

October 8, 2020

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on October 8, 2020, 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
Michael Schermeyer

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

Kyle Collins, Village Planner
Ron Hill, Village Engineer

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.

Jefferson Murphree and Kieran Pape Murphree, Esq., appeared on behalf of the application. Mr. Murphree said to give the Board a recap; in June 10, 2019 he received an email from the Board Secretary which encapsulated Mr. Hill's comments; on June 11, 2020 the Village Attorney issued traffic approval; July 15, 2020 they received approval from the SCPC; August 7, 2019 SCDPW approved the 239F Referral from the Village; August 8, 2019 the Village Planning Board approved the subdivision; December 2019 the Map was filed with the Suffolk County Clerk; September 30, 2020 the Site Plan was approved by the SCHDOH; they have reviewed the conditions of the approval and they agree to them and there are two that the applicant is to prepare, one is the Easterly cross access and the C&Rs on the subject property. Lastly, I sent to Mr. Pasca and Ms. Mackie a list of the plans subject to the approval of this application.

Mr. Pasca asked for a digitized version of the plans.

Mr. Murphree said he does not have them.

Mr. Pasca asked if he can get them.

Mr. Murphree said he will find out.

Mr. Neubauer asked if the digitized plans will be match the hard copy documents.

Mr. Pasca said he would like for the Board, the draft resolution will list all of the documents in the site plan and you will have them and if we have to go through our files to match the dates and versions of the plans it will be very cumbersome.

Mr. Murphree said okay he will work off of the list he sent via email today.

Mr. Pasca said okay.

Mr. Murphree said he will have the plans sent to Ms. Mackie via email directly.

Mr. Neubauer asked if they are ready for a resolution?

Mr. Pasca said if we can get the plans straight, we are done the conditions are agreed to and drafted and I have a few things to do on the resolution but it will be ready for the next meeting.

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Motion was made by Mr. Neubauer to close the application of **Avidor Group LLC, 133 Montauk Highway (905-5-2-4 and lot 5 and lot 38)** for a determination; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

2. **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.

No one appeared on behalf of the application. Mr. Neubauer waived the reading of the decision.

Motion was made by Mr. Neubauer to adopt the determination of **Kevin Butler 104 Main Street (905-12-4-32)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

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.

Status: **HELDOVER until October 8, 2020**

ZBA: *Granted*
ARB: *Received*

SEQRA: *Conditional Neg. Dec. Issued*
SCDHS: **NEEDED**

SCPC: *Approved, Matter of Local Jurisdiction;*
SCDPW: *Approved with no comment;*

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.

Status: **HELDOVER UNTIL October 8, 2020**
Applicant is awaiting a determination from the Suffolk County Dept. of Health Services Board of Review.

ZBA: *N/A*
ARB: *N/A*

SEQRA: *COORDINATED REVIEW; DETERMINATION ISSUED: 6/25/2015*
SCDHS: **NEEDED**

SCDPW: *N/A*
SCPC: **NEEDED**

5. **Marios Nikolaidis, 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 December 10, 2020**

ZBA: *GRANTED, 12/20/2018*
ARB: *N/A*

SEQRA: *UNLISTED ACTION, GRANTED FEBRUARY 28, 2019*
SCDHS: **NEEDED**

SCDPW: *N/A*
SCPC: **NEEDED**

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.

Status: **HELDOVER UNTIL October 22, 2020**

ZBA: **NEEDED**
ARB: **NEEDED**

SEQRA: *1/23/2020 – Deemed Complete; Unlisted Action Coordinated review commenced on 1/27/2020*

SCDHS: **NEEDED**

SCDPW: *Received SCDPW – No objection;*
SCPC: *Received SCPC – No objection;*

OTHER: *Zone Change Approved by Board of Trustees*

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.

Status: **HELDOVER UNTIL October 22, 2020**

ZBA: N/A
ARB: N/A

SEQRA: *Granted; October 10, 2019*
SCDHS: **NEEDED**

SCDPW: N/A
SCPC: N/A

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

Status: **HELDOVER UNTIL October 22, 2020**

*DRAFT Scoping Documents Received on March 3, 2020
Draft Scope referred to Suffolk County Planning Commission, Suffolk County Department of Health Services;
Joint Work Session Held, June 25, 2020 with Board of Trustees*

ZBA: *Undetermined*
ARB: **NEEDED**

SEQRA: *POSITIVE DECLARATION ISSUED, 1/9/2020; PLANNING BOARD LEAD AGENT*

Draft DEIS Adopted on July 23, 2020

SCDHS: **NEEDED**

SCDPW: N/A
SCPC: **NEEDED**

OTHER: **Special Exception Permit required from Board of Trustees**

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 October 22, 2020**

ZBA: **NEEDED**

ARB: ***Referred to ARB at January 23, 2020 Meeting;***

SEQRA: ***Planning Board Deemed Lead Agent;***

SCDHS: **NEEDED**

SCDPW: ***N/A***

SCPC: ***Received SCPC, 2/14/2020 – No objection***

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 appeared on behalf of the application. He submitted a packet to this Board and he understood that they were complete with this Board, they need to go to the BOH.

Ms. Mackie said they received SEQRA they should have applied to the BOH.

Mr. Galante said yes, they did.

Mr. Hill said he thought there were areas that were not covered well, and he thought they needed wall packs in the back and center and you don't have to do another plan, just make sure you add the lights to it and I noticed some inconsistency between the landscaping and lighting plan as to the location of the light.

Mr. Reilly said these are details you should work out while you are waiting on the approval for the BOH and when you get back from then if everything is worked out, we can close it for a determination.

Mr. Galante said okay, we need final BOH approval and then once I receive that we return to this Board.

Mr. Reilly said you stay on our agenda until you receive that approval; then once you have that approval and you return to this Board and we can close the public hearing for a determination. We require BOH before we can give an approval.

Mr. Galante asked if they can detail the building as designed.

Mr. Collins said yes.

Mr. Galante said okay.

Mr. Logozzo asked if the coloring on the rendering is the color we will see.

Mr. Galante said yes.

Mr. Logozzo said the question I have, to hide the doors that are the same color, that was his only question.

Mr. Reilly asked if the materials are on the site plan?

Mr. Galante said no.

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Mr. Reilly said you went to ARB in January and things have changed since then, it would be wise to have the materials on the site plan.

Mr. Collins said yes, it should be referenced on the site plan.

Mr. Reilly said I don't want to send you back to the ARB because it'll cause another delay, so include it on the plans.

Mr. Galante said okay.

Motion was made by Mr. Neubauer to holdover the application to November 12, 2020; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

11. 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.

Status: **HELDOVER UNTIL December 10, 2020**
Applicant is before the Suffolk County Department of Health Services Board of Review.

ZBA: *Granted; Received, May 21, 2020*
ARB: *Referred to ARB at January 9, 2020 Meeting;*

SEQRA: *Negative Declaration Issued, February 27, 2020*

SCDHS: **NEEDED** *Applicant is before the Suffolk County Department of Health Services Board of Review.*

SCDPW: **NEEDED**
SCPC: *Received SCPC No objection;*

12. 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.

No one appeared on behalf of the application. Ms. Mackie said they can render a determination at the next meeting.

Motion was made by Mr. Neubauer to close the hearing of **HCMC, 51 Old Riverhead Rd (905-004-01-010)**. for a determination; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

13. 55 Old Riverhead Road LLC, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03) Applicant requests site plan approval to construct a multifamily development consisting of 16 (sixteen) senior dwelling units in four two-story townhouse buildings with attached garages, pickleball court, and associated site improvements, upon an assemblage of three parcels totaling 122,001 square feet on the west side of Old Riverhead Road in the HD zoning district.

Status: **HELDOVER UNTIL October 8, 2020**

ZBA: **N/A**
ARB: **NEEDED**
BOT: **SPECIAL EXCEPTION PERMIT**

SEQRA: *August 13, 2020 – Planning Board Accepted Lead Agency Status*
SCDHS: **NEEDED**

SCDPW: **NEEDED**
SCPC: **NEEDED**

REFERRAL FROM THE BOARD OF TRUSTEES

14. 804F Realty Corp., Robert Chase 112 Montauk Highway (905-4-2-14.1) Special Exception Application to allow a Convenience Store as Accessory Use to an existing gas station at 112 Montauk Highway, Westhampton Beach.

Barbara Rasmussen, Esq., appeared on behalf of the application, together with Andrew Villari.

Mr. Reilly said they received the packet on Tuesday.

Ms. Rasmussen said the email of the site plan, right?

Mr. Reilly said yes, that's well inside the 10-day submission window and we're not prepared to discuss the substance of that tonight.

Ms. Rasmussen said we sent it for informal reasons.

Mr. Reilly said we're not prepared to discuss it tonight so we can review it; we are prepared to discuss certain aspects and procedures going forward and the Village Attorney will do so.

Ms. Rasmussen said you had the traffic study well in advance of tonight's meeting so we can discuss that.

Mr. Reilly said he'd like to discuss that in one meeting, not piece mealed.

Mr. Neubauer asked Mr. Hill if he had time to review the traffic study?

Mr. Hill said yes, he needs the DOT print outs from the individual accidents.

Mr. Villari said yes, they will send that to Mr. Hill.

Mr. Reilly asked Mr. Pasca to have a brief discussion about the process.

Mr. Pasca said this application is before this Board in two ways, one is a Special Exception Referral and also a full site plan; the full site plan application is not completed until the Special Exception is decided by the Trustees and you need to refer it back to the Trustees with comments and they will hold a public hearing and consider this Board's comments, and the public comment and they will vote whether to approve the accessory convenience store use and if they do approve it, then it returns to this Board for final site plan review. The first phase should focus on maybe less of the details like what type of landscaping, and type of materials used and the more fine tune details await the next step because we're talking about more conceptual level comments and impacts on the site and does it work with both uses and when you're ready to talk about it we can go through the Special Exception Criteria and you can talk about the comments to send back to the Board of Trustees.

Mr. Reilly asked if they need a full-blown site plan application at this time? We need something less and to be clear, from your perspective what we have right now will enable us to proceed forward to the next step.

Mr. Pasca said yes, the only caveat the applicant said this is the plan they want to go with and they are entitled to make that request, and you may say there's other information you'd prefer to have and you can provide that comment to the Trustees. If there's issues you think the applicant hasn't answered you can address that to the Trustees and they may consider it and I think it's more than conceptual at this point, there's details, renderings, site plan and at the beginning of the application they submitted a photometric plan and that's details that they can work out. I think you have enough to work off of and it's a question of going through the impacts and the Special Exception Criteria to come to a consensus or make individual comments or make no comment which you are entitled to do, which on occasion you do.

Mr. Neubauer asked if he can give them a check list?

MR. Pasca said I will send you the criteria that the Trustees will use and that's what you should focus on.

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Mr. Reilly asked Mr. Hill, Mr. Hammond and Mr. Collins if there's enough information?

Mr. Hammond said there will be variances needed and it's been my opinion they shouldn't go to the ZBA until the Planning Board is happy with the relief necessary; they need variances regardless. That's the only thing with the process, you go back to the Trustees but they also need relief from the ZBA.

Mr. Collins said I think we have enough information to write a referral and I think it should be written in a fashion that can be used for the Special Exception and for the ZBA.

Ms. Rasmussen said she appreciates that and she was hoping to have some informal comments in case there were tweaks that needed to be made.

Mr. Reilly said I am confused, because my understanding was this was the plan and this is the plan that they want us to act on, so what tweaks would we expect?

Ms. Rasmussen said we're not tweaking the curb cuts or the pumps, I know the Engineer talked about the buffers and things like that, we tried to minimize the variances needed and I wasn't sure and I don't want to waste the time printing everything if there was anything missing. I understand you have not reviewed it.

Mr. Reilly said you don't have to send anything; we're going to use what we've received and based our comments off of that.

Ms. Rasmussen asked if you need the full plans now?

Ms. Mackie said I think she's asking do you want a full set of plans that she sent by email?

Ms. Rasmussen said yes, that's what she's asking.

Mr. Reilly said he would like a physical set.

Ms. Rasmussen said 10 sets of what I emailed, and at the next meeting you'll make the referral to the Board of Trustees.

Mr. Pasca said no, the Board will have a discussion and deliberate at the next meeting and discuss what to refer back to the Trustees. It will either be no comment, the recommendations, or the comments which will be discussed and deliberated at the next meeting.

Ms. Rasmussen asked if they can at the next meeting?

Mr. Reilly said no, that's the goal but I won't say yes, we will because I'm not locking the Board to commit to the next meeting.

Ms. Rasmussen asked why?

Mr. Reilly said depending on whether we reach a consensus or not, or we can't make the determination and need more time we will take it, if not we will refer it and it depends on the conversation we have on October 22.

Mr. Pasca said it may depend on the comments too; the simplest thing is that the Board decides they don't want to comment, that won't require much further work beyond a resolution. If they decide they want to draft up some more detailed, or you direct Kyle to make a more detailed recommendation it may take another meeting to approve the referral and specific content of the referral back to the Board of Trustees. It may be October 22 or the following.

Ms. Rasmussen said thank you for the clarification.

Mr. Neubauer said when Mr. Collins was discussing the SEQRA document, this application does have variances.

Ms. Rasmussen said it needs variances.

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Mr. Hill said if it requires a use variance or not, which this does not need a use variance it only needs dimensional variances.

Mr. Reilly said it would be advantageous to get the hard copies sooner than later.

Ms. Rasmussen said okay, I indicated that I would drop them off on Monday.

Ms. Mackie said they are closed for the Holiday; you can deliver them Tuesday.

Ms. Rasmussen said she had procedural questions; there is some confusion and Mr. Hammond you can answer, who does the DPW referral, is that done prior to the Planning Board or post?

Mr. Hammond said some places it comes after the resolution and we can do it closer but I want to make sure this Board agrees on a plan because once we send it that is what is locked in. Since you spent a month with the DPW, my 239F they have to respond within 30 days but I don't anticipate that will hold much up; once the layout is decided on and the details are as well, we can refer it to the County before the final resolution but it's premature now.

Ms. Rasmussen said okay.

Mr. Pasca said there will be mini referrals because you have to go to ARB, the ZBA, the Board of Health, so there will be after it comes back from the Trustees, assuming it does there will be a bunch of smaller steps that have to be completed. The big step for this Board is the referral and the final site plan approval.

Ms. Rasmussen said after we get variances, Board of Health and DPW it comes back to this Board?

Mr. Pasca said yes, those approvals have to be obtained and you should pursue the Board of Health and ZBA once you get a referral from the Trustees.

Ms. Rasmussen asked if Suffolk County Planning Commission is needed?

Mr. Hammond said I don't think it is required. It fits within the IMA so it's unnecessary.

Ms. Rasmussen said she was looking at the agenda notes and wanted to make sure she was doing everything needed.

Mr. Reilly asked if there were any other procedural questions?

Motion was made by Mr. Neubauer to holdover the application of **804F Realty Corp., Robert Chase 112 Montauk Highway (905-4-2-14.1)** to October 22, 2020; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

15. Rogers Associates LLC, North Side of Rogers Ave (905-003-01-007.01 through 007.07) A joint Work Session of the Board of Trustees and the Planning Board will be held to discuss the application of Rogers Avenue Associates, LLC., starting immediately after the Planning Board's regularly scheduled meeting at 5:00 p.m.

Status: *HELDOVER UNTIL October 22, 2020*

*DRAFT Scoping Documents Received on March 3, 2020
Draft Scope referred to Suffolk County Planning Commission, Suffolk County
Department of Health Services;
Joint Work Session Held, June 25, 2020 with Board of Trustees*

ZBA: *Undetermined*

ARB: **NEEDED**

SEQRA: *POSITIVE DECLARATION ISSUED, 1/9/2020; PLANNING BOARD LEAD
AGENT*

Draft DEIS Adopted on July 23, 2020

SCDHS: **NEEDED**

SCDPW: N/A

SCPC: **NEEDED**

OTHER: **Special Exception Permit required from Board of Trustees**

16. 804F Realty, 112 Montauk Highway (905-004-02-014.01) Renovate One-Story Building for Accessory Convenience Store & Construct Canopy for Relocated Gas Service Pumps w/ Associated Site Improvements for Valero Service Station, upon a 0.44-acre Parcel in the B-2 Zoning District.

NEW APPLICATIONS:

17. Lidl Westhampton, 70 Sunset Avenue (905-012-04-020.01) Applicant requests modification of site plan for façade alterations to the existing grocery store located on a 2.7-acre parcel in the B-1 zoning district.

Kevin Reim, Bohler Engineering, David Gilmartin, Esq., Luis Rodriguez, Lidl appeared on behalf of the application. Mr. Reim said Lidl has acquired Best Market, they are doing an interior alteration and we are before this Board because they are doing a new sign, and they do a wood oak panel sign, the goose neck lighting that's there will remain and they are adding a new insulated door for the bottle return.

Mr. Reilly said there was a new sign up at another store near Oakdale Bohemia Road is that the same sign?

Mr. Reim asked Mr. Rodriguez.

Mr. Rodriguez said they have a standard sign, it's a box sign with food market in channel letters and that's the typical standard the one in Oakdale was a special required set of channel letters and the font is typically the standard font the standard sign is 2 meters, 8x8 box. It is similar to the sign on their location in Center Moriches. It's the standard logo, that box with channel letters that say "Food Market"

Mr. Reilly said Sheet A-2 is what you're proposing.

Mr. Neubauer asked if the ARB had involvement in the sign?

Mr. Hammond said yes, but it will require a ZBA and it's limited to 20 square feet in the B-1 and it's before this Board not because of the sign but the wood panel detail on the façade and the appearance of the bottle return on the West side towards the South which will face the entrance of the Store, and the sign itself the ARB will review.

Mr. Reilly said he will open the discussion on the door. Personally, I do not like it for this location in this building after everything we did to make it look as nice as it does, I don't like it in its location and I would prefer it tucked around the side. To have it on the front it's not something I find attractive.

Mr. Collins said he has not reviewed it yet, so he can't make the comments on the sign.

Mr. Jones asked if the bottle return in the open position in operating hours?

Mr. Rodriguez said yes, that's correct. The Oakdale location has a recessed bottle return with a roll up door when the stores closed.

Mr. Neubauer said he will look at it and send that to the Board.

Mr. Reilly said it's in front of the entrance and I would like to see what it looks like when its open or is there an alternative to this door. Will the ARB comment on that as well?

Mr. Hammond said yes.

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Mr. Neubauer asked if they are finishing the interior more carefully, where there be a ceiling?

Mr. Rodriguez said they have an open ceiling, but it will be finished and painted. Our intent is to close it up, to make it look more uniform and paint it off white to blend.

Mr. Neubauer said thank you.

Ed Peppin, said Mr. Reilly mentioned relocation the bottle return on the side, and there are side3walk restrictions making it difficult as far as access.

Mr. Reilly said there's also parking we spent a lot of time going through this site with Best Market. I know there are issues, I was raising the hope for possibility that there was a location not so prominent. I want to make sure everything is being considered.

Mr. Rodriguez said they'd like to start in November.

Mr. Schermeyer asked if they can start the interior work without the ARB?

Mr. Hammond said that's correct, they can start with the interior work now if they want to. They did get the cart corals this year, and the site plan just received its CO.

Motion was made by Mr. Neubauer to refer the application of **Lidl Westhampton, 70 Sunset Avenue (905-012-04-020.01)** to the ARB; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to holdover the application of **Lidl Westhampton, 70 Sunset Avenue (905-012-04-020.01)**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

18. WHB Kitchen LLC, 149 Main Street (905-011-03-001) Applicant requests modification of site plan to erect a seasonal membrane enclosure under the retractable awning for outdoor dining at the existing 16-seat restaurant located upon a 3,610 SF parcel in the B-1 zoning district.

David Hersh appeared on behalf of the application. They have the rollout awning in the front and they'd like to apply for in the same footprint, an awning that can have sides on it as well and we can use it with heat in the Spring and the Fall. We are coming up to a point where the weather is changing and the inside capacity is small especially with the reduced seating and it's a concern to us. In the Summer it'll be as it is today, but in the Sprig and Fall it will allow us to use that patio space a little longer than the Summer. On the side of the building there was a door and we'd like to re-vegetate it with an arbor and vines on it and we wanted permission to do that and I sent a picture in with my idea. We love being in the Village of Westhampton Beach and a huge welcome and it has been a pleasure.

Mr. Reilly said he's looking at the schematic and the footprint will stay; he was concerned about it going on to the sidewalk. Will the awning size remain the same?

Mr. Hersh said yes, it will not be retractable anymore. There will be sides and poles, and if the wind blows it will be supported and safe. We added support poles to the awning that was there, and we added new fabric.

Mr. Neubauer asked if its permanent?

Mr. Hersh said it will be used in the Spring and the Fall, and we use it now only in the Summer. This will allow us to get in to Thanksgiving and then again in April as opposed to June.

Mr. Neubauer asked Mr. Hammond's input.

Mr. Hammond said if it's not retractable it has to go in to lot coverage, and that's an issue.

Mr. Reilly said it's still referred to as a retractable awning.

Mr. Hersh said he can see what the awning company can do, whether it can be retractable or not, it's more about the sides to trap heat in to allow to use in the extended season.

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Mr. Neubauer said you are adding to the structure and that's a different application if the awning isn't retractable.

Mr. Reilly said with respect to the arbor, and you're saying that's not what you'd do but it's not on the plan anywhere.

Mr. Hersh said there's a step on the West side of the building that's where it'll go.

Mr. Reilly said it shows a door, and I'm presuming that's not there.

Mr. Hersh said it was removed and we tried to match the siding and this will help hide that.

Mr. Reilly said that will have to be shown on the drawing. You have a few things to sort out, we need more specifics as to the nature of the awning and where it'll go and what it'll look like.

Mr. Hersh said he can do that. It would have the top stay out and roll up and roll down sides with 3' solid coloring, and the rest would be clear.

Mr. Reilly said we appreciate that; we need to know if it's retractable or fixed in nature because they are different in natures.

Mr. Hersh asked if its possible to not be retractable and not get in to the lot coverage?

Mr. Hammond said no, if it's not retractable and its permanent it goes to the BOH and the ZBA. Andi realize you aren't retracting it when you're using the plastic but if it means you cannot retract it, it's a building addition at that point. It is up to the Planning Board to review; I don't know how the clear plastic will look and there's fire code items with that as well. Will there be sheen, is it something with the heat that gets fogged up. What will it look like if its up all of the time?

Mr. Reilly said we don't know what it'll look like or appear, does it have to go to the ARB?

Mr. Hammond said that's up to the Board.

Mr. Neubauer said we don't have a lot of information, there is contradiction.

Mr. Reilly said they get the idea where you're going, we just need more information.

Mr. Schermeyer asked if this is temporary during COVID, or is this the plan for the future?

Mr. Reilly said we need to know your direction. If you want it due to COVID, you have to go to the Board of Trustees.

Mr. Hammond said the outdoor COVID extends through the month, and we kicked it around not to get involved with awnings and tents and we have the new Main Street and we don't want a hodge podge of different streetscapes and we understand the month of October will be telling as people try to extend heating units outside and awnings and it's a concern, and if you're before the PB it's a permanent thing. We don't have anything for the BOT for an outdoor tent, there are a lot of issues with that.

Mr. Schermeyer said we need to help these businesses, if he can't fill his restaurant inside and this can extend this season the Trustees should consider it.

Mr. Neubauer said we're just concerned about the permeance of the awning.

Mr. Schermeyer said will this be removed when things go back to normal?

Mr. Reilly said that was the discussion we had in the beginning of the year and being more generous with outdoor seating. I hesitate to do it for COVID, because when that sorts itself out, he may not want to take it down but we need to know whether it's temporary or permanent or not.

Mr. Logozzo said he wouldn't like to see plastic year in and year out and he'd like more time to think about it.

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Mr. Neubauer said maybe the ARB can review it esthetically. But this is how we ended up with a large Baby Moon.

Mr. Logozzo said he would not like to see clear plastic year-round.

Mr. Hersh asked if its still retractable can they use it during the Fall and Spring.

Mr. Neubauer asked him to formalize the proposal, give the list of materials and sort out the idea of whether it's retractable or not.

Motion was made by Mr. Neubauer to adjourn the public hearing at **6:05 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.