

December 12, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on December 12, 2019, 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

DECISION:

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 December 12, 2019*

ZBA: *Granted*

ARB: *Advisory Report Received*

SEQRA: *Complete*

SCDHS: **NEEDED**

SCPC: *Approved;*

SCDPW: *Approved;*

2. **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.

3. **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

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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.

Phil Smyth, Vice President of LaRonde Beach Club he said that he does not see it's a requirement of the BOH to be received to receive a decision. You can waive anything and everything, and you know that.

Mr. Pasca said the Board does not waive that ever.

Mr. Reilly said we do not waive that. And we have not ever.

HOLDOVERS:

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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. They received the memorandum from the Board of Trustees today.

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Mr. Reilly asked Mr. Collins if they can adopt lead agency?

Mr. Collins said yes. The determinants of significance cannot be done until the next meeting. We can establish Lead Agency.

Mr. Neubauer made a motion to accept Lead Agency on the application;

Mr. Reilly said they sent out letters to the other involved agencies and no one else wants to be Lead Agent

Mr. Pasca said because Lead Agency was adopted tonight, there is a short time period and you are obligated to make that determination at the next meeting, so anyone who wants to be heard on that topic, for purposes of determining of positive declaration or negative declaration will be done at that time.

Mr. Neubauer asked Mr. Pasca to explain the positive declaration to the public.

Mr. Pasca said whether there is a potential for significant adverse impacts under certain criteria and if there is one impact the Board then has to adopt a Pos. Decl which triggers a more heightened environmental review, and the initial determination is to focus on areas of concern and this Board to make a determination whether there is a potentially significant impact that could result from this project.

Mr. Reilly said with that being said, if I understand correctly, we are looking for input as to the scope of significance, density, traffic issues and areas that you think need to be addressed as part of this process and whether they are significant adverse impacts.

Jannette Smith, Hazelwood Avenue and she grew up on Hazelwood Avenue and little has changed and there are more houses and when I heard about this project I don't understand how there is an elderly population, young population and children on the streets and people walking their dogs and walking Hazelwood Avenue to Rogers Avenue. It has been overbuilt and the environmental impact I always knew there was a problem with water, and I know the area was contaminated, and a lot of people have water issues and the traffic on a bad day in the past couple of Summers has been horrible with people trying to avoid Riverhead Road to get to the corner of Montauk Highway so they are forced to go down Hazelwood Avenue and go to Rogers Avenue and the streets are narrow and my concerns is for the people who live on that street. Is the pool going to be open to the residents of the community?

Lou Sussan, 54 Rogers Avenue. The main thrust is the traffic and density of the development, the neighborhood is a close knit community and I believe this will change the character significantly. I don't believe there is a development plan and I encourage them to develop one and as soon as there are a few acres the first thought is to build condos. There are many other uses for that property which would be to the benefit of the community. Some affordable housing built in East Hampton and designed by a Local Architect and it looks like a regular home and multiple units in it that people purchase, and I look at that and that would be great for the community but also maintain a sense of community. I urge you to consider the density but cut down on the units significantly and this will only bring weekenders. But there's a limit that I ask you to consider.

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Brian Goldman, 79 Rogers Avenue. I just purchased a home a few years ago, and I live across from this. This is a beautiful town, and when I was advised this was going to be built several of the homeowners told me and the one thing that's very concerning is that there is only one means of egress into the development on to Rogers Avenue and a community center abutting Rogers Avenue; a pool abutting Rogers Avenue and there will be a lot of traffic and the whole nature of the community will change, there has to be some other way and I understand we need to build, but there has to be a way to disburse the traffic another way. There is no civic association to attack this idea, but I don't know who is looking out for the residents and I am concerned about the nature of the community changing for the detriment.

Julie Czachur, 127 Rogers Avenue. All of the letters previously submitted to the Board are going to be taken in to consideration do they need to be voiced here?

Mr. Reilly said it does not make a difference whether it's verbal or written and it's included in the record and reviewed by this Board. And to Mr. Goldman's point, the PB is appointed by the Board of Trustees but we have a balancing act, people have property rights and certain uses are permitted so we have to balance their rights and the community rights; most of the applications we don't get community input and we are glad to see people because it reinforces that everyone's view point is being taken in to consideration and we all live in the community and we know what you are facing. Nothing is being shoved through or rammed through and everything will be upfront and everyone's point will be taken in to consideration.

Mr. Pasca said I should clarify you can submit written comment between now and the next meeting, but this is the last oral meeting before they have to make a determination significance.

Ms. Czachur said okay. She submitted a letter and she thinks amongst the various concerns one primary is the traffic study being done in July or August because December and January is not a good representation

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

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. 13 Meadow Lane LLC, 13 Meadow Lane (905-10-1-19). Applicant requests site plan approval to place fill within the floodplain and to construct a terraced berm in conjunction with elevating and renovating a single-family dwelling. The 1.1-acre parcel is located on the West side of Meadow Lane in R-1 zoning district.

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Susan Wilcenski, Spaces Landscape Architect, together with Mel Gonzalez, Architect. Ms. Wilcenski said they have submitted a site plan for fill and she submitted the minor changes today and they added more area for the drainage to collect and they exceed the volume of collection.

Mr. Hammond said they had a concept of terracing the front with vegetation and there's no wall for sanitary and a berm that may have a wall so he thought the concept of the terrace berm worked.

Ms. Wilcenski said it works because they are raising the house and they've made several landings with landscape berm walls to raise the plants and mass and it will anchor the house down and not have an ugly staircase. Each landing has a planting area and not steps. There are more advantages and it contains the water in to the planting beds, and there's a garden in the front. It anchors the house down tonot have a 6' staircase.

Mr. Hill said he will review the plan.

12. 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.

Thomas Lettieri and Doug Nappi, Dragonfly Landscape appeared on behalf of the application.

Mr. Neubauer asked if the erosion control and silt fence was installed?

Mr. Nappi said yes.

Mr. Hill said what he was looking for has been done.

Mr. Neubauer said okay.

Mr. Jones asked where that was done?

Mr. Nappi said anywhere there was a slope it was secured and it was dug in 6" and 7" and there has been rain and it has not moved at all. He gave a picture of the screening, and they have increased it from 50 trees to 80 trees so there are 18 7' to 8' Evergreens, 6.5' on center, along the outside of the fence. The sections of fence are 8' a piece, installed at 7' to 8'.

Mr. Collins said the fence is 6' so the trees are bigger than shown?

Mr. Nappi said yes, 1' taller. The fence is on the only level ground, but it should break the height of the fence and they are 3.5' wide so it's about 2 trees planted per fence section. The view across Montauk Highway shows a multi level screen approach.

Mr. Collins asked if the street trees go in front of the Arborvitae?

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Mr. Nappi said yes, there will be a red maple in front of the Arborvitae from Aspatuck Road to Mortimer Street.

Mr. Reilly asked if this will be irrigated?

Mr. Nappi said yes, the trees will be dripped the lawns will be sprayed.

Mr. Jones said they set back the planting on the turn and its quite a change to the approved plan.

Mr. Nappi said the original survey you'll notice the fence was 11' from the property line because that's where it was on the survey but that would have offered no screening at the bottom of the hill, it's been moved high up on level ground to give screening. If we pout the fence down below nothing would have been screened. We wanted to optimize the screening with the fence and trees.

Mr. Collins said there was an issue with parking on Aspatuck in that location and the fence was there to mitigate that. What will happen is they will park on the lawn.

Mr. Nappi said there were breaks and gates in the fence and they could enter the rears of the homes but this has no gates, they added an asphalt curb and that will make the corner and go down Aspatuck which should be high enough and we can put up signs or breaks.

Mr. Collins said it should be a sign and enforced by the Police. But if there is no place for guests we don't want that issue.

Mr. Nappi asked if they could do plantings to stop parking?

Mr. Hill said plantings yes, a fence no.

Mr. Reilly said we did this with Circle M too. The property line is 10' from the pavement, can they put plantings there.

Mr. Nappi said the 7-11 on Mill Road has it.

Mr. Pasca suggested with get the DPW involved, because it has to be determined who will maintain it. It is up to Mr. Smith to decide the materials for Village ROW that require less maintenance.

Mr. Nappi said he shows lawn to the edge of pavement, even if there were no sprinklers because it will still be fine.

Mr. Pasca said we asked the applicant to talk with the Highway Superintendent.

Mr. Hammond said the PB can suggest to the Trustees to make it no parking, there was no parking it was repealed in 2007. It has to be an ordinance.

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Mr. Schermeyer said right now the parking happens on the other side, there's a van out there it's not where they put the fence.

Mr. Pasca said the PB can make that suggestion to the Trustees.

Mr. Neubauer asked when that's appropriate?

Mr. Pasca said at any time. It does take time to do and they will ask Mr. Hill's opinion.

Mr. Reilly said why don't we send them in two directions.

Mr. Neubauer asked if MM can send something to the Trustees to the same.

Mr. Collins suggested it go from Montauk Highway to Mortimer Street. He would like to do a site visit, and we want to see what was originally approved. And it's the main gateway in to the Village, and I like that the fence is setback and I would invite the Board Members to as well, but I want to look at the reasons to see more than the lawn and I agree with the screening out a 6' fence.

Mr. Schermeyer said there was a huge tree that blocked the satellite dishes.

Mr. Lettieri said they will be removed.

Mr. Collins said he'd like to see the site.

Mr. Schermeyer said the satellite dishes are prevalent on the view it's all you see.

Mr. Neubauer said the parking is a concern for safety and aesthetic reasons. There was a lot of screening, and a buffer.

Mr. Nappi said there was viney growth, and vines killing the trees.

Mr. Schermeyer said it's hard to do all of the stie work with the trees in place.

Mr. Lettieri said we regraded it to collect the water to not have the runoff we had before.

Mr. Nappi said trying to adhere to the grades proved to be pretty impossible.

Mr. Reilly said it seemed a lot more simple, but we would like to make it better.

Mr. Neubauer said they'd like to see more on the open lawn.

Mr. Collins said he is not talking anything crazy, he'd just like to see some plantings.

Mr. Nappi asked when the next meeting is?

Mr. Reilly said it is January 9, 2020.

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