

**BOARD OF TRUSTEES MEETING MINUTES – October 5, 2015**

The monthly meeting of the Board of Trustees of the Inc. Village of Brightwaters held on Monday, October 5, 2015 at 8:00 p.m. at Village Hall, 40 Seneca Drive, Brightwaters, NY, with the following officers present:

Joseph McDermott	Mayor
Diane Urso	Deputy Mayor
Bernadette Whitwell	Trustee
Laurie Elliott	Trustee
Christian Sullivan	Trustee
Donna M. Barnett	Clerk-Treasurer
Charles J. Casolaro	Village Attorney

Also:

John Catania	DPW Foreman
Alexander Dumala	Code Enforcement Supervisor
Robert O'Shea	Building Inspector

At 8:00 pm, Mayor McDermott called the meeting to order followed by a salute to the flag and a moment of silence for our troops.

Approval of the Minutes from the Board Meetings of September 8, 2015:

Motion: Trustee Urso	Second: Trustee sullivan
Vote: 5 ayes	0 nays

SCPD Police Report: No Officer present.

Mayor's Report:

A generous donation by Drew Patrick Spa of \$1,500.00 was presented to the Board before the meeting. This was as a result of donations collected on Sunday mornings for Yoga at the Beach, which was well attended each week. We hope that this will continue next summer.

Wohseepee Pine Trees: to date, 20 trees have been removed with another 15 scheduled. This is not something we take lightly. Replacement trees will be ordered once all of the work has been completed.

Highway Report – Trustee Whitwell:

Fall and Winter plantings are under way. Corn stalks have been ordered and will be placed around the Village. Leaf bags are available in Village Hall – 2 rolls per resident. Drains will be installed shortly on Richland Boulevard in anticipation of the road paving. We are in receipt of a \$50,000 grant thanks to Senator Phil Boyle, to be used for the construction of the new DPW building. New benches have been installed around Gilbert Park to replace the ones lost in Superstorm Sandy.

Code Enforcement – Trustee Sullivan:

SCPD – there were 83 calls to 911, 6 commercial alarms, 26 residential alarms. Disturbances: dirt bikes, flooding and fireworks. The rest were aided cases, including a possible fraud. We had 50 summonses, 3 violations and 18 complaints, some of which were car rifling. 160 tickets were issued in August and September combined, of which 60 were to Brightwaters residents. The majority were for overnight parking.

Two demolition permits were issued this past week: 59 Orinoco and 1 Concourse West.

10/05/2015 - Board of Trustees Meeting

Plans have been submitted for the old hardware store and will now have to go to the ZBA. Recognize one of the Code Enforcement Officers for noticing an open back door to a business and notifying the owner. The Mayor and I met with the Library staff and SCPD to formulate a plan for Halloween night. The Library will close early and the Police will have a presence. We will have temporary floodlights in the area. Neighborhood Watch will be meeting on the 26<sup>th</sup> of October.

Administration – Trustee Elliott:

The clerk applied for and received a grant of \$56,096 to scan all of the building department files. The Village utilized a grant writer to assist in the process. The office staff has started to sort through the paperwork in preparation for the scanning process. The latest Downtown Revitalization Grant (Round 13) has not been awarded yet.

Lakes and Parks – Trustee Urso:

The Fall garage sale went very well. The item in Newsday probably helped to generate additional foot traffic. The Great South Bay Entenmann's Run went well.

Movie night is the 17<sup>th</sup> and the Pumpkin Run is the 24<sup>th</sup>. The Ragamuffin Parade will be sponsored this year by the Brightwaters Business Association.

Trustee Elliott and I met with Paul Warnersbach to discuss ways for the Business Association and the Village to coordinate efforts to beautify the downtown area.

Parks Committee meeting will be Saturday the 17<sup>th</sup> at 9:30 at the cabin. Reginald Ligonde will spearhead the meeting and we hope that folks will join us.

Fire Marshall's Report

As of this report, all permits for Public Assembly and Multiple Dwelling occupancies within the Village of Brightwaters are currently valid and up to date. Most recently, the "Public Assembly Permit" for the following occupancy was processed and distributed;

- 91 Howells Road / Jon Thomas Inne

Commercial Occupancy Fire inspections have continued in the Village of Brightwaters since my last report, with subsequent re-inspections having also been conducted to insure that all violations have since been removed. In the immediate future, I will be advising all commercial occupancies within the Village of Brightwaters of the new law requiring the installation of Carbon Monoxide detectors. The new law will apply to all new & existing commercial buildings that have fuel burning appliances, systems or devices that emit Carbon Monoxide.

During the past month, I was requested by the Bay Shore Fire Department for an electrical building fire at the Chase bank located at 169 Orinoco Dr. Upon the response of the fire department and my subsequent investigation of the incident, it was determined that the odor of burning was due to an electrical ballast in disrepair on the sign above the ATM. A licensed electrician was contracted to repair the issue and return electric service to the bank. Little to no damage resulted.

Sincerely,

*Matthew Brennan*

Matthew Brennan, Fire Marshal

Village Of Brightwaters

Motion to Open Public Hearing on the following Local Laws:

- LL 4-2015 Amend Chapter 28 – Demolition Permit Required
- LL 5-2015 Amend Chapter 128 – Dumpsters
- LL 6-2015 Amend Chapter 128-73.2 – New Structures
- LL 7-2015 Amend Chapter 128-34 – Building Height
- LL 8-2015 Amend Chapter 128-26 – Fences, Hedges and Retaining Walls
- LL 9-2015 Amend Chapter 128-31 – Rear yards

Motion: Trustee Sullivan                      Second: Trustee Urso

Vote: 5 ayes                      0 nays

**LOCAL LAW NO. 4-2015**

**TITLE: “A Local Law to Amend Chapter 128 of the Code of the Inc. Village of Brightwaters – Demolition Permit Required”**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF BRIGHTWATERS AS FOLLOWS:

**FIRST:      Amendment to Chapter 128.73 of the Code.**

**§128-73(A)**

This shall replace the existing subparagraph A:

It shall be unlawful for any entity or individual to raze, remove or demolish or to allow the removal or demolition of a building or structure on behalf of the property owner without first obtaining a permit or a copy of the permit issued by the Building Department. A permit shall be issued only upon the satisfaction of all requirements as imposed by the Building Department and upon payment of the required fee. A renovation affecting more than 75% of a structure shall be classified as a “substantial construction” or a “new structure” and will require the issuance of a demolition permit. This permit shall be displayed on site at all times during the demolition. A demolition permit is valid for four (4) months. An application to renew a demolition permit shall be made prior to expiration of the existing permit.

**SECOND:      Separability.**

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

**THIRD:      Effective Date.**

This act shall take effect immediately upon filing with the Secretary of State as provided by law.

No comments

**LOCAL LAW NO. 5- 2015**

**TITLE: “A Local Law to Amend Chapter 128 of the Code of the Inc. Village of Brightwaters – Dumpsters”**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF BRIGHTWATERS AS FOLLOWS:

**FIRST: Amendment to Chapter 128 of the Code.  
§128-57.1 Dumpsters**

This shall replace the existing provision:

No dumpster is permitted on any vacant or improved residential property in the Village of Brightwaters, except that one dumpster is allowed on improved residential property for up to ten (10) consecutive business days. A single dumpster may be placed in any part of a yard only after obtaining a permit from the village clerk and paying the permit fee as may be established from time to time by the Board of Trustees. At no time may the dumpster be placed on any Village street or its right-of-way.

**SECOND: Separability.**

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

**THIRD: Effective Date.**

This act shall take effect immediately upon filing with the Secretary of State as provided by law.

Comments: Based on this, dumpsters can be traded out indefinitely. Building Inspector has the option to not issue the permit if necessary or feels that there has been abuse. Each permit is good for 10 days and dumpsters can be swapped out.

**LOCAL LAW NO. 6-2015**

**TITLE: “A Local Law to Amend Chapter 128 of the Code of the Inc. Village of Brightwaters – New Structure”**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF BRIGHTWATERS AS FOLLOWS:

**FIRST: Amendment to Chapter 128.73.2 of the Code.  
§128-73.2**

This is a new section to be added:

A New Structure shall be defined as and henceforth considered: Any building constructed from a new foundation or a pre-existing building that has a certificate of occupancy of which the floor area is proposed to be increased or altered by more than 75% of the existing floor area. If an alteration constitutes greater than 75% of the existing altered structure, a demolition permit is required.

**SECOND: Separability.**

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

**THIRD: Effective Date.**

This act shall take effect immediately upon filing with the Secretary of State as provided by law.

Comments: Is a shed a structure? Yes but this would not apply. Planning Board is looking to quantify the floor area definition for demolition for this code. Any demolition permit requires asbestos removal and proof of utility disconnection.

**LOCAL LAW NO. 7-2015**

**TITLE: “A Local Law to Amend Chapter 128 of the Code of the Inc. Village of Brightwaters – Building Heights”**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF BRIGHTWATERS AS FOLLOWS:

**FIRST: Amendment to Chapter 128.34 of the Code.**

**§128-34 Building Height**

**This proposed section shall replace the entire section of 128.34, with the below:**

Unless otherwise stated, the vertical distance from the average crown of the road or average top of the curb (if more than 5” or greater of reveal) that fronts the property, whichever is less, to the highest point of the roof, provided that chimneys and similar permitted projections shall not be included in the height. For any single-family residential structure or accessory structure thereto, no principle building or structure shall be erected to a height in excess of 35 feet or 2 ½ stories within an area of special flood hazard elevation zone pursuant to this chapter, the structure or the minimum elevation necessary to meet the prerequisites for federal flood insurance as determined by the National Flood Insurance Program (FEMA) as shown on any applicable Flood Insurance Map. The Village Building Department shall be responsible for the interpretation and application of Flood Grade Elevations relevant to any specific project.

- A. In a Residential District, no principal building or structure shall be erected to a height that exceeds 35 feet or 2 ½ stories.
- B. Accessory structures shall not exceed 24 feet in height or shall be a maximum of one (1) story, whichever is less.
- C. Flagpoles shall not exceed 30 feet in height.
- D. Architectural protrusions above the ridge line such as a Cupola, and/or Weather Vane may not exceed five (5) feet above the highest peak of the residence or structure. Other protrusions such as solar panels, dish receivers and/or ornamental temporary fixtures cannot exceed the building height code §128-34.

**SECOND: Separability.**

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

**THIRD: Effective Date.**

This act shall take effect immediately upon filing with the Secretary of State as provided by law.

Comments: There is very similar to the current code with the exception that it defines how the 35 feet is measured. Even if a house is in a flood zone and requires an elevation certificate to raise the first floor, the height limit is still 35 feet.

**LOCAL LAW NO. 8-2015**

**TITLE: "A Local Law to Amend Chapter 128 of the Code of the Inc. Village of Brightwaters – Fences, Hedges and Retaining Walls"**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF BRIGHTWATERS AS FOLLOWS:

**FIRST: Amendment to Chapter 128 of the Code.**

**§128-26(1)**

This shall replace paragraph (1):

**A. Residence A and B Districts.**

In any Residence A or Residence B District, no fence which is more than six feet high shall be permitted; provided, however, that the finished side of any fence shall face outward from the property on which it is constructed. Every fence facing a public street shall be nonsolid and 25% of each linear foot equally distributed vertically (from top to bottom) must be open, vented space (such vented space shall not be less than three inches) and shall be screened from view to half of its height above ground level by natural plantings spaced 36 inches apart at ground level.

All other sections of this provision remain unchanged.

**SECOND: Separability.**

If any section, sub-section, sentence, clause or phrase of this local law is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

**THIRD: Effective Date.**

This act shall take effect immediately upon filing with the Secretary of State as provided by law.

10/05/2015 - Board of Trustees Meeting

Comments: The direct interpretation of this change is difficult to explain and it would be better served to table this Local Law for another time. No Planning Board member was in attendance to discuss.

**LOCAL LAW NO. 9-2015**  
**TITLE: “A Local Law to Amend Chapter 128 of the Code of the Inc. Village of Brightwaters – Rear Yards”**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INC. VILLAGE OF BRIGHTWATERS AS FOLLOWS:

**FIRST:      Amendment to Chapter 128 of the Code.**  
**§128-31(D)**

This shall amend the existing first part of subparagraph D:  
Rear yard area limited for nonvegetative use. The ground area ratio (GAR) available for use of nonvegetative or impervious surfaces is to be no more than 30% of the rear yard area for plots over 15,000 square feet. **(The rest of the paragraph remains unchanged)**

**SECOND:      Separability.**  
If any section, sub-section, sentence, clause or phrase of this local law is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this local law.

**THIRD:      Effective Date.**  
This act shall take effect immediately upon filing with the Secretary of State as provided by law.

Comments: This applies only to the rear yard coverage. It is clarifying errors in the grammar.

Motion to close the Public Hearing.

Motion: Trustee Sullivan                      Second: Trustee Elliott  
Vote: 5 ayes                      0 Nays

Motion to Adopt Local Laws 4-2015, 5-2015, 6-2015, 7-2015 and 9-2015 and table Local Law 8-2015.

Motion: Trustee Urso                      Second: Trustee Elliott  
Vote: 5 ayes                      0 nays

Mayor McDermott called for a **Public Comment Session** for the next regularly scheduled Board meeting on November 2, 2015 to discuss term limits. The general public will be invited to share their comments with the Board on whether or not term limits are something the Board should consider.

**Approval** of Treasurer’s Report and Abstract:

10/05/2015 - Board of Trustees Meeting

<b>VILLAGE OF BRIGHTWATERS</b>				
<b>ABSTRACT REPORT FOR BOT October 5, 2015</b>				
Seeking to approve payment on:				
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Abstracts # 3961-3963	49 vouchers		\$66,169.96	
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<b>Large Payments</b>				
Alpha Carting - monthly garbage removal - August			\$ 31,789.00	
Employee Benefits - Civil Service health insurance			\$ 13,668.80	
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<b>Treasurer's Report</b>				
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Cash on Hand as of 10/5/2015				
General Fund - BNB		152,755		
General Money Market - BNB		971,126		
CLASS General		314,695		
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	Total Cash on Hand	<b>1,438,576</b>		
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Check #1000 was issued from the Capital Account \$179,051 for the paving on Wohseepee Drive				

Motion: Trustee Urso                      Second: Trustee Whitwell  
Vote: 5 ayes                      0 nays

**Comments:**

- Regulation of the times when lawns can be cut to before the current 9:00 PM
- Sufficient time to have term limits in effect for the June election
- Possible bond issue for repairing the infrastructure – does not equate to a tax increase
- Having volunteers at the garage sale to carry goods to cars
- Fixing drain on 405 Peters Blvd.
- Include dates of Board of Trustees meetings in Newsletter

**Adjourn** the meeting:

Motion: Trustee Urso                      Second: Trustee Whitwell  
Vote: 5 ayes                      0 nays

Meeting adjourned at 9:36PM.

10 people signed in,

Minutes Approved 10/19/2015