

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, SEPTEMBER 15, 2023

PRESENT: Mayor Robert Treuhold, Trustees Randy Cardo, Ted Necarsulmer and Sally Beatty, Village Attorney Wayne Bruyn, Village Clerk Aimee Buhl, Police Chief Christopher Isola, Building Inspector William Nowak, Fire Chief Mike Nelson, and Fire Marshal Dave Schaffauer

ABSENT: Trustee Kimberley Payne

OTHERS PRESENT: Jessica and James Gregory, Trevor Gonce, Jeffrey Cole, Irwin Messer, Karen and Andrew Cirincione, Sally Booth, Kittric Motz, Lauren Battista, Ashley Gramins and Mary Louis

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

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, the Minutes of the Regular Meeting held on August 18, 2023 were approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, the Abstract of Audited Vouchers Schedule 09-23, \$264,654.35 and Treasurer's Report for the Month ending August 31, 2023 were approved:

\$ 319,091.49	General Account
\$11,064,700.30	General Investment
\$ 1,069,753.63	Capital Reserve
\$ 500,000.00	Compensating Balance
\$ 3,078,026.76	Class General Account
\$ <u>627,051.67</u>	Scrub Oak Renovation Bond Proceeds
 \$16,658,623.85	 Total 08/31/23

The Clerk gave the report for August 2023 False Fire and Burglar Alarms:

Fire Billed: \$625; Fire Collected: \$325  
Burglar Billed: \$850; Burglar Collected: \$1,800

Fire Chief Mike Nelson gave the August 2023 report for the Fire Department. Fire Marshal Dave Schaffauer gave his August 2023 report. Building Inspector Bill Nowak gave the August 2023 report for the Building Department. Police Chief Chris Isola gave the August 2023 report for the Police Department.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the Mayor is authorized to execute the 2023-2024 Hampton Theatre Company license agreement.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a Special Event Permit Application from Ryan Fay for a party held at the Quogue Village Beach on August 27, 2023 from 6 PM until 9 PM is retroactively approved.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a Special Event Permit Application from the Quogue School for Back to School Beach Day to be held at the Village Beach on September 21, 2023 from 10 AM until 2 PM is approved.



Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a Special Event Permit Application from Sean Brand for the Westhampton Beach High School football team dinner to be held on September 21, 2023 from 6 PM until 9 PM is approved.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the 2006 Ford F-750 highway department dump truck (VIN #FRXF76T96V326129) is declared as surplus and unneeded and is authorized to be sold through GovDeals.

Upon motion made by Sally Beatty, seconded by Randy Cardo and unanimously carried, it was RESOLVED that the purchase of a 2024 Ford F-750 chassis in the amount of \$110,931.00 utilizing the Highway Capital Reserves, subject to a permissive referendum, is approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED that the following 2022-2023 year end budget transfers are approved:

From:	To:	
A1110400 Village Court/Cont Serv	A1110100 Village Court /Per Serv/Judge	\$146.16
A1110400 Village Court/Cont Serv	A1110120 Village Court/Court Clerk	\$2,990.40
A1110400 Village Court/Cont Serv	A1110130 Village Court/Assoc Just	\$23.08
A1110400 Village Court/Cont Serv	A1110150 Asst Court Officer	\$412.50
A1325410 Clerk-Salaries	A1210120 Asst to the Mayor	\$250.00
A1325140 Clerk-Salaries	A1320100 Clerk-Treas/Pers Serv	\$411.43
A1325140 Clerk-Salaries	A1325120 Dep Clerk/Pers Serv	\$282.62
A1325140 Clerk-Salaries	A1325130 Dep Treas/Pers Serv	\$248.10
A1325416 Clerk/Treas Equip	A1325411 Clerk/Treas Supplies & Mat	\$513.06
A1325416 Clerk/Treas Equip	A1325416 Clerk/Treas Maint Cont	\$43.87
A1620100 Buildings/Pers Serv	A1620421 Buildings/Light & Water	\$1,822.90
A3120100 Police/Pers Serv	A3120130 Police Part Time Serv	\$10,588.00
A3120100 Police/Pers Serv	A3120140 Police/Secretary	\$284.29
A3120100 Police/Pers Serv	A3120416 Police/Crossing Guards	\$617.50
A3410413 Fire Dept/Supp Elect Parts	A3410412 Fire Dept/Supp Veh Maint	\$105.60
A3410450 Fire Dept/Physicals	A3410421 Fire Dept/Light & Water	\$1,567.25
A3410442A Fire Dept/Serv Equip Labor	A3410425 Fire Dept Gas/Diesel	\$325.17
A3410445 Fire Dept/Fire Safety/Edu	A3410443 Fie Dept/Bldg Improv Maint	\$544.19
A1325140 Clerk-Salaries	A3620100 Safety Insp/Pers Serv	\$483.49
A1325140 Clerk-Salaries	A3620130 Safety Insp/Build Insp PT	\$1,950.00
A1325140 Clerk-Salaries	A3620140 Safety Insp/Ord Insp	\$377.60
A1620443 Build/Impr & Maint	A3620421 Safety/121 Jess/Light & Water	\$72.96
A1620443 Build/Impr & Maint	A3620422 Safety/121 Jess/Heat	\$884.09
A1620443 Build/Impr & Maint	A3620425 Safety/Gasoline	\$58.31
A1620443 Build/Impr & Maint	A362049 Safety Insp/Misc	\$43.64
A5110150 Highway/Overtime	A5110100 Highway/Pers Serv	\$1,533.17
A5182448 St Lighting/Repairs	A5182446 St Lighting/Cont Serv	\$1,400.57
A7180100 Beach/Pers Serv	A7180443 Beach/Impr & Maint	\$682.86
A8710100 Conservation	A8160000 Sanitation/Refuse Removal	\$84.87



A9015800 State Retire PFRS	A9060800 Emp Benefits/Hosp & Med	\$28,151.81
A9015800 State Retire PFRS	A9080801 Emp Benefits/Opt Out	\$1,733.18
A9015800 State Retire PFRS	A9089800 Emp Benefits/Dental & Vis	\$2,790.07

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a transfer form A1980400 Special Items Cont to A9080801 Emp Benefits Opt Out in the amount of \$4,926.48 is approved.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that purchase order 17198 Traffic Safety Store is increased in the amount of \$72.19.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that payments of \$7,835.00 and \$200.00 to The Raynor Group from Capital Fund H4200200 Scrub Oak Road and Jessup Avenue Reconstruction Project are approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED that the Mayor is authorized to contract for the execution of road and drainage improvement on Ogden Lane in an amount not to exceed \$300,000 to be funded out of the Capital Fund H4200200 Scrub Oak Road and Jessup Avenue Road Reconstruction Project.

Upon motion made by Randy Cardo, seconded by Sally Beatty and unanimously carried, it was RESOLVED that the Mayor is authorized to execute the Village Municipal and Fire Department insurance policies for the period September 2023 to September 2024 solicited through Salerno Brokerage Corp.

Upon motion made by Sally Beatty, seconded by Randy Cardo and unanimously carried, it was RESOLVED that Lisa Jedlicka is retroactively appointed to the position of School Crossing Guard, at a rate of \$57.00 per day, effective September 9, 2023.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED that one-third (1/3) of the beach concession bid amount is waived in the amount of \$1,000.00.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the Board of Trustees of the Village of Quogue hereby directs that a public hearing shall be held on **Friday, October 20, 2023 at 4:00 PM** prevailing times, at the Village Hall Jessup Avenue, Quogue New York, to hear any and all persons either for or against a local law entitled: "A Local Law amending § 174-36 of the Village Vehicle and Traffic Law to change the speed limit in the Village from 30 to 25 MPH except streets listed in §174-36."

Attached hereto as Exhibit A

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

### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Quogue hereby directs that a public hearing shall be held on **Friday, October 20, 2023 at 4:00 PM** prevailing time, at the Village Hall, Jessup Avenue, Quogue New York, to hear any and all persons either for or against a local law entitled: "A Local Law amending § 174-36 of the Village Vehicle and Traffic Law to change the speed limit in the Village from 30 to 25 MPH except streets listed in §174-36."



**Pursuant to §103-a of the New York State Public Officer's Law and Local Law No. 3 of 2022, the meeting of the Board of Trustees and aforementioned public hearing will be held in person, or it may be held as a hybrid meeting in a combination of both in-person and videoconference (i.e. ZOOM). Notice whether the meeting will be held as a hybrid meeting and the access requirements of such remote meeting platform may be obtained from the Village Clerk.**

Copies of the proposed local law are on file in the Village Hall and may be reviewed during normal business hours.

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

The Mayor introduced a proposed local law that would establish standards and a formal permit process for work in Village Streets.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the Board of Trustees of the Village of Quogue hereby directs that a public hearing shall be held on **Friday, October 20, 2023** prevailing time, at the Village Hall, Jessup Avenue, Quogue, New York, to hear any and all persons either for or against a local law entitled: "A Local Law amending Chapter 158 (Streets and Sidewalks) of the Village Code to establish standards and a formal permit process for work in Village Streets."

Attached hereto as Exhibit B

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

#### **NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Quogue hereby directs that a public hearing shall be held on **Friday, October 20, 2023 at 4:00 p.m.** prevailing time, at the Village Hall, Jessup Avenue, Quogue, New York, to hear any and all persons either for or against a local law entitled: "A Local Law amending Chapter 158 (Streets and Sidewalks) of the Village Code to establish standards and a formal permit process for work in Village Streets."

**Pursuant to §103-a of the New York State Public Officer's Law and Local Law No. 3 of 2022, the meeting of the Board of Trustees and aforementioned public hearing will be held in person, or it may be held as a hybrid meeting in a combination of both in-person and videoconference (i.e. ZOOM). Notice whether the meeting will be held as a hybrid meeting and the access requirements of such remote meeting platform may be obtained from the Village Clerk.**

Copies of the proposed law are on file in the Village Hall and may be reviewed during normal business hours.

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



## Public Hearings

The Mayor opened the public hearings regarding “A Local Law amending §111-4 (Violating Acts) of the Noise Law to add standards for sports courts” as introduced at the Board of Trustees meeting held on Friday, August 18, 2023 at 4:00 P.M. and “A Local Law amending §196-13K to provide additional standards for pickleball courts” as introduced at the Board of Trustees meeting held on Friday, August 18, 2023 at 4:00 P.M.

The Mayor explained that the first proposed local law would set a “reasonableness” standard for residents who are disturbed by noise from sports courts. He stated that the trustees did not want to create strict mandates and that he hopes residents will be reasonable. The second proposed law relates specifically to pickleball courts. A landscape plan would need to be submitted and approved by the Zoning Administrator, including adequate provisions to assure stormwater runoff from courts is retained on the premises. In addition, the construction of new or the conversion of a tennis court or any court for playing pickleball would need to include appropriate sound attenuation measures to mitigate noise to adjoining neighbors to be reviewed and approved by the Design Review Board. The Mayor further explained that the point of the proposed local law was not to specify specific sound mitigation requirements. The Board wanted factors such as the location of the pickleball court and the proximity of neighbors to be considered.

The Mayor asked if anyone wanted to be heard either for or against said laws.

Lauren Battista inquired about pre-existing courts. The Mayor stated that they cannot retroactively enforce installing sound mitigation, but there may be instances when it would be required if proven necessary to make peace with the neighbors.

Kittric Motz stated that she thinks the proposed law is a little too vague and could become problematic and asked if it could be tied into other noise and nuisance.

The Mayor explained that the code already has language regarding disturbing noise. It does not have anything specific to pickleball. He also stated that the Board did not want to over regulate this process and wanted to provide for flexibility. The law would be revisited if it became unmanageable. The Board thinks the laws are necessary because of the growing popularity of pickleball.

Kittric stated that she had concerns regarding the types of sound mitigation products. The Village Attorney stated that there are various options. The Mayor stated that the Board intentionally wanted to leave it open because of different situations.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, the first public hearing was closed.

WHEREAS, the Board of Trustees of the Village of Quogue have proposed a local law amending §111-4 (Violating Acts) of the Noise Law to add standards for sports courts”; and

WHEREAS, a public hearing was held on September 15, 2023; 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;

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Treuhold voting Aye  
Trustee Cardo voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Beatty voting Aye

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 8 of 2023 is hereby adopted as attached as Exhibit C.

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 a public hearing was held on September 15, 2023, the Board of Trustees of the Village of Quogue at their meeting of September 15, 2023 adopted "Local Law No.8 of 2023 amending §111-4 (Violating Acts) of the Noise Law to add standards for sports courts." Copies of the adopted law are on file in the Village Hall and may be reviewed during normal business hours.

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

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED that the second public hearing was closed.

WHEREAS, the Board of Trustees of the Village of Quogue have proposed a local law amending "A Local Law amending §196-13K to provide additional standards for pickleball courts."; and

WHEREAS, a public hearing was held on September 15, 2023; and

WHEREAS, by letter dated August 29, 2023, 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;

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Treuhold voting Aye  
Trustee Cardo voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Beatty voting Aye



NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 9 of 2023 is hereby adopted as attached as Exhibit D.

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 a public hearing was held on September 15, 2023, the Board of Trustees of the Village of Quogue at their meeting of September 15 2023 adopted "Local Law No. 9 of 2023 "A Local Law amending §196-13K to provide additional standards for pickleball courts." Copies of the adopted law are on file in the Village Hall and may be reviewed during normal business hours.

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

The Mayor opened the public hearing "A Local Law amending §149-12 (Prohibitions; Restrictions) of the Village Rentals Law to limit the number of rentals during the summer season and annually" as introduced at the Board of Trustees meeting held on Friday, August 18, 2023 at 4:00 P.M. The Mayor read the proposed law and stated that the Board has been considering this for many years. He stated that constant turnover is not consistent with the appeal of the village and that it disrupts neighborhoods. The Mayor asked for questions and comments. Kittrick Motz suggested allowing flexibility since some property owners rely on the income and she believes three rentals in the summer is too restrictive.

Randy Cardo asked for realtor Lauren Battista's comments. Lauren stated that two-week rentals are becoming more popular, although the majority of properties are still being rented monthly. She questioned if the new law would be beneficial as the real problems come from those properties that are being rented illegally.

Jessica and James Gregory spoke in opposition of the limits and cited it could pose a financial hardship. Bill Nowak stated that the Gregory's property has two legal dwellings and perhaps this should be considered.

The Board stated that they are sensitive to the concerns and and wanted to continue to think about it.

Upon motion made by Mayor Treuhold, seconded by Randy Cardo, and unanimously carried, it was RESOLVED that the public hearing will remain open until next month's trustees meeting.

Sally Booth applauded the efforts of the Board regarding her request for speed control including the additions of crosswalks. She inquired about the crosswalk sign on Old Depot Road and Edgewood Road. The Mayor stated that someone had stolen six of the Village's signs which have been recovered. She stated she supports the 25 mph speed limit.

Jeffrey Cole also applauded the Board and inquired if the traffic report was available. He also stated that he would not be present to attend the October meeting. The Mayor replied that he could write a letter.

With no other business to discuss and upon motion made by Ted Necarsulmer seconded by Randy Cardo and unanimously carried, the meeting was adjourned at 5:17 PM.

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Aimee Buhl, Village Clerk

**Exhibit A**

**LOCAL LAW NO. \_\_\_\_ OF 2023**

A LOCAL LAW amending §174-5 and §174-36 of the Village Vehicle and Traffic Law to change the speed limit in the Village from 30 to 25 MPH except on streets listed in §174-36.

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

**SECTION 1. Amendment.** Section §174-5 of the Village Vehicle and Traffic Law is amended by deleting strikethrough words and adding underlined words as follows:

The maximum speed limit at which vehicles may proceed on or along any streets or highways within the Village is hereby established at ~~30~~ 25 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II (§174-36) shall be indicated in said schedule.

**SECTION 2. Amendment.** Section §174-36 of the Village Vehicle and Traffic Law is amended by deleting strikethrough words and adding underlined words as follows:

**§174-36. Schedule II: Speed Limits.**

In accordance with the provisions of §174-5, speed limits other than ~~30~~ 25 miles per hour are established as indicated upon the following street or parts of street:

Name of Street	Speed Limit (mph)	Location
Jessup Avenue	<del>25</del>	<del>From Midland Street to Quogue Street</del>
Montauk Highway	40	Entire length in Village
Quogue Street	<del>25</del>	<del>Entire length in Village</del>
Quogue-Riverhead Road	40	Entire length in Village

**SECTION 3. Authority.** The proposed local law is enacted pursuant to §1643 of the NYS Vehicle and Traffic Law and the Municipal Home Rule Law §10(1)(ii)(a)(5) and §10(2).

**SECTION 4. Severability.** If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**SECTION 5. Effective Date.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.



**Exhibit B**

**LOCAL LAW NO. \_\_\_\_ OF 2023**

A LOCAL LAW amending Chapter 158 (Struck through below) (Streets and Sidewalks) of the Village Code to establish standards and a formal permit process for work in Village Streets.

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

**SECTION 1.** Amendment. Chapter 158 (Streets and Sidewalks) of the Village Code is amended by deleting the existing Article I (§158-1 - §158-3) (struck through below), and substituting the new Articles I-III (§158-1 - §158-13), as follows:

**Article I**  
**Encroachments**

~~§158-1 Encroachments and projections not allowed. No encroachment or projection upon, into or over any public road or street in the Village of Quogue shall be made or maintained.~~

~~§158-2 Definitions. As used in this article, the following terms shall have the meanings indicated:~~

~~**ENCROACHMENT**—Any private use of any portion of a public right of way through any structure or device, whether upon, above or under said right of way; but nothing herein contained shall be construed to apply to any vehicle or any easement now legally owned by any public service corporation. The term "encroachment" also includes any private use of any portion of a public right of way for the display and sale of any products, goods, wares or merchandise.~~

~~**PROJECTION**—Any part of any building, structure or device erected upon private property or attached to any structure or device erected upon private property.~~

~~**PUBLIC ROAD OR STREET**—The area between the extreme lines of any public right of way in this Village, including any state or county road or highways as well as a Village road or street.~~

~~§ 158-3 Penalties for offenses.~~

~~A. —Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.~~

~~B. —For each and every violation of this article, the person or persons responsible for, causing, permitting, assisting in or refusing to abate or correct such violation shall be subject to a civil penalty not exceeding \$1,000 for each and every such violation. The continuation of a~~



~~violation of this article shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.~~

## **Article I**

### **Definitions**

**§158-1 Definitions.** As used in this Chapter, the following terms shall have the meanings indicated:

**DOUBLE POLE** Any utility pole that is located directly next to or in close proximity to another utility pole.

**ENCROACHMENT** Any private use of any portion of a public right-of-way through any structure or device, whether upon, above or under said right-of-way; but nothing herein contained shall be construed to apply to any vehicle or any easement now legally owned by any public service corporation. The term "encroachment" also includes any private use of any portion of a public right-of-way for the display and sale of any products, goods, wares or merchandise.

**EXCAVATION AND/OR CONSTRUCTION** Includes any introduction by any means of any alteration or improvement of any kind within the boundaries of a street, whether above or below ground.

**PERSON** Includes any individual, firm, partnership or corporation.

**PLANT** Any attachment to a utility pole, including but not limited to cables, terminals, conductors, and other fixtures necessary for transmitting electric, cable television, or other telecommunication services.

**PROJECTION** Any part of any building, structure or device erected upon private property or attached to any structure or device erected upon private property.

**PUBLIC STREET OR ROAD** Includes any public road, highway, avenue, street, lane or way, inclusive of its entire width, including the paved portion, the sidewalk area, the entirety of each shoulder and unimproved portions to extreme lines of the public right-of-way in this Village.

**UTILITY** Any corporation, authority, or other entity that provides utility services to the residents of the Village of Quogue, including but not limited to electric, water, gas, telephone, cable television or other telecommunications service.

## **Article II**

### **Notification of Defects in Streets and Sidewalks**

**§158-2 Liability of Village; prior notice required.** No civil action shall be maintained against the Village of Quogue or its employees for damages or injuries to person or property sustained by reason of any street, highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such street, highway, bridge or culvert was actually given to the Village Clerk and



there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert unless written notice thereof, specifying the particular place, was actually given to the Village Clerk and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**§158-3 Liability of Village; prior notice required.** No civil action shall be maintained against the Village of Quogue or its employees for damages or injuries to person or property sustained by reason of any sidewalk being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such sidewalk was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, and no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk unless written notice thereof, specifying the particular place, was actually given to the Village Clerk and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

### **Article III** **Public Streets and Roads, and Abutting Lands**

**§158-3 Encroachments and projections not allowed.** No encroachment or projection upon, into or over any public street or road in the Village shall be made or maintained.

**§158-4 Private use restricted.** No person shall utilize the lands within the bounds of any public street or road for private use, including but not limited to the construction of a driveway, apron, drainage, landscaping, fence, wall, berm, lighting or signage, except with the written permission of the Building Inspector in accordance with the procedures set forth in this Chapter.

**§158-5 Depositing dirt or soil.** No person shall permit any soil, loam, dirt, gravel or sand from any source whatsoever, including lands under the control of said person, to be deposited, placed, tracked or washed upon the bounds of any public street or road.

**§158-6 Flooding.** No person shall cause any lands adjacent to the bounds of any public street or road to be excavated or regraded in a manner that would impede drainage or cause flooding on any public street or road.

**§158-7 Barbed-wire fencing prohibited.** Barbed-wire fencing along the property line of any public street or road shall be prohibited.

**§158-8 Obstructions prohibited.** No person shall do or cause to be done any act or thing which shall cause or contribute to a condition in, within or upon any street, road, sidewalk, side-path, passageway or other public way of this Village or maintained by it which shall be dangerous to the health, safety or welfare of persons using the same or impair the public use



thereof or obstruct or tend to obstruct or render the same dangerous for passage.

**§158-9 Removal of damaged or double utility poles.** When the Building Inspector determines that a utility pole in a Village street or road right-of-way, which has a plant attached to it, is damaged and/or a double pole, the Building Inspector shall notify any utility with a plant on the damaged or double pole that it must remove its plant from the pole, as well as the pole, within 30 days of written notice or be subject to penalty.

**§158-10. Interfering with protective devices and regulated sites.** It shall be unlawful for any person to remove, displace or in any way interfere with any barrier, guardrail or any other object which shall have been placed along or across any public street or road in this Village for the purpose of preventing any person, animal or vehicle from entering any street which is being or which shall have been recently constructed or repaired or to remove, displace or in any way interfere with any lantern or signal which shall have been placed as a danger sign to warn approaching travelers at any place on any public street or road, or other public place in this Village or to trespass in any way upon any public street or road, or public sidewalk, which is being or has been recently constructed or repaired and which is guarded by any barrier, sign or signal for the purpose of preventing or warning persons from trespassing or in any way interfering in or upon the same.

**§158-11 Removal of vehicles during emergencies.**

A. When any vehicle is parked or abandoned on any street or road within the limits of the Village of Quogue during a snowstorm, flood, fire or other public emergency which affects that portion of the public street or road upon which said vehicle is parked or abandoned, said vehicle may be removed by the Village.

B. When any vehicle is found unattended on any street or road within the limits of this Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Village.

C. After removal of any vehicle as provided in this section, the Village may store such vehicle in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the agent of the impounding location of the amount of all expense actually and necessarily incurred in affecting such removal, together with any charge for storage.

D. The Village shall, without delay, report the removal and the disposition of any vehicle removed as provided in this section to the Village Police Department and request the Village Police Department to ascertain the owner of the vehicle or person having custody of the same and to notify him/her of the removal and disposition of such vehicle and of the amount which shall be required to redeem the same.

#### **Article IV Road Opening Permits**

**§158-12 Written consent of the Building Inspector required.** No person, firm or corporation shall utilize the lands within the bounds of any public street or road for private use, change or



alter the grade of any public street or road or of any sidewalk upon or in a Village street or road, or in any manner alter or change the line or height of any curb in any Village street or road, or open, disturb, break, mar, injure, remove or deface, or cause to be disturbed, broken, marred, injured, removed or defaced, the surface of any Village street or road, or make any excavation under the surface thereof for any purpose, or place or erect any utility or pole for any purpose in or upon any Village street or road, or alter or change the location of any existing utility or pole in any Village street or road, or introduce, erect or construct a driveway, apron, drainage, landscaping, fence, wall, berm, lighting or signage without first having obtained the written permission of the Building Inspector in the form of a Road Opening Permit.

A. Application for a Road Opening Permit from the Building Inspector under this Chapter shall be made upon a form to be provided by the Building Department.

B. The application for a Road Opening Permit shall state and include, among other information, the following:

(1) the street or road whereon the use, change, opening or alteration of the street or road, curb or sidewalk is to be made;

(2) the exact location on said street or road where the use, change, opening or alteration of the street or road, curb or sidewalk is to be made; the width, length and depth of such use, change, opening or alteration of the street or road, curb or sidewalk;

(3) the exact purpose for which the use, change, opening or alteration of the street or road, curb or sidewalk is sought;

(4) the quantity or number of the changes, openings or alterations of the street or road, curb or sidewalk requested;

(5) plans and specifications of the changes, openings or alterations of the street or road, curb or sidewalk requested.

C. The application for a Road Opening Permit shall also contain an affirmative representation that the applicant shall not cause any unreasonable or unnecessary obstruction or impediment of vehicular and pedestrian traffic, shall assume full responsibility to take every care and precaution to protect persons and property from injury or damage and shall, at his sole cost and expense, promptly restore said change, opening or alteration of the street or road, curb or sidewalk with the same type of materials and workmanship existing when said street was first opened by him, for all of which later the applicant shall remain liable and responsible to the Village for a period of one year from the date when he/she shall have first restored and completed the change, opening or alteration of the street or road, curb or sidewalk.

D. The fee for the issuance of said for a Road Opening Permit shall be a sum established by the Board of Trustees as amended by resolution from time to time and set forth on a fee schedule on file at the Village Clerk's office. All fees shall be nonrefundable.



E. Whenever the interest or the protection or the welfare of the Village or its property requires it, the Building Inspector, as a condition precedent to the issuance of the Road Opening Permit and the commencement of work, may require an applicant to file with his/her application sufficient indemnity or a proper completion and performance bond. Said indemnity or bond shall be for a reasonable amount and may cover one or more than one of the acts specified in this Chapter and said indemnity or bond may cover any period of time necessary to include the accomplishment of one or more of the aforesaid acts, all as shall be determined by the Building Inspector. The approval of the Building Inspector as to amount, form, manner of execution and sufficiency of surety or sureties shall be entered on said bond before it shall be filed in the Village Clerk's office and said bond shall be so filed before said consent shall be effective.

F. In the event that the applicant does not properly restore a street or road, as required herein, after ten days' written notice requiring him to do so, the Village reserves the right to restore or have restored any street or road or to redo or have redone any improperly or unskillfully restored the street or road in place and stead of the applicant and to charge the applicant for all work, materials, supplies and equipment used to do the same.

G. Except for aboveground utility poles where allowed, no applicant shall place or bury in any street or road any object, equipment or thing whatsoever which shall constitute a peril to person or property or which shall rise above the surface of any street bed for any length.

H. In consideration for the issuance of a Road Opening Permit, each applicant shall agree to hold the Village harmless and to indemnify it for any sum or sums of money charged against it or paid by it or adjudged against it by any court or authority for any act or condition directly or indirectly caused by the applicant and arising from the applicant's opening of any street or the closing or restoration thereof.

I. It shall be the applicant's obligation to give the Village Building Inspector timely notice of the date and time in connection therewith when the street or road will be closed and restored. No action or lack of action taken nor any statement or representation made by the Building Inspector shall in any way relieve or release the applicant of his liability and responsibility otherwise imposed against him herein.

#### **§158-13 Penalties for offenses.**

A. Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$5,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this Chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. For each and every violation of this Chapter, the person or persons responsible for, causing, permitting, assisting in or refusing to abate or correct such violation shall be subject to a civil penalty not exceeding \$5,000 for each and every such violation. The continuation of a violation



of this Chapter shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

C. Notwithstanding the provisions of Subsections A and B above, with respect to utility poles, plants, and attachments, in the case of a violation of §158-9 above, a penalty of \$500 shall be assessed for each day the pole, plant, or attachment is left standing beyond the period for removal. If a utility fails to comply with these provisions, the Village may commence an action in a court of competent jurisdiction for necessary relief, which may include the imposition of civil penalties as authorized by this Chapter, an order to remove the pole, plants and/or attachments, the recovery of costs of the action and such other remedies as may be necessary to prevent or enjoin such condition from existing in a Village street or road, or right-of-way.

**SECTION 2. Authority.** The proposed local law is enacted pursuant to Village Law Article 6 and Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(6), (11) & (12) and 10(1)(ii)(e)(2).

**SECTION 3. Severability.** If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**SECTION 4. Effective Date.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.



## Exhibit C

### LOCAL LAW NO. \_\_\_\_ OF 2023

A LOCAL LAW amending §111-4 (Violating Acts) of the Noise Law to add standards for sports courts.

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

**SECTION 1. Amendment.** Section 111-4 (Violating Acts) of the Noise Law of the Village Code is amended by adding a new subsection P as underlined words as follows:

The following acts are declared to be such loud, disturbing and unnecessary noises in violation of this chapter:

P. Sports courts. The use or playing of sports activities on a sports court or other playing surface on the premises in a residential zone, including basketball, tennis, paddleball, pickleball or similar activities, so as to unreasonably annoy or disturb the peace, quiet and comfort of neighboring inhabitants. The provisions of this section do not apply to an existing commercial club or facility with sports courts.

**SECTION 2. AUTHORITY.** The proposed local law is enacted pursuant to Village Law §4-412, and the Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

**SECTION 3. SEVERABILITY.** If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.



**Exhibit D**

**LOCAL LAW NO. \_\_\_\_ OF 2023**

A LOCAL LAW amending §196-13K to provide additional standards for pickleball courts.

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

**SECTION 1. Amendment.** Section 196-13K of the Village Code is amended to delete strikethrough words and add underlined words as follows:

K. No building permit for construction of a tennis court, paddle tennis court or pickleball court shall be issued until a landscape plan therefor shall have been approved by the Zoning Administrator. Such plan shall provide vegetative screening for the screening of the court (including its fence) from view from adjoining parcels and from any street to the extent that it is visible from a street. The landscape plan shall also include adequate provisions to assure stormwater runoff generated from the court is retained on the premises. Installation and maintenance of the required vegetative screening shall be a continuing condition to use of the court. In addition to the required landscaping, the construction of a new pickleball court or the conversion or use of any tennis court or playing court for playing pickleball shall include appropriate sound attenuation measures to mitigate noise to adjoining residences to be reviewed and approved by the Design Review Board.

**SECTION 2. AUTHORITY.** The proposed local law is enacted pursuant to Village Law §7-712, as well as Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

**SECTION 3. SEVERABILITY.** If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.



**LOCAL LAW NO. \_\_\_\_ OF 2023**

A LOCAL LAW amending §149-12 (Prohibitions; Restrictions) of the Village Rentals Law to limit the number of rentals during the summer season and annually.

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

**SECTION 1. Amendment.** Section 149-12 of the Village Rentals Law is amended by adding a new Subsection H as underlined words as follows:

**§ 149-12 H. Limitations on number of rentals.** Notwithstanding anything in this Chapter to the contrary, a one family dwelling utilized as rental shall not be used and rented more than four times during the calendar year of which no more than three rentals shall be permitted during the summer season from Memorial Day through Labor Day.

**SECTION 2. Authority.** The proposed local law is enacted pursuant to Village Law §4-412 and Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11)&(12) and 10(1)(ii)(e)(2).

**SECTION 3. Severability.** If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**SECTION 4. Effective Date.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.