code

In Relation to Accessory Structures on Contiguous

Lots under Common Ownership in Residential Districts

And to clarify certain provisions to confirm that only one of

Certain types of Accessory Structures are permitted on a

Residential Lot

Section 1. §196-20 is hereby amended by lettering the existing provision with an “A” and by adding the following provisions:

B. However, if there are two contiguous, conforming residential lots in common ownership (as defined below), only one of which has a one-family dwelling on it (herein, the “residence lot”), an accessory structure or structures permitted under Section 196-13B may be constructed on the other lot (the “non-residence lot”) as long as all the applicable permits required by this chapter or otherwise are obtained and the owners of the residence lot and the non-residence lot demonstrate to the Zoning Administrator that:

1. The accessory structure will be located in a conforming location on the non-residence lot,
2. There will be, after the accessory structure is completed, sufficient buildable area on the non-residence lot to construct a conforming one-family residence,
3. So long as the non-residence lot does not have a one-family dwelling on it, vehicular access to the non-residence lot will be solely through the residence lot, and
4. The residence lot and the non-residence lot have common ownership.

C. The term “common ownership” shall mean that actual control and beneficial (economic) ownership of both the residence lot and the non-residence lot are held directly or indirectly by the members of the same family (although the legal title of the lots may be in separate names). The term “family” means parents, their lineal descendants and their respective spouses.

D. In the event that the residence lot and the non-residence lot cease to be in common ownership for any reason, the use of the accessory structure or structures on the non-residence lot shall cease forthwith, and such structure or structures shall be removed after six months (except a bulkhead need not be removed) unless within such period the owner of the non-residence lot obtains a building permit for a one-family residence and promptly commences and thereafter completes construction thereof. Upon issuance of a certificate of occupancy for the one one-family residence on the non-residence lot, use of the accessory structure or structures may be continued.

E. The accessory structure or structures placed on the non-residence lot shall be used solely by occupants of the dwelling on the residence lot and their non-paying guests.

F. The certificate of occupancy or compliance issued for any accessory structure under Section 196-20B shall have a notation placed thereon that it is issued pursuant to Section 196-20B and is subject to certain restrictions contained in Section 196-20.

G. The Zoning Administrator shall require execution by the owners of the residence lot and the non-residence lot of covenants setting forth the restrictions contained herein, which shall be in a form satisfactory to the Village Attorney, and recording thereof in the office of the Recorder of Deeds of Suffolk County.

H. Notwithstanding the foregoing, the residence lot and the non-residence lot shall together have not more than one of the following types of accessory uses and structures: swimming pool, pool house, tennis court, paddle tennis court or pickleball court, basketball hoop, bocce court or sport court.

Section 2. §196-13B shall be amended as follows:

- (a) By adding at the end of the introductory clause after the word “dwelling” and before the colon the following words: “or on a contiguous lot if permitted by Section 196-20”;
- (b) By changing in subparagraph (5) the location of the words “pickleball court” and the preceding comma so that they appear immediately after the words “tennis court” when they first appear in the subparagraph;
- (c) By adding in subparagraph (10) the words “boat slip or” immediately before the word “dock” each time that it appears; and
- (d) By adding the following new sentence immediately after subparagraph (18):

Only one of each of the accessory uses and structures enumerated above shall be permitted on any lot except for those uses and structures referred to in subparagraphs (12), (15) and (16).

Section 3. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

With no other business to discuss and upon motion made by Kimberley Payne seconded by Ted Necarsulmer and unanimously carried, the meeting was adjourned at 4:35 P.M.

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Aimee Buhl, Village Clerk