

January 9, 2020

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on January 9, 2020, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

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

Kyle Collins, Village Planner
Ron Hill, Village Engineer

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

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.

2. **La Ronde Beach Club, 297 Dune Rd (905-019-04-001).** Applicant requests a modification of site plan to repair/reconfigure commercial kitchen following fire damage with no proposed changes to restaurant seating for the existing membership beach club. The 2.9-acre property is located on the south side of Dune Road in the R-3 zoning district, with associated site parking upon a 1.7-acre parcel on the north side of Dune Road.

HOLDOVERS:

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.

4. **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.

5. **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.

6. **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.

7. **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.

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8. 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.

Gair G. Betts, Esq., appeared on behalf of the application,

Mr. Reilly said that there is a lot of attendance in regarding to it, this process will not be lightening fast and there are steps we have to go through and not every time that we meet will there be long drawn out discussions. Tonight we are only going to adopt the SEQRA resolution. But I do know there was concern about the emails and the advertisement of this project. Those are permitted and they have been approved by the State Attorney General's office; nothing has been decided or approved, but they are allowed to advertised for the moment. We have not done anything and are not there yet.

Mr. Pasca said the Village does not regulate advertising and it's not our business what they do as far as advertising goes.

Mr. Reilly asked if he would waive the reading?

GGB said yes.

Mr. Reilly said before we adopt the Positive Declaration, I ask the Village Planner to explain it.

Mr. Collins said any action the PB takes has to follow the SEQRA and that requires them to make a finding and the action before the Board is a 52 unit mf development, based on our review of the Long EAF and the materials in the application there were 2 specific potentially large impacts; traffic and community character. Based on those impacts the Board has a resolution before them tonight to adopt a Positive Declaration; the applicant has to first prepare a scoping document and that will define what will have to be included in the environmental impact statement. As part of that process the applicant first submits a draft SCOPING document the PB has 60 days to adopt a Final Scope; within that 60 days there has to be a public component to that adoption and the Board has indicated that they want to include a public scoping hearing so the public has the opportunity to participate in that. After that it goes back n to the applicants hands and they prepare a statement and once this Board deems the EIS complete for public review there will be another public hearing on that statement. That is the first two steps. After the EIS is deemed adequate then once that public hearing is held, then there is a final environmental impact which includes responses to all of the public comment obtained during the public hearings and then the SEQRA is ending with a findings statement.

Mr. Neubauer said that does not mean it's approved, it is only approving the Environmental Aspect.

Mr. Collins said it completes the SEQRA review under the State Law; and this Board cannot take action until that's complete.

Mr. Jones said during those public hearings, are they recorded?

Mr. Collins said the comment has to be substantive, and each one there are minutes and transcripts, and the FEIS is based on that. Also within that there are alternatives analyzed as part of that. Typically that's what happens and how it evolves through SEQRA.

Mr. Reilly said your comments, have to be more than I don't want it. The bottom line is the use is permitted so this is where you voice particular comments and concerns.

Mr. Pasca said its nice to tell the public; the idea of scoping is to narrow or focus the issues that should be studied. The first step, for the next few months or whenever we get the draft scope that's when the public should chime in on the alternatives they'd like to be studied or the mitigation measures to study and the areas of impact to study. That's the initial focus and we are required to notify the involved agencies so that they too can comment on the scope and participate in that process.

Mr. Reilly said the public should wait for that scoping process. And that's available for public review.

Mr. Pasca said yes, and then we will chart the next 60 days.

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Lou Sussan, 54 Rogers Avenue, during this process we conduct a traffic study and we do it on March 1st and you review it and say its okay.

Mr. Reilly said that's part of the scoping process; they make a proposal and we take commentary and consult with our experts and we work on the scope of the review and what it should include.

Ronni Shapiro, 71 Rogers Avenue. She understands what they said, and she wants to clarify, everything submitted thus far to the PB or the Board of Trustees will that, do we have to repeat that or all of those documents going to be logged in, and considered?

Mr. Reilly said everything filed with the PB, and there may be duplicates and that comprises the record of this application. There is nothing that is private and won't be resubmitted.

Ms. Shapiro said everyone who wrote a letter is that in the record?

Mr. Reilly said yes. But because we're moving on to the particulars it would be best to condense it.

Mr. Pasca said I would say focus, the next phase is focused on just what the PB is working on. Everyone is encouraged to comment on the scoping aspect, so it's more focused than what was received so far.

Ms. Shapiro said for example the people who wrote that they are concerned about the traffic, that is already part of the record?

Mr. Pasca said yes, and that's what lead to the document the Board will vote on today which triggers the heightened review.

Ms. Shapiro said she thinks, we covered a lot of the specific concerns that we have and the suggestion that it be looked at as if there was a different way in and out we would be okay, and a little minus units that too is part of this?

Mr. Reilly said yes. And as Mr. Collins said, alternatives that would mitigate these effects are things that should be or would be and included in that. If there's a way to do this that lessens the environmental impacts should be looked at.

Ms. Shapiro asked how we will know when the public hearings are? How do we keep abreast of this.

Mr. Pasca said it will be available to that, and the Board comes up with a plan and schedule of how to get the public involved and how to notify the involved agencies and all of that will be figured out, but until we get the draft we cannot proceed.

Mr. Reilly said pending receipt of the next receipt of submission we are frozen in place.

Ms. Shapiro said this morning when I clicked on the agenda.

Mr. Reilly asked if there were further comments.

Joe Pagac, 86 Rogers Avenue, he submitted a letter this morning, and he knows this is not that type of hearing, but he heard MM say only two or three neighbors were notified based on the notice.

Mr. Pasca said the Board has to decide how to notify and keep the public involved. Once we receive the draft the Board charts out a course about notifying the public and public hearings.

Mr. Reilly said we will make every effort to keep the public informed, while at the same time realizing this is not the only thing that happens in Village Hall and there is some responsibility on the public to keep themselves informed. As we discussed if we can have a single point of contact it will make it easier for everyone.

Mr. Pagac said we would not be here tonight, if the notices 10-15 years ago when it was rezoned.

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Mr. Reilly said that ship has sailed, we can't undo that. I appreciate it but I can't do anything about that. We welcome and want the public input and we are as proactive as we can be but ultimately there is some responsibility of the public to keep themselves informed.

9. 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.

REQUEST FOR CHANGE OF ZONE REFERALL FROM THE BOARD OF TRUSTEES

10. 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:

11. 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.

James N. Hulme, Esq., appeared on behalf of the application, together with Mr. and Mrs. Mancini and the architect, William Heine. They acquired the property in 2018 and it is an old abandon bank which we plan to demolish and construct a new structure on that. They are proposing a 10 unit 2 story inn, that requires PB approval, and a Special Exception Permit Use and they applied to the Board of Trustees and they are going to make that referral to this Board for comment. We have provided an EAF and there are 16 parking spaces, I believe all of the setbacks and the other features comply with the Code. We have provided commentary with the plans and design standards and some of which do not apply because this is a Hotel and some requirements do not necessarily apply.

Mr. Reilly asked what the SEQRA plan is?

Mr. Collins said it is 3,995 sq. ft. What is the proposed use of the basement?

Mr. Heine said unfinished.

Mr. Collins asked if it's under 4,000 square feet? Its an unlisted action. And there are two involved agencies, I would think you want to coordinate the review.

Mr. Pasca asked if we should just notify the BOH and Trustees?

Mr. Collins asked if you want to commence coordinate tonight? It's a 30 day period and then this Board can accept Lead Agency.

Mr. Reilly said this is not contingent upon the sewer system?

Mr. Hulme said no it is stand alone with a sanitary system that stands alone.

Mr. Collins asked if it will be an IA system?

Mr. Heine said no.

Mr. Hulme said the reality of it is that they may construct in to the sewer project.

Mr. Pasca asked if they reviewed how easy or not it will be to integrate?

Mr. Collins said it's on the corner so you can tie in on Mitchell Road.

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Mr. Reilly said in terms of 8 motel units and 2 housing units, can you explain that?

Mr. Heine said due to the sizes of the different rooms, it falls in to a different category with the BOH.

Mr. Jones asked if the suites are housing units?

Mr. Heine said yes.

Mr. Jones said the others are hotel rooms.

Mr. Pasca asked if that effects our Code? Or is that just between the applicant and the BOH.

Mr. Hulme said this is a ten unit hotel.

Mr. Collins asked what types of units they are, there is resort tourism and transient units; resort tourism have kitchenettes.

Mr. Hulme said they will not have kitchenettes.

Mr. Reilly said they are awaiting on the comments from the Building Inspector. Are there any elevations?

Mr. Hulme said yes.

Mr. Reilly asked if it's too soon to do ARB? I would rather get them involved sooner than later. I don't think there will be any changes.

Motion to refer the application to the ARB Mr. Neubauer; Mr. Logozzo 2nd; 5/0/0

Mr. Jones said it will be very nice on Main Street, there hasn't been one since the Howell House.

Mr. Reilly said the SEQRA is commenced, we can refer it to ARB, and work on the comments from Mr. Hammond and Mr. Hill and Mr. Collins.