

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

PRESENT: Mayor Peter Sartorius, Trustees Kimberley Payne, Ted Necarsulmer and Robert Treuhold, Village Attorney Wayne Bruyn and Village Clerk Aimee Buhl

ABSENT: Trustee Randy Cardo

OTHERS PRESENT: Police Chief Chris Isola, Building Inspector William Nowak, Karen and Andrew Cirincione, George Motz, Andrew and Karen Cirincione and Irwin Messer.

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

Upon motion made by Ted Necarsulmer, seconded by Robert Treuhold and unanimously carried, the Minutes of Regular Meeting held on February 18, 2022 were approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, the Abstract of Audited Vouchers Schedule 3-22, \$297,825.49 and Treasurer's Report for the Month ending February 28, 2022 were approved.

\$ 117,607.39	Checking Account
\$1,120,796.08	Capital Reserves
<u>\$8,191,817.03</u>	<u>Investments</u>
\$9,429,817.50	Total General Fund 2/28/22

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

Fire Billed: \$600; Fire Collected: \$3,350

Burglar Billed: \$200; Burglar Collected: \$125

Ted Necarsulmer gave the February 2022 report for the Fire Department. Building Inspector Bill Nowak gave the February 2022 report for the Building Department. Police Chief Chris Isola gave the February 2022 report for the Police Department.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that the police department's 12-hour tour schedule pursuant to the Memorandum of Agreement dated April 29, 2019 between the Village and The Quogue Village PBA is approved to continue for one year.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the following Beach Personnel for the 2022 season are approved as follows:

Beach Manager:	Ryan Fay
Gate Attendants:	Daniel Pulick, Chris Squeri, and Rich King
Life Guards:	Richard Harris, Peter Salerno, Eric Buhl, Sean Brand, Sean Montpetit, Terence Moran, Matthew Montpetit, James Raynor, John Balzano, Thomas Abbatiello, Drew Peters, Tim Henderson and Eric Sweet

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the Mayor is authorized to sign the HVAC System Service Agreement with Mulco Inc. for the Fire House at a cost of \$1,420 for the term 4/1/22 through 3/31/23.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the Mayor is authorized to sign the HVAC System Agreement with Mulco Inc. for the Police Department and Gym at a cost of \$780 for the term of 4/1/22 through 3/31/23.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that as recommended by the Village Engineer and Planning Board, the Performance Bond Agreement with Penniman's Point Limited Partnership as "Principal" in the amount of \$76,000.00 secured by a certified check deposited in the Village's trust account to guarantee the removal of a house that was located partly within the proposed cul-de-sac and completion of the required common driveway improvements in connection with the "Final Subdivision Sections I and II for Penniman's Point Limited Partnership," be and hereby is RELEASED and the Village Clerk is authorized to return the security to the Principal.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that as recommended by the Village Engineer and Planning Board, the Performance Bond Agreement with 125 Montauk Highway Group, LLC as "Principal" secured by a certified check deposited in the Village's trust account in the reduced amount of \$12,000.00 to guarantee the completion of the required common driveway improvements in connection with the "Subdivision Map of 125 Montauk Highway Group, LLC," be and hereby is EXTENDED for one year with the new obligation date to be March 18, 2023.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that as recommended by the Village Engineer and Planning Board, the Performance Bond Agreement with KEWO Corp. as "Principal" secured by a certified check deposited in the Village's trust account in the reduced amount of \$43,500.00 to guarantee the completion of the required common driveway improvements in connection with the "Subdivision Map of Sandpiper Woods," be and hereby is EXTENDED for one year with the new obligation date to be March 18, 2023.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that purchase order 16748 Brothers The Police Store is increased in the amount of \$68.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the following transfers are approved:
From A5110240 Highway/St. Maint. Equipment to A5110425 Highway/Gasoline \$2,500
From A5110240 Highway/St. Maint. Equipment to A5110423 Highway/Telephone \$350
From A3120450 Police/Maintenance Contracts to A3120423 Police/Telephone \$1,000
From A3620421 Safety/121 Jessup/light & water to A3620411 Safety/Supplies & Materials \$1,500

From A3620210 Safety Inspection/Furniture to A3620411 Safety/Supplies & Materials \$500
From A909 Unassigned Fund Balance to A1910400 Special Items/Unallocated Ins. \$30,258
From A909 Unassigned Fund Balance to A9040800 Employee Benefits/Workers Comp \$13,167
From A909 Unassigned Fund Balance to A9060800 Employee Benefits/Hosp & Med Ins \$95,000
From A909 Unassigned Fund Balance to A9089800 Employee Benefits/Dental & Vision \$5,911

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that a payment of \$2,000 to DKR Shores for the application process related to the boat ramp reconstruction from Park Fund is approved.

Upon motion made by Kimberley Payne, seconded by Robert Treuhold and unanimously carried, it was RESOLVED, that a payment of \$4,000 to DiLandro Andrews Engineering for the engineering services related to the boat ramp reconstruction from Park Fund is approved.

Upon motion made by Kimberley Payne, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the request from the Quogue Historical Society to use the Village Green on Friday, August 12, 2022 for a cocktail party from 5:30 P.M. until 7:30 P.M. and on Saturday August 13, 2022 for its annual art show is approved and the Mayor is authorized to sign a license agreement for that purpose.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the request from the Quogue Association to host a concert on the Village Green on Friday June 24, 2022 (rain date June 25) from 5:30 P.M. until 7 P.M. is approved.

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the Mayor is authorized to sign and execute a contract with D&B Engineers and Architects, P.C., for storm water management compliance services.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the sale of the following abandoned vehicles are authorized to be sold to the highest bidder through GovDeal:

2009 Kawasaki VIN JKAEXEC149DA27465
1998 Nissan Sentra VIN 3N1CB51D61L432931
2008 Chevrolet Cobalt VIN 1G1AK18F187222247
1994 Acura Integra VIN JH4DC4454RS000797
2003 Nissan Maxima VIN JH1DA31A13T419083
1998 Honda Accord VIN 1HGCG5647WA205352
2003 Honda Accord VIN JHMCM56633C012963

Upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the Mayor is authorized to sign the Receipt, Release and Refunding Agreements with the Trustee of the Trust under the Will of Genevieve Lanyon.

Upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, the Mayor is authorized to sign and execute the license agreement with the Quogue Junior Theater Troupe, Inc. for use of the Community Hall for the 2022 season.

Upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the minutes of RFP held on March 16, 2022 at 3:00 P.M. for the operation of the snack bar at the Quogue Village Beach Pavilion for the 2022 and 2023 summer seasons, as advertised in the Southampton Press, Western Edition issues dated February 3 and February 10, 2022 (see attached) are approved and Quogue Country Market is awarded the concession.

The Mayor presented the 2022-2023 tentative budget to the Board of Trustees. The tentative budget was accepted and upon motion made by Ted Necarsulmer, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that a public hearing is scheduled for April 15, 2022 at 4 P.M. on the 2022-2023 tentative budget and a special meeting of the Board of Trustees is scheduled April 27, 2022 at 10 A.M. for adoption of the 2022-2023 budget.

The Mayor asked if anyone had comments 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 held on Friday, January 21, 2022 and discussed at the Board of Trustees meeting held on Friday, February 18, 2022.

Irwin Messer asked for clarification regarding one driveway for the two contiguous lots. There were no other comments and upon motion made by Robert Treuhold, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that the public hearing was closed.

RESOLUTION OF ADOPTION OF 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.”

WHEREAS, Board of Trustees of the Village of Quogue have proposed 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;” and

WHEREAS, a public hearing was held on February 18, 2022 and March 18, 2022; and

WHEREAS, by letter dated March 10, 2022, the Suffolk County Planning Commission considered the proposed local law to be a matter for local determination; and

WHEREAS, the adoption of said local law is considered to be a Type II action under 6 NYCRR §617.5(c), SEQRA and will not have a significant adverse impact upon the environment;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 2 of 2022 is hereby adopted as follows:

LOCAL LAW NO. 2 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.”

BE IT ENACTED by the Board of Trustees of the Village of Quogue as follows:

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.

* * *

AND BE IT FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that after public hearing was held on February 18, 2022 and March 18, 2022, the Board of Trustees of the Village of Quogue at their meeting of March 18, 2022 adopted LOCAL LAW NO. 2 OF 2022 as follows: “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.”

A copy of the adopted law is available at the Village Clerk’s Office.

**BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF QUOGUE, NEW YORK
AIMEE BUHL, VILLAGE CLERK**

George Motz made a request to the Board to name the Dune Road walkway preserve after Art Cooley, who grew up in Quogue and was the founder of the Environmental Defense Fund.

Karen Cirincione had questions regarding the FIMP project.

With no other business to discuss and upon motion made by Robert Treuhold, seconded by Ted Necarsulmer and unanimously carried, the meeting was adjourned at 4:42 P.M.

Aimee Buhl, Village Clerk

Minutes of RFP opening in accordance with notice published in the Southampton Press, Western edition issues dated February 3 and February 10, 2022 for the operation of the snack bar at the Quogue Village Beach Pavilion for the 2022 and 2023 summer seasons were opened and publicly read at 3:00 P.M. on Wednesday, March 16, 2022.

Present for the bid opening were: Village Clerk Aimee Buhl, Deputy Treasurer Amy Cosgrove and Office Assistant Deanna Miller. One bid was received as follows:

Quogue Country Market, \$500

Aimee Buhl, Village Clerk