

April 11, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on April 11, 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

Maeghan Mackie, Board Secretary

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Kyle Collins, Village Planner

HOLDOVERS:

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

2. 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.

3. 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. He received Ron Hill's memorandum, he thinks every time they come to this Board and get new comments.

Mr. Neubauer asked if they were supposed to have a meeting?

Mr. Murphree said they received the comments yesterday.

Mr. Hill said new plans were submitted and I realized they did not have everything; I did not have the Fox Survey. I asked for a full set of plans, and I reviewed them and it's not much; there's a conflict between the two sets of plans.

Mr. Neubauer asked if they can consolidate the plans?

Mr. Murphree said they did, the site plan and subdivision are separated. What Mr. Hill is saying there are details removed from the Lombardo plan and wants references, what I'm hoping for is them being conditional of the approval. We understand the Park Fee was not accepted by the Village Attorney. And Mr. Houlihan said the Village has retained its own appraiser and obtained its own appraisal and we have agreed to that, and whatever the fee is we are aggregable.

Mr. Neubauer said that would be an additional condition?

Mr. Murphree said yes, and we agree to that.

Mr. Pasca said there's no decision. He's asking for a determination at the next meeting. And I'm not going to promise that, but it doesn't mean there won't be a determination and there is a lot to

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work through and if it's not the next meeting we will have one at the following, we have to work through some pretty substantial conditions so whether its including the appraisal which will take a few weeks. Let's do the appraisal issue process wise, I will get proposals from appraisers and the Village will have to approve one of them, and you should recommended to the Trustees who they retain, but they have to retain it, even though it will be paid by the applicant, the Village Trustees have to approve it and if the applicant does not pay the fee it's on the Village which is why they need to be hired and approved by the Trustees. There are several weeks between that being met. It may be two more weeks for the determination, but it's up to this Board to see whether you are comfortable with making that a final condition, but it's a process and the maps will need to be signed. The appraisal needs to be done, a resolution needs to be done approving the Park Fee and then the Park Fee being paid. I don't have a problem with it, if it's done in that procedure as long.

Mr. Neubauer said we have the Park Fee conditions, the stipulation raised by the Engineer.

Mr. Murphree said there are easements and covenants.

Mr. Pasca said this is the reason I don't want to promise a determination in two weeks, there are two and there is sequencing and the subdivision approval, conditions and site plan approval because the lot doesn't exist today and I cannot promise a determination in two weeks, it would really have to be done in one week. We can get started and start working through those.

Mr. Neubauer said I don't believe the Board has more comments.

Mr. Reilly said it is just procedural.

Mr. Pasca asked if there's anything about Mr. Hill's comments that you can't turn around rather quickly?

Mr. Murphree said no.

Mr. Pasca said to do them so it's not a condition.

Mr. Hill said he doesn't care if it's a condition.

Mr. Reilly said if it doesn't have to be a condition I would rather it not be a condition.

Mr. Murphree said okay.

Mr. Neubauer said we will hold it over to April 24, 2019.

Mr. Murphree said okay.

Motion was made by Mr. Neubauer to hold over the applications of **Avidor Group LLC, and Jonmor Group LLC (905-5-2-4,5 and 38) Westhampton Beach, and Avidor Group LLC, 133 Montauk Highway (905-5-2-4 and lot 5 and lot 38)** to April 25, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

4. 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.

Britton Bisstrian appeared on behalf of the application. The last time she appeared the board requested a new map and that has remained the same

Mr. Neubauer asked if Mr. Hill has reviewed it?

Mr. Hill said yes, he doesn't see anything wrong with it.

Mr. Neubauer asked why this took so long?

Ms. Bistrian said it is in litigation.

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Mr. Pasca said SEQRA has been completed.

Ms. Mackie said they have to go back to the ZBA.

Mr. Hill said the only thing was the driveway, and its only two lots so it isn't too big of a deal. He said they have to make sure there is adequate fire access and he will review that.

Mr. Pasca said we can have a status after the ZBA, but they will not make a decision at that meeting, but if you don't want to come in for that you could wait until you get your approval from the ZBA and if there are comments from Mr. Hill or Mr. Collins we will get them to you.

Ms. Bistran said if there are any comments on the driveway please send them to us.

Mr. Houlihan said the fire department requires 13' 5".

Mr. Neubauer said he would like Mr. Hill to look at it.

Motion was made by Mr. Neubauer to holdover the application of **Anthony J. Cassano, Jr., and Louis Commisso, 30 Lilac Road, Westhampton Beach (905-5-1-21)** to May 23, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

5. 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 C. Musnicki requested a holdover 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) Westhampton Beach** to April 25, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

6. 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 requested to hold the application over to April 25, 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 25, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

7. 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.

No one appeared on behalf of the application. Richard T. Haefeli, Esq., requested a hold over of the application to the Board's June 27, 2019 meeting.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** to June 27, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

8. 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.

Heather A. Wright, Esq., appeared on behalf of the application. They are working on the driveway plan with David Fox, and wanted an update on SEQRA. Does Mr. Hill have any comments on it?

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Mr. Hill said he has to recall it. He remembers reviewing the application.

Mr. Pasca asked if there's a driveway proposal at this point?

Ms. Wright said they are working on one, but we welcome comments from the Board.

Mr. Houlihan said the discussion was not that you had to build a hammerhead but there should be a turn around.

Mr. Hill said there needs to be enough room for a truck to turn around, we usually take the last house and make that driveway part of the turn around and there's still enough room for cars to turn around in.

Ms. Wright said okay. They will revise that and submit it in advance.

Mr. Neubauer asked if it's one driveway for the two waterfront lots, and the way its delineated coming off of Fiske its 25' behind it?

Ms. Wright said yes.

Mr. Pasca asked if Lot 1 and Lot 2 are sharing it?

Ms. Wright said yes.

Mr. Neubauer asked if Lot 1 and Lot 2 can access via Fiske Avenue or Oneck?

Ms. Wright said no.

Mr. Hill said at the end of that you need a turn around.

Ms. Wright said okay, she will talk to David Fox. It is 25' so she doesn't know if a turnaround will fit.

Mr. Hill said you won't pave 25' and you keep that clear, but whatever you're paving for the driveway you have to have something.

Mr. Logozzo asked what the requirements on a turnaround are?

Mr. Hill said you usually do a hammer head or cul-de-sac, usually we make a driveway part of the hammerhead from one of the properties.

Ms. Wright said okay.

Mr. Logozzo asked if there's a minimum radius?

Mr. Hill said he wouldn't do a radius it will take up too much space. You try to make the driveway to the two properties the hammerhead so they use that driveway to turn around.

Mr. Logozzo said okay.

Ms. Wright said we want to minimize it if possible.

Mr. Houlihan said I will give Ms. Mackie the hammerhead diagram out of the NFPA.

Mr. Pasca said the hammerhead won't affect the building envelope.

Mr. Houlihan said it will be what you want in that area to turn around anyway.

Ms. Wright said okay, they will work on it.

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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 June 13, 2019**; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

9. 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 J. Lettieri requested to hold the application over to the Board's April 25, 2019 meeting.

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 April 25, 2019; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

10. 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.

No one appeared on behalf of the application.

REQUEST FOR CHANGE OF ZONE REFERALL FROM THE BOARD OF TRUSTEES

11. 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:

12. 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. Last time he appeared they adopted a Negative Declaration, and the only thing that remains is to render a report to the ZBA as to their belief of the feasibility of the site plan that we are proposing. I think the ZBA is looking for input from this Board.

Mr. Reilly said from his recollection and in speaking with Mr. Houlihan I think the general consensus is the uses are being reduced, the sites being cleaned up, and I don't recall any reservations being expressed by the Board members.

Mr. Neubauer said there is only positive feedback on this site.

Mr. Houlihan said Mr. Collins and Mr. Hill met on the site with the applicant's attorney and the modifications have been made and there are no other comments.

Mr. Reilly asked if there is enough to make a report to the ZBA? We can

FILL APPLICATIONS / DECISIONS

13. 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.

14. Michael Parini & Shreya Jani, 18 Tuttle Place Westhampton Beach (905-15-2-22)
Applicant requests a Site Plan to install fill in conjunction with a new single-family dwelling and septic systems. The property is located in the R-1 Zoning District and the Flood Plain area.

Susan Wilcenski appeared on behalf of the application. Mr. Reilly stated there was a determination and the reading was waived.

NEW APPLICATIONS:

15. Starr Boggs, 6 Parlato Drive, Westhampton Beach (905-11-2-43.1) Applicant requests a Waiver of Site Plan to install three (3) new drainage structures in an existing parking lot. The property is located in the B-1 Zoning District.

Mr. Houlihan said he and Mr. Hill met Starr on the site today and he wants to modify this application and re-pitch the driveway so he is going to hold it over and I think he is going to come in, in two weeks and make those modifications.

Mr. Neubauer asked if re-pitching the driveway will help the puddling?

Mr. Hill said we need to look at how he's going to lay it out, we want his water to stay on his property and Village water to as well.

Mr. Logozzo said the plan has one new drainage re-structure, but there are three in the narrative? Mr. Hill said there are three altogether, and that's shown on the plan.

Mr. Logozzo said I saw a new inlet structure on two.

Mr. Hill said they are new.

Mr. Logozzo said it said new inlet structure and one pool.

Mr. Hill said it was probably worded incorrectly.

Motion was made by Mr. Neubauer to hold over the application of **Starr Boggs, 6 Parlato Drive, Westhampton Beach (905-11-2-43.1)** to April 25, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

16. BMB Enterprises, LLC., 145 Main Street, Westhampton Beach (905-11-2-29)
Applicant requests a modification of Site Plan review to change the floor plan of the luncheonette and to modify the landscaping plan. The property is located in the B-1 Zoning District.

Barry M. Bernstein appeared on behalf of the application.

Mr. Reilly asked if he received Mr. Collins' comments.

Mr. Bernstein said the letter addressing the landscaping issue, and concerns the fact that Nick Vero designed the pavers in the back to not be a straight perimeter but have a wave to them and we constructed it straight because we thought it was more safe and Mr. Collins' had comments and it is correct. The existing conditions are not on the site plan and we've revised that and we show it now.

Mr. Neubauer asked if this is a new submission?

Mr. Bernstein said it's a revision of the Site Plan based on Mr. Collins' comments. That's the only change they made and he had a concern about the screening of the electric meter which we're going to do. We're going to screen the air conditioning units.

Mr. Neubauer said his concern is that they intrude in to the handicapped parking space.

Mr. Houlihan said the only comment he has, by doing this squaring off and putting it so close to

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the lot line, you are taking the trees and putting them on the lot line and they will be growing over the sidewalk and that was part of Mr. Collins' plan because the irregular shaped allowed them not to be pushed over.

Mr. Bernstein said they changed the tree and that was recommended from the Nursery and we're also going to move it further away and closer to the paver and we will trim it.

Mr. Reilly asked where they were with the interior.

Mr. Bernstein said we submitted a modification to what you just approved interior I am okay with doing what the Board approved.

Mr. Neubauer asked if they are only discussing the as built condition versus what they initially approved?

Mr. Houlihan said yes.

Mr. Neubauer all we are discussing is the as built condition, they are not proceeding with the floor plan modification.

Mr. Reilly said we are only talking about the as built and the landscaping as contained in their April 11, 2019 cover letter.

Mr. Neubauer said the path forward would be to hold him over to April 25, 2019 in anticipation of a resolution.

Mr. Pasca said you can do an oral resolution, but Mr. Collins' has not seen them. We could do an oral resolution to substitute the plans, but Mr. Collins' has to look at them.

Mr. Neubauer said we should hold it over to April 25, 2019 in anticipation of Mr. Collins' looking at the as built and predicated on his comments and no objection and we can do an oral resolution on April 25, 2019.

Motion was made by Mr. Neubauer to hold over the application of BMB Enterprises, LLC., 145 Main Street, Westhampton Beach (905-11-2-29) to April 25, 2019; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

17. 112 WHB, LLC., 112 Old Riverhead Road, Westhampton Beach (905-2-2-4.4)
Applicant requests a Site Plan to install a small cell public utility wireless communications facility on an existing two story commercial building. The property is located in the B-2 Zoning District.

Simone Freeman, Esq., appeared on behalf of the application. They have a service deficiency gap in this area along Old Riverhead Road; once the proposed communication facility is constructed they should be eliminated. It is needed for coverage and to address the deficiencies in the area. You may recall we previously filed a site plan and attended a pre-conference on June 14, 2018 at which time this was reviewed and evaluated and we received comments from this Board and in addition they referred the application to the ARB for an Advisory Report and that was held on September 17, 2018 and on September 18, 2018 they issued a favorable recommendation in support of the facility noting they would be concealed from view. The screening has been designed to match the façade as an extension of the building, and we rely on that testimony and the ARB advisory report. We are seeking a determination from this Board in connection with the Special Permit application before the Board of Trustees.

Motion was made by Mr. Neubauer to refer the application of **112 WHB, LLC., 112 Old Riverhead Road, Westhampton Beach (905-2-2-4.4)** to the Board of Trustees with no objection; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to hold over the applicaiton of **112 WHB, LLC., 112 Old Riverhead Road, Westhampton Beach (905-2-2-4.4)** to April 25, 2019; seconded by Mr. LogoZZo and unanimously carried 5 ayes, 0 nays, 0 absent.

REQUEST:

18. DLV DD, LLC., 379 Dune Road, Westhampton Beach (905-17-5-55.1) Applicant request a discussion with the Planning Board for the reissuance of the Temporary Certificates of Occupancy.

David Gilmartin, Esq., appeared on behalf of the application. They are seeking an extension of their Temporary Certificate of Occupancy, they are in the process of trying to reconfigure the site to expand the kitchen and provide an employee lounge and they are necessities to the site we thought we were close on a plan but we are stuck with the BOH. And we have construction limitations in the Summer so we are looking for a completion in October; and we are seeking a Temporary CO for the 600 and 800 buildings.

Mr. Pasca asked if the extension will be under the same conditions?

Mr. Gilmartin said yes.

Mr. Reilly asked when they are seeking an extension to?

Mr. Gilmartin said they have historically done until September 30th and we'd like to do that.

Motion was made by Mr. Neubauer to authorize the Building Inspector to issue a Temporary Certificate of Occupancy to expire on September 30, 2019 for building 600 and Building 800; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

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