

May 9, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on May 9, 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

Brad Hammond, Building & Zoning Administrator

Ron Hill, Village Engineer  
Kyle Collins, Village Planner

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

### **MINUTES TO APPROVE**

Motion was made by to adopt the minutes of the February 14, 2019, meeting, as written; seconded by and unanimously carried ayes; nays; absent.

Motion was made by to adopt the minutes of the February 28, 2019, meeting, as written; seconded by and unanimously carried ayes; nays; absent.

Motion was made by to adopt the minutes of the March 14, 2019, meeting, as written; seconded by and unanimously carried ayes; nays; absent.

Motion was made by to adopt the minutes of the March 28, 2019, meeting, as written; seconded by and unanimously carried ayes; nays; absent.

### **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.
- 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 2<sup>nd</sup> 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.

Mr. Pasca said the applicant has asked to see the conditions prior to the adoption of the determination and I do not have a problem with that.

Mr. Neubauer said at this moment, we are discussing the hold over of the application.

Mr. Pasca said for the subdivision we think we can have it for the next meeting, and the site plan itself may follow because they are still working on things, the subdivision has to be filed before the Site Plan can go in to effect so we are trying to sequence it to get a head start. The appraiser has been retained, and the Trustees authorized a resolution adopting the same. It may take a few weeks, and the condition of the final approval is that the applicant reimburses the Village for that

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fee, but it still had to be authorized by the Trustees. The appraisal is for the park fee and not for Mr. Hill to review we will use it to calculate the formula of the park fee.

Mr. Reilly asked if we're holding them both over to May 23, 2019 and we will permit the proposed determination to be shared with the applicant for comment.

**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.

**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.

**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.

**7. Marios Nikolaides, 36 Hazelwood Avenue (905-6-1-11.1)** Applicant requests a minor Subdivision review to create a three-lot subdivision on a lot located in the R-4 Zoning district.  
**HELDOVER TO JUNE 27, 2019**

**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. She submitted a revised survey addressing some of Mr. Hill's comments.

Mr. Hill said he has not seen them.

Mr. Pasca said we can work on the SEQRA and the only question Mr. Collins had was whether they were proposing the new IA systems, and I think they are willing to do that.

Ms. Wright said yes, they are.

Mr. Pasca said the Negative Declaration is ready to go and prepared, so if you are okay with it, you can adopt the negative declaration for the Subdivision.

**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.

Motion was made by to holdover the application of **22 Old Riverhead Road, LLC., 22 Old Riverhead Road, Westhampton Beach (905-4-2-10)** to May 23, 2019; seconded by 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.

Motion was made by to holdover the application of **Metro Storage, LLC., 105 Old Riverhead Road, Westhampton Beach (905-2-1-19.6)** to June 27, 2019; seconded by and unanimously carried 5 ayes, 0 nays, 0 absent.

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**11. 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 said they received his submission today, but they are not inclined to make any conclusions at this meeting.

The Board Secretary said that the Village Planner has not seen Mr. Bernstein's plan.

Mr. Bernstein said it was emailed to him today.

Mr. Reilly asked if Mr. Collins has reviewed the plan?

Mr. Collins said no.

Mr. Bernstein said their architect prepared it today. They show the electric meter on the plan with a detail, they are proposing to match the Village's paving to be consistent and they have noted that there are plants now, but they are just going to be replaced by the paving. And then we are going to be forming a hedge of plants along Library Avenue so there will be more plantings there and they will look more like a hedge there. There will be electric along Library Avenue.

Mr. Neubauer asked why they left out the size?

Mr. Collins said it has to be installed at 3' at installation.

Mr. Bernstein said he gave his architect the height, they will be 3' and the arborvitae have to be 4' but his architect did not put them on the plan.

Mr. Collins said that has to be a conditional of the approval that they are installed at 3' and 4' respectively.

Mr. Reilly asked if its irrigated?

Mr. Bernstein said it is now. It is irrigated along the terrace and the Western wall.

Mr. Collins said he is okay with the plan as long the heights are referenced in the conditions of the resolution.

Mr. Pasca said if it's in the resolution, when the time comes for a CO it will be part of that.

Motion was made by Mr. Neubauer to accept the plan for 145 Main Street, Westhampton Beach, 905-11-2-29, drawn by Nicholas A. Vero dated 5/8/2019, and date stamped received by the Village of Westhampton Beach on May 9, 2019; with the condition that the plantings of the Ilyx installed 3' and the arborvitae at 4'; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**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**

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**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.

**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.

Heather A. Wright, Esq., appeared on behalf of the application.

Mr. Hill said he reviewed the SWPPP and that did not include the construction of the driveway as part of the subdivision.

Ms. Wright said she has comments from Doug Adams, they have access to the fill now and they want to use that to raise the grade because of the flooding, but it wasn't prepared in conjunction with the subdivision.

Mr. Hill said it's segmenting to do it now, I would rather do it all at once. If the subdivision goes through the lot lines will need to followed, but because this is part of the subdivision it won't be a factor, you must have to adhere to the outside property lines you won't have the issue of the inside lines or the driveway but I want to see them put together.

Ms. Wright said she is going to work on that with Doug Adams.