

March 28, 2024

Incorporated Village of Westhampton Beach held its Planning Board meeting on Thursday, March 28, 2024, at 5:00 p.m. in the Municipal Building, located at 165 Mill Road, Westhampton Beach, New York.

PRESENT: David Reilly, Chairman  
Larry Jones  
Rocco Logozzo  
Donald Steinert  
  
Ron Hill, Village Engineer  
Britton Bistran, Village Planner  
  
Brad Hammond, Building & Zoning Administrator  
  
Anthony C. Pasca, Esq., Village Attorney  
  
Maeghan Mackie, Board Secretary

ABSENT: Ralph Neubauer

**DECISIONS: NONE**

**PUBLIC HEARING AGENDA:**

**SITE PLAN REVIEW: NONE**

**FILL APPLICATION REVIEW:**

1. SHARAD KOHLI-7 FISKE AVENUE SCTM#905-9-2-35.1

Mr. Hammond said this is an amendment and it's similar to what they had, but we are okay with it.

Mr. Reilly asked if they'd have a determination at the next meeting.

Mr. Hammond said yes.

Motion was made by Mr. Logozzo to close the hearing of **Sharad Kohli, 7 Fiske Avenue (905-9-3-35.1)** seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 1 absent.

**WORK SESSION AGENDA:**

1. PINE BARN LLC- 13 PINE STREET SCTM#905-6-2-24.3  
-Initial work session on a new warehouse building and associated site plan

Richard Searles, Architect appeared on behalf of the application, together with George MacDonald. Mr. Searles said they had a meeting with Mr. Hammond and there were questions and we came back with a suggestion of what they want to do to the property and it will be used for storage for the Beverage Center and if you take the setbacks in the Code there is nothing in the lot to develop.

Mr. Reilly said the parcel is constrained and it does abut a residential area and a business area and there is a good buffer in the rear of the sandwich shop to the residential area and that will be a concern.

Mr. Searles said the setbacks are adjustable from 10' to 30'.

Mr. Reilly said yes, we can.

Mr. Searles said we're looking for guidance to modify the site plan to that.

Mr. Reilly said it is transitioning to a residential area and we shouldn't suggest specific distances but I want it designed so you are not on the property line and you will have a substantial buffer to the North. You may have to adjust your proposal and that will be your biggest hurdle. Is this a straddle of zoning districts?

Mr. Hill said it is questionable. There may have been changes.

Mr. Hammond said yes, we do have to address it. Previously interpreted I don't have a problem with a split parcel for parking or drainage but it shouldn't contribute to a non-conforming use, lot coverage, and you should not have a non-conforming building. The zone is funny, according to the map R4 to the North and B2 to the South is the center of the parcel and there is a conflict to 1987 subdivision as well as the Trustees adopting a master plan update that amended that. The Planning Board suggested the difference is further North but it wasn't adopted by the Trustees, so I think the attorney has to look at it and we'd like the owner of record to petition to the Trustees to adjudicate the matter so we know where the line should be. I'm confident that what is on the map today is not what its supposed to be but the map accompanying that language doesn't match so that's a hurdle that can be addressed while it's under review. But we have to figure out that line.

Mr. Reilly asked if it has to go to ZBA?

Mr. Pasca said you have to solve the district line question.

Mr. Hammond said yes, he'll need relief and it may be a Use Variance which is mor difficult or it could be a lot coverage issue but there is substantial variances and the envelope is negative. We have to suss out if they need the full extent o the variances which can only be done after the Trustees weigh in.

Mr. Reilly asked how big the lot is.

Mr. Searles said 20,000 square feet.

Mr. Logozzo said you don't show the distance to the curb, is it on the lot line?

Mr. Searles said yes. It's a negative envelope.

Mr. Reilly said you have to get zoning, but you have to focus on the construction towards to the South and leave the North less intense.

Mr. Searles said that's what we're proposing. He said the building will be used for an overflow warehouse and we talked about to get traffic in and out, and were proposing a loading dock on the South side of the building. There will be no parking on the site because there are no employees on the site.

Mr. Reilly said we'll need a narrative.

Mr. Pasca said we have to design a site plan that complies with the Code.

Mr. Searles said from contextual this is how it'll be used. It won't be dozens of trucks, it'll be used to move product to the main store.

Mr. Steinert asked if it's a loading dock?

Mr. Searles said yes.

Mr. Reilly said we need comments from the Highway Department over Pine Street.

Mr. Pasca said there is a zoning district question; and you have to figure out where that will be to design a site plan that complies with zoning or obtain variances which are big variances.

Mr. Searles said we appeared tonight to get the planning board's thoughts on this. There is a variation to the setbacks in the Code.

Mr. Pasca said it's the transitional yard setback and they have some jurisdiction over it.

Mr. Hammond said if it's less than 10' you need a variance. You have to have 10' and they don't have the power to grant less unless it's cross access and shared parking.

Mr. Pasca said this plan requires Board of trustees, zoning and planning and there is a SEQRA issue.

Mr. Hammond said it's over 4,000 square feet so it's unlisted.

Mr. Pasca said a change of zone may be required. Where do you think the line is.

Mr. Searles said we believe it follows the flag. But that's an issue we have to resolve, there are a number that have to be to get a site plan to put together and we just need some direction. We know we have to go to zba your recommendations to the zba will carry weight.

Mr. Reilly said we don't know what the zoning line is, so we can't go far without that.

Mr. Pasca said I looked at the map and it shows the line through the building, and there may be a way to resolve it and it may require the Trustees to clarify.

Mr. Hammond said this came up with True Value who shared ownership, before the Trustees look at it we have to make sure the current owner is okay with them taking it.

Mr. Pasca asked who the current owner is?

Mr. MacDonald said we are.

Mr. Hammond said the previous owner wanted to leave the zoning, and that's where it was left off so they need the Trustees to take up that issue.

Mr. Pasca said the trustees have resolved district line ambiguity and its just a clarification.

Mr. Hammond said yes. The building itself, the loading dock only serves one unit.

Mr. Searles said it can be divided with the garage doors but there won't be interior partitions.

Mr. Hammond said okay. The way the plan was submitted if it's all divided up we have to consider those uses, if it's combined we only consider that use.

Ms. Bistran said you show sanitary but no facilities.

Mr. Searles said we have to go to Board of Health or New York State. I showed the location of the sanitary system, and on the North in the rear there would be.

Ms. Bistran asked if there will be plumbing?

Mr. Searles said yes.

Mr. Hammond said under the sanitary code you have to go to the department of health. If it's a U Building you have to tie it with a site. A U Building can be a barn, shed, cell tower, pavilion they don't meet all of the aspects of the Code and if board of health says that's fine I have to tie the site to something else.

Mr. Pasca said covenants may have to do that.

Mr. Hammond said if its sold off, the new owner would have to have a bathroom facility. It gets complicated, and it can be done the Board of Health may require a bathroom.

Mr. Searles said yes. We have a loation proposed if they do. It was put together to go to this Board for input so we can put ourselves in the direction of a site plan. We have to clear the zoning issue first.

Mr. Reilly said yes, it has to be ironed out first. Genearlly speaking, assuming that's sorted out you have to be cognizant of the residential distrit and we have to account for that.

Mr. Pasca asked if the 21'8" setback to the North where you thik the bounadary is? If that's the boundary you may have an argument that makes for an appropriate size transitional yard. If that's what is deemed to be the residential portion of the property it seems that's a reasonable transitional yard.

Mr. Reilly said the sandwich shop abuts a residential yard and I think that's in line with this site. And there is a large vegetation buffer and we'd want to see something similar to that. Its low intensity storage use? We'd want hours of operation for the trucks.

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Mr. MacDonald said yes. Most of the trucks are 10am and 2pm and we get tractor trailer deliveries and we do it manually now, and we do them there now and the tractor trailer would be there less time with a loading dock.

Mr. Steinert asked if a tractor trailer could back in?

Mr. MacDonald said yes. Most of the time it's a smaller truck delivering to our site.

Mr. Reilly said we'll need the DPW to look at the road to make sure it can handle this traffic.

Mr. Pasca said unless you reduce the building to 3,999 square feet so the review with the ZBA will be coordinated and to avoid SEQRA you have to reduce the building. There are big variances needed here and it can solve a lot of problems by reducing the building it may be more navigable.

Mr. Searles said okay.

Mr. MacDonald said they discussed that with Mr. Hammond. If we have to do that we will, and we have worked with Mr. Hammond. We just wanted direction to go in so we put this in to start conversations with this Board.

Mr. Reilly said you know what this Board looks for so you have to go the Trustees.

Mr. Hammond said with Fruit King, they do get large trucks would it make for their lot line to not have curbing and have cross access so they can swing in and out for both lots. It's something for this Board to decide.

Mr. Hill said between the two sites it is ideal I just don't know how you bring that off with separate ownership. You have to look at the site and see how it works on its own and see how it could work later on, I don't think you can get those changes with the Southerly property.

Mr. MacDonald said he has talked to that property owner, and he is open to it.

Mr. Pasca said that property owner would have to modify their site plan.

Mr. MacDonald said if we built it on our side, I don't know if it would work for the Southerly site.

Mr. Hill said using access on his property, I'm not sure how you back into your loading dock they'd have to use Pine Street.

Mr. Macdonald said it'll get the Southerly site's trucks off the site too.

Mr. Hammond said it allows the board to reduce the buffer; the property is constrained and an offer can eliminate the buffer for the space.

**SUBDIVISION REVIEW: NONE**

**TRUSTEE REFERRAL: NONE**

**SITE PLAN REVIEW: NONE**

**MINUTES:**

1. MARCH 14, 2024

**HOLDOVERS (last Board review date):**

1. 85 & 105 MONTAUK LLC- 85 &105 MONTAUK HWY SCTM#905-5-1-12, 53.1 &52.2(pending response)
2. FIRST DUNES DEVELOPMENT 496 LLC- 496 DUNE ROAD SCTM#905-16-1-19 (4/13/2023)
3. ROBERT SCHOENTHAL- 22 BAYFIELD LANE SCTM#905-10-6-2
4. RICHARD OLIVO-72 SOUTH ROAD SCTM#905-8-1-27 (6/22/2023)
5. 55-59 OLD RIVERHEAD ROAD LLC-55&59 OLD RIVERHEAD ROAD SCTM#905-4-1-7, 9.2, 9.3(10/12/2023)
6. 161 MONTAUK HIGHWAY LLC, 161 Montauk Highway SCTM#905-5-2-12.1(10/12/2023)
7. WESTHAMPTON PROPERTY MGT LLC-141 MONTAUK HWY SCTM#905-5-2-6.1(3/14/2024)
8. WESTHAMPTON INN, LLC 43 MAIN STREET SCTM#905-11-1-15 (3/14/2024)
9. BEAVER LAKE DEVELOPMENT, CORP 36 SUNSET AVENUE SCTM#905-12-4-25 (3/14/2024)

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**FUTURE MEETINGS:**

**April 11, 2024, April 25, 2024**

Motion was made by Mr. Logozzo to adjourn the meeting at 5:35 p.m.; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.