

Minutes of the Meeting of the Board of Trustees
Village of West Hampton Dunes
May 14, 2010– 7:30 p.m.
West Hampton Dunes, NY

Attendance: Mayor, Gary Vegliante, Trustees, Catherine Woolfson, Gary Trimarchi, , Laura J. Dalessandro, Village Clerk, Sgt. Brian Hennig, Sgt. Tim Turner, Joe Prokop, Village Attorney. **Absent:** Trustees, Michael Craig, Charlie Brown, Chief, Zlatniski, Aram Terchunian, Commissioner of Wildlife Protection.

- Meeting open by Mayor - 7:40 p.m. Pledge of Allegiance

Trustees Report:

- Trustee Woolfson –Entrance to Village beginning 5/24/10.

Mayor Report:

- NYCOM – End of Mayor Vegliante’s term as President.
- FEMA – due to changes in FEMA regulations, flood elevations in Village have changed significantly on the ocean depending on the location. Bayside was actually downgraded. For more information, contact the Village office.

Constabulary Report:

- Two burglaries in the Village. A sink was taken from one house, still being investigated.

Motion to close public hearing for purposes of adopting SEQRA.

Motion by: Trustee Woolfson
Seconded: Trustee Trimarchi
All in favor: Unanimous
All opposed: None

Local Laws:

- Pursuant to public notice dated May 6, 2010. Proposed Local Law No.1 & 2 of 2010 is read by Village Attorney, Joseph Prokop.

BOARD OF TRUSTEES
VILLAGE OF WEST HAMPTON DUNES
SEQRA RESOLUTION REGARDING
ADOPTION OF A LOCAL LAW NO 1 OF 2010
THE RENTAL DISTURBANCE LAW

WHEREAS a proposed Local law of 2010, the Rental Disturbance Law of the Village of West Hampton Dunes, and; WHEREAS the Board of Trustees of the Village of West Hampton Dunes has duly considered the obligations of the Village of West Hampton Dunes and the Board of Trustees in its consideration and possible action on the proposed Local Law with regard to SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA, and it is further

RESOLVED that the Board of Trustees hereby determines that this adoption of the Local Law is an Unlisted Action for purposes of SEQRA, and it is further;

RESOLVED that the Board of Trustees of the Village of West Hampton Dunes hereby determines that the adoption of the local law;

Will not have a significant negative impact on the environment in the action, and; Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and; Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and; Will not result in the creation of a hazard to human health, and; Will not result in a substantial change in land use, and; Will not encourage or attract an additional large number of people to a place for more than a few days, and;

Will not result in the creation of a material demand for other actions, and; Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two ore more related actions each of which is not significant but when reviewed together are significant, and that it is therefore;

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Upon motion of Trustee Trimarchi seconded by Trustee Woolfson; Who moved this Resolution to adoption. The resolution is carried upon roll call as follows:

Adopted May 14, 2010

Trustee Trimarchi - Aye
Trustee Woolfson - Aye
Mayor Vegliante - Aye

Laura Dalessandro, Village Clerk
Village Seal:

INCORPORATED VILLAGE OF WEST HAMPTON DUNES
LOCAL LAW NO 1 OF THE YEAR 2010
A LOCAL LAW OF 2010 REGARDING RENTAL DISTURBANCES
IN THE VILLAGE OF WEST HAMPTON DUNES AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

- 1.1 Title of Local Law
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Findings.
- 1.5 Purpose and Intent of Local Law.
- 2.0 General Provisions
- 3.0 Violations, Penalties and Fines
- 4.0 Severability

Section 1.0 Title, Enactment, Effective Date,
Purpose, and Definitions.

1.1. Title

This Local Law shall be entitled "Local Law No. 1 of 2010 of the Incorporated Village of West Hampton Dunes, a Local Law adopting regulations regarding rental disturbances."

1.2 Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York the Incorporated Village of West Hampton Dunes County of Suffolk and State of New York, hereby enacts by this Local Law of 2010, a Local Law of the Village of West Hampton Dunes.

1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.4 Findings.

The Board of Trustees of the Village of West Hampton Dunes determines and finds that a significant nuisance is created by the owners of a property when they rent the property and the property and its renters become the subject of more than two violations issued within one calendar year.

1.5. Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to protect the aesthetic qualities and quality of life in the Village of West Hampton Dunes by regulating nuisances created by activities of properties that are rented in the Village of West Hampton Dunes to the extent that the violate the Local laws of the West Hampton Dunes Village Code and to make continuous violations of the local laws of the Village of West Hampton Dunes by renters a violation by the owner of the property.

2.0 General Provisions;

2.1 It shall be a violation of this local law for a property owner to permit a nuisance to exist on that owner's property. A nuisance for purposes of this local law shall be deemed to be the issuance of more than two violations of the local laws of the Village of West Hampton Dunes regarding the use of a premises (Local Law 5 of 1996 Dogs and Animals, Local Law 6 of 1996 Noise Ordinance, Local Law 4 of 1998 Garbage, Local Law 5 of 1998 Noise, Local Law 1 of 2000 Unsafe Conditions, Garbage and Debris, Local Law 4 of 2003 Parking, Local Law 7 of 2003 Exterior Generators, and Local Law 1 of 2009 Control of Animals to be issued to a particular premises within one calendar year.

2.2 Each violation after the second violation issued for a violation of one of the local

laws listed in Section 2.1 above or similar local law regarding the use of a property within the same calendar year shall be a separate violation of this local law by the owner for which a violation shall be issued to the owner or owners of the property

3.0 Violations, Penalties and Fines

There shall be a fine or penalty of not more than two hundred and fifty dollars (\$250) for the first violation, \$500 for the second violation and \$1,000 dollars for each violation thereafter.

The Village of West Hampton Dunes shall have all rights under the law with respect to a violation hereunder and the election of a particular remedy shall not be exclusive and or preclude the subsequent request or pursuit of a different or additional remedy, whether civil or criminal. each and every violation of this local law, and each day that a violation shall exist shall be a separate violation of this local law.

4.0. Severability.

In the event that any section or portion of this Local Law shall be deemed to be unenforceable or of no effect, the remainder of the Local Law shall survive and remain in full force and effect.

BOARD OF TRUSTEES
VILLAGE OF WEST HAMPTON DUNES
SEQRA RESOLUTION REGARDING
ADOPTION OF A LOCAL LAW NO 2 OF 2010
A LOCAL LAW OF 2010 AMENDING SECTION 2.1 (C) (2) LOCAL LAW 2 OF 1998
REGARDING HEIGHT LIMITATIONS

WHEREAS a proposed Local law of 2010 which amends Local law 2 of 1998, the height regulations of the Village of West Hampton Dunes, and;

WHEREAS the Board of Trustees of the Village of West Hampton Dunes has duly considered the obligations of the Village of West Hampton Dunes and the Board of Trustees in its consideration and possible action on the proposed Local Law with regard to SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA, and it is further

RESOLVED that the Board of Trustees hereby determines that this adoption of the Local Law is an Unlisted Action for purposes of SEQRA, and it is further;

RESOLVED that the Board of Trustees of the Village of West Hampton Dunes hereby determines that the adoption of the local law;

Will not have a significant negative impact on the environment in the action, and;

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and;

Will not result in the creation of a hazard to human health, and;

Will not result in a substantial change in land use, and;

Will not encourage or attract an additional large number of people to a place for more than a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two ore more related actions each of which is not significant but when reviewed together are significant, and that it is therefore;

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Upon motion of Trustee Trimarchi seconded by Trustee Woolfson;

Who moved this Resolution to adoption. The resolution is carried upon roll call as follows:

Adopted May 14, 2010

Trustee Trimarchi - Aye
Trustee Woolfson - Aye
Mayor Vegliante - Aye

Laura Dalessandro, Village Clerk
Village Seal:

INCORPORATED VILLAGE OF WEST HAMPTON DUNES
LOCAL LAW NO. OF THE YEAR 2010
A LOCAL LAW OF 2010 AMENDING SECTION 2.1(C)(2) OF
LOCAL LAW 2 OF 1998 REGARDING HEIGHT LIMITATIONS
IN THE VILLAGE OF WEST HAMPTON DUNES AS FOLLOWS:

Section 1.0 Enactment, Effective Date

Purpose and Definitions.

1.1 Title of Local Law

- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Findings.
- 1.5 Purpose and Intent of Local Law.
- 2.0 General Provisions
- 3.0 Severability

Section 1.0 Title, Enactment, Effective Date,
Purpose, and Definitions.

1.1. Title

This Local Law shall be entitled “Local Law No. of 2010 of the Incorporated Village of West Hampton Dunes, a Local Law Amending Section 2.1(C)(2) of Local Law 2 of 1998 Regarding Height Limitations.”

1.2 Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York the Incorporated Village of West Hampton Dunes County of Suffolk and State of New York, hereby enacts by this Local Law of 2010, a Local Law of the Village of West Hampton Dunes.

1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.4 Findings.

The Board of Trustees of the Village of West Hampton Dunes determines and finds that the change in FEMA regulations in the Village of West Hampton Dunes in 2009 with respect to references to those regulations in the West Hampton Dunes Local Laws will have unintended consequences limiting the construction of private homes in the Village.

1.5. Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to amend the height limitations of Local Law 2 of 1998 to reflect the changes in FEMA regulations in 2009.

2.0 General Provisions;

2.3 Section 2.1(c)(2) of local law 1 of 1998 shall be amended to read as follows:

“2. (a) The height of a building on the south side of Dune Road shall be thirty two feet above base flood elevation, as determined by the Federal Emergency Management Agency, (FEMA) National Flood Insurance Program (NFIP), Flood Insurance Rate Maps (FIRMs) numbers 36103C0762H, 36103C0763H and 36103C0764H.

(b) The building must comply with the regulations of the Residential Code of New York State, including “freeboard”, (as defined in Sections R323-1.3.3 & R323-2-1), if any.

3.0. Severability.

In the event that any section or portion of this Local Law shall be deemed to be unenforceable or of no effect, the remainder of the Local Law shall survive and remain in full force and effect.

Resolutions:

- Resolution to approve the payment of standard and ordinary monthly bills;

Motion by: Trustee Trimarchi
 Seconded: Trustee Woolfson
 All in favor: Unanimous
 All opposed: None

- Resolution to approve minutes from last meeting;

Motion by: Trustee Trimarchi
 Seconded: Trustee Woolfson
 All in favor: Unanimous
 All opposed: None

- Motion to close the meeting: 9:10 p.m.

Motion: Trustee Woolfson
 Seconded: Trustee Trimarchi
 All in favor: Unanimous
 All opposed: None