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The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on January 10, 2019, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman
Ralph Neubauer
Jack Lawrence Jones
Rocco Logozzo

Paul Houlihan, Building & Zoning Administrator

Ron Hill, Village Engineer
Kyle Collins, Village Planner

Maeghan Mackie, Board Secretary

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Michael Schermeyer

HOLDOVERS:

1. 171 Montauk Highway, LLC. (Marcus Stinchi), 171 Montauk Highway, (905-5-2-13) Westhampton Beach. Applicant requests a Site Plan review to construct an addition to an existing Permitted Retail Liquor Store. The property is located in the B-2 Zoning District.

No one appeared on behalf of the application.

The Board Secretary said the only outstanding item was the approval from the Suffolk County DPW which was received today.

Motion was made by Mr. Reilly to close the application of **171 Montauk Highway, LLC. (Marcus Stinchi), 171 Montauk Highway, (905-5-2-13) Westhampton Beach** for a determination; seconded by Mr. Neubauer and unanimously carried 4 ayes, 0 nays, 1 absent.

2 Robert Elonowitz and Anna Gerzon, 55 and 59 Riverhead Road (905-4-7 ,9.2 and 9.3) Applicant requests a site Plan review referred to the Planning Board by the Village Trustees for the construction of 11 residential Condominium units on three lots totaling 123,226 Sq. Ft. of lot area. The property is located in the HD Zoning District.

No one appeared on behalf of the application. Richard T. Haefeli, Esq., requested to hold the application over.

Motion was made by Mr. Neubauer to holdover the application of **Robert Elonowitz and Anna Gerzon, 55 and 59 Riverhead Road (905-4-7 ,9.2 and 9.3)** to January 24, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

3. 160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach. Applicant requests a Site Plan review to construct an addition to an existing Permitted Retail Beverage Store. The property is located in the B-2 Zoning District.

John J. Bennett, Esq., submitted a request to hold over the application to the Board's February 28, 2019 meeting.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach** to the February 28, 2019 meeting; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

4. Avidor Group LLC, 133 Montauk Highway (905-5-2-4 and lot 5 and lot 38) Applicant requests a site Plan Review to construct a new two story 11,000 sq. ft. mixed use building consisting of retail/office use on first floor and office and two apartments on 2nd floor. The property is located in the B-2 Zoning District.

5. Avidor Group LLC, and Jonmor Group LLC (905-5-2-4,5 and 38) Westhampton Beach.
Applicant requests a subdivision of property to create four lots consisting of three residential lots in the R-4 Zoning District and one commercial lot in the B-2 Zoning District.

Jefferson Murphree appeared on behalf of the application, together with Kieran Murphree, Esq., Michael Mapes Engineer, and the applicant.

Mr. Murphree said this application started four (4) years ago as a Zone Change application, and if you know the site you park in front of the building and you back out on to Montauk Highway and our goal was to have access on to Oak Street and we couldn't do that because it was residentially zoned. We rezoned it and got the SERQA approved, and the project before this Board is for a subdivision with three (3) residential lots that will take access off of Humphrey Street and one commercial lot which will take access off of Oak Street. We have two (2) way circulation off of Oak Street and entrance only off of Montauk Highway, there is a two story mixed commercial building with two (2) apartments upstairs. We comply with the parking code and we have cross access with the property to the East. There are three (3) residential lots off of Humphrey Street and a cul-de-sac. We are proposing a gate into the cul-de-sac and the lots comply with the Zoning in terms of size and width and we were hung up for 18 months with the Board of Health and we are back to the Board, looking for a subdivision for four (4) lots; and the second part is for the Site Plan for the commercial building and any approval is conditioned on the filing of the subdivision map, and we'd like to do that concurrently and we believe we can as a condition. We are here now to fine tune the conditions of the approval.

Mr. Collins said SEQRA went through and there were several conditions, one which the plans reflect there was no access to Oak Street from the residential lots, and there was a requirement of the removal of the fence, however the buffer along Oak Street still needs to be reflected on the map that it is an easement and also the plantings that are shown are deciduous and the proposal was to screen the backyards and any fencing that was going to be installed would have to be on the landward side of the buffer area.

Mr. Reilly said the landscaping must be irrigated and maintained.

Mr. Collins said the landscape plan needs to be revised, we have done two (2) rows of Arborvitae, but as long as they submit a plan consistent with the intent, that has Evergreen plantings that will screen the property year round.

Mr. Murphree said Arborvitae have to be pruned, so they will look in to the Leyland Cypress.

Mr. Hill said he has several memos that he did as it was moving along, and I think they got lost when the focus was on the subdivision, and a lot of the comments never got addressed. They are not big items, there is more on the commercial development than on the residential, but there are things like we asked for the gate to be shown and its construction, and there were issues with grades in the cul-de-sac area because a crown road is shown, and the drainage is on the outside and you can't have a crown road going around that if the drains are going to be on the outside so there's not enough grading to show how they are going to build that cul-de-sac. There was a question with Mr. Pasca about the easement because there's one around the cul-de-sac and that needs to be for drainage, and I believe you're going to provide that to Mr. Pasca for his review, and we have not seen that yet.

Mr. Pasca said that's probably the one that can wait to be part of the conditions, the legal forms is something a condition of the approval.

Mr. Murphree said the crown of the road is a question for David Fox.

Mr. Mapes said the pavement detail shows a crown, but there are spot elevations and its pitched outward from the circle.

Mr. Hill said it's not enough.

Mr. Mapes said it has not been updated, but he knows what needs to be done.

Mr. Hill said when we reviewed the plan, they are both on the same sheet of paper for the subdivision and the commercial development and they should be split for the site plan commercial development and it should not have the subdivision on it, and we prefer it to be at a 1" = 20 scale, and the residential lots

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and the commercial lots can be scale that its shown. The Site Plan for the commercial development needs to be separate.

Mr. Murphree said the site plan is shown in detail with the three (3) lots.

Mr. Hill said that's fine for the subdivision. He wants to see the Site Plan for the commercial development.

Mr. Murphree said that's prepared by Frank Lombardo.

Mr. Hill said he'd like the site plan for the commercial development stand alone at a 1" = 20 scale. Some comments on the subdivision, there was SWPPP submitted in 2017 and I wrote two (2) sets of comments on it, and they have not been addressed. We had asked for a 20' radius and handicapped ramps should favor the North / South direction and not East / West crossing. On the Mapes' drainage plan, he shows curb stops for the parking along the drainage swale and they do not show on the Lombardo Site Plan.

Mr. Mapes said they are curb stops with drains under them,

Mr. Hill said they need to be consistent. Tributary 4 on the Mapes' plan, we need the drainage calculations on the site plan for 2" of rain, we don't recognize infiltration it has to have 2" of storage.

Mr. Mapes said we have that for the parking area.

Mr. Hill said don't refer to the SWPPP that's not part of the site plan, it has to be shown on the site plan. Sheet A107 shows dimensions on the North elevation to the West property line of 24' and on the site plan it looks like 40' and the elevations should be consistent with the Site Plan, and that's on the Lombardo drawings.

Mr. Collins said he remembers an initial review by DPW talking about the one-way in, and there currently is parking there and there is a sidewalk and that sidewalk shows a pole and you have to show the proposed sidewalk and in addition to the lawn area, you should add another street tree in the lawn area.

Mr. Neubauer said when you do the revision, you don't need 20 copies.

Mr. Houlihan said it would be great if he makes an appointment to review them before they come back to the Board. And he believes they were supposed to put together covenants, and that is outstanding.

Mr. Pasca said we will need covenants for the road buffer along Oak Street, and the 10' wide access easement that runs around the cul-de-sac what is the purpose of that?

Mr. Murphree said utilities, drainages, etc.

Mr. Pasca asked what it will be kept free of? What should the restrictions be?

Mr. Houlihan said everything but the utilities, no fencing, no structures.

Mr. Pasca said utilities and grass.

Mr. Collins said no fill either.

Mr. Pasca said the access easement part?

Mr. Collins said they don't to put a berm in there.

Mr. Murphree said okay.

Mr. Pasca asked what else is required, is there a cross-access issue?

Mr. Collins said it is a future cross-access.

Mr. Houlihan said there is the gate, is that shown on the plans?

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Mr. Murphree said yes, and we show the location of it. He has his own list of conditions. You will want a covenant no further subdivision of the lots and that's it.

Mr. Collins said there has to be no access of Oak Street in the decision.

Mr. Pasca said one question he raised, are you going to do the improvements as part of the conditions, or are you going to seek to bond the improvements on the subdivision. You have to make that decision.

Mr. Murphree said they will bond it and they need an estimate from the Village Engineer.

Mr. Hill said to put something together for him to review.

Mr. Pasca said anything you do not plan to do prior to signing the plats must be included. You prepare a proposal for Mr. Hill to review.

Mr. Murphree asked when they want it?

Mr. Pasca said before the resolution, because the resolution will wrap in the conditions related to it. There will be a number that the Board approves, and there are procedures to follow.

Mr. Murphree said okay.

Mr. Houlihan asked about the park fee issue for the residential lots.

Mr. Pasca said that will part of the decision. They will calculate it.

Mr. Murphree said there is a formula in the Village Code.

Motion was made by Mr. Neubauer to hold over the applications of **Avidor Group LLC, and Jonmor Group LLC (905-5-2-4,5 and 38) Westhampton Beach, and Avidor Group LLC, 133 Montauk Highway (905-5-2-4 and lot 5 and lot 38)** to the February 14, 2019 meeting; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

6. Anthony J. Cassano, Jr., and Louis Commisso, (905-5-1-21) 30 Lilac Road Applicant Requests a minor subdivision review to create two (2) lots on a parcel of land located in the R-2 Zoning District.

Louis Commisso submitted a request to hold the application over to January 24, 2019.

Motion was made by Mr. Neubauer to holdover the application of **Anthony J. Cassano, Jr., and Louis Commisso, (905-5-1-21) 30 Lilac Road** over to January 24, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

7. Ocean Spray Pools, Inc., 97 Old Riverhead Road, (905-2-1-6.3 and 6.4) Westhampton Beach. Applicant requests a Site Plan review Combine two lots and expand an existing one story Commercial Building with a 5,233 sq. ft. addition and parking lot. The property is located in the B-3 Zoning District.

No one appeared on behalf of the application. Joseph Musnicki submitted a request to hold the application over to January 24, 2019.

Motion was made by Mr. Neubauer to holdover the application of **Ocean Spray Pools, Inc., 97 Old Riverhead Road, (905-2-1-6.3 and 6.4) Westhampton Beach** to January 24, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

8. Rock Hill Partners, 159 Mill Road (905-12-1-33.1) Westhampton Beach. Applicant requests a Site Plan review to construct a new two-story building for a professional office and apartment above and a detached garage with parking lot. The property is located in the HC Hamlet Commercial District. **HELDOVER UNTIL JANUARY 24, 2019**

9. Baycroft Condominium, 27 Mitchell Road (905-11-1-10.1) Applicant requests a Modification of Site Plan to modify the originally approved landscape plan on the North and South property lines. The property is located in the MF-20 Zoning District. **HELDOVER UNTIL JANUARY 24, 2019**

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10. Beaver Lake Development Corp., 36 Sunset Avenue (905-12-4-25) Westhampton Beach. Applicant requests a minor subdivision review to divide an existing property into three lots. The property is located in the B-1 zoning district. **HELDOVER UNTIL January 24, 2019**

11. Lettieri Properties, LLC., 3 Woodland Avenue (905-12-2-14) Westhampton Beach. Applicant requests a site Plan to construct an addition to an existing office building with Patio. The property is located in the HC zoning District.

James N. Hulme, Esq., and Rocco Lettieri appeared on behalf of the application. Mr. Hulme stated that Mr. Lettieri would like to remove the application without prejudice.

Motion was made by Mr. Neubauer to remove the application of **Lettieri Properties, LLC., 3 Woodland Avenue (905-12-2-14) Westhampton Beach.** without prejudice; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

12. Marios Nikolaides, 36 Hazelwood Avenue (905-6-1-11.1) Applicant requests a minor Subdivision review to create a three-lot subdivision on a lot located in the R-4 Zoning district.

Richard T. Haefeli, Esq., appeared on behalf of the application. He requested to hold the application over to January 24, 2019.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaides, 36 Hazelwood Avenue (905-6-1-11.1)** to January 24, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

13. Best Market, 70 Sunset Avenue (905-12-4-20.1) Applicant requests a Modification of Site Plan to modify the previously approved May 12, 2016 Site Plan. The property is located in the B-1 Zoning District.

Or Raitzes appeared on behalf of the application, together with Kristin DeLuca, Bohler Engineering. Ms. DeLuca said they received the list of comments from Mr. Hill and Mr. Collins, and they have addressed them and resubmitted a set to this Board. They were asked to put back in the island on Sunset Avenue and they did and to widen the island at the West end of the Northerly parking row; and they agree to that and its reflected on the plans. The sidewalk that runs along the South of the property has been adjusted to straighten out the cross walk to narrow the walkway to the landscape island to widen that there to 5' and to add a handicapped ramp along the front sidewalk now that it is a 6" curb. We have kept the drive aisle in front of the store at a maximum of 25' as it is today and maintained it that way for wider landscape islands in the parking rows and we have slightly tweaked comment number 4 for a diamond planter to be added and three (3) trees to be used in each aisle. We previously had four (4) tree pits that were slightly rearranged for utilities and drainage and we were not able to put a tree in the islands because of the light pole, and we ended up adding two (2) additional trees and they are spread out throughout the parking lot and meet the intent and not impeded on the light poles. We provided a detail for the diamond planters, and there's a comment about the soils and they will excavate 3' to the root ball and there are notes for the installation of those and included in the detail. The proposed site lighting fixtures have been revised to 3,000 k lights rather than the 5,000 k based on the change to the Village Code.

Mr. Neubauer asked if that physically has been done?

Ms. DeLuca said no. When they get installed permanently, the wall lights are still the 5,000 k.

Mr. Neubauer asked if they are going to be changed as part of this plan?

Ms. DeLuca said no, that was not part of the plan; the plan was not to change them, and they have not received complaints since the wall lights were adjusted, so they were to remain because they were approved.

Mr. Pasca said it's not grandfathered so it has to be addressed.

Mr. Raitzes asked why?

Mr. Pasca said because the Code was changed.

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Mr. Raitses said they were approved.

Mr. Pasca said the Code was changed, the Trustees dealt with Grandfathering and if there are modifications it's not grandfathered.

Mr. Raitses said it's not changing the bulb, it's an entirely new unit.

Mr. Pasca said there was a lot of thought that went in to the Code, and I have to look at the Code I am not sure the Planning Board has discretion on it.

Mr. Logozzo said he has a comment about the lighting on the building, I think a solution would not even be changing the bulbs but putting a filter to knock down the lighting.

Mr. Raitses said they are not bulbs, they are LED manufactured units and they are 100% pre-constructed so the only way to change them is to change the entire unit.

Mr. Logozzo said what about installing a filter and test one?

Mr. Neubauer said we are in a situation where the Code says 3,000 k and we can't walk away from that, how does a filter certify the 3,000 k.

Mr. Logozzo said it won't certify that, it's an esthetic issue.

Mr. Raitses said there are things in the building that would not exist today, but they do because it's a pre-existing site, and it was started in January 2016.

Mr. Pasca said if you want to argue it can be grandfathered than read the Code and make the argument, but don't just say in the abstract that you should be grandfathered, there's a very specific clause in the new Code.

Mr. Raitses asked if they can apply for a variance?

Mr. Pasca said to read the Code and what he wants; he's not going to tell him how to do it, he is just telling him there's a new Code

Mr. Reilly said these were fairly new provisions to the Code that were added and had a lot of this been done in a timely fashion you wouldn't be stuck with this.

Mr. Neubauer said you have an approved plan if you want to adhere to that you can.

Mr. Raitses said we had to everything this Summer.

Mr. Reilly said we didn't hear from you for months.

Mr. Raitses said they had to do everything this Summer to arrive at the parking spots, that we're reducing even further to accommodate the original design features.

Mr. Reilly said the lighting is straight forward, the Code is going to permit you to do it or not and the Village Attorney has told you what he thinks, and if you can make the argument make it; but the Code has changed.

Mr. Raitses asked why it applies now.

Mr. Pasca said you don't have vested rights so don't make the vested rights argument, and if you want to be grandfathered or ask for a waiver or a variance, feel free to do it. If you had finished and got your CO a long time ago, but you are here and asking for modifications and that's dealt with in the New Code so figure it out, but I am not going to tell you how to do it.

Mr. Raitses said this is dragging on way too long and we're here for final approval, if you want to hold it up for lights on the building, hold it up I don't know what to tell you anymore. We had lights that were approved, lighting that was approved and we aren't changing the plan and we're changing the fixture type in the parking lot to meet the current code. There were glares and the issue was brought up by the

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Engineer that could be resolved by a 3,000 k fixture and a person that lives directly behind has not complained since we fixed the lights.

Mr. Neubauer said you are off on a tangent, there's a Code that has to be addressed.

Mr. Reilly said you might be right, we can't make that determination without an argument.

Mr. Neubauer said let's not get locked down on this, there's no reason why you can't move forward once we agree on the revised site plan.

Mr. Raitses said this is part of the revised site plan.

Mr. Reilly said I am relying on the Village Attorney for that.

Mr. Pasca said this is the first time we're dealing with it, but if the applicant wants to make the argument he can, but don't do it in the abstract but you have to make it fit with the Code provisions.

Mr. Reilly said we're not freezing things down, but it has to be addressed in some fashion and it may come up again.

Ms. DeLuca said she did not dig in to that section of the Code she only reviewed what they are installing now, the parking lot lights must be changed. It seemed like an open comment that they were not told had to be changed. I did not look at the application as to when the Code applies to the existing versus the proposed.

Mr. Reilly said I am not unsympathetic, but it's something we have to discuss and not just say okay, we have to deal with it.

Mr. Jones said if there was a change in the wall color where it reflects light off of it, it's still a 5,000 k fixture, but if you cut the bounce down.

Mr. Raitses said it says in the Code any change of use, we're not changing the use.

Mr. Reilly said it's a site plan modification.

Mr. Houlihan said the paint color would make a difference but there's nothing in the Code that would allow it to go over 3,000 k and there's no grandfathering.

Mr. Reilly asked if that was his argument? They are not getting a decision tonight.

Mr. Neubauer said if it's something as simple as verbally amending your plan we can move forward with a decision, but you have to commit to adhering to the Code in relation to the lighting, or you have to come and make the argument why we should not ask you to adhere to the Code.

Mr. Raitses said this is the first time it's being brought up.

Mr. Houlihan said this is the first time since the new Code came in to affect last Fall. It says when you come in for a site plan, the Planning Board has to address the issues, and 3,000 k is it and if you feel there's an out the Board will listen to your argument.

Mr. Neubauer said that will prevent us from rendering a determination at the next meeting.

Mr. Houlihan asked how many wall packs there are.

Ms. DeLuca said there are ten (10).

Mr. Reilly said why don't we dispense with the lights and go on with the rest of the presentation. In reviewing this, it may be an omission along the back side of the building you are not showing the existing arborvitae that are present; it's shown on the corners but not the other row.

Ms. DeLuca said it's a layer issue.

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Mr. Reilly said really the site plan that was approved in 2016 is being adhered to except to the extent of the modifications in the front parking area.

Ms. DeLuca said yes.

Mr. Neubauer said the omissions contained in the original approved plan are being carried forward.

Mr. Hill asked if the changes were made in the back with respect to the drainage?

Mr. Houlihan said there was one drain rolling over the curb and I think you were going to put another open grate in there, and the other thing would be to tie the ones you're putting in with a little piece of pipe and it didn't look like that and it wasn't in the letter and we discussed it at the meeting.

Mr. Collins said with reference to the landscape plan, they can copy what's on the other side as part of the approval.

Mr. Neubauer said whatever conditions not modified by this revised plan.

Mr. Collins said to put that back in you were supposed to add landscaping, and you can copy that to show the landscaping that was referenced before.

Mr. Reilly said we are very pleased with how this is turning out, and we appreciate your efforts and to reiterate what Mr. Neubauer said, no one is looking to get hung up on the lights.

Mr. Raitses said he thinks they will need a variance, because of mounting heights, and the use of full cut off fixtures, the wall packs won't work. We will have to apply for a variance, or the lighting plan must be modified because the way the Code is adopted you cannot reach a certain part of the lot. With a 12' mounting height and full cut off fixture it won't reach.

Mr. Reilly said those are technical things to discuss with the Village Engineer and Village Planner.

Mr. Collins said he could be right, but without a lighting plan that determination cannot be made.

Mr. Reilly said that will be something the applicant has to look in to.

Mr. Raitses said we're not just talking about 3,000 k fixtures, we will need a variance.

Mr. Reilly said or you can make the argument that you're grandfathered. It either applies or it doesn't.

Mr. Raitses said the way it was written, it was written very constrained to grandfather anything in.

Mr. Reilly said that may be part of your argument.

Mr. Neubauer asked how fast can you return with a revised site plan, or do you want to apply for a variance?

Mr. Reilly said we cannot issue an approval until you receive a determination from the Board of Zoning Appeals.

Mr. Raitses said we are not just talking about the color of the lighting, the type of fixture that is on there is not in what's considered permitted for non-commercial use, filtering it will not meet the Village Code.

Mr. Pasca said the comments read that you have to comply with the Village Code.

Mr. Raitses said their poles are 16'.

Mr. Collins said the CVS parking lot has 12' poles.

Mr. Houlihan said there is one section in the Code that allows the Planning Board to make minor adjustments to any lighting requirements provided the lighting is found to be reasonable necessary and consistent with the purposes of §197-25.1. If there was something that you wanted to look at, you could but someone has to make the argument and the Planning Board does have some discretion.

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Mr. Raiteses said I don't want this to screw up our timeline, we can't proceed with the contractors until we know it's all going forward.

Mr. Houlihan said the Planning Board is happy with the new plan, and there's one issue which is the ten wall packs.

Mr. Raiteses said it's the height of the poles, and if we can't solve that we have to find out where do we put them?

Mr. Logozzo asked if they can review the poles as they are?

Mr. Houlihan said you can make adjustments, but I'm not sure it will fit in with that.

Mr. Pasca said I encourage the applicant to take a careful look at it.

Mr. Neubauer said we're not trying to impede, we just have to follow the Village Code.

Mr. Reilly said in a bigger scheme whatever we do here there is precedence and we have to be careful with that.

Mr. Raiteses said it's the only lot in the Village that permits this size of a commercial building.

Mr. Pasca said that may be part of your argument.

Mr. Collins said the lighting plan has to be made with an argument, the foot candle data is at 5 and 1 and the furthest distance from the poles are over 1 and the minimum standard for lighting is .5 so even if you drop the lighting by the poles you have to demonstrate you would not get adequate lighting. You can't just say that.

Mr. Raiteses said it will go back to the argument, your eyes are going to make it appear darker.

Mr. Collins said that's why there's a uniformity ratio, and they are all outlined in the Code but you need to demonstrate it you can't just sit there and make these arguments.

Mr. Reilly said otherwise we are fine with the plans. I'm sympathetic to you, this is the only parcel of its kind in the Village, but it might not be necessary so you may be able to make the argument based on the uniqueness and the burden.

Mr. Neubauer asked to hold it over to January 24, 2019, and on January 24, 2019 we can extend the TCO.

Mr. Reilly said he will not be here either, and he wants to be part of the conversation and determination.

Ms. DeLuca said the TCO expires on January 31, 2019.

Mr. Neubauer asked if they can extend the TCO tonight, and by February 28, 2019 they can return to have further discussions.

Mr. Houlihan said he should put a written argument in.

Mr. Pasca said to put in an argument, if there is proof that needs to be included you may want back up, put it in writing. A modified site plan can extend the TCO until the modified site plan is complete.

Mr. Reilly said if what Mr. Collins is saying cannot be accomplished in the confines of the Code, you need to phrase that, and we've made tremendous progress and we should be happy with that, so far.

Mr. Pasca said to assume you can get this done before the final phasing is complete, the TCO can be extended, but we have to get this to the point where we can adopt this modified site plan.

Mr. Raiteses said we want to do the parking lot as soon as the mill opens, we don't want to get in to late April. We want this work done really in the beginning of April.

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Mr. Reilly said we should have a good sense of the Board on January 28, 2019.

Mr. Pasca said if you can put in an argument and your supporting materials, is there any chance Ms. DeLuca can attend on February 14, 2019 to find out where it stands, if everyone's on the same page you can be inline for the following meeting.

Mr. Raitzes said he doesn't want a decision based on something when he's not here, he doesn't want to do that.

Mr. Reilly said at a minimum submit your written submissions with supporting documentation as soon as you can for us to review prior to February 28, 2019.

Mr. Neubauer said that will give Mr. Pasca to review it as well, there will be time to review it in full.

Mr. Pasca said he has a few questions, while we're on the record. Can you confirm on the record that the entities that have applied for, that have been the beneficiaries of the existing site plan approval, and the ones that have applied are still the same.

Mr. Raitzes said all of the corporate entities still exist, everything is the same.

Mr. Pasca said okay, and you can confirm that you're authorized to speak to them?

Mr. Raitzes said yes.

Mr. Pasca said one thing that has to be dealt with, you and I have to finish the conversation about the Bond because it was never taken care of; we can do that off line, but it has to be focused on before there's a final decision on the modified plan. It has to be dealt with.

Mr. Raitzes asked if the bond continues beyond the construction?

Mr. Pasca said no, it is the original bond. As of today, there is an opening in the bond issue and it was promised to be delivered and it never was, it has to be dealt with.

Mr. Raitzes said that is all through their insurance broker, if you guys can work it out we have paid for it.

Mr. Pasca said he did try that, and all he did was argue with him about what was easier and not easier; I'm not interested in what's easier for him, I'm interested in what's an enforceable Bond for the Village and you may need to be involved because it has to be dealt with.

Mr. Reilly said in terms of going forward, is it the intent it will remain the Best Market?

Mr. Raitzes said he cannot comment on that.

Motion was made by Mr. Neubauer to authorize Mr. Houlihan to extend the TCO to March 31, 2019 in the interest of completing the amended site plan and getting that approval in place; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to holdover the application of **Best Market, 70 Sunset Avenue (905-12-4-20.1)** to February 14, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

14. 285 Oneck Lane, LLC., 285 Oneck Lane (905-9-2-35) Applicant requests a Subdivision of a parcel of property to create a four-lot subdivision. The property is located in the R-1 Zoning District.
HELDOVER UNTIL FEBRUARY 28, 2019

15. Bernstein, 37 Exchange Place (905-15-5-29.1) Applicant requests a Site Plan for fill in conjunction with a project to construct a new cottage with a septic system. The property is located in the R-1 Zoning District and the Flood Plain.

SPECIAL EXCEPTION APPLICATION REFERRAL FROM THE BOARD OF TRUSTEES

16. Robert Elenowitz and Anna Gerzon, 55 Old Riverhead Road (905-17-1-7, 9 and 9.2) Special Exception Referral for the construction of residential condominium units pursuant to Chapter 197-16.

REQUEST FOR CHANGE OF ZONE REFERALL FROM THE BOARD OF TRUSTEES

17. Mark Tech Corp., 85-105 Montauk Highway (905-5-1-12, 53.1) The Corner Restaurant. Referral from the Board of Trustees for report and recommendation for the Change of Zone from residential to commercial.

REFERRAL FROM THE ZONING BOARD OF APPEALS:

18. Alyssa Andersen-Kuntz, 97 Hazelwood Avenue, (905-2-2-20.2 and 6.4) This Property is located in the MF-20 Zoning district. On January 19, 2017 the Board of Zoning Appeals (BZA) issued a determination and interpretation that the subject property had only one lawful Pre-existing nonconforming use. The applicant then filed for an application with the (BZA) for a 2nd use which is prohibited in the MF-20 Zoning district and therefore a use variance application. To assist the (BZA) the Board has referred this application to the Planning Board so they could look at the property with respect to Planning issues and make comments and recommendations.

James N. Hulme, Esq., appeared on behalf of the application, they submitted a new site plan and they will go seek variances and then they will need to finalize the site plan review with this Board that incorporates the discussions and his clients thinking.

Mr. Neubauer said it's his desire to see the curbing and everything consistent with what's been accomplished on Hazelwood Avenue.

Mr. Pasca said it's a complicated process because the variance is not typical and its important for them to know before they can evaluate the impacts whether this works as a site plan, that's why it's going to bounce back and forth.

DISCUSSION/EXTENSION:

19. J.R.C. Land Company, LLC., 111 Hazelwood Avenue (905-2-2-21.3) Applicant requests an extension of their time periods set forth in the Board's September 8, 2016 Determination and proposed revisions to their site plan. **HELDOVER UNTIL DECEMBER 13, 2018**

NEW APPLICATIONS

20. Patio Villas Condominium, Brittany Lane, Westhampton Beach (905-4.1-1-1-66) Applicant requests a waiver of Site Plan to replace an existing perimeter fence around the entire complex. The property is located in the MF-20 Zoning District.

James N. Hulme, Esq., appeared on behalf of the application. This is a waiver of site plan, and the goal was to replace the existing fence in kind the applicant thought it was maintenance and 80% to 90% was installed, at the request of the Building Inspector they stopped and they are now seeking an approval to finish the work. Most of it has been installed, it's the same fence installed in the same place, and the installation has turned the fence around so the better side faces outward. There was an issue that he discussed with the Building Inspector about the emergency entrance on Old Riverhead Road and the gate is not at 13.5' as required by the original plan, and as an approval they would meet that requirement. The building inspector would like to inspect the emergency road to the internal driveway and it's supposed to be a grass road and it's hard to tell because it's been there for a long time.

Mr. Reilly said with regard t the opening the fence will not keep the emergency vehicles out.

Mr. Houlihan said on the original application there is the access point that came between the two buildings and Mr. Hulme and I discussed it and what they did was, there is an 8' opening and there was a 13.5' wide gate and that needs to be opened up, it may be a good idea to hang it on those because they are very strong. And the original subdivision had a big gate with steel holding it, but they should try to attach the gate back to it again. And there was also one other item on the road, where it comes in it was 30-40 years ago and there was a tree and the limb is really large and it comes across and that should be cut off and the area should be clear. Is there bamboo there?

Mr. Hulme said yes.

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Mr. Houlihan said to make sure there's a clear access and to make sure there is a clear area.

Mr. Hulme said his client understands that and there's a requirement.

Mr. Reilly asked if we can do a verbal motion.

Mr. Houlihan asked if there was anyone here to ask questions.

Mr. Reilly asked if there is anyone from the public that has comments.

Carol Matthews said the fence was up for 33 years and she's asked to have it fixed and it's atrocious and the fence has grown in to the trees and the vines and they were eliminating the gate and I reported it and I know you need permits and I just think to do this now there is part of the fence missing and you're looking at the tennis club and no one has ever gone after them to keep the fence clear so now on our side as well as there you can't take the fence down.

Mr. Hulme said the entire fence is being replaced, if there are sections that have not been replaced that's because we got a stop work order.

Mr. Reilly said the remainder of the fence will be completed and they'll remove anything that's in the way.

Douglas Lobel, they live at 8 Brittany Lane and the project was stopped about 100 yards from their door and they now have deer and animals running through the yard, they would like the Board to act quickly so they can complete the fence and finish the part that has no fence.

Mr. Reilly said they are going to act quickly. He is making an oral motion to approve the application to allow the applicant to complete the fencing and the modifications to the emergency entrance be 13.5' wide, to return to its original configuration and that area be cleared out and maintained; and they should file a building permit to finish the installation.

Motion was made by Mr. Neubauer to grant the waiver of site plan for **Patio Villas Condominium, Brittany Lane, Westhampton Beach (905-4.1-1-1-66)** to replace an existing perimeter fence around the entire complex; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

21. Fisher Signs and Shirts / North Mall, LLC., 96 Old Riverhead Road, Westhampton Beach (905-2-2-6.3) Applicant requests a Modification of Site Plan to change the use of an existing office space to an Administrative Sign Contractor's Office. The property is located in the B-2 Zoning District.

Anthony Drozd, Fisher Signs and Shirts appeared on behalf of the application.

Mr. Houlihan said this is a sign contractor and he sells logos and he's using this as an administrative contractor's office for displays, and if someone wanted to buy them they can see them and there's another shop in another area where they are constructed.

Mr. Neubauer asked if it's a show room?

Mr. Houlihan said yes. This is to allow an Administrative Contractor's Office.

Motion was made by Mr. Neubauer to grant the Modification of Site Plan for **Fisher Signs and Shirts / North Mall, LLC., 96 Old Riverhead Road, Westhampton Beach (905-2-2-6.3)**

22. 22 Old Riverhead Road, LLC., 22 Old Riverhead Road, Westhampton Beach (905-4-2-10) Applicant requests a Site Plan review to demolish an existing building and construct a new 3,500 square foot medical office / dry office building. The property is located in the B-2 Zoning District.

Rocco Lettieri appeared on behalf of the application. They are looking to redevelop the property and they do not have any tenants and it's being developed for medical use for parking and density.

Mr. Reilly asked if they are demolishing the existing? Will the front lawn going to remain.

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Mr. Lettieri said he's going to remove the trees but he has a new planting plan, he is creating cross-access and he's adding 10' on the North and 2' on the East of the parking lot and the rest will remain.

Mr. Reilly asked if the gate is going to be removed?

Mr. Lettieri said yes.

Mr. Collins said I think when we changed this from a single family home to a contractors use, we mentioned the existing structure and parking was being used and we have tried to get the parking in the back so if it's at all possible and flip the site and move the parking spaces to the back.

Mr. Lettieri said he won't be able to get it in there with the 50' setback I need to maintain the parking as it is. I can add additional screening, if that's what you want. The building recedes and its setback and the portion closest to the road is only one-story.

Mr. Collins said he should do a lot of landscaping in the front.

Mr. Houlihan said the setback is only 50'.

Mr. Lettieri said he is doing everything based on medical because it's the highest rate.

Mr. Houlihan said you are still working on the BOH.

Mr. Lettieri said they have to amend it, the Engineer has it.

Mr. Houlihan asked if they have reviewed the landscape plan, can you rebuild it without mucking up the site?

Mr. Lettieri said its only slab on grade and the building is off the curb line and I'm only going down 3' it will be a monolithic footing system.

Mr. Reilly said on the Southern border shows existing cedars.

Mr. Lettieri said there are existing arborvitae and the other side is the dentist's office. Arborvitae are on this property and the other side of the fence, on the South have Evergreens.

Mr. Reilly asked if he's going to remove the arborvitae?

Mr. Lettieri said no he will leave them.

Mr. Collins said the lighting plan has to be prepared with the new Code and I need a photometric plan.

Mr. Lettieri said okay.

Mr. Collins said to add more landscaping to add a buffer for the front parking area.

Mr. Hill said what you are proposing to keep the existing curb and sidewalk, it all looks the same.

Mr. Lettieri said there is not much, he is doing the expansion on the North and pitching the parking lot to the drain, and moving the dumpster away from the property and putting it the same way I did at the other site on Old Riverhead Road.

Mr. Hill said he has not gotten in to the details, and he realizes the existing grades are there

Mr. Lettieri said it's taking the pitch from the area they are creating and pitching it back to the drain and doing an additional drain on the side to access the existing.

Mr. Hill said he will look at it in more detail.

Mr. Reilly asked if we can send it to the ARB.

Mr. Lettieri said he will work on the landscaping plan, photometric plan.

NEW FILL APPLICATIONS / DECISIONS

23. Donna A. McDonough, 24 Point Road, Westhampton Beach (905-17-3-25) Applicant requests a Site Plan to bring in fill in conjunction with a new dwelling and septic system. The property is located in the R-5 Zoning District and the Flood Zone Area.

24. Richard Baumer and Stacey Baumer, 166 Beach Lane, Westhampton Beach (905-15-5-11.3) Applicant requests a site plan to bring fill onto a property In conjunction with the installation of a new septic system and grading. The property is located in a R-1 Zoning District and the flood zone.