

March 28, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on March 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
Rocco Logozzo

Paul Houlihan, Building & Zoning Administrator

Ron Hill, Village Engineer
Kyle Collins, Village Planner

Kerry Rogozinski, Building Permits Coordinator

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Maeghan Mackie, Board Secretary

DECISIONS:

1. 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.

James N. Hulme, Esq., appeared on behalf of the application. Mr. Reilly stated there was a determination and the reading was waived.

RESOLUTION OF THE PLANNING BOARD

VILLAGE OF WESTHAMPTON BEACH

DATED: March 28, 2019

IN RE: Schlüsselberg Family Limited Partnership

24 East Division Street

Westhampton Beach, New York

SCTM #: 905-10-7-30

WHEREAS, The Schlüsselberg Family Limited Partnership, has applied to the Planning Board of the Village of Westhampton Beach (hereinafter referred to as "Board") for site plan approval for the placement of fill pursuant to § 197-27 (B) and § 197 - 63 of the Zoning Code of the Village of Westhampton Beach with respect to property located at 24 East Division Street, Westhampton Beach, New York, Tax Map designation 905-10-7-30, and

WHEREAS, this Board has reviewed the application and held a public hearing at which it reviewed the Site Plan drawn by Design Works Architectural Group, Fill and Drainage plan, last dated

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December 6, 2018, and date stamped received by the Village of Westhampton Beach on January 3, 2019,
and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review,
and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria
pursuant to 6 NYCRR 671.11 in determining the environmental significance of this action,

IT IS THEREFORE RESOLVED, that the proposed action will not have a significant effect on
the environment and therefore this Board issues a negative declaration with respect to this proposed
action, and

IT IS FURTHER RESOLVED that the site plan is approved subject to the following:

1. All run off from the dwelling, other improvements, driveway, fill and elevation changes shall be contained on site in the drainage structures and facilities shown on the site plan.

2. All fill, grade contours and elevation changes shall comply with the site plan and there shall be no change or modification to the fill, grade contours and elevation changes without further approval of this Board.

3. A minimum driveway clearance, free from landscaping and other encumbrances of 10 feet wide by 15 feet high shall be required.

4. There shall be no changes or modifications to the drainage including any changes or modification to the driveway shown on the site plan without the further approval of this Board.

5. Prior to the issuance of a Certificate of Occupancy, a final "as-built" survey of the site shall be provided. The "as-built" survey shall show all of the drainage structures and facilities installed and the final grading of the site.

6. The total height of each drainage structure called out on the approved site plan shall be installed above ground water.

7. Bog, clay or other unsuitable material that prevents the movement of ground water within two feet of the bottom of any drainage structure shall be removed and replaced with clean sand or gravel. Unsuitable material between ground water and the bottom of any drainage structure shall also be removed.

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8. Prior to the installation of any of the drainage structures, the applicant shall notify the Building Inspector, who shall conduct an inspection to ensure that the provisions of this approval are complied with.

9. If, after the date of this approval, the Building Inspector determines that the plan, as approved herein, does not keep all run off on the applicant's property or that the installed drainage structures and facilities fail to function properly to keep run off on the applicant's property, the Building Inspector shall notify the applicant that run off is not being kept on the applicant's property as required by this approval. The applicant shall, within sixty (60) days of said notice, be required to re-apply to this Board for a new site plan approval. The failure of the applicant to make application to this Board as is set forth herein shall be deemed a violation of the terms and conditions of this approval.

10. In the event there are expert fees set forth in a separate resolution adopted simultaneously herewith, said fees shall be paid prior to the issuance of the building permit, and if additional fees are incurred during the course of construction, said fees shall be paid prior to the issuance of the certificate of occupancy.

11. This approval shall expire unless a Building Permit has been issued for the construction within six (6) months of the date hereof and construction completed within eighteen (18) months of the date hereof. The Board shall have the right to extend the time periods set forth in this paragraph for an additional six (6) month period of time by the majority vote of the members present at a regular meeting wherein such vote is taken.

12. To insure that the provisions of this resolution are complied with, the owner shall, within thirty (30) days of the date hereof, execute the attached covenant and shall record said covenant in the Suffolk County Clerk's Office at the owner's cost and expense and the recorded covenant shall be filed with the Planning Board, Village of Westhampton Beach prior to the issuance of any building permit.

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Motion was made by Mr. Neubauer to adopt the determination of **Schlusberg Family Limited Partnership, 24 E. Division Street, Westhampton Beach (905-10-7-30)** as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

2. 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 of the application. Mr. Neubauer stated there was a determination.

DECISION OF THE PLANNING BOARD

VILLAGE OF WESTHAMPTON BEACH

DATED: March 28, 2019

IN RE:

Spa 77, N. L.P. (Best Market)

70 Sunset Avenue, Westhampton Beach, New York 11978

Suffolk County Tax Map Number 905-12-4-20.1

I. The Application for Modification of Prior Site Plan Approval

Spa 77, N.L.P. (hereinafter, the “applicant”), is the owner of real property located at 70 Sunset Avenue, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as 905-12-4-20.1 (hereinafter, the “property”). The applicant received an approval of its site plan for a supermarket at the property on May 12, 2016 (“5/12/16 Site Plan Approval”). The 5/12/16 Site Plan Approval authorized the improvements to the site to be implemented in phases, designated Phase I, Phase II, and Phase III. Phase I work, which included improvements deemed necessary before the supermarket could open for business, was completed in May of 2016, at which time the applicant received a Temporary Certificate of Occupancy from the Building Department on May 25, 2016, the Temporary Certificate of Occupancy was renewed on May 24, 2018, October 30, 2018, and January 15, 2019. Phase II and Phase III improvements, which involved more major changes to the parking lot and utilities, were permitted to be implemented after the Summer season, subject to the posting of a performance bond, which was accepted by the Village Board of Trustees.

The applicant seeks to modify the implementation of Phase I and Phase II so as to enable more data to be taken and allow the applicant to apply to the Board for a modification of the parking lot layout approved as part of the 5/12/16 Site Plan Approval.

The applicant, through Bohler Engineering, filed a formal application for modification of the 5/12/16 Site Plan Approval on October 19, 2018. The application was properly noticed and advertised for a public hearing, which opened on November 8, 2018. The Board thereafter reviewed the application, site plan modification documents, supporting materials, and revisions to the site plan and supporting materials. The Village’s engineer and planner also reviewed the application, site plan modification, and supporting materials, and provided comments thereon.

The final version of the site plan modification for which applicant seeks approval is the Phase IV site plan prepared by Bohler Engineering, last dated March 18, 2019, and date-stamped received by the Village on March 22, 2019, consisting of the following:

- a. Phase IV Cover Sheet, C-1 through C-9, Revision 4, 3/18/19

II. Findings and Conclusions

A. The original site plan application underwent review under the State Environmental Quality Review Act (SEQRA) and received a negative declaration of significance. The proposed

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modifications to the site plan Phase II and Phase III do not raise any issues of environmental concern that would warrant rescission of the negative declaration or supplemental environmental review. Therefore, no further SEQRA review is required.

B. As of the Board's March 28, 2019, meeting, the site plan modification application is complete and contains all of the site plan elements set forth in the Village Code. The procedures required for site plan review have been fulfilled as applicable to this application. The public hearing is hereby closed.

C. The Planning Board hereby approves the modifications to its 5/12/16 Site Plan Approval as set forth in the Phase IV plans (sheets C-1 to C-9), collectively referred to herein as the "Modified Phase IV Plans," subject to all terms and conditions of the original 5/12/16 Site Plan Approval except to the extent such conditions are specifically modified by the following conditions:

III. Modified Conditions

1. Phase IV improvements shall be made pursuant to the Modified Phase IV Plans, including all details, specifications, notes, and conditions set forth therein. Except as provided herein, any changes shall be subject to further review and approval by the Board.

2. Extension of Temporary Certificate of Occupancy and Modification of Phasing:

- i. The applicant shall be required to complete the Phase IV work in accordance with the modified phasing narrative.
- ii. The Building Inspector shall be authorized to extend the duration of the Temporary Certificate of Occupancy for an additional one (1) year period if the Building Inspector certifies completion of all of the improvements as shown on the Modified Phase IV Plans and described in the Phase IV portion of the modified phasing narrative.
- iii. The Building Inspector shall, at or before the end of said one-year period, only be authorized to issue a permanent Certificate of Occupancy after certifying completion of all the improvements as shown on the Modified Phase IV Plans, in addition to certifying compliance with all other conditions of the 5/12/16 Site Plan Approval and this approval of the Modified Phase IV Plans.

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Planning Board

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Motion was made by Mr. Neubauer to adopt the determination of **Best Market, 70 Sunset Avenue (905-12-4-20.1)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

HOLDOVERS:

3. 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. Richard T. Haefeli, Esq., submitted a request to withdraw the application of **Robert Elonowitz and Anna Gerzon, 55 and 59 Riverhead Road (905-4-7 ,9.2 and 9.3)**

4. 160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach. Applicant requests a Site Plan review to construct an addition to an existing Permitted Retail Beverage Store. The property is located in the B-2 Zoning District.

Bailey C. Larkin, Esq., appeared on behalf of the application. The Board had a SEQRA determination for the application.

Motion was made by Mr. Neubauer to adopt the SEQRA determination of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach** as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

5. 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 application #6 on the agenda and printed in the minutes the same.

6. 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 Kieran Pape Murphree, Esq. Mr. Murphree said they recently submitted revised plans to the office and they were in response to the Village Planner and Village Engineer's comments; they had the drainage calculations and details redone by Frank Lombardo. They believe they have addressed everything and he thinks any other comments are minor in nature and they can wrap the application up this evening.

Mr. Hill said he wants to make sure they got everything.

Mr. Neubauer asked if he has to review the park estimate?

Mr. Pasca said he has to look at the appraisal and we have to make a determination whether we need to have someone look at it on the Village's behalf, but that is something he will do after he reviews the appraisal submitted by the applicant.

Mr. Neubauer asked if they are in the position to hold the applicant over for a decision on April 25, 2019?

Mr. Pasca said he does not think so, he can't make that promise that its ready without reviewing the appraisal.

Mr. Neubauer said they won't receive a determination on April 11th.

Mr. Pasca said he will review it and if it's not adequate we have to let the applicant know.

Mr. Houlihan said this is not the week before the meeting we're receiving the appraisal, we're receiving it the night of the meeting.

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Mr. Murphree said he would be happy if the Village Attorney can prepare a resolution with conditions.

Mr. Reilly said it would be wise to keep this on a short leash so it doesn't get too far away from us.

Mr. Pasca asked if there's anything left that is outstanding?

Mr. Murphree said if there is anything you need from us before the April 11th meeting, please let us know.

Mr. Pasca said okay.

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 (905-5-2-4,5 and 38) Westhampton Beach.** to April 11, 2019; seconded by Mr. Reilly and unanimously carried 5 ayes, 0 nays, 0 absent.

7. 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 Bisstrain submitted a request to hold the application over.

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 April 11, 2019; seconded by Mr. Reilly and unanimously carried 5 ayes, 0 nays, 0 absent.

8. 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. Mr. Musnicki requested a hold over to April 11, 2019.

Motion was made by Mr. Neubauer to hold over the application of **Ocean Spray Pools, Inc., 97 Old Riverhead Road, (905-2-1-6.3 and 6.4) Westhampton Beach.** to April 11, 2019; seconded by Mr. Reilly and unanimously carried 5 ayes, 0 nays, 0 absent.

9. 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. Mr. Vero submitted a request to hold the application over to April 11, 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 April 11, 2019; seconded by Mr. Reilly and unanimously carried 5 ayes, 0 nays, 0 absent.

10. 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.
HELDOVER TO APRIL 25, 2019

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.

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Heather A. Wright, Esq., appeared on behalf of the application. They held this over last month because they were waiting on a determination from the BZA, which they received on March 21, 2019 and now they are back to the Planning Board to figure out what steps to take next.

Mr. Pasca said there will need to be a SEQRA determination adopted. The BZA its own SEQRA so we have to do a resolution for this, and the Village Engineer and Village Planner have to look at their proposed plan and give their input.

Ms. Wright said they may need a driveway easement.

Mr. Pasca said he'd like to know if they can give comment on how they would like to see the common driveway, because that's the one infrastructure they may have to deal with.

Mr. Collins and Mr. Hill said okay.

Mr. Collins said he will have a SEQRA resolution at the next meeting.

Ms. Wright said okay.

Motion was made by Mr. Neubauer to hold over the application of 285 Oneck Lane, LLC., 285 Oneck Lane, Westhampton Beach (905-9-2-35) to April 11, 2019; seconded by Mr. Reilly and unanimously carried 5 ayes, 0 nays, 0 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.

No one appeared on behalf of the application.

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 April 11, 2019; seconded by Mr. Reilly 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.

Mr. Reilly stated there was a SEQRA determination for the application, and the reading was waived.

Motion was made by Mr. Neubauer to adopt the SEQRA determination of **Alyssa Andersen-Kuntz, 97 Hazelwood Avenue, (905-2-2-20.2 and 6.4)** as written; seconded by Mr. Reilly 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.

18. Bernstein, 37 Exchange Place, Westhampton Beach (905-15-5-29.1) Applicant requests a Site Plan review to alter and reconstruct a tennis court and drainage as provided for in Chapter 197-28 and 197-63P of the Village Code. The property is located in the R-1 Zoning District and the Flood Zone.

NEW APPLICATION:

19. Metro Storage, LLC., 105 Old Riverhead Road, Westhampton Beach (905-2-1-19.6) Applicant requests a Modification of Subdivision / Lot Line on a property located in the I-1 and B-3 Zoning District.

Philip A. Butler, Esq., appeared on behalf of the application, together with Bob Heilman.

Mr. Reilly said as he understands the application, they are seeking extra space to erect a sign?

Mr. Butler said that's correct. It's a 27 x 27 square. In their packet is a survey of the existing property with the existing lot lines, then a parcel sketch prepared by Bohler Engineering showing the re-allocation facing Old Riverhead Road and the site plan which shows the areas where they are seeking to make modifications, and a sign plan which shows the proposed signage and the signage that was previously proposed.

Mr. Reilly asked where it was originally proposed.

Mr. Butler said in the original site plan that was approved in 2017 the signage would have been located on the South side of the access driveway, but when they went in to put in the landscaping and figure out where the underground utilities would go it doesn't allow for the signage because it's a monument sign. There was a spacing problem, so they are now seeking to locate it on the adjacent parcel that's commonly owned by Metro Storage, but its not improved yet and they were not allowed to do that, the signage must be erected on the same property of the structure which is why they are now seeking a lot readjustment to accommodate the ground sign and comply with the required setbacks. The signage is not changing, the location of it is. Both parcels will still be compliant with the area requirement and the width requirement, so it will not cause any deficiencies in size or width.

Mr. Neubauer said the only thing that's changing is the square where the location of the sign will be?

Mr. Butler said that's correct. We have an application in to the BOH to adjust the subdivision with them as well, and that is moving along as well. They think it's a Type II SEQRA action.

Mr. Collins asked why they went in this direction and did not go to the BZA for a variance?

Mr. Butler asked what variance would they be seeking?

Mr. Collins said offsite signage.

Mr. Butler said they were told that they could not which is why they pursued this.

Mr. Houlihan said the BZA will not give a variance for off site sign.

Mr. Butler said the BZA is against the granting of the variance, whereas here its not.

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Mr. Collins said it seems like the variance is unique circumstances.

Mr. Reilly said in the Town of Southampton there was a site on Montauk Highway that was set back and we allowed them to have the sign on another parcel because it was on Montauk Highway.

Mr. Collins said he thinks the circumstances are unique, it is drastic to reconfigure a lot to accommodate a sign.

Mr. Pasca agreed with Mr. Collins. In looking at the application it seems like a lot of maneuvering for a sign.

Mr. Collins thinks they should go directly to the BZA.

Mr. Butler said the front lot which is lot 19.5 is located in a separate zoning district, and it may at some point become separately owned and to maintain an improvement that's to one lot on another lot that seems counter intuitive.

Mr. Pasca said you can take the lot line that currently exists which is on the district boundary, at least what I'm seeing.

Mr. Butler said the district boundary goes from the North to the South.

Mr. Pasca said the Zoning District boundary?

Mr. Butler said yes, the front lot is B3, the rear lot is I1.

Mr. Pasca said one of the maps has the current boundary and the district boundary as the same line.

Mr. Reilly said the district line cuts through the front parcel that fronts on to County Road 31.

Mr. Butler said that's correct.

Mr. Pasca asked where the current lot line is.

Mr. Butler said the current lot line goes straight through so the only change is a notch being added.

Mr. Pasca said we should consider doing it by easement, and variances.

Mr. Butler said if they could done it by an easement, they're commonly owned parcels, it would have been very simple for them. We were told they would have to do this by Mr. Houlihan and Ms. Mackie.

Mr. Pasca said they may be right, as of right that's the only way to do it.

Mr. Neubauer said and if you were going to eventually sell the lot.

Mr. Pasca said if you were to create an easement, or tell the BZA you will create an exclusive easement for that parcel so functionally it would be part of the storage parcel, you would have a strong application.

Mr. Heilman asked if they'd allow a dual sign on that for a future use and the Metro Storage.

Mr. Pasca asked him to further explain his question.

Mr. Heilman said for a future use, to put two monument signs on one lot. If the lot sells off and they have a new use, there will be two uses and one sign on the front lot.

Mr. Neubauer said it would have a sign for "Metro Storage" and whatever the new use is.

Mr. Pasca said to make that part of the application.

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Mr. Collins said he doesn't necessarily think they have to have one sign, you can have a separate detached sign.

Mr. Butler said if they put the Metro Storage sign on the property pursuant to an easement, its going to be on another lot and if they get a variance for that now and the property is developed in the future and that tenant wants their own monument sign on that property, it could not happen.

Mr. Pasca asked if that is the only spot for a sign on that lot?

Mr. Butler said not in that spot, but any spot along the roadway.

Mr. Pasca said he does not think that will be an issue, but to do a lot line modification, you will need a new map, you will need SEQRA because it's not a Type II Action, it will be unlisted.

Mr. Butler said it is Type II according to the regulations in the handbook.

Mr. Pasca said we have not treated a lot line modification as a Type II Action in this Village. And you will need BOH approval on it, and if you do it as a variance that's all you have to do.

Mr. Butler said his concern is that the presumption is against the granting of the variances, this does not have that presumption. So we can go to the BZA but they may deny it.

Mr. Collins said they are going to have a referral to this Board and it sounds like this Board would rather a variance be granted than modify the lot line simply to construct a sign.

Mr. Butler said it's already a flag lot so the configuration change is not unappreciable. But if you prefer we make an application to the BZA we can do so. We would have preferred to do it by easement.

Mr. Reilly said as a practical matter they'll refer it to this Board for our commentary, and in many respects it is a planning issue and chances are based upon tonight's conversations I do not think you will have any issues with us. He said he assumes they should be inclined to grant the variance.

Mr. Butler said okay.

Mr. Pasca said we cannot speak for the BZA.

Mr. Collins said he cannot think of another situation that they have a commercial parcel with one being served by a flag lot that this would set a precedent anywhere else for an off site sign.

Mr. Pasca said it is a very unique circumstance, are there time constraints?

Mr. Heilman said they are trying to wrap up the site work, and they would like to get the underground in for it to happen, but it has to get done.

Mr. Pasca said the BZA process will be much faster than a lot line modification process, there are less steps and you do not have to deal with the BOH and covenants and recording of the same. You won't have to transfer deeds you would only have to do one easement.

Mr. Butler said okay.

Mr. Pasca said they can keep this application open as an alternative. If you pursue that and its denied, but from this Boards perspective, we feel a variance is a better alternative.

Motion was made by Mr. Neubauer to hold over the application of **Metro Storage, LLC., 105 Old Riverhead Road, Westhampton Beach (905-2-1-19.6)** to May 23, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **5:30 p.m.**; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.