

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, HELD ON FRIDAY, FEBRUARY 14, 2025.

This meeting was accessible via Zoom.

PRESENT: Mayor Robert Treuhold, Trustees Ted Necarsulmer (Zoom), Sally Beatty and Tom Mullen, Village Clerk Aimee Buhl, Deputy Clerk Denise Michalowski, Police Chief Christopher Isola, and Fire Chief and Fire Marshal Dave Schaffauer

ABSENT: Trustee Randy Cardo

OTHERS PRESENT: Chris Brody, Todd Bandrowski, Kittric Motz and David Kepner

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

Upon motion made by Tom Mullen, seconded by Sally Beatty and unanimously carried, the Minutes of the Regular Meeting held on January 17, 2025 were approved.

Upon motion made by Tom Mullen, seconded by Sally Beatty and unanimously carried, it was RESOLVED that the Abstract of Audited Vouchers Schedule 02-25, \$290,616.98 and Treasurer’s Report for the Month ending January 31, 2025 are approved:

|                        |                                    |
|------------------------|------------------------------------|
| \$ 78,581.83           | General Account                    |
| \$ 6,695,235.47        | General Investment                 |
| \$ 1,349,134.17        | Capital Reserve                    |
| \$ 500,000.00          | Compensating Balance               |
| \$ 4,328,772.71        | Class General Account              |
| \$ 104,944.77          | Scrub Oak Renovation Bond Proceeds |
| <u>\$13,056,668.95</u> | Total 1/31/25                      |

The Clerk gave the report for January 2025 False Fire and Burglar Alarms:

Fire Billed: \$300; Fire Collected: \$100  
Burglar Billed: \$500; Burglar Collected: \$175

Fire Chief Dave Schaffauer gave the January 2025 report for the Fire Department. Police Chief Chris Isola gave the January 2025 report for the Police Department. Building Inspector William Nowak was absent from the meeting.

The Mayor opened the public hearing entitled: “A Local Law authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-c.” as introduced at the Board of Trustees meeting held on Friday, January 17, 2025 at 4:00 P.M. There were no comments and upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, the public hearing was closed.

WHEREAS, Board of Trustees of the Village of Quogue have proposed a local law authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-c.”;” and

WHEREAS, a public hearing was held on February 14, 2025; 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 2025 is hereby adopted as attached.

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 14, 2025, the Board of Trustees of the Village of Quogue at their meeting of February 15, 2025 adopted Local Law No. 2 of 2025 as follows: “A LOCAL LAW authorizing a Property Tax Levy in excess of the limit established in General Municipal Law §3-c.”

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

Mayor Treuhold voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Beatty voting Aye  
Trustee Mullen voting Aye

The Mayor then opened the public hearing regarding a local law entitled: “A Local Law amending Footnote #3 to the Table of Dimensional Regulations (196 Attachment 1) to confirm the setback relief for lots on the east side of Beach Lane is measured from the east line of Beach Lane, which relief is applicable only to the eight parcels that are located on the east side of Beach Lane or having frontage on Beach Lane” as introduced at the Board of Trustees meeting held on Friday, January 17, 2025 at 4:00 P.M.

Kittric Motz questioned the wording in the law “or having frontage on Beach Lane,” and suggested that the phrase was unnecessary. Mayor Treuhold and Village Attorney Wayne Bruyn stated that the proposed law does not have an ambiguity and the amended text is clear and the legislative intent addresses her concern. With no other comments, upon motion made by Ted Necarsulmer, seconded by Tom Mullen and unanimously carried, the public hearing was closed.

WHEREAS, Board of Trustees of the Village of Quogue have proposed a local law amending Footnote #3 to the Table of Dimensional Regulations (196 Attachment 1) to confirm the setback relief for lots on the east side of Beach Lane is measured from the east line of Beach Lane, which relief is applicable only to the eight parcels that are located on the east side of Beach Lane or having frontage on Beach Lane.”; and

WHEREAS, a public hearing was held on February 14, 2025; and

WHEREAS, by letter dated February 11, 2025 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. 3 of 2025 is hereby adopted as attached.

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 14, 2025, the Board of Trustees of the Village of Quogue at their meeting of February 14, 2025 adopted Local Law No. 3 of 2025 as follows: “A LOCAL LAW Footnote #3 to the Table of Dimensional Regulations (196 Attachment 1) to confirm the setback relief for lots on the east side of Beach Lane is measured from the east line of Beach Lane, which relief is applicable only to the eight parcels that are located on the east side of Beach Lane or having frontage on Beach Lane.” 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 the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Treuhold voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Beatty voting Aye  
Trustee Mullen voting Aye

The Mayor then continued the public hearing regarding “A Local Law amending §196-2B (Words defined); §196-15A (Permitted uses in Light Industry Districts) and §196-16F (Uses restricted) to amend the definition of nonnuisance industry, add definitions and listed permitted uses of indoor recreation, small/large scale solar energy systems, and battery energy storage system less than 600 kwh, and clarify the prohibition of bulk fuel storage facilities as introduced at the Board of Trustees meeting held on Friday, December 20, 2024 at 4:00 P.M and heard on January 17, 2025.

The Mayor stated that the Board had received a slightly revised version of the law from Village Attorney Wayne Bruyn ten days ago with three very minor corrections. In the indoor recreation uses clause, rather than strictly banning all spectators, the provision now reads to prohibit the installation of fixed seating or designated spectator areas. The second correction was a typographical error in the amendment to the definition of non-nuisance industry in which the word “not” was inadvertently dropped from the second to last clause. This clause now reads: “which does not include ...”, which is consistent with the legislative intent. The third correction was to section 196-16F. This section was corrected to eliminate an inadvertent inconsistency from the existing law to remove the reference in the restricted use section to “wholesale lumber or building material”, as this use is expressly included in the list of “permitted uses” in section 196-15A. Otherwise, the law is as was proposed this past December.

Kittric Motz commented that she thought that prohibiting indoor recreation spectator seating was unfair to families. The Mayor stated that spectators could bring a folding chair. He thanked Ms. Motz for her comments and said the board could revisit this if it became problematic.

Before closing the public hearing, the Mayor stated the following to be included in the record:

As previously noted, the Board had received the advisory report from the Suffolk County Planning Commission on January 15<sup>th</sup> that the adoption of the law was a matter of local determination.

Additional letters have been received since the last public hearing including a letter from the Village’s Fire Department and Fire Marshal, the Quogue Historical Society, the Quogue Association, and several other residents and neighbors all expressing their strong support for the proposed law.

The Board had received a Full Environmental Assessment Form (Parts one, two and three) from the Raynor Group, the Village's planning and engineering consultants on the proposed law.

With no other comments, upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, the public hearing was closed.

The Mayor stated that the trustees had reviewed a lot of materials in connection with this matter and have been following the Town's and State's reviews of battery storage. He also stated that the Board had taken into consideration Mr. Brody's presentation, including the opinion of his propane expert Mr. Lemont and the supporting customer letters he provided. The Board looked into the BESS debate including following very closely the Southampton Town's review and their ongoing moratorium, which was just renewed and extended for another three months. The safety of propane and additional traffic as a result of allowing bulk fuel storage in the village was considered. The Board also referred to the Village's Master Plan, adopted in 1970, which highlighted the residential nature of the village and encouraged the restriction of uses and size of the light industry zone.

The Mayor stated that while the board acknowledges some of the points Mr. Brody and his expert have raised, that propane is generally considered to be a safe source of fuel and is widely used throughout the Village and East End, they remain deeply concerned by the risks associated with introducing a bulk propane storage and delivery depot in the light industry zone. The Fire Chief and Fire Marshal expressed deep concern over the increased burden that would be placed on the department in terms of training and potential exposure. The Fire Chief cited that several years ago over 3,000 residents from over 900 homes in Shirley had to evacuate as a result of a leak that was discovered in a 30,000 gallon buried propane tank.

The Mayor continued that the Trustees believe sincerely and strongly that it is in the best interests of the Village and its residents to adopt the proposed legislation.

The Mayor read the negative declaration (attached).

Upon motion made by Tom Mullen, seconded by Sally Beatty, and unanimously carried, the negative declaration was approved.

WHEREAS, Board of Trustees of the Village of Quogue have proposed a local law amending §196-2B (Words defined); §196-15A (Permitted uses in Light Industry Districts) and §196-16F (Uses restricted) to amend the definition of nonnuisance industry, add definitions and listed permitted uses of indoor recreation, small/large scale solar energy systems, and battery energy storage system less than 600 kwh, and clarify the prohibition of bulk fuel storage facilities; and

WHEREAS, public hearings were held on January 17, 2025 and February 14, 2025; and

WHEREAS, by letter dated January 15, 2025, 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.4 of 2025 is hereby adopted as attached.

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 January 17, 2025 and February 14, 2025, the Board of Trustees of the Village of Quogue at their meeting of February 14, 2025 adopted Local Law No. 4 of 2025 as follows: "A LOCAL LAW amending §196-2B (Words defined); §196-15A (Permitted uses in Light

Industry Districts) and §196-16F (Uses restricted) to amend the definition of nonnuisance industry, add definitions and listed permitted uses of indoor recreation, small/large scale solar energy systems, and battery energy storage system less than 600 kwh, and clarify the prohibition of bulk fuel storage facilities.” 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 the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Treuhold voting Aye  
Trustee Necarsulmer voting Aye  
Trustee Beatty voting Aye  
Trustee Mullen voting Aye

The next item on the agenda was a discussion of the proposed propane storage and delivery installation at 2 Old Depot Road. Mr. Brody addressed the board stating that the judge had deemed his proposed use as nonnuisance and that it should be exempt of the code change and should be granted a special exception. The Mayor stated that the board was not in a position to proceed with his application in light of the amended law. He noted that the judge had indicated that the Village should change the law if they did not want bulk fuel storage in the village. Mr. Brody then stated this matter would go back to court. The Mayor stated that the trustees believe the existing law did not provide Mr. Brody the right in any event, and that the amended law simply clarified this.

Upon motion made by Tom Mullen, seconded by Sally Beatty and unanimously carried, it was RESOLVED that the list from the Quogue Fire Department, following posting on January 20, 2025, showing the names of firefighters and the points earned in 2024 under the Quogue Fire Department Service Award Program, subject to there being no changes prior to the expiration of 30 days from the date of posting, is approved.

Upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, it was RESOLVED that Todd Bandrowski is appointed to the position of Highway Department Laborer at an annual salary of \$56,000 effective February 24, 2025.

Upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, it was RESOLVED that a purchase of an Aviron rowing machine annual subscription to be funded by the Fire and Police Department Tiff accounts in the amount of \$699 is approved.

Upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, it was RESOLVED that the form of Fire Alarm Installation Permit Application (attached as Exhibit A) and fees are approved as follows:

|                        |                   |
|------------------------|-------------------|
| New installation       | \$200             |
| Amended Plan Submittal | \$100             |
| Re-inspection          | \$100 (per visit) |
| Renewal                | \$100             |

Upon motion made by Tom Mullen seconded by Sally Beatty and unanimously carried, it was RESOLVED that the 2025 fees set forth below and the forms of the 2025 Village Beach Permit Application, 2025 Locker Rental Application, and 2025 Special Events Permit Application are approved as follows:

|                                   |       |
|-----------------------------------|-------|
| Vehicle (Resident)                | \$120 |
| Vehicle (Renter)                  | \$350 |
| Walk-On                           | \$ 20 |
| Locker Rental Fee                 | \$300 |
| Decks and Beach                   | \$350 |
| Interior Eating Area/Kitchen      | \$500 |
| Parking Lot For Off-Site Function | \$500 |

Upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, it was RESOLVED that the Mayor is authorized to sign the renewal of the Building & Codes Software Support Contract with Williamson Law Book Co. from 3/1/2025 to 2/28/2025.

Upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, it was RESOLVED that the Mayor is authorized to sign the Town of Southampton Water Quality Improvement Project Funding Award for the purpose of the Ogden Pond, Quaquanantuck Lane, and Howell Lane Rain Gardens Project.

Upon motion made by Sally Beatty, seconded by Tom Mullen and unanimously carried, it was RESOLVED that the Mayor is authorized to sign the proposal from Nelson + Pope for professional services relating to the Ogden Pond, Quaquanantuck Lane and Howell Lane Green Rain Gardens Project to be funded by an award from the Town of Southampton Community Preservation Fund.

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

From A9060800 Employee Benefits/Hosp & Med Ins to A9080801 Emp Benefits/Opt Out \$8,149  
From A3120.445 Police Training, to A3120.130 Police/Part time Services \$6,000  
From A5110412 Highway Auto Parts to A5110411 Highway Supplies \$3,000

Upon motion made by Ted Necarsulmer, seconded by Tom Mullen and unanimously carried, it was RESOLVED that the following payment utilizing H4200200 Capital Road Improvements is approved:

The Raynor Group    \$14,455    Dune Road Improvement Project

Upon motion made by Sally Beatty, seconded by Tom Mullen 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.

Upon motion made by Tom Mullen, seconded by Sally Beatty and unanimously carried, it was RESOLVED that the time of the Board of Trustees monthly meetings are changed to 3:00 pm unless otherwise determined.

Upon motion made by Tom Mullen, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED that the April Board of Trustees meeting is rescheduled to April 22, 2025 at 3:00 pm.

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, March 21, 2025 at 3:00 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 §196-15.2E(2) (Minimum Site Size)

and §196-15.2H (Dimensional Regulations) to grant the Board of Trustees authority under certain conditions to approve a Planned Retirement Community District on a site with less than 160,000 sq.ft. of lot area and to modify applicable dimensional regulations.” Attached hereto as Exhibit B.

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

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, March 21, 2025 at 3:00 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 §196-15.2E(2) (Minimum Site Size) and §196-15.2H (Dimensional Regulations) to grant the Board of Trustees authority under certain conditions to approve a Planned Retirement Community District on a site with less than 160,000 sq. ft. of lot area and to modify applicable dimensional regulations.”

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**

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 4:50 PM.

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Aimee Buhl, Village Clerk