

March 12, 2020

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

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

Kyle Collins, Village Planner
Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Michael Schermeyer

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;**

2. 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.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to adopt the determination of **Westhampton Beach Holding Corp, 325 Montauk Highway (905-7-2-6, -5.6, -7.1 & -7.2)**. as written; seconded by Mr. LogoZZo and unanimously carried 4 ayes, 0 nays, 1 absent.

3. 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 and the reading of the determination was waived.

Motion was made by Mr. Neubauer to adopt the determination of **Michael Brunetti, 65 Main Street Unit 5 (905-011.02-02-005)** as written; seconded by Mr. LogoZZo and unanimously carried 4 ayes, 0 nays, 1 absent.

4. **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.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to refer the application of **32 Mill LLC, 32 Mill Road (905-012-04-050)** with no objection; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

HOLDOVERS:

5. **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;*

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.

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**

7. **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**

8. **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 Appeared on behalf of the application.

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Mr. Pasca said the Conditional Negative Declaration has been drafted by the Village Planner. This would shift this back to the Board of Trustees to deal with the Zone Change, and it has been scheduled for the April meeting, and they may be in a position to act and it would also go to the ZBA. You may have to wait until after the ZBA acts, but there may be some back and forth.

Mr. Vero asked if we need a referral to go back to PB?

Mr. Pasca said he's not sure yet.

Mr. Neubauer asked if we are going to adopt the conditional negative declaration?

Mr. Collins said yes, we can take the first Resolve Clause out.

Mr. Pasca said we can leave it.

Mr. Reilly said this is just for the purposes of the environmental review, there is no opinion expressed.

Mr. Collins said the resolve clause says no objection.

Mr. Reilly said that's fair enough.

Motion was made by Mr. Neubauer to adopt the Negative Declaration as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Montauk Highway, (905-5-1-12 53.1 52.2)** to April 23, 2020; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

9. 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

10. 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.

Mr. Reilly said there is going to be a procedural discussion, there will be no substantive discussion at this time.

Mr. Pasca said the PB has received a draft SCOPE and that's a requirement of the applicant and it's this Board's job to decide what the final scope will be; it's a document that defines the topics to be examined by the applicant first, and then the Board during the review process which is the heart of the environmental review process. The Scope tells them what has to be in that impact statement. The procedures need to be decided tonight. It has to involve the involved agencies, and it has to give an opportunity for the public to participate. As far as the scope and what topics are open for discussion and the SEQRA regulations define requirements in the scope, but there are areas where there is more discretion on your part to help shape the statement and Mr. Collins can chime in but the main areas where there is room for public comment, applicant comment and this Board's final say is identifying the areas of concern which has mostly been done by the EAF and Positive Declaration that was issued. This maybe the most important part, identifying a reasonable range of alternatives that need to be studied. There is a requirement for a reasonable range of alternatives, and every case is different. The one requirement is that one has to be a No Action Alternative, but No Action Alternative doesn't mean it stays vacant, it means what would happen if this subject application is denied what would reasonably anticipated to happen. What would be as of right use of the property and that may be the no action alternative, a residential subdivision would fall under it. That's part of the discussion. Other alternatives would be reduced density, or site specific changes and the alternatives have to be feasible, but there may be a reduced density version that would be and also on the table would be if, and this may be something the applicant wants to

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explore, combining variances. A reduced density plan that increases the bedroom count to three instead of two which is potentially feasible. But this Board with input from the public, applicant and Trustees you have to come up with the range to study.

Mr. Neubauer asked if there's a reference document for that?

Mr. Pasca said no. We are creating it because every case is different, we're trying to look at a project and it allows you to compare the impacts from one alternative to the other; if traffic is a concern it allows you to compare the traffic from the proposal with other variations and alternatives. Alternatives are a big part of what you have to determine. Another big area is mitigation and that will be something that should be part of the public comment and the deliberations and what measures you want to explore as part of this review. They themselves submitted a traffic letter at one point saying there were things that can be done to calm traffic, but that was not included in the draft SCOPE, and you may want to look at that and see if it should be included. Those are things that you want to tell them now.

Mr. Reilly asked the time frame?

Mr. Pasca said you have a total of 60 days unless it's extended by the applicant. Deadlines may be extended at this point and it's foreseeable. But generally, you have 60 days to complete the final scope, then the draft scope begins the final document. The last meeting before May 2, 2020, is April 23, 2020 and I work backwards from that.

Mr. Neubauer said we should be prepared to finalize the discussion at the April 23, 2020 meeting and adopt on May 2, 2020.

Mr. Pasca said yes. I came up with a possible schedule. The first thing to do is immediately send the draft scope to the involved agencies, and the ENB; the second one would be your next meeting is March 26, 2020; I had an informal discussion with the BOT and they are amendable to a joint work session and they are open to attending that meeting and they will come to this Board's next meeting on March 26, 2020. You can start at 5:00 p.m. or continue after that.

Mr. Hammond said I think the BOT would like to have it after the public hearing to hear the public's input.

Mr. Pasca said the public's participation part of it, you can have a public hearing where everyone can attend orally, or you can direct everyone to do written comments only for now. I won't tell you what to do.

Mr. Neubauer said from a logistic standpoint written comment I would be most in favor of.

Mr. Reilly said to do it on the fly will be difficult.

Mr. Pasca said as of today, there are municipalities in Suffolk County shutting down public meetings, there is a bill that was introduced that allows telephonic meetings if an emergency declared and things may change, but public meetings may not be available. But the safest bet is to establish a written comment period. It will be part of the schedule, and I encourage people to get them in before the March 26th meeting but keep it open for a week or two after that; but timing wise it's nice to get as many comments as you can. But that should not prevent the applicant or public from submitting comments. We can publish the schedule and tell the public every written comment will be considered carefully and they should not feel it will be less considered and it's fair to tell them.

Mr. Neubauer asked if we can post that on the website.

Mr. Pasca said yes.

Mr. Reilly said the written comment gives each person time to develop their own thoughts and the Board of Trustees to review them.

Mr. Pasca said the third element is the public comment; the next meeting would then be April 9; so how much should we suggest all comment should be in by.

Mr. Reilly said April 2, 2020.

Mr. Collins asked if a resolution needs to be passed to commence the public comment period.

Mr. Pasca said we will create a schedule, and publish it on the website, and then notice the joint work session. It leaves enough time, at the April 9, 2020 meeting and all of the comments are in, there is a joint work session; that's your opportunity to hone in on substantive things that you want to hone in and give direction to Mr. Collins and your staff to prepare the revised final scope which is then ready to be adopted on April 23, 2020.

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And working backwards that all seems to work if everyone is okay with it. To go through the time line if we are in agreement, joint public hearing and work session is March 26, 2020 as soon as the regular business meeting is over; written comment period is established and ends on April 2, 2020 and people are encouraged to submit comment prior to March 26, 2020; April 9, 2020 is the meeting to discuss the final scope, and April 23, 2020 is the meeting to adopt the final scope.

Mr. Reilly said tonight the draft scope will be sent to the involved agencies.

Mr. Pasca said yes, it needs to be sent to the involved agencies, and file the scope and public hearing notice for the public comment period to the ENB.

Mr. Reilly said okay.

Mr. Pasca said I will reduce it to writing and it can be posted on the website; and we encourage the comments submitted as soon as possible, but no later than April 2, 2020.

Mr. Hammond said it can be published for next Thursday.

Mr. Pasca said the scoping comments are limited strictly to written comment, and it's being held over to the work session on March 26, 2020.

Motion was made by Mr. Reilly to holdover the application of **Rogers Associates, LLC., North Side of Rogers Avenue (905-3-1-7.1 through 7.7)** to March 26, 2020; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 0 absent.

11. Westhampton Inn LLC., 43 Main Street (905-11-1-15) Applicant requests a Site Plan approval to construct a two-story ten-room hotel building with a covered front entry, rear porte-cochere and associated site improvements upon a 0.93 acre parcel located at the South West corner of Main Street and Mitchell Road in the B-1 Zoning District.

James N. Hulme, Esq., appeared on behalf of the application, together with James and Ettore Mancini.

Mr. Reilly said they have a SEQRA determination to adopt.

Mr. Hulme waived the reading.

Motion was made by Mr. Neubauer to adopt the SEQRA determination as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to holdover the application of Westhampton Inn, LLC., 43 Main Street (905-11-1-15) to April 23, 2020; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 0 absent.

12. 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.

Mr. Collins said he thinks that this Board should request alternative designs. I can do a negative declaration if you're comfortable with the building.

Mr. Reilly said they referred the application to the ARB and they did not have any objection.

Mr. Collins asked if they could have the application return on March 26, 2020 to discuss the application and his comments, and SEQRA and the building design.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road, (905-2-1-19.10)** to March 26, 2020; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

13. 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.

No one appeared on behalf of the application. Motion was made by Mr. Neubauer to holdover the application of **James Traynor, 91 Old Riverhead Road, (905-2-1-7.2)** to March 26, 2020; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

14. 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**

15. 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.

Motion was made by Mr. Neubauer to holdover the application of **Kevin Butler, 104 Main Street (905-12-4-32)** to April 23, 2020; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

16. 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 REFERALL FROM THE BOARD OF TRUSTEES

17. 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 March 12, 2020**

REFERRAL FROM THE BOARD OF TRUSTEES

18. 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.

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

NEW APPLICATIONS:

19. Epicuria LLC, 145 Main Street (905-011-02-029) Board of Trustees referral of permit application for outdoor dining consisting of seven tables with twenty-eight chairs on the rear patio for Salt & Loft.

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Barry M. Bernstein appeared on behalf of the application. This is a referral for outdoor dining at his luncheonette.

Mr. Neubauer asked if they are increasing the seating.

Mr. Bernstein said yes.

Mr. Reilly asked what they proposed last year?

Mr. Bernstein said we proposed 7 tables, 28 seats.

Mr. Neubauer asked if there has been complaints or police activity?

Mr. Reilly said not with respect to the outdoor dining area, but there are concerns with regard to the Main Street and alcohol being brought on to the sidewalk and they'd like that addressed but it does not fall in to this Board's purview.

Mr. Hammond said there's nothing on the back patio, but the front is a problem.

Mr. Neubauer said you need to police that better.

Mr. Bernstein said he will.

Mr. Reilly said it will be to your benefit to solve it with the Police Department so they know what the plan is.

Mr. Bernstein said okay.

Mr. Reilly said then there is no issue there. My concern is the 7 tables being too tight, and I cant recall issues.

Mr. Jones said it seems to fit.

Mr. Reilly said if there are no issues, can we send them back to the BOT.

Mr. Hammond said the BOT have to have a public hearing.

Mr. Neubauer said we don't have an objection to increasing from 6 tables to 7 tables; and 24 seats to 28 seats.

Mr. Reilly asked him to please attend the issues in the front.

Mr. Bernstein said he will.

Motion was made by Mr. Neubauer to refer the application of **Epicuria, LLC., 145 Main Street (905-11-2-29)** to the Board of Trustees with no objection; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **5:30 p.m.**; seconded by Mr. Logozzo and unanimously carried