

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, JULY 19, 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: Nick Messina and Aram Terchunian

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 June 21, 2024 and Organizational Meeting held on July 1, 2024 were approved.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, the Abstract of Audited Vouchers Schedule 07-24, \$362,284.17 and Treasurer's Report for the Month ending June 30, 2024 were approved:

\$ 3,702,473.50	General Account
\$ 8,557,356.37	General Investment
\$ 1,312,630.69	Capital Reserve
\$ 500,000.00	Compensating Balance
\$ 3,270,041.63	Class General Account
<u>\$ 21,229.40</u>	Scrub Oak Renovation Bond Proceeds
\$17,363,731.59	Total 6/30/24

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

Burglar Billed: \$400; Burglar Collected: \$375  
Fire Billed: \$1,150; Fire Collected: \$800

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

Upon motion made by Sally Beatty, seconded by Randy Cardo and unanimously carried, it was RESOLVED that the Quogue Village Beach permit fees are reduced to half price (from \$120.00 to \$60.00 for residents and from \$350.00 to \$175.00 for seasonal renters), effective August 1, 2024.

Upon motion made by Tom Mullen, seconded by Sally Beatty and unanimously carried, it was RESOLVED that the following refunds for overpayment of the 2024-2025 Village taxes are approved as follows:

Regina Morellino	1-1-17.5	\$2,413.88
Corelogic	2-1-60	\$78.04
Corelogic	3-2-1.4	\$1,817.00
Corelogic	3-2-31.6	\$3,562.38
Corelogic	3-3-86.040	\$3,886.87
Corelogic	3-4-85.3	\$1,598.39
Mark Friedman	3-6-11	\$200.00
Corelogic	4-3-3.18	\$6,710.58
Corelogic	4-3-14.3	\$2,414.71
Corelogic	4-3-14.6	\$2,486.54

Thomas Dooley	12-1-15	\$6,105.70
Corelogic	16-1-1	\$629.06

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the A8710100 Stormwater Runoff & Bioswale Project 2024-2025 budget is increased in an amount not to exceed \$177,150, which reflects the anticipated grant funding from the Town of Southampton Community Preservation Fund.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that purchase order 17468 Clean Air Co. is increased in the amount of \$93.50 for additional cost of hose repair.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a payment in the amount of \$53.25 from H400200 Road Improvements to The Raynor Group is approved.

Upon motion made by Tom Mullen, seconded by Randy Cardo and unanimously carried, it was RESOLVED that a Special Event Permit application from Dan Pulick for a party at the Village Beach held on July 16, 2024 from 6 PM until 10 PM is retroactively approved.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that a Special Event Permit application from Mary Kelly for a party to be held at the Village Beach on July 25, 2024 from 6PM until 9PM is approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED that a Special Event Permit application from Kurt and Denise Roland for a party to be held at the Village Beach on July 28, 2024 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 a refund of \$600 to Patrizia Salvatore due to the cancellation of a special event and bonfire is approved.

Upon motion made by Randy Cardo, seconded by Sally Beatty and unanimously carried, it was RESOLVED that the Mayor is authorized to sign and execute an application to refile for the NYS Department of Environmental Conservation Beach Scraping permit.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the minutes of the bid opening in accordance with RFP for refuse removal services for the term of August 1, 2024 to July 31, 2025 and August 1, 2025 to July 31, 2026 is approved.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the proposal from Winters Bros. Hauling of Long Island for refuse removal services for the term of August 1, 2024 to July 31, 2025 and August 1, 2025 to July 3, 2026 is accepted ,subject to receiving satisfactory documentation relating to the ownership structure.

Upon motion made by Sally Beatty, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that an application to install a walkway and kayak rack at 36 Second Neck Lane is approved.

Upon motion made by Tom Mullen, seconded by Randy Cardo and unanimously carried, it was RESOLVED that a Special Exception application for maintenance dredging at 83 and 87 Dune Road is approved.

## **RESOLUTION TO SCHEDULE A PUBLIC HEARING ON A LOCAL LAW AMENDING §174-42.**

Upon motion made by Sally Beatty, 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, August 16, 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 §174-42 (Schedule VIII - Stop Intersections) of the Village Vehicle and Traffic law to add stop signs at the intersection of Midhampton Avenue and Box Tree Road and the intersection of Jessup Avenue and Scrub Oak Road.”

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, August 16, 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 §174-42 (Schedule VIII - Stop Intersections) of the Village Vehicle and Traffic law to add stop signs at the intersection of Midhampton Avenue and Box Tree Road and the intersection of Jessup Avenue and Scrub Oak Road.”

**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 Hearing**

The Mayor opened the public hearing regarding “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 as introduced at the Board of Trustees meeting held on Friday, June 21, 2024 at 4:00 PM. There were no comments and upon motion made by Sally Beatty, seconded by Ted Necarsulmer the Public Hearing was closed.

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

WHEREAS, a public hearing was held on July 19, 2024; and

WHEREAS, by letter dated July 16, 2024, the Suffolk County Planning Commission considered the proposed local law to be a matter for local determination; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 6 of 2024 is hereby adopted as attached as Exhibit B.

AND BE IT FURTHER RESOLVED, the Village Clerk is directed to forward a copy of this resolution to the Suffolk County Planning Commission and to the Planning Board and Zoning Board of Appeals of the Village of Quogue.

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 July 19, 2024, the Board of Trustees of the Village of Quogue at their meeting of July 19, 2024 adopted "Local Law No.6 of 2024 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." 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 question of 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  
Trustee Mullen voting Aye

With no other business to discuss and upon motion made by Tom Mullen seconded by Ted Necarsulmer and unanimously carried, the meeting was adjourned at 4:30 PM.

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Aimee Buhl, Village Clerk

**Exhibit A**

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

A LOCAL LAW amending §174-42 (Schedule VIII - Stop Intersections) of the Village Vehicle and Traffic law to add stop signs at the intersection of Midhampton Avenue and Box Tree Road and the intersection of Jessup Avenue and Scrub Oak Road.

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

**SECTION 1. Amendment.** Section §174-42 (Schedule VIII: Stop Intersections) of the Village Vehicle and Traffic Law is amended by deleting strikethrough words and adding underlined words in alphabetical order in the schedule as follows:

**§174-42. Schedule VIII: Stop Intersections.**

In accordance with the provisions of §174-11, the following described intersections are hereby designated as stop intersections, and stop sign shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
<u>Jessup Lane Avenue</u>	South	Scrub Oak Road
<u>Jessup Avenue</u>	North	<u>Scrub Oak Road</u>
<u>Midhampton Avenue</u>	North	<u>Box Tree Road</u>
<u>Midhampton Avenue</u>	South	<u>Box Tree Road</u>

**SECTION 2. Authority.** The proposed local law is enacted pursuant to §1603 and §1682 of the NYS Vehicle and Traffic Law and the Municipal Home Rule Law §10(1)(ii)(a)(5) 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 B**

### **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.

(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.

**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.