

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on June 13, 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

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.

John Bennett, Esq., together with Richard Searles, Architect. Mr. Bennett said they have submitted revised plans, and they have received a comment from Mr. Collins regarding additional street trees that they are happy to provide.

Mr. Collins said there are two in one island, and one in the other. There are nice pine trees and he'd like to see them incorporated along the back wall, they are about 15' and he'd like to see them transplanted.

Mr. Searles said he will amend the plans.

Mr. Reilly asked Mr. Collins if he is okay with the plan?

Mr. Hill said he was okay with the layout, he needs more grading along the curbs.

MR. Searles said they are changing the grades.

Mr. Hill said he needs to know how the water is flowing and getting into the drainage system, all of the water needs to be contained and he needs to see that and he can't tell that without grades.

Mr. Pasca said they need a grading and drainage plan.

Mr. Hill said they will need the drainage calculations as well, he wants to see the existing areas and everything South of the luncheonette. We have the 8' islands, and they are proposing some shrubs, and that's the Village Right of Way, I don't know how you want to treat that and what you want there.

Mr. Reilly asked if they are along Montauk Highway?

Mr. Hill said no, Pine Street. The maintenance would be the Village.

Mr. Neubauer asked if that's shown on the new landscape island?

Mr. Hill said yes.

Mr. Pasca said it can't be a perpetuity though.

Mr. Reilly said there's an existing landscaping island on there already in the Right of Way, so who takes care of that?

Mr. Bennett said we do.

Mr. Hill said they will take care of it, I'm sure but it is Village o Right Way and we don't usually put shrubs there.

Mr. Neubauer said the goal is to conceal the operations, Pine Street is ridiculous.

Mr. Reilly said he's okay with it, the decision will require the property owner to maintain it and take care of it.

Mr. Hill said he is not used to seeing it.

Mr. Bennett said because of the prior operations there that's what drove that island.

Mr. Neubauer said the goal of all of the accommodations is to improve this site to the residents of Pine Street, it's been unfortunate for at least a decade, but this is a genuine effort in the right direction.

Mr. Bennett said they will have some more information for Mr. Hill and provide those elevations, do you think it would be okay to do the referrals?

Mr. Pasca said yes, as long as the site plan won't change. If we get a referral back from the County whatever it is will be sufficient unless a material change is made to the plan.

Mr. Reilly said he doesn't anticipate any changes.

Mr. Pasca said he only thinks Mr. Hill will be seeking rings, pipes, etc.

Mr. Reilly asked when they would like to come back?

Mr. Searles said he would need a month.

**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 2<sup>nd</sup> floor. The property is located in the B-2 Zoning District.

Jefferson Murphree and Kieran Pape Murphree, Esq., appeared on behalf of the application. They have submitted revised plans and the Site Plan details are sufficient and they believe they are ready for a decision on that.

Mr. Pasca said we have to refer the Site Plan separately. You should submit to Maeghan the plan, if they want a decision soon thereafter, we should start the referral process. We may be able to go over the conditions, this will be more complicated than the Standard resolutions; I would be more comfortable going over the conditions in a draft and let the applicant review them and comment and we are all comfortable with them.

Mr. Neubauer said as a time frame we are looking to bring the applicant back on June 27<sup>th</sup> to review the draft?

Mr. Pasca said yes.

Mr. Neubauer and by July 11, 2019 you should have a response.

Mr. Murphree said they'd like to return on June 27, 2019. There was another issue on the Park Fee and he believes that was separate from the subdivision resolution.

Mr. Pasca said now that we have the appraisal back it's going to be done at once, we aren't going to separate it out.

Ms. Murphree said now that the Park Fee is going to be included in the resolution, there are two (2) appraisals, one was done by her client which came out to \$7 per square foot, and the Villages appraiser and it came out to \$13 per square foot; and in reviewing it, the idea that this is based on one year to finish the project but really the land is vacant and we've been at it for four (4) years, there is a question on the present value of something. What is the fair market value at the time of the application procedure and when its deemed complete, or when it's ready to be signed off on, either way there is a discount on the present value, this has taken almost four (4) years and if something is \$100,000.00 now it may be worth \$40,000.00 more in four (4) years, but there is no procedure for a disagreement with the appraisal. Southampton used to have the appraisals being done by two (2) people; her client is suggesting averaging them.

Mr. Neubauer asked if they reviewed both?

Ms. Murphree said yes. It's a regular appraisal.

Avi Sharbani said the appraisal they got from the Village was not a regular appraisal, and he spoke with a few appraisers and they said that; he does not know what the value is, and he thinks they can get another one but this one is very high and it does not reflect the prices. So we can take them and average them or we can get a third one.

Mr. Neubauer asked if there's a mechanism for it?

Mr. Pasca said we retained an appraiser independently because the appraisal they submitted did not account for the subdivision at all, and attributed a \$2.00 value; the Board hired an appraiser who works for municipalities all of the time and if they want to contest that they can, they have to present evidence and real evidence. It was about a fraction of the assessed value and the value they paid for a few years ago, but you have weigh in and look at both and I'm not making any findings for anyone but you have two (2) appraisals before you, if they want to submit a third they can or other evidence they can. You have two (2) and you can do what you want with them.

Mr. Reilly said generally speaking, the Village hired an appraiser that doesn't have any dog in the race with no vested interest in the outcome, you hired your appraiser with a goal in mind and we have to take that in to account. If you want to submit another appraisal that satisfies the Village Attorney's concerns I will look at it. I'm not averaging them,

Mr. Neubauer said the average is not an option.

Mr. Pasca said the main issue with the first appraisal the applicant submitted; this is subdividable plan and it was not valued at that; they made adjustments based on sizes of the lot based on \$2.00 per square foot and its not logical to appraise subdividable land. If you want to come back with another appraisal you can, but the first one was a comp appraisal based on single family lots that were adjusted for size, and there is no logic to that. It was not local and it was not done with subdividable lots in the Hamptons. Either you have to analyze the subdivision done by an appraiser who can explain it or live with our appraisal.

Mr. Sharbani said okay what if we bring an appraiser and you don't like those numbers.

Mr. Reilly said it's not about the numbers, take the comments from the Village Attorney to whomever, I would agree that there is someone who is familiar with the area, Westhampton differs from Southampton, will certainly carry more weight with this Board. We will know that they know the area, and take those comments and submit what you see fit.

Mr. Pasca said it's not my job to review appraisals, I reviewed concerns about the type of appraisal, not the result of the appraisal. He knows Mrs. Murphree knows what appraisal they are seeking

Mrs. Murphree agreed. One can say that a Park Fee is a tax which was required by NYS and done in Village and NYS Laws. They talk about park land and they talk about you having a finding that there is a need for parks which is fine, the Village adopted their Law which about the general requirements of subdivisions of land and there is a section that talks about the formula for each new lot created, they specifically say new lot; there was one undivided lot that could have one house on it, there already has been and the Village has looked at existing residential lots that's why they put in each new lot created; here we have three lots and you are asserting it's only two additional lots and when you do that it says a flat fee for the additional lot created, it doesn't talk about a house, it only talks about a two lot subdivision there is no

mention about whether there is a house or not. Now you are creating another two additional lots so whatever the park fee is it should be for two (2) lots.

Mr. Neubauer said the pivotal phrase is new, you are creating three new lots out of one lot.

Mrs. Murphree said no it's one lot, I can put a house on it now.

Mr. Pasca said it's complicated, it's further complicated by a four (4) lot subdivision and there's an oddity the one lot is being divided so a piece is going to the commercial lot and being merged. I read it and I say, lot 1, 2 and 3 are all new lots that don't exist today but this Board has to make the final interpretation because it's a subdivision regulation. We tried to see if there was any precedent for their argument; we didn't find anything. We have not had a park fee in five (5) years, this is the first one in five (5) years, to me these are at least three (3) new lots with the commercial lot being discounted, they are new lots that do not exist today.

Mr. Collins said we just did, maybe more than five (5) years ago two (2) lots on Seafield Lane.

Mr. Reilly said if it was a three (3) lot subdivision we treated it as three (3) new lots.

Mr. Pasca said we can look at, there was one (1) litigated recently and before my time and it was upheld by the Court and it was challenged.

Mrs. Murphree said the difference is the amount of money, it says additional lot created.

Mr. Pasca said they are creating a flat fee for it though. The two (2) lot is \$5,000.00 I don't think you can compare it.

Mrs. Murphree said it is for the lot created, it doesn't say that in other codes. You won't find local ones, it says each new lot created.

Mr. Pasca said every lot on the subdivision is new, it does exist today. There is one lot that's a different lot.

Mrs. Murphree said we're talking about the number of the lots. I would like it as a separate resolution.

Mr. Pasca said it will be done before.

Mrs. Murphree said she would like it separate.

Mr. Murphree said when there is ambiguity in the Code subject to interpretation it has to be weighed toward the applicant and property owner not the municipality.

Mr. Reilly said if the Village has handled this uniformly a certain way, I am not inclined to depart from that and if you disagree with that and go to the Supreme Court that is fine we will abide by that.

Mr. Schermeyer said we should look at the subdivisions on Seafield Lane.

Mr. Reilly said you should look in to it.

Mrs. Murphree said they'd like a separate resolution.

**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 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.

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. **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.

16. **Etty & Sol Levy, 41 Griffing Ave, (905-013-01-021.01).** Applicant requests a site plan review to install fill in the floodplain in conjunction with the construction of additions and alterations to a single-family dwelling and the associated required upgrade of the sanitary system. The 1-acre property is located at the Northwest corner of Griffing Avenue & Howell Lane, in the R-2 zoning district.

### **NEW APPLICATIONS**

17. **85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02).** Applicant requests Site Plan review to construct a two-story restaurant building with associated site improvements including improvements on lots to the West & South, consideration of a change of Zoning District for the Southerly lot with demolition of the dwelling and site build-out for parking with buffer, and site improvements on the Westerly lot including curbing, buffer & access reorientation.

Nicholas A. Vero, Architect appeared on behalf of the application.

Mr. Reilly said the Village Trustees are being asked to consider moving the Zoning Line, this Board is not addressing that issue because that's a decision made by the Trustees; we are being asked as a theoritcal site plan to see if it works from a planning perspective.

Mr. Pasca said there are two parts, the part you mentioned and SEQRA and the Trustees are looking for this Board to take on Lead Agency because it's the proper forum to look at the impacts.

Mr. Reilly said in terms of the Zoning Line change it is not our decision.

Mr. Pasca said if you agree to take on Lead Agency you will look at the impacts of the rezoning.

Mr. Reilly said okay; we are with our experts and best placed which is why we will assume Lead Agency. I would be inclined to take on that. Motion was made by Mr. Neubauer to accept Lead Agency.

Mr. Pasca said make the motion to resolve to initiate the coordinate review process and invite other agencies there is a process that you must take. There are other agencies who have to be notified; the ZBA will too. The resolution is to initiate the coordinated review process and invite other agencies.

Mr. Collins said the application is to the Trustees, usually they coordinate the process.

Mr. Pasca said they should be included in the letter.

Mr. Vero said they are here because they've been referred by the Trustees. He has put together an initial site plan and they are looking to the Southerly lot and it was business zoned a number of years ago and reverted back to residential zone and they are now going back to Business which coincides with the business line to the East. This is an initial site plan and with all due respect to everyone, I have not sat down with anyone other than Mr. Houlihan and it would behoove us to sit down with the new Building Inspector.

Mr. Neubauer said the parking and drainage are all based on knowledge and what you expect from this Village?

Mr. Vero said yes, he has not discussed with Mr. Collins, Mr. Hill and Mr. Hammond yet. There are issues with the site that we want to clear up.

Mr. Reilly said we had a slight discussion a year ago no one is looking to prevent the site from being cleaned up, that is certainly our goal but at the same time there are issues with the parking expansion and the expansion in to the residential areas next to and behind it and it looks like a dramatic expansion and interesting lot line issue down the middle of a parking aisle and I'd like to see if we can get the coordination between the two (2) lots to make it merged better. I think as I recall this was operating under a single site plan for two (2) lots, we'd like to clean that up.

Mr. Vero said we can look to that. I would recommend that we move forward with Mr. Collins, Mr. Hill and Mr. Hammond for their input. It is your job to be lead agent.

Mr. Reilly asked if there are any preliminary comments.

Mr. Neubauer said we discussed this before and we are concerned about the proposed building square footage.

Mr. Reilly said that is driving the parking, it's a self-created issue.

Mr. Jones said there were a few large trees that may or may not be able to be saved

Mr. Reilly said it also looks like the landscape buffer area to the West are larger than originally proposed.

Mr. Vero said we will re-visit that. They want to maximize the building based on the seating that existed there.

Mr. Reilly said the proposed building area is 2,500; what is the existing now?

Mr. Vero said 2,800 including the second floor.

Mr. Reilly said we're looking to put on an additional 2,300 square feet?

Mr. Vero said yes. He will make a point to meet with Mr. Collins, Mr. Hill and Mr. Hammond and move forward with a more direct plan after receiving their plan. We can discuss the lot line issue; I believe the little restaurant is grandfathered for no parking but I'll discuss the same with Mr. Hammond.

Mr. Reilly said there were two (2) businesses operating as one.

Mr. Vero said that's the intent now.

Mr. Reilly said we will initiate the SEQRA coordination process.

Mr. Vero said okay, thank you.

Mr. Pasca said we have to do a public process with the SEQRA coordination, there are a lot of issues of public interest on this and that's the process we have to follow. What other alternatives do you want to look at, and the impacts.

Mr. Reilly said yes. Mr. Collins, Mr. Hill and Mr. Hammond can draft memorandums to the Board.

Mr. Pasca said you have to open the discussions to the public.

Thomas Gibbons, Esq., appeared on behalf of the application on behalf of Christopher Nuzzi; he asks that the Board keep the hearing open for their comment, and he has a question there is an issue on the Site Plan that talks about the proposed zoning change, there are parking for 10 cars and he only counts 9 spaces, can that be addressed.

Mr. Reilly said it's either 9 spaces or 11 spaces; I only see 9 spaces.

Mr. Gibbons said he only sees 10 spaces.

Mr. Vero said it is the row of parking, he has 10 in one row and 9 in the either.

Mr. Pasca said the hearing will stay open for a long time, it won't close until there is a final decision.

### **OUTDOOR DINING**

**18. BMB Enterprises LLC., 145 Main St, (905-011-02-029).** Applicant requests to establish an outdoor dining permit for tables and chairs in conjunction with a 16-seat restaurant on the subject parcel which requires a recommendation from the Planning Board to the Village Trustees per §196-4 F.

### **TRUSTEE REFERRAL**

**19. BMB Enterprises, LLC., 145 Main Street (905-11-2-29)** Special Exception Referral for seven (7) tables, and twenty-eight (28) chairs on the back patio.

Barry M. Bernstein appeared on behalf of the application. They are requesting to have outdoor seating on the patio behind the building, they are asking for 7 tables, and 28 chairs, 4 chairs per table, and he'd like to report to the Board with a soft opening this weekend and a grand opening thereafter. I would like to bring the Board back in terms of the use and the park had tables and chairs there and the community provided a lot of feedback who enjoyed a place to sit and they are asking for the same for the community to use. There is a guest speaker, Danielle, Westhampton Free Library, and she said that Mr. Bernstein said the Library staff can use this on their break.

Mr. Reilly said the application is hardly a surprise to this Board. An issue they have, and have had throughout the Village is control over the site; once they are mobile they are very mobile and one thing we have done with new applications on new projects not knowing how the business functions we do a test period, and I will reference the Beach Bakery; we gave them a limited amount of tables and chairs to see how it manages to make sure it does not travel off of the property and 7 tables and 28 chairs is excessive to start; I think as a trial for this Summer I suggest 4 tables, and 16 chairs to see how it is managed and functions. It is hard to tell the customers whether they can or cannot move them. We want to make sure it does turn in to a problem or a hazard. That is my suggestion.

Mr. Bernstein said we've given a lot of thought to that, we want to manage that and the use of it and we feel that given the fact that this is behind the building and not on Main Street, its in between the building and the Library we would impose a restriction and controls in terms of the use. I am anticipating if we limit the number of seats we will create a situation that people cannot sit when they want to and we'll have to turn them away.

Mr. Neubauer asked Mr. Pasca if we limit, can he come back? Is there a mechanism for it?

Mr. Pasca said the process takes a long enough time the Summer will be over, it will be hard to say to do it and come back to amend it, by the time its referred back to this Board it will be tough to have two (2) applications in one summer.

Mr. Bernstein said we have received a very good response from the community, and if we don't have adequate seating outside we'll have to tell them they cannot be accommodated. We would like to share it with the Library and if there's not enough we will have to turn the library staff away.

Mr. Logozzo said if he understands it correctly, they will allow the Library staff to use the seating during breaks.

Mr. Pasca said it is a trial Summer, and we can see how it works and they have to come back for a new permit and if there are problems that is part of next years and you can be denied the following year. The renewal is not automatic. I am not saying it to influence it either way, there is a mechanism to review it after each seating.

Mr. Jones said we could approve this as a trial for this Season?

Mr. Pasca said yes, its just a recommendation for one season, if there are problems that's part of the process and violations are noted and if there are violations we cut back next year.

Mr. Schermeyer asked if they intend to have music?

Mr. Pasca said that's a separate application, and separate permit.

Mr. Reilly said the consensus of the Board is to give you almost 28, we will make the recommendation that you are given 6 tables with 4 chairs per table. If it works out you can ask for more next year.

Mr. Pasca said you can argue to the Trustees to override the recommendation.

Mr. Reilly said there has been conversations about the landscaping, we want to see them kept alive, and we want them to grow, they are dwarf like and not what we want.

Mr. Jones said you need to make them grow.

Mr. Reilly said if they do not survive you will have to replace them.

Mr. Bernstein said now we have a TCO.

Mr. Reilly said that's deferred to the Building Inspector.

Mr. Hammond said there was no decision over the landscaping, so if the Board's okay with the landscaping, we can issue a Full CO.

Mr. Reilly said he is not happy with it, but they will authorize Mr. Hammond to issue a CO.

Mr. Pasca asked if the Site Plan matches what's built?

Mr. Reilly said in terms of what we wanted planted is there, but the height and sizes are not.

Mr. Neubauer said they are willing to accept them as built.

Mr. Reilly said do we make a resolution to change that?

Mr. Pasca asked Mr. Bernstein what he had to say.

Mr. Bernstein said he believes the original site plan said the plants were 2' to 3' and then we came back and we met with the arborist and we modified the site plan and we asked to modify the landscaping plan and the Village Planner recommending that they are 3' and he recommended a hedge, and the additional were 3' and the original were 2' we didn't want to rip them and we couldn't return them. But they will grow. But we do want a CO.

Mr. Logozzo said we discussed it and you can have the CO.

Mr. Reilly said the intent is there, but the trees must survive.

Mr. Pasca said procedurally have you ever formally approved the modification?

Mr. Reilly said yes.

Mr. Hammond said yes, the height was not specific but the plants were changed on the plans and after Mr. Collins saw the site and the Board was not thrilled with the plantings so I issued a TCO to sort this out.

Mr. Pasca asked if any site plan needs to be re-approved?

Mr. Hammond said no.

Mr. Pasca said to have a clean record I would like one.

## **WAIVER OF SITE PLAN**



20. **Sunset West, LLC., (Giraldo Gallery) 87 Sunset Avenue, Unit “A” (905-12-1-49)** Applicant requests a Waiver of Site Plan to change the use from a 50-Seat restaurant to an Art Gallery. The property is located in the B-1 Zoning District.

Grant Card 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: June 13, 2019

IN RE: **Sunset West, LLC. (Giraldo Gallery)**

87 Sunset Avenue, Westhampton Beach

SCTM #: 905-12-1-49

WHEREAS, **Sunset West, LLC. (Giraldo Gallery)**, has applied to the Planning Board for a Waiver of Site Plan pursuant to § 197-63 (I) of the Village Code, to convert an existing 50-seat restaurant to an Art Gallery, at the above referenced property; and

WHEREAS, the Board has reviewed the application and reviewed the floor plan drawn by Design Works Architect Group, dated May 14, 2019, and date stamped received by the Village of Westhampton Beach on May 17, 2019; and

WHEREAS, the application is classified as Type II action under 6 NYCRR §617.5(c)(9), and therefore requires no further review under SEQRA; and

WHEREAS, the application qualifies for a Waiver of Site Plan under § 197-63(I)(1)(b) because the application is for a change of use that does not result in an increase in the floor area or an increase in parking space requirements, nor any change, increase, or new or additional Health Department requirements.

NOW THEREFORE IT IS RESOLVED, that the Waiver of Site Plan for 87 Sunset Avenue, Westhampton Beach, New York 11978, SCTM #: 905-12-1-49 is hereby granted.

Dated: June 13, 2019

Motion was made by Mr. Reilly to grant the determination of **Sunset West, LLC., (Giraldo Gallery) 87 Sunset Avenue, Unit “A” (905-12-1-49)** as written; seconded by Mr. Neubauer and unanimously carried 5 ayes, 0 nays, 0 absent.

**DISCUSSION**

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

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

**WAIVER OF SITE PLAN**

23. **East End Hospice (Robert Busking) 56-58 Old Riverhead Road (905-4-2-25.6)** Applicant is seeking a Waiver of Site Plan to change the use from retail to office. The property is located in the B-2 Zoning District.

Mary Crosby, East End Hospice appeared on behalf of the application. Mr. Reilly stated that the Board has granted the waiver of site plan and the reading was waived.

RESOLUTION OF THE PLANNING BOARD

VILLAGE OF WESTHAMPTON BEACH

Dated: June 13, 2019

IN RE: East End Hospice, Inc.

58 Old Riverhead Road, Westhampton Beach

SCTM #: 905-4-2-25.6

WHEREAS, East End Hospice, LLC., has applied to the Planning Board for a Waiver of Site Plan pursuant to § 197-63 (I) of the Village Code, to convert an existing retail store to a professional office, at the above referenced property; and

WHEREAS, the Board has reviewed the application and reviewed the floor plan John Peters, Facilities Coordinator, East End Hospice, date stamped received by the Village of Westhampton Beach on June 6, 2019; and

WHEREAS, the application is classified as Type II action under 6 NYCRR §617.5(c)(9), and therefore requires no further review under SEQRA; and

WHEREAS, the application qualifies for a Waiver of Site Plan under § 197-63(I)(1)(b) because the application is for a change of use that does not result in an increase in the floor area or an increase in parking space requirements, nor any change, increase, or new or additional Health Department requirements.

NOW THEREFORE IT IS RESOLVED, that the Waiver of Site Plan for 58 Old Riverhead Road, Westhampton Beach, New York 11978, SCTM #: 905-4-2-25.6 is hereby granted.

Dated: June 13, 2019

Motion was made by Mr. Neubauer to adopt the determination of **East End Hospice, Inc., 58 Old Riverhead Road, (905-4-2-25.6)** as written; seconded by Mr. Reilly and unanimously carried 5 ayes, 0 nays, 0 absent.