

May 9, 2024

Incorporated Village of Westhampton Beach held its Planning Board meeting on Thursday, May 9, 2024, at 5:00 p.m. in the Municipal Building, located at 165 Mill Road, Westhampton Beach, New York.

PRESENT: David Reilly, Chairman`
Ralph Neubauer
Larry Jones
Rocco Logozzo
Donald Steinert

Britton Bistran, Village Planner
Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

Brad Hammond, Building & Zoning Administrator

Maeghan Mackie, Board Secretary

CHAIR OPENS MEETING. SALUTE TO THE FLAG.

DECISIONS:

1. HAMPTONS JEWISH CULTURAL CENTER, INC.- 161 SUNSET AVENUE SCTM#905-12-1-43.2

Rhett Fogg appeared on behalf of the application. Mr. Reilly said there is a determination and the reading was waived.

DECISION OF THE PLANNING BOARD
VILLAGE OF WESTHAMPTON BEACH
DATED: May 9, 2024

IN RE:

**Hampton Synagogue Parish House
13 Brook Road, 15 Brook Road & 161 Sunset Avenue
Westhampton Beach, New York 11978
Suffolk County Tax Map Numbers 905-12-1-39, 40 & 43.1**

I. The Application for Modification of Site Plan Approval

Hampton Jewish Cultural Center, Inc., are the owners of real property located at 13 Brook Road, 15 Brook Road & 161 Sunset Avenue, Westhampton Beach, New York 11978, which are designated on the Suffolk County Tax Map as numbers 905-12-1-39,40 & 43.1. Hampton Jewish Cultural Center, Inc, (hereinafter, the “applicant”), has submitted an application to the Planning Board of the Village of Westhampton Beach (hereinafter the “Board”), for Modification of Site Plan approval dated December 8, 2022 to add an outdoor kitchen adjacent to the pool area to the project scope. This request is driven by a desire to host BBQ’s for the children’s Summer camp and parish families.

The application was reviewed at the Planning Board April 25,2024 work session.

The Board reviewed the application, site plan and supporting materials. The Village’s

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engineer and planner also reviewed the application and site plan and due to the minor nature of the project provided limited comments relating to the aisle between the kitchen and the pool fence and whether site lighting was adequate, both of which were addressed by the applicant. The final version of the site plan for which applicant seeks approval is the site plan prepared by Frank Lombardo Architects consisting of pages A101.2, A102.3 & A-104.3 last dated April 26, 2024, (hereinafter referred to collectively as the “Final Site Plan”).

The applicant submitted an Environmental Assessment Form Part 1 pursuant to the State Environmental Quality Review Act (SEQRA). The Board granted a SEQRA determination in connection with the original application. The subject modification of use is consistent with the original SEQRA determination and thus requires no further environmental review. Pursuant to Section 197-63.H(3)(b) of the Village Code, the Board determined that no public hearing was required because the application consisted only of minor modifications to an existing site plan, where no intensification of use or impacts is anticipated.

II. Findings and Conclusions

A. As of the Board’s May 9, 2024 meeting, the Modification of Site Plan Application is complete and contains all of the site plan elements set forth in the Village Code. The procedures required for site plan review have been fulfilled as applicable to this application.

B. The Planning Board finds that, subject to the conditions set forth in Section III below, the proposed modification of site plan satisfies the requirements of the Village Code with respect to design, drainage, parking, lighting, landscaping, and other requirements of the Code.

C. The Planning Board approves, subject to the conditions set forth in section III below, the modification of the site plan as depicted on the Final Site Plan.

III. Conditions

A. The Applicant will complete all aspects of the project relating to the Phase 2 work including the construction of the mikveh building, landscaping & associated site improvements. The Building and Zoning Administrator will review the completed Phase 2 work for compliance with all applicable Codes and will be authorized to issue a Certificate of Occupancy upon satisfactory inspection.

B. All conditions of the original site plan approval, dated December 8, 2022 and modifications of site plan approval dated May 25, 2023 and January 11, 2024 are incorporated herein by reference and shall continue in full force and effect except to the extent that the Approved

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Plans herein shall supersede any prior, inconsistent plans approved in the January 11, 2024 determination.

Dated: May 9, 2024

Village of Westhampton Beach
Planning Board

Motion was made by Mr. Neubauer to adopt the determination of **Hamptons Jewish Cultural Center, Inc., 161 Sunset Avenue (905-12-1-43.2)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

2. PINE WEST LLC -451 DUNE ROAD SCTM#905-17-5-2

No one appeared on behalf of the application. Mr. Reilly stated there was a determination and the reading was waived.

RESOLUTION OF THE PLANNING BOARD

VILLAGE OF WESTHAMPTON BEACH

DATED: May 9, 2024

IN RE: Pine West, LLC.

451 Dune Road

Westhampton Beach, New York

SCTM #: 905-17-5-2

WHEREAS, Pine West, LLC., has applied to the Planning Board of the Village of Westhampton Beach (hereinafter referred to as "Board") for site plan approval for the placement of fill pursuant to § 197-27 (B) and § 197 - 63 of the Zoning Code of the Village of Westhampton Beach with respect to property located at 451 Dune Road, Westhampton Beach, New York, Tax Map designation 905-17-5-2, and

WHEREAS, this Board has reviewed the application and held a public hearing at which it reviewed the Site Plan drawn by Fox Land Surveying, last dated April 26, 2024, and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 671.11 in determining the environmental significance of this action,

IT IS THEREFORE RESOLVED, that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

IT IS FURTHER RESOLVED that the site plan is approved subject to the following:

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1. All run off from the dwelling, other improvements, driveway, fill and elevation changes shall be contained on site in the drainage structures and facilities shown on the site plan.
2. All fill, grade contours and elevation changes shall comply with the site plan and there shall be no change or modification to the fill, grade contours and elevation changes without further approval of this Board.
3. A minimum driveway clearance, free from landscaping and other encumbrances of 10 feet wide by 15 feet high shall be required.
4. There shall be no changes or modifications to the drainage including any changes or modification to the driveway shown on the site plan without the further approval of this Board.
5. Prior to the issuance of a Certificate of Occupancy, a final "as-built" survey of the site shall be provided. The "as-built" survey shall show all of the drainage structures and facilities installed and the final grading of the site.
6. The total height of each drainage structure called out on the approved site plan shall be installed above ground water.
7. Bog, clay or other unsuitable material that prevents the movement of ground water within two feet of the bottom of any drainage structure shall be removed and replaced with clean sand or gravel. Unsuitable material between ground water and the bottom of any drainage structure shall also be removed.
8. Prior to the installation of any of the drainage structures, the applicant shall notify the Building Inspector, who shall conduct an inspection to ensure that the provisions of this approval are complied with.
9. If, after the date of this approval, the Building Inspector determines that the plan, as approved herein, does not keep all run off on the applicant's property or that the installed drainage structures and facilities fail to function properly to keep run off on the applicant's property, the Building Inspector shall notify the applicant that run off is not being kept on the applicant's property as required by this approval. The applicant shall, within sixty (60) days of said notice, be required to re-apply to this Board for a new site plan approval. The failure of the applicant to make application to this Board as is set forth herein shall be deemed a violation of the terms and conditions of this approval.

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10. In the event there are expert fees set forth in a separate resolution adopted simultaneously herewith, said fees shall be paid prior to the issuance of the building permit, and if additional fees are incurred during the course of construction, said fees shall be paid prior to the issuance of the certificate of occupancy.

11. This approval shall expire unless a Building Permit has been issued for the construction within six (6) months of the date hereof and construction completed within eighteen (18) months of the date hereof. The Board shall have the right to extend the time periods set forth in this paragraph for an additional six (6) month period of time by the majority vote of the members present at a regular meeting wherein such vote is taken.

12. To insure that the provisions of this resolution are complied with, the owner shall, within thirty (30) days of the date hereof, execute the attached covenant and shall record said covenant in the Suffolk County Clerk's Office at the owner's cost and expense and the recorded covenant shall be filed with the Planning Board, Village of Westhampton Beach prior to the issuance of any building permit.

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Motion was made by Mr. Neubauer to adopt the determination of **Pine West, LLC., 451 Dune Road (905-17-5-2)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

PUBLIC HEARING AGENDA:

SITE PLAN REVIEW:

1. WESTHAMPTON PROPERTY MGT LLC-141 MONTAUK HWY SCTM#905-5-2-6.1
-Continued Site Plan review on conversion of an existing restaurant to a grocery store/deli with additions

Bailey Larken, Esq., appeared on behalf of the application, together with Vin Gaudiello. She said that their last appearance they have gone to the ZBA and to the Board of Trustees for a special exception permit and they filed both decisions with this Board. We received comments from Mr. Hill and Ms. Bistran and a few can be addressed verbally. We will include outdoor seating and we'd like to include that in the application and will include that on the plan.

Mr. Reilly said there is a feeling among the Board and redescent to get into the outdoor seating, and we'd like to see it on the site plan but the chair count and amount should be done seasonally with the Board of Trustees. The property and nature of the conditions can change.

Mr. Neubauer said we'd like to see where you intend to put it but we'd like to not see the table number and count.

Ms. Larken said there is an outdoor patio.

Mr. Reilly said we're fine with the area being designated for it, but we don't want the details on the site plan.

Ms. Bistran said then they cannot have seating between November and May and they should know that.

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Mr. Neubauer said we're confronted with the fact that the Board of Health has questioned our activities.

Ms. Bistran said that's a restaurant not a grocery store.

Mr. Pasca said the difficulty with the Board of Health is how the seasonal permits play into year round capacity and if its shown on the site plan, and approved by the Board of Health and is less of a problem. The Board of Health may not approve it and it's between them to straighten out.

Mr. Reilly said aside from the Board of Health, it's an outside use that cannot be hidden and we have no method to revoke it and enforcement as we know is tough; and there's no mechanism to revoke it it's more effective lever of control than taking them to Court.

Mr. Neubauer agrees with the Chairman.

Mr. Steinert asked how many seats they are proposing.

Ms. Larken said I have to talk to my client.

Mr. Pasca suggested that they talk to the client and see it seasonally and then return to this Board to make it permanent.

Mr. Logozzo asked can they put it on the site plan but it is still conditional.

Mr. Pasca said I don't know how I can do that legally.

Mr. Gaudiello said they are the engineers for the project; I don't have a problem with putting the seats on the plan if that's what you choose to do. The Board of Health will give them 16 seats, however we have the density should we go above to have seasonal outdoor seating, I don't see it being an issue. As far as it not on the site plan, we'll take your direction.

Mr. Neubauer said you understand the mechanism for enforcement other than violations.

Mr. Gaudiello said its important to find out what the clients intent is. We're not going to be restricted by the Board of Health, the reality of it is we can do what they approve.

Mr. Reilly said who will want outside seating in February and if their plan coincides with the seasons then it's easier.

Ms. Larken said she will talk to her client.

Mr. Gaudiello said if they are going to have umbrellas we want to know that; and the colors and things along those lines.

Ms. Larken said there was a question about baskets and carts and they are kept indoors and not in the parking lot that's why there is no location designated for that. With respect to the exterior finishes and we have an elevation filed with the ARB; they intend to do white stucco and replace the windows and doors.

Mr. Neubauer said the one elevation we have is not sufficient. We would like to see the parking lot view and Montauk Highway view.

Ms. Larken said okay, they will supplement with that.

Mr. Pasca asked if they are okay with the carts not being outside as a condition?

Ms. Larken said yes.

Mr. Reilly asked if the carts cannot leave the building?

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Ms. Larken said the ones in Southampton have a wheel locking system and the carts cannot leave the store. There was a request for Evergreens and we'll add that. And we have comments from Mr. Hill.

Mr. Gaudiello said comment 4 has to do with the width of the access and we're proposing 1 entrance and 2 exits and the width is 30' and we've reached out to the County and it was recommended we widen the entrance and we made an initial application to the County a day or so ago. Another is the dumpster area, being relatively small for the use, Mr. Hill referred to a store that has the compactors and larger area and we don't intend to have a compactor on site but we do have the ability to make the dumpster area larger, and we can make it 15' x 15' easily if that's something you feel appropriate we can do so.

Mr. Hill said I don't want to see space run out.

Mr. Gaudiello said if you refer to drawing C2 it's at the rear of the property and we can make it larger.

Mr. Neubauer said you are bordering the neighbor and I don't see a buffer between the two properties.

Mr. Reilly asked what is behind that?

Mr. Hill said that is Avidor.

Mr. Hammond said it will be a parking lot.

Mr. Gaudiello said you may lose an Evergreen but we can get more area if necessary.

Mr. Hill said it's a difference between whether you have one or two dumpsters. Making additional space next to it, so the dumpster is more comfortable doesn't help.

Mr. Gaudiello said okay. I will talk to the operations manager and get information on how many and how big the containers are and size the space accordingly.

Mr. Hill said the Southampton store is a much bigger store and has both the compactor and dumpster but it seems like the use will require more.

Mr. Hammond said there is some food preparation so I think there is another dumpster for that.

Mr. Gaudiello said we'll spell out our intention. And we'll design the area accordingly.

Mr. Hill said the pick ups also have to be accounted for,

Mr. Gaudiello said we'll provide that to the Board. The other question was the layout of the two fences; the Southerly border has a fence between the residence which is their fence and our intention was to provide a stockade fence with buffering on both sides so they see evergreens and not a fence.

Mr. Reilly said he sees it as a maintenance issue. I appreciate the effort.

Mr. Hill said yes; you can do a wire fence but you're better off with a stockade fence on the property line.

Mr. Gaudiello said okay.

Mr. Reilly said he does not like the left turn on to Montauk Highway to head West. I have had a problem with that since the application started.

Mr. Hill said the issue with the 7-11 by the train is the train, when the gates are down it's a solid line of traffic. Further South is full access and it's further from the Train. The County makes that decision because it's a County road. The Village passes the ordinance and the County has to

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post it they do not have a no left turn restriction. The planning board puts it in the site plan and the Village Board has to authorize it.

Mr. Logozzo asked Mr. Hills input.

Mr. Hill said I think it's okay in this location.

Mr. Neubauer said this will be a left, and the adjacent going east will have the same?

Mr. Hill said no, it will have a joint access. The next curbcut will be the existing liquor store. And that was negotiated with the County.

Mr. Gaudiello said without a left you'll put more traffic on residential roads than on the County Road.

Mr. Reilly asked the store hours?

Mr. Gaudiello said someone coming to the area, they are coming down Old Riverhead Road and go to the beach; if they are going to this store they'll make a left pull in, make a right go on to Sunset and through the Village.

Mr. Hill said we have connected all of the properties and people familiar with the store will go through to Sunset and make the left on to Sunset or they'll take the opportunity to make the left and go to the new driveway between the liquor store and whatever is constructed there. The left will happen on to Montauk Highway.

Mr. Reilly said that doesn't count the people going left to head West and take Montauk Highway.

Mr. Logozzo asked how much traffic do they expect.

Mr. Hill said I don't see a difference by making a left turn, if you add to Sunset Avenue left turn there is more problems there.

Mr. Logozzo said it wont be a lot of cars, will it.

Mr. Neubauer said it's multiple in and out traffic.

Mr. Logozzo said its after 7am in the morning, and during school and that traffic backs up going West.

Mr. Reilly said all weekend it does as well four or five months out of the year. I don't want to see a traffic light.

Mr. Hill said it will not happen. They would most likely ask the Village to pass a turning restriction.

Mr. Gaudiello said the last comment was the blower with the IA system and I'll get you that information; but it meets the setback requirements of the Health Department.

Mr. Hill asked him to please send that.

Mr. Neubauer asked if there are any need for parapets on the roof?

Ms. Larken said the AC will be on the roof and there will be a parapet to conceal that.

Mr. Reilly asked if there were any other questions or comments.

Mr. Hammond said the elevation was a big thing, and the Planning Board needs to see that.

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Mr. Gaudiello said we will show the seating on our plan and submit it for approval, and if it's a condition we'll remove it. We want direction from this Board to see what you want done with the seating.

Mr. Reilly said you should put it on.

Mr. Hammond said you cannot have more than 16 seats.

Mr. Hill asked if it can be subject to seasonal approval.

Mr. Reilly said the real question, if they intended on using it beyond the time frame that's a discussion we need to have; if not it doesn't have to be on the site plan.

Mr. Pasca said the seasonal permit is easy.

Mr. Gaudiello said he wants this to match the Board of Health.

Mr. Pasca said you can show it, that's fine and we can put a subject to note and the Board of Health sees that note and it's covered both ways.

Mr. Jones said in Bridgehampton the tables are there.

Mr. Gaudiello said it's mostly interior.

Ms. Bistran said there are maybe 12 and year-round and people sit and eat quickly, but it is 12 months of the year in the East Hampton store.

Mr. Gaudiello said the office use next door is also part of the outdoor seating, they can use the outdoor seating and it's an option. They will show the seats and put the notes on the plan.

Mr. Reilly said if it's a year round thing and that's the intent, would there be a weather enclosure? An outdoor heater.

Mr. Gaudiello said I don't see it year round.

FILL APPLICATION REVIEW: NONE

WORK SESSION AGENDA:

SUBDIVISION REVIEW: NONE

TRUSTEE REFERRAL: NONE

SITE PLAN REVIEW:

1. BURNER REALTY GROUP LLC- 57 MILL ROAD SCTM#905-12-4-10

-Initial work session on Site Plan to redevelop existing dental office/ apartment and associated site work.

Nicholas A. Vero, Architect appeared on behalf of the application. The building they were trying to utilize was going to be office and an apartment above and he has addressed the first round of comments from Mr. Hill, but hasn't been able to address the second round of comments. The building is empty and I am going to sit with my client and suggest we demolish the building and get proper parking, one curb access and do the landscaping. They do need variances, and to not need them the best way is to demolish the building. The site is a mess and we have to clean it up. Once we started looking at the variances we need we think it's easier to not get variances and tear it down and work with the planning board.

Mr. Reilly said to try to match the architecture with the rest of the Mill Road architecture.

Mr. Vero said yes, we have to work on the site and knock it down and start over will be best.

Mr. Hammond said you have to do some grandfathering because the lot is undersized and if they move to demolish it and it has to remain until the Board of Health gives them the flow.

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MINUTES:

1. APRIL 25, 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 INN, LLC 43 MAIN STREET SCTM#905-11-1-15 (3/14/2024)
8. BEAVER LAKE DEVELOPMENT, CORP 36 SUNSET AVENUE SCTM#905-12-4-25 (3/14/2024)
9. PINE BARN LLC-13 PINE STREET SCTM#905-6-2-24.3(3/28/2024)
10. BUILD COASTAL LLC 26 OLD RIVERHEAD ROAD SCTM#905-4-2-9(4/11/2024)

FUTURE MEETINGS:

May 23, 2024, June 13, 2024