

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on May 23, 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

Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

ABSENT: Brad Hammond, Building & Zoning Administrator
Kyle Collins, Village Planner

DECISION:

1. **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.

2. **Schlusberg 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:

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.

Status: **HELD OVER until May 23, 2019**

ZBA: **RECEIVED, MAY 16, 2019**

ARB: **ADVISORY REPORT NEEDED**

SEQRA: **GRANTED, 3/28/2019**

SCDHS: **NEEDED**

SCPC: **NEEDED**

SCDPW: **NEEDED**

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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

12. **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.

REQUEST FOR CHANGE OF ZONE REFERALL FROM THE BOARD OF TRUSTEES

13. **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.

FILL APPLICATIONS / DECISIONS

14. **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.

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.

Starr appeared, he said Robert Gruber appeared on behalf of the application. He met with Mr. Hill and Mr. Houlihan in May and they wanted him to submit some elevations, and then the Village hired surveyors and they did an amazing job, but they found other perforated lines and dry wells that they supposed were under the driveway, but he is hoping to fix the pond that rises up, and he wants to install three (3) new dry wells but it depends on the condition of what is there and what is there, he just wants to be able to clean it up and stop the flooding and water pooling. He wants to asses it more after they get the asphalt up. The Village owns part of his driveway and the water stands there and the one thing that has come up was considering another dry well in there. I am not asking for that, I just want to be able to what I am proposing, it is tight now in the Season. If it gets bad I would like to be able to do it, if not I will put it off until the Fall.

Mr. Pasca asked if the dash dry wells are the existing? Are the solid circles the new proposed?

Starr said yes; the existing drains are listed and the ones around that he did not know they were there until the Village surveyors pointed them out.

Mr. Pasca said when you lift the surface, are you concerned you may find damaged rings?

Starr said yes, and I want to repair them, if I can and clean them out and then put in the three (3) new ones if it's possible.

Mr. Pasca said assume that Mr. Hill will review this, and he says it's a good plan you may want to word the determination that gives discretion to work to see if there is changes needed. You are doing the waiver for a plan with a chance that they may need to make tweaks to it. You need to give Mr. Hill the ability to make site changes as he inspects them as long as the capacity does not decrease. This is a waiver of site plan so it's different to add that to the resolution.

Starr said okay. He understands that. At the same time, when I bought the property and the first two (2) sets of drawings did not have these dry wells on it. The Village surveyors found them and I'm not going to try to decrease what I'm doing, we're saying they exist now we have not seen them.

Mr. Pasca said okay. But the idea is to make sure whatever plan they approve, since we don't know what's under there we give the Village Engineer leeway to work with you so you don't need to have your decision amended.

Starr said okay.

Mr. Hill said the important thing is to add the two (2) new drywells, that will help. I see the new structures that were found.

Mr. Pasca asked when he would do the work?

Starr said he is not sure, it's hard to do it now. Last week I had a pond out there in the driveway and I don't want that all Summer.

Mr. Hill said the important thing, as the wells are exposed we look at them to see if they can be cleaned or if they need to be replaced.

Starr said they were cleaned.

Mr. Reilly said we are going to give you discretion in the resolution to make changes as they are needed and don't diminish the overall capacity in the system.

Mr. Hill said we probably won't find they are heavily silted.

Mr. Pasca said okay.

16. 285 Oneck Lane, LLC., 285 Oneck Lane, Westhampton Beach (905-9-2-35)

Applicant requests a site plan review to install fill in the Floodplain in conjunction with the development of a four-lot residential subdivision and in accordance with a required Storm Water Pollution Prevention Plan (SWPPP). The 45,309 acre property is located at the South West corner of Oneck Lane and Fiske Avenue in the R-1 Zoning District.

17. Tri-Properties LLC, 10 Dune Road, Westhampton Beach (905-022-01-023).

Applicant requests a site plan review to install fill for a sanitary system in the floodplain in conjunction with development of a single-family dwelling. The .61 acre property is located on the north side of Dune Road in the R-3 zoning district.

Joshua Rosensweig, Austin Patterson and Rocco Lettieri appeared on behalf of the application.

18. Daniel Bernstein, 37 Exchange Place, Westhampton Beach (905-009-02-035).

Applicant requests a site plan review to install fill in the floodplain in conjunction with development of a single-family dwelling and accessory structures and in accordance with a required stormwater pollution prevention plan (SWPPP). The 2.98 acre property is located at the south side of Exchange Place in the R-1 zoning district.

REQUEST FOR EXTENSION OF TEMPORARY CERTIFICATE OF OCCUPANCY

19. Best Market, 70 Sunset Avenue, Westhampton Beach (905-12-4-20.5) Applicant requests a 30 day extension of their Temporary Certificate of Occupancy set to expire on May 31, 2019, up to and including July 1, 2019.

DISCUSSION

20. Policy change regarding Site Plan waivers pursuant to the Building & Zoning Administrator's Memorandum dated May 15, 2019.

21. Review Memorandum from Board Secretary and Village Attorney dated May 23, 2019 regarding Board procedures.