

Village of Southampton

Board of Trustees

Public Session Agenda

January 10, 2019

6:00 PM

Pledge of Allegiance: Mayor Irving

Employees of the Month:

William Banks, Jr., Parks Dept., Groundskeeper III

DOH: 4/15/02

Vincent Brumsey, Parks Dept., Groundskeeper III

DOH: 7/31/01

Oath of Office: 2019 Southampton Village Volunteer Ambulance
Officers

2019 Southampton Fire Department Officers

Public Comment: Anyone wishing to address the Board must sign in at the front table to be recognized by the Mayor. Three (3) minutes per speaker. Please approach the podium and state your name and address for the Board Minutes.

Board Presentations:

1. Araiys Design: Heliport parking landscaping plan

Public Hearings:

1. Proposed Local Law: Construction of an accessory building
2. Proposed Local Law: Wireless facilities

Communications to the Board:

None

Suggested Resolutions:

1. RESOLVED, that the reading of the minutes for the Public Session of December 13, 2018 be dispensed with and that those minutes be accepted as filed by the Village Administrator and that the actions taken at that meeting be and hereby are ratified and approved.
_____/_____/_____
2. RESOLVED, that the claims for the warrants dated January 10, 2019 totaling \$ (Warrant #10 - General Fund), \$ (Warrant #14- Trust Fund), \$ (Warrant #8 – Capital Reserve Fund) and the Village payrolls for the period from December 20, 2018 to January 3, 2019 be audited and approved. _____/_____/_____
3. RESOLVED, that the sale of tax liens on all unpaid real property taxes for the fiscal year 2018-2019 will be held at 1:00 PM on Tuesday, March 12, 2019 in the Board Room, Municipal Building, 23 Main St. Southampton, NY and that the notice to this effect be published in the official paper, The Southampton Press. _____/_____/_____
4. RESOLVED, that the Board of Trustees hereby approves the attached schedule of budget transfers to eliminate line item overages for the period ending January 10, 2019. ____/____/_____.

Discussion Items:

1. 2019/2020 Budget
2. Coopers Beach
3. Department Head reports
4. Refunding of 2010 Firehouse Bonds

Comments from Board Members:

Trustee Yastrzemski-
Trustee Allan-
Trustee McGann-
Trustee Hattrick-
Mayor Irving

2nd Public Comment: Anyone wishing to address the Board should approach the podium and state your name and state your name and address for the Board Minutes. Three minutes per speaker.

Motion to adjourn to Executive Session for the purpose of discussing legal matters and personnel matters involving Village employees.

____ / ____ / ____ / ____ pm

Return to Public Session _____ pm

Resolutions, if any:

Motion to Adjourn: ____ / ____ / ____ _____ pm

RESOLUTION TO SCHEDULE PUBLIC HEARING ON A LOCAL LAW AMENDING §116-9A(3), §116-9A(10)(a) and §116-9A(11)(a) TO PERMIT THE CONSTRUCTION OF AN ACCESSORY BUILDING OR STRUCTURE IN THE FRONT YARD ON WATERFRONT LOTS AND CORNER LOTS PROVIDED THE REQUIRED ACCESSORY STREET SETBACK IS MAINTAINED.

RESOLVED, that the Board of Trustees of the Village of Southampton hereby directs that a public hearing shall be held on **Thursday, January 10, 2019 at 6:00 p.m.** prevailing time, at the Southampton Village Hall, 23 Main Street, Southampton, New York, to hear any and all persons either for or against a local law entitled: “Local Law amending §116-9A(3), §116-9A(10)(a) and §116-9A(11)(a) to permit the construction of an accessory building or structure in the front yard on waterfront lots and corner lots provided the required accessory street setback is maintained.”

LOCAL LAW NO. ___ OF 2019

A LOCAL LAW amending §116-9A(3), §116-9A(10)(a) and §116-9A(11)(a) to permit the construction of an accessory building or structure in the front yard on waterfront lots and corner lots provided the required accessory street setback is maintained.”

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

Section 1. Legislative Intent. Currently, the Zoning Law prohibits the construction of accessory buildings and structures within the front yard, which is defined as the open, unoccupied space on the same lot with a building, situated between the nearest roofed portion of the principal building and the front lot line (i.e. street right-of-way line). Corner lots have at least two front yards and the front yard on water front lots is between the street and the dwelling as opposed to the dwelling and the water body. In many instances, landowners on corner lots and waterfront lots have sought to construct accessory buildings and structures in conformance with the required street setbacks for such structures under §116-11.1C and have been directed to the ZBA because the buildings and structures are located within the “front yard.” Typically, in consideration of such cases, the ZBA has routinely found that waterfront lots and corner lots present inherent practical difficulties leading most often to the granting of relief, particularly if the accessory building or structure complies with the required accessory building or structure street setback. In many cases, the ZBA has cited a long standing policy and numerous precedents relating to allowing accessory structures in a front yard on waterfront lots, recognizing the environmental and aesthetic benefits of not placing such accessory buildings and structures on the water side of a dwelling. Similarly, corner lots typically are limited by two or more front yards leaving little or no room to accommodate customary accessory buildings and structures. Maintaining the required accessory street setbacks allows such buildings and structures to be accommodated on a lot while still protecting the open and unoccupied space of the required front yard setback for the principal dwelling. It is the intent of this local law to amend §116-9A(3), related to all accessory buildings and structures, §116-9A(10)(a), related to swimming pools, and §116-9A(11)(a), related to tennis courts, to permit the construction of such accessory buildings or structures in the front yard on waterfront lots and corner lots provided the required accessory street setbacks required under §116-11.1C are complied with.

Section 2. Amendment. Section §116-9A(3) is hereby amended by deleting certain strikethrough words and adding underlined words as follows:

§116-9A(3) Accessory buildings and structures, including private garages, shall not be placed within a front yard, a required side yard nor the total required side yards for a principal building, except that in the case of a waterfront lot or a corner lot, an accessory building or structure may be placed within a front yard, provided that such accessory building structure complies with the street setbacks under §116-11.1C. In the case of a corner lot, accessory buildings and structures may only be located within one of the front yards.

Section 3. Amendment. Section 116-9A(10)(a) is hereby amended by deleting certain strikethrough words and adding underlined words as follows:

§116-9A(10)(a) Such pool is installed in the rear yard or a side yard of the premises (if the pool is an outdoor swimming pool), except that in the case of a waterfront lot or a corner lot, a swimming pool may be placed within a front yard, provided that such swimming pool complies with the street setbacks under §116-11.1C.

Section 4. Amendment. Section 116-9A(11)(a) is hereby amended by deleting certain strikethrough words and adding underlined words as follows:

§116-9A(11)(a) Such tennis court is installed in the rear yard or a side yard of the premises (if the tennis court is an outdoor tennis court), except that in the case of a waterfront lot or a corner lot, a tennis court may be placed within a front yard, provided that such tennis court complies with the street setbacks under §116-11.1C.

Section 5. Authority. The proposed local law is enacted pursuant to Village Law §7-708, as well as Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

Section 6. 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 7. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized and directed to refer said local law to the Suffolk County Planning Commission; and

AND BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized and directed to refer said local law to the Village Planning Commission for a report pursuant to §116-39E of the Zoning Law; and

AND BE IT FURTHER RESOLVED, that the Village Administrator 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 Southampton hereby directs that a public hearing shall be held on **Thursday, January 10, 2019, at 6:00 p.m.** prevailing time, at the Southampton Village Hall, 23 Main Street, Southampton, New York, to hear any and all persons either for or against a local law entitled, "Local Law amending §116-9A(3), §116-9A(10)(a) and §116-9A(11)(a) to permit the construction of an accessory building or structure in the front yard on waterfront lots and corner lots provided the required accessory street setback is maintained."

Copies of the proposed law, sponsored by the entire Board of Trustees, are on file in the Village Administrator's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF SOUTHAMPTON, NEW YORK
STEPHEN FUNSCH, VILLAGE ADMINSTRATOR

RESOLUTION TO SCHEDULE PUBLIC HEARING ON A LOCAL LAW AMENDING §116-23B(27) OF THE ZONING LAW TO CLARIFY THE TYPES OF WIRELESS FACILITIES AND ANTENNAS THAT ARE EXEMPT FROM SPECIAL EXCEPTION REVIEW, INCLUDING CERTAIN FACILITIES LOCATED ON MUNICIPAL BUILDINGS AND STRUCTURES

RESOLVED, that the Board of Trustees of the Village of Southampton hereby directs that a public hearing shall be held on **Thursday, January 10, 2019, at 6:00 p.m.** prevailing time, at the Southampton Village Hall, 23 Main Street, Southampton, New York, to hear any and all persons either for or against a local law entitled: “Local Law amending §116-23B(27) of the Zoning Law to clarify the types of wireless facilities and antennas that are exempt from special exception review, including certain facilities located on municipal buildings and structures.

LOCAL LAW NO. ___ OF 2019

A LOCAL LAW amending §116-23B(27) of the Zoning Law to clarify the types of wireless facilities and antennas that are exempt from special exception review, including certain facilities located on municipal buildings and structures.”

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

Section 1. Legislative Intent. The Board of Trustees of the Village of Southampton hereby finds and declares it to be the public policy of the Village to minimize the visual and environmental impacts of wireless communications facilities in the process of allowing for adequate and nondiscriminatory wireless service throughout the Village in accordance with the Federal Telecommunications Act of 1996 and its regulations. To achieve these goals, the Village of Southampton, by way of special exception review, already permits wireless facilities that are compatible with surrounding land uses and that protect and retain the attractiveness, health, safety, general welfare and property values of the community through standards for the location, siting, design and vegetative screening of communication antennas, communication buildings, towers and alternative transmission support structures. Although the current special exception standards encourage the use of municipal lands and facilities, it is the intent of this amendment to promote a proactive and streamlined approach to providing wireless infrastructure throughout the Village of Southampton by facilitating opportunities for the installation of minor or small cell wireless communication facilities on properties owned by the Village and other municipal entities and within street rights-of-way to foster economic development, streamline emergency and municipal services and offset municipal costs.

Based on the intentions listed above, the goals of the proposed amendment is to encourage the use of existing structures, including, but not limited to, rooftops, utility poles, steeples, flagpoles or other unobtrusive alternative support structures for deploying wireless communications facilities; encourage the use of municipal lands, public and quasi-public spaces for wireless deployment, provided any such installation is visually compatible and expedite the review process for those applications choosing the least intrusive alternative for deploying wireless communications facilities. As noted above, with limited exceptions, all wireless facilities regardless if they are located on a municipal property or with the street right-of-way currently require a special exception from the ZBA, as well as site plan review by the Planning Board, architectural review by the ARB and a building permit. In recognition of the utilization and co-

location of wireless facilities on municipal properties and in street rights-of-way, this amendment is intended to streamline the review process for the placement of minor or small cell wireless communication facilities on municipal properties by eliminating review by the ZBA, Planning Board and ARB. Review of such wireless facilities and consideration under the State Environmental Quality Review Act shall continue to be undertaken by the Board of Trustees and the Building Department.

Section 2. Amendment. Section 116-23B(27) is hereby amended by deleting strikethrough words and adding underlined words as follows:

(27) Wireless facilities in all zoning districts.

(a) Except as provided below, construction of any wireless facility requires issuance of a special exception. Exemption from special exception review does not exempt review by any other Village Board or agency, except that exempt wireless facilities on Village or municipal owned properties shall also be exempt from site plan review and review by the Board of Architectural Review and Historic Preservation, unless such review is expressly requested by the Board of Trustees. Notwithstanding any provision in this Chapter to the contrary, all new wireless facilities or modifications to existing wireless facilities, including wireless facilities on a municipal property shall require a building permit to assure compliance with the provisions of this Chapter.

[1] Exemptions:

[a] Amateur radio stations.

[b] Preexisting towers or antennas, except that any modifications thereto shall require compliance with the provisions herein. Modifications that that are "in-kind" with no increase in the height or diameter of the transmission support structure and the number of antennas are exempt.

[c] "Eligible facilities," as defined by federal or state law, which includes collocation of new transmission equipment, removal of transmission equipment and/or replacement of transmission equipment.

[d] Routine maintenance and repair in like form and height of lawfully existing wireless facilities, which does not substantially change, extend or expand the facility.

[e] Any antenna which is treated as exempt under 47 CFR 1.4000(a)(1), as it may be amended from time to time.

[f] The addition of wireless facilities and/or antennas to utility poles (telephone poles, utility distribution poles, streetlights, traffic signal stanchions, etc.), transmission line towers, water towers, or similar structures that comply with the following standards:

(i) the wireless facilities must be located in an enclosure not exceeding three (3) cubic feet in volume and in a form and material compatible with nearby architecture as set forth in guidelines published by the Village; (ii) All ancillary equipment associated with the wireless facility shall not exceed twenty-eight (28) cubic feet in volume; (iii) No more than one such wireless facility shall be erected on a pole, tower or similar structure; (iv) No more than one wireless facility shall be erected within three-hundred (300) feet of another wireless facility; (v) All wireless facilities and

associated ancillary equipment located within a street right-of-way shall not obstruct or otherwise interfere with the street or public facilities; (vi) All wireless facilities and associated ancillary equipment located within a street right-of-way shall require the written authorization of the owner of the street and written authorization from the applicable municipal entity or public utility maintaining the pole, tower, or structure; and (vii) All wireless facilities and associated ancillary equipment located within a street right-of-way shall require written authorization from the applicable Village, County or State highway department or agency having jurisdiction for the placement of the wireless facilities and associated ancillary equipment, and any work on or under the ground. Any wireless facility and/or antennas to be added to utility poles (telephone poles, utility distribution poles, streetlights, traffic signal stanchions, etc.), transmission line towers, water towers, or similar existing structures that does not comply with these standards shall require issuance of a special exception.

[g] The installation of stealth wireless facilities and/or antennas on or within an existing or proposed architectural feature on a municipal building or structure, such as a steeple, clock tower, cupola, bell tower, or similar structure, provided such installation and/or construction does not involve a material alteration or modification to the architectural style or the structural integrity of the exterior of the building or structure. The exchange of stealth material of the same color shall not be considered a material alteration or modification.

[h] Installation of new wireless facilities and antennas on or within a municipal building or structure, where such new wireless facilities and antennas do not increase the total height of the structure more than ten (10) feet; are mounted on a roof or within the interior portion of the building that is stepped back from the front facade in order to limit their impact on the building's silhouette and architectural design; and are concealed to the maximum extent practicable behind existing or proposed architectural features to limit its visibility from public streets.

(b) Wireless facilities shall be located in accordance with the following priorities:

[1] Location of wireless facilities on municipal or quasi-municipal properties.

[2] Location of wireless facilities on or within existing structures within business and industrial zoning districts.

[3] Location of wireless facilities requiring construction of a new tower or structure within business and industrial zoning districts.

[4] Such uses shall only be permitted to be located in residential districts (except on municipal or quasi-municipal properties) upon a demonstration that the applicant's system or service cannot properly function within or upon an existing wireless facility or within or upon a new tower or structure in a business or industrial district.

(c) Information required. Applications for special exception shall include all information, as outlined in the application submission package. The Zoning Board of Appeals has the authority to amend the application submission requirements as deemed necessary.

(d) Wireless facilities, inclusive of new structures and all supporting equipment, must comply with

accessory structure setback requirements of the underlying zoning district in which the wireless facility is proposed to be located.

(e) The Zoning Board shall consider the following factors in determining whether to issue a special exception:

[1] The location of the proposed facility in accordance with the location standards noted above. An applicant shall demonstrate that no location of higher priority is available or suitable for the proposed wireless facility.

[2] Height of the proposed wireless facility.

[3] Proximity of the proposed wireless facility to residential structures and residential boundaries.

[4] Nature of the existing and/or proposed uses on adjacent and nearby properties.

[5] Site and/or surrounding topography.

[6] Surrounding tree coverage and foliage.

[7] Design of the proposed wireless facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

[8] Proposed ingress and egress.

[9] Availability of suitable existing wireless facilities or other structures not requiring the use of new structures.

[10] That the wireless facility does not obstruct or tend to obstruct or render the Village's right-of-way, highway, street, road, sidewalk or other public way dangerous for vehicular or pedestrian passage.

Section 3. Authority. The proposed local law is enacted pursuant to Village Law §7-708, as well as Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

Section 4. 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.

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