

March 14, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on March 14, 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

Paul Houlihan, Building & Zoning Administrator

Ron Hill, Village Engineer  
Kyle Collins, Village Planner

Maeghan Mackie, Board Secretary

Anthony C. Pasca, Esq., Village Attorney

### **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.

#### RESOLUTION OF THE PLANNING BOARD

#### VILLAGE OF WESTHAMPTON BEACH

DATED: March 14, 2019

IN RE:

27 Mitchell Road, Baycroft Condominium

27 Mitchell Road, Westhampton Beach, New York 11978

Suffolk County Tax Map Number 905-11-1-10.1

WHEREAS, Baycroft Condominium is the owner of real property located at 27 Mitchell Road, which is designated on the Suffolk County Tax Map as 905-11-1-10.1, and

WHEREAS, the owner received Site Plan approval from this Board on July 10, 1986, to allow the use of three (3), three-bedroom apartment condominium, and

WHEREAS the owner has now submitted an application to the Board for a modification of site plan to modify the originally approved landscape plan on the North and South property lines as shown on the plan drawn by Pine Edge Landscaping, date stamped received by the Village of Westhampton Beach on March 13, 2019; and

WHEREAS, the Board has reviewed the plan and has held numerous public hearings at which it reviewed the plan. The neighbors Ralph Beaver and Kerri Beaver, 31 Mitchell Road, Westhampton Beach appeared and submitted opposition to the application, and have no

March 14, 2019

opposition to the plan date stamped received by the Village of Westhampton Beach on March 13, 2019; and

WHEREAS, the applicant has submitted an Environmental Assessment Form Part 1 pursuant to SEQRA and this Board as lead agency determines that no further environmental review is required, and

WHEREAS the modification of site plan application is complete and contains all of the Site Plan elements set forth in the Village Code.

IT IS THEREFORE RESOLVED that the Site Plan is approved subject to the following:

1. All improvements shall be made pursuant to the landscaping plan drawn by Pine Edge Landscaping submitted and date stamped received by the Village of Westhampton Beach on March 13, 2019, and all documents above cited except as otherwise set forth herein, and any changes shall be subject to further review and approval by this Board.
2. The plan for the landscaping and the removal of the existing stockade fence, and replacement of new 6' Black Wire Fencing shall be completed by the applicant, Baycroft Condominium, as shown on the plan prepared by Pine Edge Landscaping, date stamped received by the Village on March 13, 2019, if there are any changes to the plan, a revised site plan application must be submitted to this Board.
3. All of the work must be completed no later than May 31, 2019, and a Certificate of Compliance must be applied for on or before May 31, 2019.

Dated: March 14, 2019

Motion was made by Mr. Neubauer to adopt the determination of **Baycroft Condominium, 27 Mitchell Road (905-11-1-10.1)** as written; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**2. 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.

**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. Reilly said unless action is taken at the next meeting, they will be removing the application from the agenda without prejudice. He asked the Board Secretary to advise the applicants attorney of the same.

March 14, 2019

Motion was made by Mr. Neubauer to holdover 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. Schermeyer and unanimously carries 5 ayes, 0 nays, 0 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.

Bailey C. Larkin, Esq., appeared on behalf of the application.

Mr. Pasca said we are ready to assume Lead Agency, and the ZBA has consented to the same, the resolution would be to resolve to accept Lead Agency for purpose of coordinated review.

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 28, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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.

No one appeared on behalf of the application. Jefferson Murphree requested to hold the application over to March 28, 2019.

Motion was made by Mr. Neubauer to holdover the application of **Avidor Group LLC, 133 Montauk Highway (905-5-2-4 and lot 5 and lot 38)** to March 28, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**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.

No one appeared on behalf of the application. Jefferson Murphree requested to hold the application over to March 28, 2019.

Motion was made by Mr. Neubauer to holdover the application of Avidor Group LLC, and Jonmor Group LLC (905-5-2-4,5 and 38) Westhampton Beach to March 28, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 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. Britton Bisstrian requested to hold the application over to March 28, 2019.

Motion was made by Mr. Neubauer to holdover the application of **Anthony J. Cassano, Jr., and Louis Commisso, (905-5-1-21) 30 Lilac Road** to March 28, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 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. Joseph Musnicki requested to hold the application over to March 28, 2019.

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) Westhampton Beach,** to March 28, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

March 14, 2019

**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. Nicholas A. Vero, Architect requested to hold the application over to March 28, 2019.

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 28, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**9. 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. **HELDOVER TO APRIL 25, 2019**

**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.

Kristin DeLuca, Bohler Engineering appeared on behalf of the application. She has reduced plans, she assumed they weren't going to discuss it.

Mr. Neubauer said they can do a narrative of the reduced plans.

Ms. DeLuca said the original plan they submitted in their last revision included a lighting plan that did not comply with the Code and they reduced the kelvin but they are maintaining the prior light fixtures, so our last discussion was that the plan needed more effort to get it closer to compliance and one of the main concerns was the wall packs which caused a nuisance lighting on the residential homes nearby. The plan they would like to submit maintains the 16-foot pole mounted lights in the parking lot, it also proposes the 16' wall mounted lights with new fixtures, and the 10' pole mounted lights within 10' of the property line on the sides of the building. The change of the fixtures made a significant improve and we reduced the lumens from 11,800 to 2,600 and the kelvin was reduced also. It does reflect visually the bright white lights versus the softer white lights that the Village prefers. Based on that we are much more Code compliant. The front parking area average is 1.2 and the Code is .5.

Mr. Reilly said two issues, one is using a filter on them if possible and painting the wall so its reflective.

Mr. Neubauer said they are changing them to complying fixture.

Ms. DeLuca said the fixtures today are a much higher output, any modification isn't going to get to where the Board wants us to get.

Mr. Reilly said there were other mitigation steps, were they included?

Ms. DeLuca said we looked at that, let's try to keep them in the same location so the ballast doesn't have to be 4' lower.

Mr. Neubauer said he is grateful to hear that, they did not want to change the back lighting at all. The 16' wall mounted light and the 16' pole mounted light provides a minimum foot candles in the front parking area of .4 and the average is 2.35 which is in compliance with the Code requirement of 4. In the side parking lot we have an average of 1.49 and an average min of 7.45 much closer than the previous 26 average; and on the other side it's 15.1 and the biggest reason is the lower light levels and the wall packs. We tried to see the best output that wouldn't be too high but would have enough spread. The wall packs don't have a large throw and there's a large distance and it's impossible to get to that 4.0 ratio, but we believe we are a lot closer. The second plan we looked at, we kept the 16' pole lights and lowered the wall packs to 12' and this was detrimental to the outputs. In the front parking lot there's no effect; but on the side parking lots it is 15.1 and to 9.4 on the other side so that 15.1 was caused because of the hot spots by

March 14, 2019

lowering the lights and the output decreases. I know the Village doesn't have a max to min ratio but to put it in perspective it goes to 81 and 145, so we thought that was more extreme reducing the mounting heights. We also looked at lowering everything to 12' and in order to do that we changed the fixture. What I explained last time we weren't able to get that uniform ratio. The future doesn't have lower output so we found a different fixture and rather than submitting all of those, we tried to find the closest plan, and that does comply and we have an average of .44 which complies; the minimum is .1 and the average over min is slightly above, and we looked at that plan with 16' wall packs and 12' wall packs so the front parking lot doesn't change for those two plans but you will see the side parking lots are impacted greatly by the minimum and uniform ratio and it drops to .03 and .02 which we don't like to see in parking lots so we want to hear the Board's input and we will submit a full plan, and if you want to see that plan with the alternates we can submit that too.

Mr. Reilly said you expressed concerns dropping the poles to 12' you may need to add more poles.

Ms. DeLuca said the previous fixture, even adding more pole was making it worse. The location of the poles remain they added 1 10' pole on the South East corner.

Mr. Reilly said right now the layout will not change, it's just the matter of heights and fixtures.

Ms. DeLuca said yes. What we like about it is that the minimum, although slightly above Village requirements is .4, labeled plan CA-1 and that's our preferred plan.

Mr. Neubauer said this is a significant improvement.

Mr. Collins said this is exactly what we asked for.

Mr. Reilly said it is very thorough.

Mr. Collins agreed with Mr. Reilly.

Mr. Jones said the first choice allows the wall packs,

Ms. DeLuca said they are still replacing the fixtures but we are very close to the Village's Code.

Mr. Reilly agreed.

Mr. Jones agreed.

Mr. Neubauer said we will review the data.

Mr. Pasca asked if they submitted a plan, I think she's asking if you want a plan or not.

Ms. DeLuca said yes.

Mr. Reilly said if that's the way you want to go.

Mr. Neubauer said we have the opportunity without them putting a plan together, and if you look at it and say CA-1 isn't acceptable or there's a better plan, I think it would behoove us, not to ask you to move forward with a plan and return on March 28 for input.

Mr. Pasca asked if there's any hardship coming up.

Ms. DeLuca said there is a time frame, they have to complete the work in 60 days.

Mr. Reilly said I was under the impression the plan was prepared already.

Ms. DeLuca said it is.

Mr. Reilly said let the professionals look at the full-size plan and they can come back in 2 weeks with a road map.

March 14, 2019

Mr. Collins agreed with Mr. Reilly.

Mr. Pasca asked if there were any other open items?

Mr. Reilly said he thinks that this was the last outstanding item.

Mr. Houlihan asked if the bond has been worked out?

Mr. Pasca said no, he asked Ms. DeLuca to remind Mr. Ratsies he was supposed to deal with the bond issue, but the rest of the plans are compliant but the bond has to be dealt with. If this can get reviewed between now and the next meeting, it looks like it will be good to close this out.

Mr. Neubauer said at the next meeting, if we're all on Board with the plan being submitted, we would be able to give them resolution at the April 11, 2019 meeting.

Mr. Pasca said yes.

Mr. Reilly said that gives you a fair amount of time to get things done.

Ms. DeLuca asked if they can approve everything but the lighting plan?

Mr. Houlihan said if we can segment this, it's been going on for three years, they're going to have to do a lot of work with the paving and power lines, I think they're going to need every week they can get, they can get going on the paving and power lines we need to get them moving.

Mr. Reilly agreed with Mr. Houlihan.

Mr. Pasca said they need to get on the bond issue.

Mr. Neubauer said we can provide them relief to advance without giving them a resolution at the next meeting.

Mr. Pasca said yes, that's one thing the Board has no control over, the bond; the Trustees have to accept it and it never happened correctly and right now the bond was prepared but it wasn't ever formally done correct.

Mr. Neubauer said that's the biggest issue.

Mr. Reilly said we want to see you to move forward and I don't want the lighting by itself.

Mr. Houlihan said they will need every week they have.

Ms. DeLuca said if the poles are in the same locations, they can get started its just the fixtures that need the approval, it will help tremendously and not impact the rest of the work.

Mr. Pasca said if this gets approved, is this the final Phase?

Mr. Houlihan said this is it.

Mr. Pasca said then he's not worried about the bond as much then. The bond was to cover this period. We have a bond.

Mr. Houlihan said we have a bond, and it's active.

Mr. Pasca said let's get you past the final elements and if you can get the approval at the next meeting you will be able to move forward.

Mr. Neubauer asked if the Village Planner and Engineer can submit comment in a week or so after they've reviewed it, and Ms. Mackie can prepare a resolution.

March 14, 2019

Mr. Pasca said we have to modify the last modification; we have a template.

Mr. Neubauer said we have to identify for the resolution, the document dates and numbers of the newly revised plans.

Mr. Pasca said we have the lighting plan and site plan changes, was there a new narrative also?

Mr. Houlihan said yes, March 14, 2019 is the narrative and it would allow you to go with Plan "C" whatever so I don't think it has to be wordy.

Mr. Reilly said we're asking about the constructive narrative.

Mr. Pasca said that's what we're seeking to modify. The last site plan, the lighting plan, and the narrative, and we have a resolution form we have to substitute the right plans.

Mr. Collins said CC-1 basically brings it in conformance, but I think CD-1 is the best; and I think that was our discussion last time and we leave the wall packs at 16' and that's shown on plan CD-1 and based on that data, I think that's the best plan and what we discussed.

Mr. Hill said it gives the best lighting.

Ms. DeLuca said okay, she predicted that question. She prefers CA-1 because in a parking lot that size the minimums of .1 get pretty low.

Mr. Neubauer said this one brings you pretty close to the Code.

Ms. DeLuca said it's a unique property in the Village.

Mr. Collins said the Code doesn't make you move the fixtures on the walls.

Ms. DeLuca agreed, the pole heights are the only difference.

Mr. Reilly said we're looking at 12' poles up and down the streetscape.

Mr. Collins does not think Mr. Ratsies had a problem with the 12' poles. That's his recollection, I think he did not want to lower the wall packs, and that was the biggest thing.

Mr. Neubauer said it was not just lowering the wall packs it was adding more. Here we're making the accommodation for the heights.

Motion was made by Mr. Neubauer to hold over the application of **Best Market, 70 Sunset Avenue, Westhampton Beach (905-12-4-20.1)** to March 28, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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. **HELDOVER TO MARCH 28, 2019**

**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.

No one appeared on behalf of the application. Rocco Lettieri requested to hold the application over to March 28, 2019.

Motion was made by Mr. Neubauer to holdover the application of **22 Old Riverhead Road, LLC., 22 Old Riverhead Road, Westhampton Beach (905-4-2-10)** to March 28, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 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.

**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. He said they are waiting for SEQRA.

Mr. Pasca said you will need a motion to act as Lead Agents for purposes of SEQRA.

Motion was made by Mr. Neubauer to holdover the application of **Alyssa Andersen-Kuntz, 97 Hazelwood Avenue, (905-2-2-20.2 and 6.4)** for a SEQRA determination on March 28, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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. John McDonough requested to hold the application over to April 11, 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 April 11, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**NEW APPLICATIONS**

**18. 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.

Barry M. Bernstein appeared on behalf of the application. They have designed an interior floor plan space for the first floor and when they were originally approved they did not have the design of the space and now it's designed and the layout for the first floor area has a counter, tables and chairs with seating and shelving for products. They have the kitchen designed.

Mr. Neubauer asked if they are going floor by floor, room by room as it progresses.

March 14, 2019

Mr. Bernstein said at this stage, when we submitted this we are more advanced and I can show you what would resolve that question. We had a rendering prepared for the meeting so you could visualize how it will look and we have a plan here and we've moved the seating to the main area.

Mr. Neubauer said this is a rendering of the counter predicated on what plan, does this match the floor plan you submitted?

Karolina said the first plan meets the Board of Health regulations, and the spacing and sinks and amount of sinks per square footage.

Mr. Neubauer said this is the new plan that you are looking for from us.

Mr. Houlihan said this is not the second submission, this has the eight (8) seats with the bar we removed. Are you going back to the original plan?

Karolina said yes.

Mr. Reilly said which plan do you want us to review? You want the long bar with the eight (8) seats.

Karolina said yes, and it's approved by the Board of Health and that's what we want to move forward with.

Mr. Houlihan said you came in and gave us a completely different plan, and now you're changing it before the Board tonight.

Mr. Neubauer said the plan that photograph and what you are telling us right this minute, was received February 20, 2019.

Mr. Reilly asked what the plan is that they want approval for? The second plan showed four (4) seats

Mr. Reilly said you cannot have these seats without additional parking, and you don't have it, and now you're adding seats now, you don't have the parking, I don't care what the BOH says you cannot do it. Even with the eight (8) seats, you still don't have the parking.

Mr. Houlihan said you were approved for a specific plan and we have that plan, there were 16 seats and there was no bar, no 24' long bar; injecting a bar with 8 seats at a 24' long bar that's accessory to (2) 4 seat tables with the rest of the area wide open, there is no luncheonette like that. The bar is accessory to that, what are you doing there will be standing and those are people you have to count in the parking. It is the number of occupants, that is not a layout for the bar. The confusion is being caused, and you knew this and you gave a backup letter on February 20, 2019 with another plan and it superseding the other and no one has looked it so why would you put it in if you weren't going to use it?

Mr. Neubauer said we never discussed the first bar.

Mr. Bernstein said to explain if he may, the space is a certain size and we'll have 16 seats, we're talking about how we are going to design it and lay it out and we've put in a tremendous effort for the concept to make it amendable to the Village and a place for people to come for breakfast, lunch or dinner and in terms of trying to design that in terms of our limitation of seating, we are going to have a counter area where people can order food and sit on a stool and eat and have a meal and that's our intention this will be a farm to table organic healthy nutritious concept, we aren't making it more than that. There is a lot of dead space on the side and there has to be cash registers and coffee stands, and there isn't going to be a string of people.

Mr. Neubauer said then you should not have a problem with your latest submission which is dated February 20, 2019 floor plan.

March 14, 2019

Mr. Houlihan said the original was superseded by his February 20, 2019 letter and that was reviewed, now this is a new plan being presented at the meeting, I'm not prepared to go through everything with that, they gave us this letter. That was after the original submittal.

Mr. Bernstein said in terms of the design, the focus is the counter area will it be in the front along Main Street where it can be seen or stuck in a corner.

Mr. Reilly said you take the seats out you have your grab & go station. You don't need the seats.

Mr. Neubauer said the point is, we haven't looked at the plan and if the original plan is what you want us to review, we can't talk about it

Mr. Reilly said we're not going to entertain this, what plan are you pursuing we're going to discuss that and make a determination. I'm not dueling plans to get you going by May 31, 2019 we're not going to be bulldozed to try and get you open by May.

Mr. Pasca asked which plan do you want?

Karolina said the first plan.

Mr. Pasca said then we're not reviewing it now. You can go forward with that plan, but you have to give the Board and Professionals a chance to review it. But it cannot happen tonight.

Karolina said both have the same plans for the kitchen, can we start building that?

Mr. Reilly said you have an approved plan go ahead with that, we're not doing a modified piece for a site plan.

Karolina said we didn't know.

Mr. Reilly said we don't make this up, we didn't decide to just do it this way and Mr. Bernstein knows it very well, this is not a surprise but we want to move it along. You cannot hit us with stuff at the meeting, and change your plans that's not how this works.

Mr. Bernstein said he thought submitting the second plan we would consider both, not one or the other.

Mr. Reilly said you choose a plan and you move forward with that plan.

Mr. Logozzo said his seating is based on the size of the store? Is he maxed out at 16 seats?

Mr. Houlihan said he is allowed 16 seats.

Mr. Logozzo said that makes a difference in what he plans to do unless he's going to provide more parking.

Mr. Pasca said it is hard to have this conversation without having a chance to look at it. PH said the two plans are different because one is accessory to the other, and with this it may not be a luncheonette, but it cannot be done on the spot.

Mr. Logozzo said he would like to see if they can get it more refined.

Mr. Reilly said he had this conversation with Mr. Houlihan.

Mr. Houlihan said this is a luncheonette and the original plan had a 24' long 8 seat bar servicing two (2) tables and that was it, and we talked to him about it and he resubmitted the new plan and a letter, it was never referred to as an alternate plan, and I remember discussing it with Mr. Bernstein and now we're talking about two (2) plans, and I think when the PB gave its approval they made it clear if the floor plan changes you have to come back to the PB.

Karolina said the second plan was noted as Plan "B".

March 14, 2019

Mr. Reilly said you can't come before this Board with two (2) plans but for this one we will go with this one, we have to review one at a time and then you can say I want to change the plan and then we'll review that, but we're not doing a dual track review.

Karolina said that's why we were not sure.

Mr. Houlihan said Mr. Chairman there is nothing notating Plan "B" or "Alternate Plan" or anything like that.

Mr. Schermeyer asked what plan they want to withdraw? The February 20, 2019 plan?

Mr. Bernstein said they won't have enough time.

Mr. Schermeyer asked if the BOH approved the bar with eight seats that is 24' long.

Karolina said yes.

Mr. Schermeyer said then you need to come back with that and let the Professionals review.

Mr. Pasca said or you stick with the plan the Board thought you were doing you take that to the BOH for approval. You have to pick a plan, we're trying to help you figure out a path, we have two (2) one was approved by the BOH and the second was the one we submitted also.

Karolina said the reason the bigger counter is better is because it's 16 seats and single service and in that case, it's not feasible to have service stuff; everyone will work behind that counter.

Mr. Pasca said that's fine if that's what you want to do then pick that, but you will return in two weeks to review it.

Karolina said that's why we submitted two (2) plans.

Mr. Pasca said it is not an option tonight to review that original plan.

Karolina said the kitchen is the same.

Mr. Pasca said we cannot approve a piece of it.

Mr. Bernstein said I am caught off guard, can we get the plan before the Board approved and go back to our design and concept people and consider whether it's necessary.

Mr. Neubauer asked which plan they want them to consider approving tonight?

Mr. Bernstein said if you will only consider the

Mr. Reilly said date stamped and received on February 20, 2019 is the plan that has the shorter bar, and that's the one we're talking about and if you want to discuss that tonight, that's fine. We are not going to discuss any other plan tonight, just the February 20, 2019 plan.

Mr. Logozzo do you want to know where you stand with the February 20, 2019 plan.

Mr. Reilly said we like that one, we are not going to discuss anything other than the February 20, 2019 plan. We like that plan.

Karolina said we're talking about the business aspect.

Mr. Bernstein asked if the Board is prepared to approve the February 20, 2019 plan tonight?

Mr. Reilly if you want to pursue a modification of the February 20, 2019 plan the Board will review it.

Mr. Pasca said that does not have a BOH operating permit on it, so this is subject to you obtaining an operating permit for it.

March 14, 2019

Mr. Houlihan said once the BOH for the septic is in place, but they cannot open without an operating permit.

Mr. Pasca said okay, that's on the applicant to obtain,

Mr. Reilly said the February 20, 2019 plan is much more conducive.

Karolina wanted to talk about the 24' long bar with the eight seats.

Mr. Pasca said we cannot discuss it.

Mr. Neubauer asked if they want a resolution for the February 20, 2019 plan?

Mr. Bernstein said they want to adjourn it for a few minutes to talk about this. They are in a box because if we go with the February 20, 2019 plan we feel we can modify the first plan to make it consistent.

Mr. Reilly suggested they step outside to have a conversation.

Karolina said they would like to move forward with the February 20, 2019 plan.

Mr. Reilly said the date stamped February 20, 2019 plan.

Mr. Bernstein said it's not the best plan but this is what we'll do. If we have a chance to have another conversation.

Mr. Reilly said but for tonight, we're moving forward with the February 20, 2019 plan.

Karolina said yes.

Ms. Mackie said there was a change to the landscaping plan proposed also.

Karolina said yes, they changed the planting plan.

Mr. Pasca said you don't have to do that today, the urgency is to get started on the kitchen. My suggestion is not to deal with them tonight.

Mr. Reilly asked how we deal with it.

Mr. Pasca said if we give them approval it closes it out.

Mr. Reilly said we can approve the February 20, 2019 plan, and the existing landscaping plan will remain until you change it.

Mr. Bernstein said if we have a resolution tonight, do we come back?

Mr. Reilly said for the floor plan only, if you want to change the landscaping plan you have to file a new application and return. The landscaping plan was not attached to the February 20, 2019 plan.

Mr. Pasca said let's table the question about filing a new application, you want your approval tonight, right? So go forward with that we'll think about the landscaping application and we don't have to argue about it.

Mr. Houlihan said there was nothing with the February 20, 2019 plan but the question is whether a new application needs to be filed.

Mr. Pasca said we can talk about that, but we can discuss it later.

Motion was made by Mr. Neubauer to approve the proposed modification of **BMB Enterprises, Inc., 145 Main Street, Westhampton Beach (905-11-2-29)** site plan titled, Equipment Floor

March 14, 2019

Plan, K1 dated 2/1/2019, project number 0705, and date stamped received by the Village of Westhampton on February 20, 2019 floor plan, as the only change to the existing approved Site Plan; seconded by MS and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **6:15 p.m.**; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.