

January 23, 2020

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on January 23, 2020, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: Ralph Neubauer, Acting Chairman
Jack Lawrence Jones
Rocco Logozzo

Ron Hill, Village Engineer

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

ABSENT: David Reilly, Chairman
Michael Schermeyer
Kyle Collins, Village Planner
Anthony C. Pasca, Esq., Village Attorney

DECISIONS:

1. 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.

Status: **HELDOVER until February 13, 2020**

HOLDOVERS:

2. 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.

Status: **HELDOVER until February 13, 2020**

3. 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.

Status: **HELDOVER UNTIL February 27, 2020**

4. 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.

Status: **HELDOVER UNTIL April 23, 2020**

5. 85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02). Applicant requests Site Plan review to construct a two-story restaurant building with associated site improvements including improvements on lots to the West & South, consideration of a change of Zoning District for the Southerly lot with demolition of the dwelling and site build-out for parking with buffer, and site improvements on the Westerly lot including curbing, buffer & access reorientation.

Nicholas A. Vero, Architect appeared on behalf of the application.

6. Laurence Verbeke, 167 Oneck Lane, (905-009-01-019). Applicant requests review to subdivide a 207,984 SF (4.77 ac) lot, improved with a single-family dwelling and accessory structures, into two flag lots of 151,621 SF (3.48 ac) and 56,363 SF (1.29 ac). The subject property is located on the west side of and with access to Oneck Lane, in the R-1 zoning district.

Status: **HELDOVER UNTIL February 13, 2020**

7. Rogers Associates LLC, North Side of Rogers Ave (905-003-01-007.01 through 007.07). Applicant seeks site plan approval to construct 52 dwelling units in 13 Buildings (11 townhouse groupings, 2 two-family dwellings) with private community center, pool & tennis court for multifamily development with on-site sewage treatment plant in two development phases.

Status: **HELDOVER UNTIL February 13, 2020**

8. Westhampton Beach Holding Corp, 325 Montauk Highway (905-7-2-6, -5.6, -7.1 & -7.2). Applicant requests modification of site plan for a revised landscaping plan in association with site redevelopment work in which the applicant received a Waiver of Site Plan dated March 22, 2018. The two-acre property, improved with four one-story apartment buildings and two one-story two-family dwellings, is located on the West side of Aspatuck Road between Montauk Highway and Mortimer Street in the HC & R-2 zoning districts.

Status: **HELDOVER UNTIL February 27, 2020**

9. Westhampton Inn LLC., 43 Main Street (905-11-1-15) Applicant requests a Site Plan approval to construct a two-story ten-room hotel building with a covered front entry, rear porte-cochere and associated site improvements upon a 0.93 acre parcel located at the South West corner of Main Street and Mitchell Road in the B-1 Zoning District.

Status: **HELDOVER UNTIL February 13, 2020**

10. Prime Storage, 98 Depot Road (905-002-01-019.10). Applicant requests a site plan review to construct a two-story mini-/self-storage building (10,428 SF) on slab with accessory office as an expansion of an existing storage facility operation. The 3.657-acre property is located on the east side of Depot Road, in the I-1 zoning district.

Ted Galante, Galante Architecture, together with Susan Wilcenski, Landscape Architect. At their last appearance they talked about removing the on site trailer and putting a building in place, and they received a letter from Mr. Hill and we have responded to all of the items in that letter and we received a letter from the Building Department and responded to that too. The BOH is in process, and the Landscape Architect has quantified the trees and species on site. The changes to the plan for the dumpster and parking has been changed as well.

Mr. Collins asked where we are with SEQRA and has it been coordinated, it's an Unlisted Action and has that been commenced?

MM said no.

Mr. Collins said I recommend that happen tonight. If it was not, you have to wait another month. I would do it again in case it was not done.

Mr. Galante asked if there's anything else to move forward with to advance the project.

Mr. Neubauer asked if this should go to the ARB.

Mr. Collins said yes, it will need to.

Mr. Hammond said you want to be Lead Agency before you do that.

Mr. Collins said ultimately this Board has the authority because it's a referral with the ARB, and if you want to now or do you have an issue and want the building design closer to what this Board is more comfortable with. Unlike the other storage, this fronts on Depot Road and is both residential and the gateway coming off of the train station so there's a difference in comparison to Metro Storage, and sandwiched and will not be seen. You may want to get it in to more of a form consistent and compatible area.

Mr. Neubauer echoed Mr. Collins sentiments.

Mr. Galante said there are a few thoughts about that. Metro Storage is two stories taller and three times the length.

Mr. Neubauer said it's also on a different road.

Mr. Galante said this is a storage facility site with buildings similar to this, but this is more updated of similar scale to the buildings on site. In addition, there's significant plantings to buffer the visual from the street to the building, and we are putting in more green space and there are a number of pieces making it sympathetic with the surroundings not out of character with the tennis club and train station. We felt that by doing all of that it turns it inward as opposed to looking outward. We are changing the lighting making them full cutoff and focusing the light away from the street and a number of improvements.

Mr. Logozzo said we think it's a nice building, but we don't think it fits with the character of the neighborhood coming from the train station and Depot Road. That's how we're looking at it.

Ms. Wilcenski said she was asked to go to the site and mark up the existing vegetation as well as the proposed. I want to note the existing vegetation along the borders is mature and healthy, there are 6" to 12" caliper 40' tall 30' wide trees and it's a good existing buffer and I've placed Evergreens between the trees to strengthen that buffer and I want to mention that along the tennis club side we have existing buffer but adjacent to the property line on that side there is dense woodland.

Mr. Neubauer said it's not the side that's facing the tennis club that is in question, and we are trying to see if you can soften the look some. We would look to the ARB for a recommendation.

Ms. Wilcenski said along Depot Road there are mature Evergreens to fill in the spaces. You won't see that much, which is the intent.

Mr. Neubauer said we have enough time that we can refer you once we're capable of to the ARB we would do so and I think every argument you just made I can't find anything wrong with it, but I would like the ARB to weigh in on it too.

Mr. Galante said the setback from Depot Road is 50' and we are about 80' and we are exceeding it by 30' to reduce the scale significantly, they are holding it back to respect the scale of the street.

Mr. Neubauer said he understands that and the ARB will look at it.

Mr. Jones said he would like to see a strong buffer along the street side.

Ms. Wilcenski understands what the Board is saying.

Mr. Jones said the proposed structure is much better looking than the trailer that's there today.

Mr. Neubauer asked how to proceed.

Mr. Collins said that is up to this Board, if you want to see alternative designs, instead of a flat roof structure 32' the Metro Storage is not 4 stories, it is 3 stories and 40' high and the elevator shafts got a ZBA variance for their height. That building is 42' high and this plan it is a flat roof 32' high building.

Mr. Neubauer said he would like to refer it to the ARB.

REQUEST FOR CHANGE OF ZONE REFERRAL FROM THE BOARD OF TRUSTEES

11. 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.

NEW APPLICATIONS:

12. James Traynor, 91 Old Riverhead Rd (905-002-01-007.02) Applicant requests site plan approval to construct a one-story General & Special Trade (G/ST) Contractors' Office building

(9,744 sf) on slab, a two-story G/ST Contractors' Administrative Office building (1,776 sf) over unfinished basement, & convert dwelling to G/ST Contractors' Administrative Office (1,888 sf), with associated site improvements, upon a 63,770 square-foot parcel located in the HD zoning district.

Vincent Gaudiello, Raynor Group appeared on behalf of the application, together with James Traynor. This is on the Westerly side of Old Riverhead Road in the HD District. There is a two-story office, at one point it was a residence and they'd like to construct a second office building and at the rear of the property a four unit 9,774 square foot building trade shop. A Zone Change was made approximately four months ago to the BOT to convert this from HD to B2 Zoning District; in consideration of that we received guidance that they felt it was more appropriate in this Zone by SE to allow the Building Trade in this District, and along those lines they amended the Code to allow that use as a result of obtaining a SE. With that said, we are in the process of appearing before this Board, and it involves ZBA relief and we need that relief, with respect to the HD we are bound the dimensional setbacks for that. Hat we've done with the building in the rear is shift it North to allow the parking where it is, and that's tied in to the access we need to come in to the property in this fashion, drawing C2 is the alignment plan and I have an aerial with the property laid on top of that to give the Board an idea of the neighbors. There is the tennis club behind them, a residence immediately South and further South and West is vacant land. We are going to need Suffolk County DPW, BOH, and SCWA and in connection with the BOH the use being proposed now and the sanitary flow density exceeds the as of right, as a result of that we are proposing to transfer TDR's and all of that information s been defined in the BI report dated 12/23/2019; we have no objection and take no comment to any of Mr. Hammond's report and in that report Item 4 talks about variances, he speaks on the subject of requesting a denial letter and we prepared that and submitted that to Mr. Hammond and before he can move forward with that this Board has to provide its commentary. We are looking for guidance with respect to SEQRA and this action is Unlisted and requires Coordinated Review. I don't know if its your preference to be Lead Agency as opposed to the ZBA. The applicant is in attendance tonight should you have any questions of him.

Mr. Hammond said it's Unlisted and the PB should be Lead Agency and no other Board can act until SEQRA is commenced and a determination is made. There is a 30 day period which is a good time to review the plan to see if there are any changes you want them to work on before they appear before the ZBA.

Mr. Collins said we can make a determination of significance, and I would hold it over to the February 27, 2020 meeting.

13. HCMC, 51 Old Riverhead Rd (905-004-01-010). Applicant requests site plan approval to construct two-story additions to the converted dwelling for a G/ST Contractors' Office building (3,796 SF) over unfinished basement & crawlspace, with associated site improvements, upon a 22,886 square-foot parcel located in the HD zoning district.

Heather A. Wright, Esq., appeared on behalf of the application. Originally the application had HCMC Holdings as Contract Vendee but we have purchased the property and the applicant is here as well. This is the HD District on the Westerly side of Old Riverhead Road and we are proposing a Special Trade Contractors office. We are proposing to take the existing structure which is a two-story dwelling converted in 1984 to a retail nursery use, and it's 502 square feet and we will renovate that and add 1395 square feet for a total of 1898 special trade use. The plan we proposed meets the parking requirements and we do need variances, and we need the special exception. This is a Type II Action, and we will then apply to the ZBA and we have applied to the BOH and I sent the covenant in to keep the basement unfinished. And the application to the BOT has been submitted as well.

Mr. Collins said there is no coordination needed this is a Type II Action.

Ms. Wright said they are requesting a denial letter to apply to the ZBA.

Mr. Neubauer said he does not have an issue with that. He asked Mr. Hammond if he will issue a denial letter.

Mr. Hammond said yes.

Mr. Collins said there is nothing that will warrant this application not being forwarded to the ZBA at this time.

14. Kevin Butler, 104 Main Street (905-012-04-032). Applicant requests subdivision review to subdivide a 10,606 SF lot into two parcels of 2,877 SF & 7,729 SF. The subject property is improved with three mixed-use commercial buildings and located on the northwest corner of Glovers Lane & Main Street, in the B-1 zoning district. This is a re-opening of a public hearing held-over from by request of the applicant dated June 9, 2016.

Jodi Giglio appeared on behalf of the application. We appeared before the PB on March 13, 2015 requesting a minor subdivision on this parcel. This is on the North West corner, and we gave testimony at that time, and it would be the same that exists today he just wants to create two (2) lots and the setbacks are all conforming; the uses are not changing, we are just subdividing the property in half, and in exchange for that we appeared before the BOH and the sanitary is in ground water and we received BOH variances, and filed the necessary covenants including when the sewer line on Main Street is installed he will tie in to the same. With the water quality and the creek across the way, it's important to upgrade the sanitary system on this site. It took four (4) years, and we submitted that to the Building Department.

MM said they do not have that.

Mr. Collins asked if it's the IA system or conventional?

Ms. Giglio said it's the conventional system.

Mr. Neubauer asked if there were any questions or comments.

Mr. Collins said there could be conditions associated with the subdivision.

Mr. Hill said I remember the drainage that could not fit on this site because it was all sanitary. But if the sewer goes in it leaves opportunity to get drainage. You may use the leaching fields from the abandon sanitary system, and the lighting. I don't know how that's impacted by the new law.

Mr. Collins said on any application the Board can bring the lighting in to compliance, that can be a condition of the subdivision.

Mr. Neubauer said with no Village Attorney present I think we should hold this over to February 13 for a final discussion with him.

Mr. Collins asked if there were any conditions to hook up to the sewer, what will happen with the existing system.

Ms. Giglio said there's a covenant.

Mr. Collins said hopefully you can pull out the tank, use the rings for the drainage.

Ms. Giglio said the state has strict rules about that, and we can discuss that.

Mr. Collins said it's not from the roadway, it's the roof drainage. It's not about offsite runoff, it's onsite.

Mr. Hill said the Village installed a new system. The puddling on the site now probably runs on to Glover's Lane.

Ms. Giglio said she agrees to that.