

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, JUNE 21, 2024

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

OTHERS PRESENT: Dick Gardner, Irwin Messer, Lynn Joyce, Ed Corballis, Karen and Andrew Cirincione, Linda Maloney, Roger Griswold, Sammi Wang, Matt Howard, and Andrew Oliverio

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

Upon motion made by Ted Necarsulmer, seconded by Sally Beatty and unanimously carried, the Minutes of Regular Meeting held on May 17, 2024 and Special Meeting held on May 30, 2024 were approved.

Upon motion made by Sally Beatty, seconded by Randy Cardo and unanimously carried, the Abstract of Audited Vouchers Schedule 06-24, \$487,265.13 and Treasurer's Report for the Month ending May 31, 2024 were approved:

\$ 100,676.99	General Account
\$ 6,142,479.54	General Investment
\$ 928,494.93	Capital Reserve
\$ 500,000.00	Compensating Balance
\$ 3,284,514.94	Class General Account
<u>\$ 23,258.69</u>	Scrub Oak Renovation Bond Proceeds
\$10,979,425.09	Total 5/31/24

The Clerk gave the report for May 2024 False Fire and Burglar Alarms:

Fire Billed: \$1,300; Fire Collected: \$850  
Burglar Billed: \$550; Burglar Collected: \$325

Fire Chief Dave Schaffauer gave the May 2024 report for the Fire Department. Building Inspector Bill Nowak gave the May 2024 report for the Building Department. Police Chief Chris Isola gave the May 2024 report for the Police Department.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that the Organizational Meeting is scheduled to be held on July 1, 2024 at 11 A.M.

Upon motion made by Sally Beatty, seconded by Necarsulmer and unanimously carried, it was RESOLVED that Tara Mahon is appointed to the position of Office Assistant at a yearly salary of \$52,000 and a start date of August 1, 2024.

Upon motion made by Ted Necarsulmer, seconded by Tom Mullen and unanimously carried, it was RESOLVED, that a new Part Time Maintenance Mechanic 1 position is created.

Upon motion made by Sally Beatty, seconded by Randy Cardo and unanimously carried, it was RESOLVED that Bradley Warner is appointed to the position of Part Time Maintenance Mechanic 1 at a rate of \$50 per hour, effective June 21, 2024.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the resignation of William Leonardi, Police Officer PT, effective June 2, 2024 is accepted.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, that Wing (John) Shiu is appointed to the position of Gate Attendant at a rate of \$20 per hour, effective June 21, 2024.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED that Scott R. Bolster is appointed to the position of Assistant Court Clerk PT at a rate of \$20 per hour, effective June 24, 2024.

Upon motion made by Ted Necarsulmer, seconded by Tom Mullen and unanimously carried, it was RESOLVED that the following budget transfers are approved:

From A1990400 Special Items/Contingent to A1110140 Asst Court Clerk \$7,000  
From A1990400 Special Items/Contingent to A1325180 Clerk/Treas Longevity \$2,000

Upon motion made by Tom Mullen seconded by Randy Cardo and unanimously carried, it was RESOLVED that a payment in the amount of \$9,679 to David Driscoll for the Village's portion of the Quogue Canal dredging project is approved.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the following purchase order increases are approved:

17410 Data Shredding Service Inc.	\$20.00 for additional shredding expense
17422 Firematic Supply Co Inc.	\$107.90 for shipping
17374 Suffolk Computer Consultants	\$73.74 for a battery backup
17377 Commander Fleet Corp	\$623.84 for additional PD vehicle work
17347 David Driscoll (Dredging Project)	\$1,579.00 for additional expenses

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the following payments from H4200400 Road Improvements are approved:

The Raynor Group in the amount of \$1,512.50 for the Jessup Avenue Project  
The Raynor Group in the amount of \$205.00 for the Ogden Lane Project  
The Raynor Group in the amount of \$410.00 for the Dune Road/Ogden Lane/Midland Ave Project

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a Special Event Permit application from Andrew Goldman for use of the Village Beach parking lot on July 20, 2024 from 4 pm until 8 pm is approved.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a Special Event Permit application from Kevin Richards for use of the Village Beach parking lot on June 22, 2024 from 6 pm until 9 pm is approved.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the change of date of the Quogue Association Duck Race at the Village Dock to Friday, July 19, 2024 is approved.

Upon motion made by Ted Necarsulmer, seconded by Sally Beatty and unanimously carried, it was RESOLVED that a Special Event Permit application from Ben Siegel for a party to be held at the Village Beach on August 10, 2024 from 6 pm until 9:30 pm is approved.

Upon motion made by Sally Beatty, seconded by Randy Cardo and unanimously carried, it was RESOLVED that a refund of \$450 to Richard Krill for the cancellation of a Special Event Permit application and bonfire is approved.

Upon motion made by Ted Necarsulmer, seconded by Tom Mullen and unanimously carried, it was RESOLVED that a refund of \$5,779.45 to 4 Seascope LLC due to an assessment correction is approved.

Upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, it was RESOLVED that a refund of \$8,680.80 to 60 Q LLC for duplicate payment of the Village's 2024-2025 taxes is approved.

Upon motion made by Sally Beatty, seconded by Randy Cardo and unanimously carried, it was RESOLVED that an application for antenna and equipment changes at the cell tower located at 40 Old Country Road is approved.

Upon motion made by Sally Beatty, seconded by Tom Mullen 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, July 19, 2024 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 §196-15 I. to change the maximum amount of natural vegetation clearance allowed on light industrial parcels within the Compatible Growth Area of the Central Pine Barrens from 65% to 60% and adding a new §196-13 J. to ensure development and clearing in the Residence A-9 District conforms to the Central Pine Barrens Comprehensive Land Use Plan."

Attached hereto as Exhibit A

AND BE IT FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to refer this local law to the Suffolk County Planning Commission and Central Pine Barrens Joint Planning & Policy Commission; and

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, July 19, 2024 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 §196-15 I. to change the maximum amount of natural vegetation clearance allowed on light industrial parcels within the Compatible Growth Area of the Central Pine Barrens from 65% to 60% and adding a new §196-13 J. to ensure development and clearing in the Residence A-9 District conforms to the Central Pine Barrens Comprehensive Land Use Plan."

**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**

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED that O'Shea Marcincuk & Bruyn LLP is retained to defend the Village in connection with the Article 78 lawsuit filed by Kenneth Tedaldi against the Zoning Board of Appeals relating to an adverse determination.

The Mayor stated that today was Dick Gardner's last day on the Planning Board, on which he has served since 2008. Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that Dick Gardner is formally recognized and thanked for his many years of service to the Village.

Lynn Joyce thanked the Police Department for their presence on the roadways especially on Dune Road. She stated that on Saturday, June 15<sup>th</sup> a truck was parked on the beach near the piping plovers and that a small bonfire had been erected. She questioned the hours that vehicles are allowed to drive on the beach. Chief Isola stated that no vehicles are permitted on the beach from 9 am until 6 pm. There was a discussion regarding the beach access at the Village Beach and permitted bonfires. The Mayor thanked Ms. Joyce for bringing this situation to the Board's attention.

With no other business to discuss and upon motion made by Ted Necarsulmer seconded by Tom Mullen and unanimously carried, the meeting was adjourned at 4:35 PM.

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Aimee Buhl, Village Clerk

EXHIBIT A

LOCAL LAW NO. \_\_\_\_ OF 2024

A LOCAL LAW amending §196-15 I. to change the maximum amount of natural vegetation clearance allowed on light industrial parcels within the Compatible Growth Area of the Central Pine Barrens from 65% to 60% and adding a new §196-13 J. to ensure development and clearing in the Residence A-9 District conforms to the Central Pine Barrens Comprehensive Land Use Plan.

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

**SECTION 1. Legislative Intent.** On April 19, 2023, the Central Pine Barrens Joint Planning & Policy Commission adopted amendments to the Central Pine Barrens Comprehensive Land Use Plan ("CLUP"). These amendments changed, among other things, the maximum amount clearance of natural vegetation on a light industrial parcel in the Compatible Growth Area ("CGA") from 65% to 60%. Article 57 of the New York State Environmental Conservation Law requires that each municipality with lands in the Central Pine Barrens must adopt laws and regulations to be consistent with the CLUP. The Village Board, by Local Law 1 of 1996, adopted Section §196-15 I. to ensure compliance with the CLUP. Section 196-15 I. includes clearance standards for the light industrial parcels located within the CGA of the Central Pine Barrens within the Village boundaries. It is the intent of this local law to change the maximum amount of clearance of natural vegetation on light industrial parcels in the CGA in the Village from 65% to 60% to ensure consistency with the CLUP.

Additionally, the parcels in the Residence A-9 District north of LIRR are located in the CGA but are either owned by the Village of Quogue (i.e. Quogue Wildlife Refuge) or are parcels in the subdivision map of Wildlife Associates that extend partially out of the Village into the unincorporated area of the Town of Southampton. The lots in the subdivision map of Wildlife Associates are encumbered with a covenant restricting the clearance of natural vegetation to 35% of the lot area, which is more restrictive than the CLUP standards. Additionally, since the lots are split between the Village and the Town, the regulation and oversight of the development of all but one of the lots in the subdivision map has been with the Town of Southampton. Nonetheless, to ensure compliance with the CLUP is the intent of this local law to add a new §196-13 J. that will ensure that any development in said Residence A-9 District north of the LIRR is subject to the clearing and other development standards as set forth in the CLUP.

**SECTION 2. Amendment.** Section 196-15 I. of the Village Code is amended to delete strikethrough words and add underlined words as follows:

I. In the Light Industry LI-1 and LI-2 Districts, clearance of natural vegetation and establishment of fertilizer-dependent vegetation shall be limited in accordance with and shall comply with the following:

(1) For the purposes of these provisions, clearing is defined as the removal of any portion of the natural vegetation found on a site, exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas.

(2) Clearance of natural vegetation shall not exceed ~~65~~ 60% of the total area of the site.

(3) The calculation of the amount of site clearance shall include site areas proposed to be cleared and site areas previously cleared. The site areas proposed to be cleared combined with the site areas previously cleared shall not exceed ~~65~~ 60% of the total area of the site.

(4) Development plans shall delineate the site areas with existing natural vegetation and the limits of the proposed clearance. Development plans shall contain calculations with respect to site areas previously cleared and site areas proposed to be cleared.

(5) Where applicable, development design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent sites are developed. Where applicable, development design shall be configured in such a way as to prioritize the preservation of native pine barrens vegetation.

(6) No more than 15% of an entire development project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, nonnative species require fertilization; therefore, planting of such nonnative species shall be limited to the maximum extent practicable.

(7) The portion of the Village now situate in the Light Industry LI-1 and LI-2 Districts is situate in the compatible growth area defined in Subsection 12 of § 57-0107 of the State Environmental Conservation Law. The purpose of the foregoing provisions is to incorporate in the Village Zoning Code applicable land use standards contained in the Central Pine Barrens Comprehensive Land Use Plan adopted pursuant to § 57-0121 of the State Environmental Conservation Law; the applicable standards are contained in Volume I, Chapter 5, of said Plan under § 5.3.3-~~6~~ thereof.

(8) In the event that any portion of the Light Industry LI-1 and/or LI-2 Districts is hereafter rezoned so as to be placed in another zoning district under the Village Zoning Code, notwithstanding such rezoning, all of the foregoing provisions shall continue to be applicable to the rezoned site or sites, except as otherwise hereinafter provided. If the rezoned site or sites are placed in a residential district under the Village Zoning Code, the ~~65~~ 60% figure set forth in Subsection I(2) and (3) above shall be deemed to be modified so as to incorporate the applicable percentage figure contained in the clearance standard table (Figure 5-1) under § 5.3.3.6 of said Central Pine Barrens Comprehensive Land Use Plan; as so modified, all of the foregoing provisions shall continue to be applicable to the rezoned site or sites.



**SECTION 3. Amendment.** Section 196-13 of the Village Code is amended to add a new subsection J as underlined words as follows:

J. In the Residence A-9 District located north of the LIRR, clearance of natural vegetation and establishment of fertilizer-dependent vegetation shall be limited in accordance with and shall comply with the following:

(1) For the purposes of these provisions, clearing is defined as the removal of any portion of the natural vegetation found on a site, exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas.

(2) Clearance of natural vegetation shall not exceed the percentages of the total area of the site as set forth in Figure 5-1 of the Comprehensive Land Use Plan adopted pursuant to § 57-0121 of the State Environmental Conservation Law; the applicable standards are contained in Volume I, Chapter 5, of said Plan under § 5.3.3.6.1 thereof.

(3) The calculation of the amount of site clearance shall include site areas proposed to be cleared and site areas previously cleared.

(4) Development plans shall delineate the site areas with existing natural vegetation and the limits of the proposed clearance. Development plans shall contain calculations with respect to site areas previously cleared and site areas proposed to be cleared.

(5) Where applicable, development design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent sites are developed. Where applicable, development design shall be configured in such a way as to prioritize the preservation of native pine barrens vegetation.

(6) No more than 15% of an entire development project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, nonnative species require fertilization; therefore, planting of such nonnative species shall be limited to the maximum extent practicable.

(7) The portion of the Village now situate in the Residence A-9 District located north of the LIRR is situate in the compatible growth area defined in Subsection 12 of § 57-0107 of the State Environmental Conservation Law. The purpose of the foregoing provisions is to incorporate in the Village Zoning Code applicable land use standards contained in the Central Pine Barrens Comprehensive Land Use Plan adopted pursuant to § 57-0121 of the State Environmental Conservation Law; the applicable standards are contained in Volume I, Chapter 5, of said Plan under § 5.3.3 thereof.

**SECTION 4. AUTHORITY.** The proposed local law is enacted pursuant to Village Law §7-712, Article 57 of the Environmental Conservation Law, and Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

**SECTION 5. 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 6. EFFECTIVE DATE.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.