

February 28, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on February 28, 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

Paul Houlihan, Building & Zoning Administrator

Ron Hill, Village Engineer

Maeghan Mackie, Board Secretary

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Rocco Logozzo
Kyle Collins, Village Planner

DECISIONS

1. Baycroft Condominium, 27 Mitchell Road (905-11-1-10.1) Applicant requests a Modification of Site Plan to modify the originally approved landscape plan on the North and South property lines. The property is located in the MF-20 Zoning District.

HOLDOVERS:

2. Robert Elonowitz and Anna Gerzon, 55 and 59 Riverhead Road (905-4-7 ,9.2 and 9.3) Applicant requests a site Plan review referred to the Planning Board by the Village Trustees for the construction of 11 residential Condominium units on three lots totaling 123,226 Sq. Ft. of lot area. The property is located in the HD Zoning District.

No one appeared on behalf of the application. Mr. Haefeli requested a holdover of the application.

Motion was made by Mr. Neubauer to hold over the application of **Robert Elonowitz and Anna Gerzon, 55 and 59 Riverhead Road (905-4-7 ,9.2 and 9.3)** to March 28, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

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.

No one appeared on behalf of the application. Mr. Bennett requested a holdover of the application.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach**, to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

4. 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.

**This application was discussed simultaneously with the application listed at #5 on the Agenda, and printed in the minutes the same.

5. Avidor Group LLC, and Jonmor Group LLC (905-5-2-4,5 and 38) Westhampton Beach. Applicant requests a subdivision of property to create four lots consisting of three residential lots in the R-4 Zoning District and one commercial lot in the B-2 Zoning District.

Jefferson Murphree appeared on behalf of the application, together with Michael Mapes, and applicant. They have revised the survey and plans per Mr. Hill's request, and there are questions regarding the drainage for the Site Plan that they need to speak with Mr. Hill about and the road profile and the surveys have been updated, but they have not received any comments from Mr. Hill.

Mr. Hill said he thinks that the map is fine.

Mr. Mapes said the changes to the cul-de-sac in the earlier plan did not have the road elevations, and it's pitched to the out circumference and they added two more catch basins towards the end of Humphrey Street.

Mr. Hill said they are fine with the subdivision. On the Site Plan it looks like the gate posts are in the pavement and they should not be in the pavement.

Mr. Murphree said okay.

Mr. Hill said and then there were things on the bond, he did not see the asphalt in the bond calculation and he assumes there is no curb, but there should be something for the landscaping too. And another question for the Board, do you want street lighting?

Mr. Murphree said they would prefer no street lighting, they would like to keep it rural.

Mr. Reilly asked if there is street lighting on Humphrey Street?

Mr. Neubauer asked if street lighting is a requirement?

Mr. Hill said no. Some have them, some do not.

Mr. Murphree said Humphrey Street does not have street lighting.

Mr. Hill said it's the end of the road, and it's a gate so it's private.

Mr. Reilly asked if the gate posts have lights on them?

Mr. Hill said no.

Mr. Houlihan said it's a discussion, do you want the dark skies or do you want light? There are some areas with street lights for safety, but some are dark but there's nothing specific in the Code.

Mr. Reilly said I am going to assume the houses will have lighting that will be enough to illuminate the front yards, so there should be enough ambient light.

Mr. Reilly asked if the applicant wants them?

Avi said no.

Mr. Reilly said that's fine, he does not see the need for street lighting.

Mr. Hill said the drainage calculations details look a little low on the subdivision on the Bond.

Mr. Mapes said they will check it.

Mr. Pasca said they did not get the park appraisal yet.

Mr. Murphree said they will submit that at the next meeting.

Mr. Hill asked about underground utilities, will they be underground?

February 28, 2019

Mr. Mapes said underground.

Mr. Hill said we may need to bond for that?

Mr. Pasca asked what utilities are there?

Mr. Hill said electric, telephone and cable. He has a bond amount in for the water.

Avi said for the water you bond, you don't bond for cable and telephone.

Mr. Pasca asked where they go?

Mr. Hill said the road.

Mr. Pasca asked if conduit has to be run or are in they in the shoulder?

Mr. Hill said that has been determined.

Mr. Pasca said if it goes under the road, that's part of the road improvement and show where it's going to be, if it goes in the shoulder it may be something that can wait. The conditions will require everything to be underground, but if it can be done with the Building Permit, but if the conduit has to go under the pavement.

Avi said it is usually in the Trench.

Mr. Pasca said that has to be in the details on the plans to show where they will go.

Mr. Hill said it may have to come off the primary in to a transformer, I don't know if they can put it on the pole and run it to the house, it may be too far.

Mr. Pasca said where else can it go? It can go in the easement area?

Mr. Murphree said that's what they were thinking.

Mr. Pasca said if that's the case they would have to account in the easement language for the covenant. Lot 3 gets the first building permit, we need to make sure the underground wires can get to Lot 3.

Mr. Murphree said their attorney was going to add that to the draft easement.

Mr. Schermeyer said it should go in to the circle and branch off from there.

Mr. Pasca said that's fine, but it has to be shown on the plan and incorporated in to the covenants.

Mr. Murphree said okay. The site plan, there were questions on the Bio Swale.

Mr. Hill said the Village Code requires a 2" rainfall, we have to be able to capture 2" of rain and the Bio Swale looks at the DEC SWPPP requirements; that requires a certain size storm which may happen over 24 hours and the rain water falls, infiltrates the existing sand, and you don't need as much storage, but the problem is that addresses SWPPP which counts for a 5" rainstorm.

Mr. Mapes said it's a 9".

Mr. Hill said the Village Code only speaks to 2" and I talked to several other Towns and they do it 2" and that's what we want on the Site Plan because that conforms to the Village Code. Reality, you probably have as long as you can come close to the 2" you have a system that will work. The problem is that there is a Code and that accounts for 2" rainfall. He thinks Mr. Mapes will tell you Riverhead has accepted infiltration, and on a complicated Site Plan they don't usually do it, but in some cases they do. It's new.

Mr. Neubauer asked if we should address this with the BOT in terms of the Village Code?

February 28, 2019

Mr. Hill said yes, maybe but this is the first case. But I am not well versed in drainage. If you can accommodate 9" over 24 hours you have enough, but then again we have 2" or 3" rainfalls and that water goes in fast and you still have infiltration, but you do need to accommodate the storage to deal with both events. They do a trench for storage.

Mr. Mapes said the swale can hold 1.5" of rain, but it can hold 10" of rainfall in 1 hour, and that far exceeds 2" in 24 hours.

Mr. Hill said the Trench has to be kept clean, it may silt up in 10 years. We have done on the French Drains, 2" below the surface a filter fabric is installed and that can be pulled up for maintenance.

Mr. Neubauer asked how we incorporate the maintenance in the decision.

Mr. Hill said its private property but we would make sure the private property gets flooded before the Village property so it's in their best interest to keep it maintained.

Mr. Pasca said we have included in the Site Plan resolutions that they allow for routine inspections and keep drainage in working order, and if they do not want inspections, we can require them to hire an Engineer to certify it's in working order. If the Village determines there is a problem, that condition can be invoked by the Village.

Mr. Neubauer said it's really on their property so the homeowners will be the individuals most impact.

Mr. Hill said because it doesn't strictly comply, I wanted to have this discussion with the Board because I do not think I should make that decision on my own. I will look at the Site Plan again to make sure it is designed to spill out on to the road or adjacent property.

Mr. Pasca said the drainage requirement builds in flexibility; it should be provided as the physical characteristics of the site. Mr. Mapes said Mr. Hill has the SWPPP, but that doesn't break out the Swale separately. 197-23 allows for storage and recharging for 2" rainfall, so this fits the definition.

Mr. Neubauer said if the Village Engineer has no problem with it, he is okay with it.

Mr. Murphree said the other revisions which are minor; the 24' radius on Montauk Highway they can only get 20' if they angle them to Montauk Highway; they cannot get the 20' but they will try to get as close as they can.

Mr. Hill said you are kind of wide, so it is probably fine.

Mr. Murphree said they have relocated the one tree to the Center of the building.

Mr. Hill said that's in the County Right of Way so they will dictate that.

Motion was made by Mr. Neubauer to holdover the applications of **Avidor Group LLC, 133 Montauk Highway (905-5-2-4 and lot 5 and lot 38) and Avidor Group, LLC., and Jonmor Group, LLC., 905-5-4-4,5, and 38)** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

6. 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.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to hold over the application of **Anthony J. Cassano, Jr., and Louis Commisso, (905-5-1-21) 30 Lilac Road** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

7. Ocean Spray Pools, Inc., 97 Old Riverhead Road, (905-2-1-6.3 and 6.4) Westhampton Beach. Applicant requests a Site Plan review Combine two lots and expand an existing one-story Commercial Building with a 5,233 sq. ft. addition and parking lot. The property is located in the B-3 Zoning District.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to holdover the application of **Ocean Spray Pools, Inc., 97 Old Riverhead Road (905-2-1-6.3 and 6.4)** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

8. Rock Hill Partners, 159 Mill Road (905-12-1-33.1) Westhampton Beach. Applicant requests a Site Plan review to construct a new two-story building for a professional office and apartment above and a detached garage with parking lot. The property is located in the HC Hamlet Commercial District.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to holdover the application of **Rock Hill Partners, 159 Mill Road (905-12-1-33.1) Westhampton Beach** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

9. 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.

Richard T. Haefeli, Esq., appeared on behalf of the application. He said he was here to receive the SEQRA determination so his client can proceed with the Board of Health.

Motion was made by Mr. Neubauer to adopt the SEQRA determination of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** as written; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to hold over the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** to April 11, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

10. Best Market, 70 Sunset Avenue (905-12-4-20.1) Applicant requests a Modification of Site Plan to modify the previously approved May 12, 2016 Site Plan. The property is located in the B-1 Zoning District.

No one appeared on behalf the application. Kristin DeLuca requested to hold the application over to March 14, 2019.

Motion was made by Mr. Neubauer to holdover the application of **Best Market, 70 Sunset Avenue (905-12-4-20.1)** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 1 absent.

11. 285 Oneck Lane, LLC., 285 Oneck Lane (905-9-2-35) Applicant requests a Subdivision of a parcel of property to create a four-lot subdivision. The property is located in the R-1 Zoning District.

No one appeared on behalf of the application. Heather A. Wright, Esq., requested to hold the application over to March 28, 2019, as the applicant is awaiting a determination from the Board of Zoning Appeals.

Motion was made by Mr. Neubauer to holdover the application of **285 Oneck Lane, LLC., 285 Oneck Lane (905-9-2-35)** to March 28, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 1 absent.

12. 22 Old Riverhead Road, LLC., 22 Old Riverhead Road, Westhampton Beach (905-4-2-10) Applicant requests a Site Plan review to demolish an existing building and construct a new 3,500 square foot medical office / dry office building. The property is located in the B-2 Zoning District.

February 28, 2019

Rocco Lettieri appeared on behalf of the application. He said that they are waiting for the Board of Health.

Motion was made by Mr. Neubauer to hold over the application of **22 Old Riverhead Road, LLC., 22 Old Riverhead Road, Westhampton Beach (905-4-2-10)** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

SPECIAL EXCEPTION APPLICATION REFERRAL FROM THE BOARD OF TRUSTEES

13. Robert Elenowitz and Anna Gerzon, 55 Old Riverhead Road (905-17-1-7, 9 and 9.2) Special Exception Referral for the construction of residential condominium units pursuant to Chapter 197-16

14. 112 WHB LLC., 112 Old Riverhead Road (905-2-2-4.4) Special Exception Referral to construct, operate and maintain a small cell public utility wireless communication facility.

Status: **HELDOVER UNTIL APRIL 11, 2019 at the applicants request**

REQUEST FOR CHANGE OF ZONE REFERALL 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.

REFERRAL FROM THE ZONING BOARD OF APPEALS:

16. Alyssa Andersen-Kuntz, 97 Hazelwood Avenue, (905-2-2-20.2 and 6.4) This Property is located in the MF-20 Zoning district. On January 19, 2017 the Board of Zoning Appeals (BZA) issued a determination and interpretation that the subject property had only one lawful Pre-existing nonconforming use. The applicant then filed for an application with the (BZA) for a 2nd use which is prohibited in the MF-20 Zoning district and therefore a use variance application. To assist the (BZA) the Board has referred this application to the Planning Board so they could look at the property with respect to Planning issues and make comments and recommendations.

James N. Hulme, Esq., appeared on behalf of the application. They need to proceed with SEQRA.

Mr. Pasca said that is the next step. They can render a determination at the March 14, 2019, meeting.

Mr. Hulme said okay.

Motion was made by Mr. Neubauer to hold over the application of **Alyssa Andersen-Kuntz, 97 Hazelwood Avenue, (905-2-2-20.2 and 6.4)** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

FILL APPLICATIONS / DECISIONS

17. Donna A. McDonough, 24 Point Road, Westhampton Beach (905-17-3-25) Applicant requests a Site Plan to bring in fill in conjunction with a new dwelling and septic system. The property is located in the R-5 Zoning District and the Flood Zone Area.

No one appeared on behalf of the application. The applicant requested a holdover to March 14, 2019.

Motion was made by Mr. Neubauer to holdover the application of **Donna A. McDonough, 24 Point Road, Westhampton Beach (905-17-3-25)** to March 14, 2019; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

18. Schlüsselberg Family Limited Partnership, 24 E. Division Street, Westhampton Beach (905-10-7-30) Applicant requests a Site Plan to bring fill in conjunction with a new dwelling and septic system. The property is located in the R-1 Zoning District and the Flood Zone Area.

February 28, 2019

James N. Hulme, Esq., appeared on behalf of the application, together with Rocco J. Lettieri.

Mr. Reilly asked if they received the letter from Mr. Houlihan.

Mr. Hulme said yes, and he has incorporated the suggestions of the February 22, 2019 suggestions.

Mr. Reilly asked Mr. Houlihan and Mr. Hill if they have reviewed the plans?

Mr. Hill said yes. He went over the comments from the last meeting and they are comfortable with the revised plan.

Mr. Hulme said he hand delivered one to Mr. Carrington and he understands that the neighbor received a copy in person from Mr. Lettieri's office and he sent it to them via U.S. Mail.

Mr. Reilly said right now the Building Inspector and Village Engineer and Applicant have incorporated the main points at the last meeting.

Floyd Carrington said if Mr. Hill is accepting the layout and the pavers were specifically mentioned, and if Mr. Hill is happy with it, his comment is that they have at least maybe more a 12" base.

Mr. Lettieri said that's how they do the gravel pavers.

Mr. Reilly asked if that's detailed on the plan?

Mr. Lettieri said yes, there's a detail of the paver system.

Mr. Reilly said from the Engineering perspective we're all on the same page. He asked if there were any further comments.

Mr. Houlihan said it will be inspected by the Village Engineer and Building Inspector. The unsuitable material will be removed off site.

Ms. Propper said he sent her a small map, it's the survey she received and its different from the drainage survey.

Mr. Reilly said the survey is informative only, it has no bearing on their approval. One is an Engineered plan and one is a survey.

Ms. Propper said it doesn't matter if there are errors.

Mr. Reilly said that's for the Village Engineer to look at.

Mr. Houlihan asked her to explain what she's looking at.

Ms. Propper said there's a chimney that sticks out over the 20' and a staircase.

Mr. Neubauer said this has nothing to do with the fill application.

Mr. Reilly said all we're discussing is the fill application.

Ms. Propper asked if there's a vegetation of landscaping, and name the plants they are using.

Mr. Hulme said when we get to the Building Permit portion and it will be reviewed by the ARB.

Mr. Reilly said that is not part of the fill application.

Ms. Propper said if you review the pavers that Floyd questioned, I would appreciate it. It's not pavers, he mentioned they are something else and she wants that clarified. Can they use pavers?

Mr. Lettieri said it's a geomat system and it's the best to use, concrete pavers break and they are used for Firetrucks, Helicopter landings and there has been a lot of success in this Village with geomats.

Ms. Propper said it's a high fill with the septic tank under it.

Mr. Hulme said it's not part of the capacity that we're required to absorb.

Mr. Reilly said as part of the fill application a neighbor cannot adversely be affected. He asked if the plans are sufficient?

Mr. Hill said yes.

Mr. Houlihan said yes.

Mr. Reilly said from our perspective it is sufficient.

Ms. Propper said she is not happy with it.

Motion was made Mr. Neubauer to close the application of **Schlusberg Family Limited Partnership, 24 E. Division Street, Westhampton Beach (905-10-7-30)** for a determination; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

NEW APPLICATIONS

19. Kevin Butler, (Dawn Rubino) 104 Main Street, Westhampton Beach (905-12-4-32)

Applicant requests a Site Plan review to change the use of the existing building from a first (1st) floor dry retail and second (2nd) floor apartment to a first (1st) floor hair salon with a second (2nd) floor office area. The property is located in the B-1 Zoning District.

Dawn Rubino appeared on behalf of the application, together with Michael Mapes. Mr. Mapes said they received Board of Health approval and Mr. Houlihan asked for a letter explaining the change of use has been approved by the Board of Health. He asked if there were any other issues.

Mr. Houlihan said we are okay with the conversion and the parking.

Mr. Hill said it's a pre-existing site and we tend to correct problems on them; this site has no drainage at all.

Mr. Mapes said we did a major sanitary upgrade on the site, and they have requirements and there is no room left, there's high ground water and there's no room for onsite drainage.

Mr. Hill said its not a new site plan, it's a change of use.

Mr. Houlihan said this application was taken off several years ago and it was going to be a subdivision, and was removed since 2016 and they are working on the BOH and they will have to come back to this Board and that was what drove this new septic and the BOH allows it to be installed on an existing site. There is no place for drainage?

Mr. Mapes said it's almost on the street at that point. I looked for a dry well and there's no room without going in to the road.

Mr. Hill said the BOH got their bite of the apple.

Mr. Reilly said we are in process with a solution to the BOH problems down there.

Mr. Neubauer asked if we are doing a full site plan review and do we have to incorporate the new lighting code?

Mr. Houlihan said that's for you to decide. There's no parking area, and they will have a fixture at the front door and it is beyond the lighting code it is more like a small residential site and there's no parking field and nothing to look at the lamps, etc., because they do not exist. The issue of the drainage is always there, and this is a unique site. With the landscaping there is no buffer zone, do you want more landscaping other than grass that's there?

February 28, 2019

Mr. Reilly said there really is no room for much of anything there.

Mr. Mapes said it's a lot of concrete and paved areas.

Ms. Rubino said they have to install an ADA ramp and that will take up the landscaping area, there's a small walkway and the buildings are all relatively close together.

Mr. Reilly said it's a very tight spot. The lighting is going to remain?

Mr. Mapes said yes.

Ms. Rubino said there are two (2) lights on the front of the building, and there's an apartment that will be our office and that had a light but I wasn't going to change it.

Mr. Neubauer asked if there is any closure on the drainage issue.

Mr. Hill said it doesn't appear to have any room for drainage, usually we have some flexibility in trying to get what we can.

Mr. Reilly said it's not like the Beach Bakery which is adjacent to this site.

Mr. Houlihan said it's an existing building and existing use, and the apartment was removed and the BOH saw that as a benefit, and for three (3) buildings like this the lot is relatively small.

Mr. Schermeyer asked if the Village owns the lot next to it?

Mr. Houlihan said the Village does.

Mr. Schermeyer said yes, it's a park. There is walking path from the municipal lot to Main Street. It's a good place for drainage.

Mr. Houlihan said the lot area is 10,000 square feet and there are three (3) buildings with existing uses.

Mr. Pasca said the lack of drainage is not illegal, its pre0existing and the change of use does not alter any characteristics that involve drainage, if there is no room for the drainage then I think we can deem it grand fathered.

Mr. Houlihan said the septic systems surround the buildings.

Mr. Reilly said if there's no net change to the drainage, we can't change it.

Mr. Hill said it's not making it worse.

Mr. Pasca said in a few years, this system may be obsolete, but at that point if there's a new site plan they can install new drainage structures on site, but as of today there is no room for that.

Mr. Mapes said as part of the subdivision if the sewer is available they have to covenant to connect to that.

Mr. Houlihan said they are going to construct an ADA accessible ramp and that has to be part of it.

Mr. Neubauer asked if they can grant the change of use orally?

Mr. Pasca said yes.

Motion was made by Mr. Neubauer to grant the waiver of site plan for **Kevin Butler (Dawn Rubino) 104 Main Street, Westhampton Beach (905-12-4-32)** for the change of use from a first floor dry retail and second floor apartment to a first floor hair salon with a second floor office area; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

20. North Mall, LLC. (B5 Fitness) 74 Old Riverhead Road, Unit “L” Westhampton Beach (905-2-2-6.3) Applicant requests a Waiver of Site Plan to change the use of Unit “L” from a Medical Arts Rehab to a Gym with no showers. The property is located in the B-2 Zoning District.

James N. Hulme, Esq., appeared on behalf of the application. He said they are proposing a gym with no showers and they have a memorandum from the Department of Health permitting the use; and they have gone over it with Mr. Houlihan.

Mr. Reilly asked if Mr. Houlihan had any comments.

Mr. Houlihan said he had a discussion with Mr. Hulme and the original discussion included showers but they have been eliminated so it is identical to what was previously there and they have a memorandum from the Board of Health stating that; and the parking works out fine because of how the strip mall was originally calculated, there are no deficiencies in required parking.

Mr. Reilly asked Mr. Pasca if they can make an oral motion.

Mr. Pasca said yes.

Motion was made by Mr. Neubauer to grant the waiver of Site Plan for **North Mall, LLC. (B5 Fitness) 74 Old Riverhead Road, Unit “L” Westhampton Beach (905-2-2-6.3)** to permit the change of use of Unit “L” from a medical arts rehab to a gym with no showers; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

21. BMB Enterprises, Inc., 145 Main Street, Westhampton Beach (905-11-2-29) Applicant requests a Modification of Site Plan to change the floor plan of the previously approved Luncheonette, approved by the Planning Board of December 8, 2016; to add a 24’ long “Bar” and new seating layout. The property is located in the B-1 Zoning District. **APPLICATION MUST BE -READVERTISED, PUBLIC NOTICE WAS NOT MAILED.**

Motion was made by Mr. Neubauer to adjourn the meeting at **5:50 p.m.**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.