

February 27, 2020

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on February 27, 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
 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.

Status: **HELDOVER until March 26, 2020**

ZBA: **Granted**
ARB: **Advisory Report Received**

SEQRA: **Complete**
SCDHS: **NEEDED**

SCPC: **Approved;**
SCDPW: **Approved;**

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 March 26, 2020**

ZBA: **Granted**
ARB: **Received**

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

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

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 March 26, 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**

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**

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

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

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

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.

Motion was made by Mr. Logozzo to accept Lead Agency, seconded by Mr. Jones and unanimously carried 3 ayes, 0 nays, 2 absent.

Mr. Neubauer said there will be conditions in order to meet the Negative Declaration, and we're not prepared to do so tonight and at the next meeting we will have that.

Mr. Vero asked if they can go to the Trustees?

Mr. Pasca said the Trustees can't act on the application. They cannot approve anything without the Negative Declaration, if they want to start the process they can.

Mr. Vero asked how do I get it to the Trustees?

Mr. Pasca said they have to schedule a public hearing.

Mr. Vero said that's what we want to accomplish.

Mr. Pasca said they can get a start at their next meeting, and sequence wise you should be there, but there are no guarantees.

Ray Dean, asked what the holdup is.

Mr. Neubauer said there may be impacts that need to be addressed in the Negative Declaration.

Mr. Vero said these are things that arise in the Planning Board process, correct?

Mr. Pasca said the answer is yes, but there is overlap between environmental and planning impacts. Parking and neighbor impacts are dealt with during site plan and if they are not included in the negative declaration it's like saying there is no impact.

Mr. Vero said okay.

Mr. Pasca said it's a way of setting up the process, here are the things you need to deal with to create the adverse impacts on the neighbors and if you don't deal with them you will have to have a positive declaration which you don't want.

Mr. Vero said okay. Will we receive a negative declaration condition list on the March 12, 2020 meeting?

Mr. Neubauer said yes.

February 27, 2020

Mr. Jones asked if we should discuss some of the mitigation items tonight? Is the buffer of any help him now?

Mr. Pasca said that's probably more for the site plan when that comes in. The applicant knows there will be a required buffer.

Mr. Neubauer said we have to protect the Village from impacts that would result it in a positive declaration. This is very similar to the former True Value site and it was handled this way as well.

Mr. Vero said okay.

Ray Dean said he is trying to figure out the process for the Zone Change, it's going back to what it used to be it just seems like there are a lot of hurdles to get there.

Mr. Neubauer said we are just trying to get you to the Board of Trustees.

Ray Dean said okay.

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 March 26, 2020**

ZBA: **N/A**

ARB: **NEEDED**

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

SCDHS: **NEEDED**

SCDPW: **N/A**

SCPC: **N/A**

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 March 12, 2020**
Awaiting Scoping Documents from Applicant

ZBA: **Undetermined**

ARB: **NEEDED**

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

SCDHS: **NEEDED**

SCDPW: **N/A**

SCPC: **NEEDED**

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

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.

Doug Nappi appeared on behalf of the application. They have increased the screening along Aspatuck Road and Montauk Highway showing 49 trees; and additional 90 flowering shrubs that match the crepe myrtles around the Village. We're moving the sign on that corner, and making an entrance planting to match the landscaping on Main Street.

Mr. Neubauer asked if anyone has looked at it?

February 27, 2020

Mr. Hammond said yes, Mr. Collins did and he's happy with it.

Mr. Hill asked if Mr. Collins passed on any information regarding the slope?

Mr. Nappi said the asphalt curbing has been completed up Aspatuck Road and we have calmed the grade, but its not a finished grade and I put down a jute mat to ease the erosion. TO get to a calmer grade I will remove it, and finish the grade, put the jute mat back and spray hydro seeding.

Mr. Hill said he is concerned with the area between the curb and the silt fencing, can we treat it with sod so the little run off is caught by that.

Mr. Nappi said okay.

Mr. Hill said when you take the silt fence out it will catch it.

Mr. Nappi said he will leave the silt fence until the grass is established but that sod will help it and they will secure it with ground staples.

Mr. Neubauer asked to accept the landscaping plan.

Mr. Hammond said the Building Department received an application to fix the exterior and not single family dwellings, technically they come back to this Board, and all of this was done as a waiver of site, and I am assuming the Board will be amendable to an additional waiver when it comes to that application.

Mr. Pasca asked if there's an application presently before the Board?

Mr. Hammond said he cannot issue the Building Permit until it's brought to the Planning Board; and we are going to touch the buildings, but that will be another waiver.

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.

James N. Hulme, Esq., appeared on behalf of the application. Has a SEQRA determination been made?

Mr. Pasca said he thought that there were changes going to be made? Do you want to continue with what you've applied for?

Mr. Hulme said there were conversations but we'd like a determination based on today's application.

Mr. Pasca said okay.

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.

No one appeared on behalf of the application.

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.

Vin Gaudiello, Raynor Group appeared on behalf of the application. He believes they are here to accept Lead Agency; they will update the site plan to reflect the County DPW changes.

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.

Status: **HELDOVER UNTIL March 26, 2020**

ZBA: **Appeared on 2/20/2020 – Determination Pending**

ARB: **Referred to ARB at January 9, 2020 Meeting;**

SEQRA: *Type II Action*
SCDHS: **NEEDED**

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

13. 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. They appeared before this Board last month and the Department of Health approval was provided and there was concern about sewer connection and roof runoff in to the leaching pools, and her client has no objection to that. They would like to move forward with the approval.

Mr. Pasca said we dusted this off last month and we reviewed it, and one thing that Mr. Hammond noticed is that Lot No. 2 doesn't have 60' on Glovers Lane, it is short of that.

Ms. Giglio said all of the buildings and uses have CO's.

Mr. Pasca said it does not have to do with that, this Board cannot create a non-conforming lot. You can tweak the line, and you could draw it where it's short 3.6' and if you do so you have to go back to the Board of Health or file a ZBA application or a 3.6' variance, those are the only 2 ways to do that because this Board cannot create a non-conforming lot, either way is fine what's your path of least resistance.

Ms. Giglio said it's the ZBA. We are trying to create two lots and create a positive impact by upgrading the sanitary system I don't see how they will object to that but we will apply to them.

Mr. Pasca said you should file that right away, and the other things the Board has to look at is the creation of two separate sites from here on out and this is the time to look at each one to make sure from a Planning perspective what needs to be dealt with now while creating two sites; the footpath crosses over from Lot 1 to Lot 2, do you want to move it or create an easement. You have to treat them as two lots forever and we can't look past that.

Mr. Neubauer said we want to make sure the lighting is dark sky compliant.

Mr. Pasca said yes.

Mr. Hill said you have to do a photometric plan.

Ms. Giglio said he might not subdivide it at this point. I think he lost his buyer and leave it as one lot. But I will present all of this to him, whether we apply to the ZBA or not.

Mr. Neubauer asked when they'd like to return, March 12, or March 26?

Ms. Giglio said March 12, and she will let us know.

Mr. Jones asked if the large tree that's cut off 10' above ground, is it still out there, I am assuming it was dead but has it been removed?

Ms. Giglio said they have CO's for everything, they just want to subdivide the two lots. She will present everything to her client, and if not she will advise the Board of their decision.

14. 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 March 26, 2020**

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

SEQRA: *Unlisted Action; Coordinated Review Commenced on February 14, 2020*

SCDHS: **NEEDED**

SCDPW: **NEEDED**

SCPC: **NEEDED**

REQUEST FOR CHANGE OF ZONE REFERRAL FROM THE BOARD OF TRUSTEES

15. 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.

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

WAIVER OF SITE PLAN:

16. 128 Main Street Owner LLC, 128 Main Street (905-012-04-037) Applicant requests a waiver of site plan for façade renovations and roof replacement of the three-story mixed-use building located upon a 0.26-acre parcel on the north side of Main Street in the B-1 zoning district.

No one appeared on behalf of the applicant.

The

NEW APPLICATIONS:

17. Michael Brunetti, 65 Main Street Unit 5 (905-011.02-02-005) Applicant modification of site plan to convert vacant retail space for 16-seat pizza takeout restaurant utilizing existing sanitary system upon a 0.59-acre parcel located at the southwest corner of Main Street & Mitchell Road in the B-1 zoning district.

Nicholas A. Vero, Architect appeared on behalf of the application together with Michael Brunetti. They have received the Department of Health Approval for the sanitary system, and food service as well. They would like to convert a vacant store in to a pizzeria.

Mr. Hill said it's just a swap, there's a slight change in parking from the uses. It has been overparked since the Village changed the Code.

Mr. Pasca asked if the parking schedule creates a change?

Mr. Hammond said no for B-1 it's the same.

Mr. Pasca said there's no difference?

Mr. Hammond said yes. And food control is okay with it, and they have to approve it so there is nothing exterior and we needed to make sure that was happening.

Mr. Neubauer asked if we should have a problem with a decision at the March 12, meeting?

Mr. Pasca said no.

18. 32 Mill LLC, 32 Mill Road (905-012-04-050) Board of Trustees referral of special exception application for outdoor seating consisting of three tables with twelve chairs within a covered porch and eight chairs around a fire pit for Sydney's Taylor Made Cuisine.

Erin Finley appeared on behalf of the application.

Mr. Neubauer said you are looking for a recommendation regarding this? Was there any police action on it? Did you have the fire pit last year?

Ms. Finley said the only change is the addition of two (2) Adirondack chairs?

Mr. Neubauer asked if there were any questions?

There were no other questions.

REFERRAL FROM THE BOARD OF TRUSTEES

19. Build Coastal, LLC., 26 Old Riverhead Road (905-4-2-9) Special Exception Application for “Change of Use” from Administrative Contractors Office to Propane Contractor and Administrative Contractors Office.