

July 25, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on July 25, 2019, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman  
Ralph Neubauer  
Michael Schermeyer  
Rocco Logozzo  
Jack Lawrence Jones

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.

#### **HOLDOVERS:**

**2. 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.

No one appeared on behalf of the application. John J. Bennett, Esq., submitted a request to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach.** to August 8, 2019.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach.** to August 8, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**3. 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.

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Jefferson Murphree appeared on behalf of the application, together with Kieran Pape Murphree, Esq. Mr. Murphree said they met with the Highway Superintendent and revised their plans per that meeting; they added two street lights, they added an electric underground conduit through the far end of the cul-de-sac; on the landscaping it was reduced to turf and four (4) street trees and irrigation and water bags for the street trees; he requested no curbing and they have two plans; Plan A which is a private road which shows a gate; and Plan B which is the public road which is the exact same plan with no gate. They have done everything they have been asked of.

Mr. Reilly said these were only submitted yesterday and have to be reviewed by Mr. Smith, and until we get something back from him we cannot proceed.

Mr. Neubauer asked if Mr. Hill reviewed this.

Mr. Hill said yes, they have added everything, and it could go either way and as far as the Village accepting it, you tied the two (2) street lamps and I could not see where the conduit was and that's the difference because if it stays private the electric will have to be paid by the HOA and public the Village will have to. You need to define where its coming from and how you are going to switch the charges should the Village ever take the road.

Mr. Pasca said the HOA will pay it if it's Private; is there a separate meter?

Mr. Hill said no, the street light is paid at a flat rate based on the fact there is a dimmer so it may not require a meter with PSEG; but it needs to be defined who is paying for the bill. If it's a Village road it should go to a utility pole right away. It's not a big detail but it needs to be worked out.

Mr. Murphree asked if they can make it subject to?

Mr. Pasca said no.

Mrs. Murphree said she wants to know if they can obtain an approval because these are minor and can be conditioned. Often in Subdivisions the Highway Department signs off on built roads and this could hold us up another month, and we have a site plan we would like to finalize and these are minor things.

Mr. Pasca said your big period of time is going to be in satisfying the conditions. You know them so you can get a head start on them.

Mrs. Murphree said there are limits on subdivision, after its deemed complete isn't it 62 days?

Mr. Pasca said the hearing is still open; the Board if they say today its closed, which they are not doing without the Highway Superintendent's approval, they still have 62 days.

Mrs. Murphree asked if they can work on the Site Plan at the next meeting?

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Mr. Reilly said the park fee has not been worked out as of yet.

Mrs. Murphree said they are waiting on this Board to decide that.

Mr. Pasca said that's a decision for the Board to make.

Mr. Reilly said we all reviewed it and we have reached a consensus that we do not agree with your interpretation.

Mr. Murphree said that's fine they accept whatever decision they make.

Mr. Reilly said generally we assess it by the outcome of lots you wind up with.

Mr. Murphree said they understand that.

Mrs. Murphree said there should be a law about that so it's clear.

Mr. Neubauer said they are inclined to decide about the appraisal, and they are deciding to go with the Village's appraisal.

Mr. Murphree said okay, you have to calculate that, and put it in the resolution.

Mr. Neubauer said you are fine with that?

Mr. and Mrs. Murphree said yes.

Mr. Pasca said officially it's decided as part of the resolution.

Mr. Murphree said they understand and aside from the Highway Superintendent finalizing his plan, we'd like to be assured that we can receive a decision at the next meeting.

Mr. Pasca said the Board does not take 62 days because they can; the lot does not exist until the map is signed and filed and the site plan is conditional; what difference does it make if you have that decision the same exact day or two weeks later because if you cannot put anything in to effect until the conditions are fulfilled.

Mrs. Murphree said they have it and should be on the same meeting.

Mr. Murphree said it leaves it open ended and we want that period to be closed to move on with certainty.

Mrs. Murphree said she's seen it done.

Mr. Pasca said he's not arguing whether it's doable, it's a question about the timing. So you want your determination?

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Mr. Murphree said yes.

Mr. Reilly said we have to wait for the Highway Superintendent to review this and provide comment.

Mr. Murphree said they have scaled things back, per his conversation.

Mr. Pasca said the performance bond estimate was based on the prior plan, are you comfortable with that being the same estimate being applied to this? And Mr. Hill do you think that's a reasonable number?

Mr. Hill said yes.

Mr. Murphree said yes.

Motion was made by Mr. Neubauer to holdover the application of **Avidor Group, 133 Montauk Highway, (905-5-2-4 and lot 5 and lot 38) to August 8, 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. **HELDOVER TO AUGUST 22, 2019**

**5. 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.

Mr. Vero stated they are waiting on the Board of Health, and requested to hold the application over to August 8, 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 August 8, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**6. 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 SEPTEMBER 26, 2019**

**7. 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 said that Mr. Hill asked for more detail on the SWPPP and that has been completed.

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Mr. Hill said that is fine.

Ms. Wright said the next step would be a resolution.

Mr. Pasca said there is a park fee also required on this. Has the plan been reviewed in terms of fire apparatus access?

Mr. Hill said yes, they laid out a hammerhead to get in and out.

Mr. Pasca said the road and drainage is ready to go?

Mr. Hill said yes.

Mr. Pasca said we allowed the applicants to present an appraisal and they did and it was not accepted and the Board got their own appraiser to do one, and you could opt to use your own or we will present you with an appraisal and see if its acceptable. But it is up to you.

Ms. Wright said I would like to do it and have our own appraisal done and presented to the Board.

Mr. Pasca said what I encourage you to tell them is to do a subdivision analysis.

Mr. Neubauer said to try to find a person who has reasonable knowledge of the vicinity.

Mr. Reilly asked Mr. Collins if he has any questions or comments.

Mr. Collins said no he is fine with the plan.

Motion was made by Mr. Neubauer to holdover the application of **285 Oneck Lane, LLC., 285 Oneck Lane (905-9-2-35)** to August 22, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**8. 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.

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 August 8, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**9. 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.

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No one appeared on behalf of the application. Philip Butler requested to remove the application from the agenda without prejudice.

Motion was made by Mr. Neubauer to remove the application of **Metro Storage, LLC., 105 Old Riverhead Road, Westhampton Beach (905-2-1-19.6)** without prejudice; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**10. 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.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to holdover the application of **112 WHB, LLC., 112 Old Riverhead Road, Westhampton Beach (905-2-2-4.4)** seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**11. 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 once we receive the coordinated review, we will have Mr. Collins review and comment, and adopt a SEQRA determination.

Mr. Pasca said they are allowed 30 days to respond.

Mr. Collins asked what the nature of the changes are?

Mr. Vero said they were driven by a traffic engineer.

Mr. Collins said the area had much more of a buffer.

Mr. Pasca said there is a process once Lead Agency is set up and it should be open to the public because that's where a lot of the elements will be set. We should get public input.

Mr. Hammond said there is a site plan that we public noticed and started, and there's a referral from the Trustees about the Zone change and the SEQRA and the restaurant is a special exception, before we get too far in to the site plan I think getting SEQRA done and returning the intention with the Trustee referral to get the zone change going.

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Mr. Pasca said SEQRA has to be done first, it has to proceed the change of zone if that happens. For purpose of SEQRA we need a conceptual site plan for Mr. Collins to analyze the impacts and the public will also set the tone for what is going forward. In the application for Avidor there was a public comment that drove a condition of the application, and it's an important part of the process.

Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Oak Street, LLC., 85 & 105 Montauk Highway (905-5-1-12, 53.1 and 52.2)** to August 22, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**12. SKL Realty Holdings LLC, 115 Main St, (905-011-02-022).** Applicant requests site plan review to construct a two-story mixed-used commercial building (4,153 sf) with partially covered front patio for two retail suites and a restaurant on the first story and a single-family apartment and restaurant accessory office/storage room on the second story, with associated site improvements. The 6,840 sf property is located on the south side of Main Street in the B-1 zoning district.

Jason Ormond, Architect appeared on behalf of the application. Mr. Ormond said they have addressed the comments.

Mr. Hill said they thought they were going to set up a meeting to discuss what was needed and he thought they needed to submit a new plan because the stairs are on the Village property.

Mr. Ormond said the drainage was shown on the previous site plan, and they pulled the stairs off the sidewalk.

Mr. Hill said he did not see it.

The Board Secretary said it came in today.

Mr. Ormond said the dumpster location was pulled off and on to the property.

Mr. Pasca said it's become a policy not to review the plans submitted that day.

Mr. Collins said they should indicate what was changed and they will review it for the next meeting.

Mr. Ormond said he is hoping to get a referral to the ZBA and they are receiving an approval from the BOH.

Mr. Pasca asked what they need from the ZBA?

Mr. Ormond said the retaining wall for the septic in the rear a side yard and rear yard variance, which is the only variance required.

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Mr. Pasca said unless Mr. Collins or Mr. Hill think that will change, and if you want to take a chance and advertise with the ZBA as is, that's your choice. You want to be comfortable that you do it once, but if things change and you need a more aggressive variance, but its up to you to decide when to start.

Mr. Ormond said okay.

Mr. Collins asked the height of the retaining wall?

Mr. Ormond said it is about 5' tall.

Mr. Hill said the drainage is going under the raised patio right?

Mr. Ormond said yes, and there are Trench Drains on the side.

Mr. Hill said okay.

Mr. Collins asked if they submitted a cross section for the retaining wall and septic?

Mr. Ormond said yes.

Mr. Collins said he does not have a copy of that.

Mr. Ormond said he will give him a copy.

Motion was made by Mr. Neubauer to holdover the application of **SKL Realty Holdings, LLC., 115 Main Street (905-11-2-22)** to August 8, 2019; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

### **REQUEST FOR CHANGE OF ZONE REFERRAL 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



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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. Alvi Abuaf, 10 Fanning Dr, (905-015-02-008).** Applicant requests a site plan review to reconstruct/modify an existing tennis court and import fill the floodplain for an approved sanitary system enclosure in conjunction with the redevelopment of a single-family dwelling lot. The 61,558 SF property is located at the north side of Fanning Drive, in the R-1 zoning district.

Joshua Rosensweig, Austin Patterson & Disston Architects appeared on behalf of the application. He said they received the comments from the Building Department, and they were able to work with Fox Land Surveying and they are submitting them tonight.

Mr. Hammond said they went to the site and there were questions and the parcel is almost an acre and a half and they need to figure out whether it triggers SWPPP and the vegetation; the retaining wall, patio, tennis court there are questions about the final elevations.

Mr. Rosensweig said the first comment limits the clearing to less than an acre; you will see now an affected area to the limit line and he thinks that takes care of the request 1; #2 the drywells, what was proposed is now French Drains along the East and West property lines; and 3 the elevations are now shown on the survey and you can see them all on the survey submitted tonight; 4 storm water runoff in the driveway must be kept off of Fanning Drive and they have added the French Drains and the details to do so and he is hoping that those requests were answered and will be able to receive an approval on August 8, 2019.

Mr. Reilly said our experts have to review this and we could have a determination on August 8, 2019 if the comments have all been addressed.

Mr. Rosensweig said there was a letter received today, and is it proper for him to respond?

Mr. Reilly said it looks as if there are a lot of neighbors who wish to speak.

Mr. Rosensweig said the DEC tidal wetlands takes jurisdiction on this property, and its unique and most sanitary systems are in the front yard and the wetlands and State DEC requirements are pushing this to be in the rear yard, they have arced the 150' line in the rear yard and the BOH counts other rooms and calls it a 7 bedroom system. In terms of limiting fill the pool was constructed on the South and that limits the amount of fill, but water is not fill and helps that cause. We are only requesting the retaining wall for the sanitary system and enough fill for that sanitary system.

Mr. Reilly said he knows there are a number of people in the audience who wish to comment. I will preface before you get up to make your comments which we welcome, be aware in any determination we render a condition of that will be that the water on this property remains on this property, they are not going to be allowed to get the water on to adjacent property and if that does happen there is a code enforcement mechanism for that; and during construction they will be monitored too. It has been our experience as a Board, when French Drains are installed the

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subject property gets more dry, as well as the property around them. A lot of people fear the ultimate result will cause the flooding and we put the conditions on that, and we are not saying we are granting anything but our concern is the neighboring property's. With that being said, if you want to come up you need to give your name, address and keep your comments as brief as possible.

Ted Breslin, 97 Beach Lane and he's directly impacted. He has no concerns about the construction or plans, there were two (2) instances when they were flooded out and it's their property and garage when they do pool work, and the run off is always dumped to surrounding properties.

Mr. Neubauer said there are laws to prevent that.

Mr. Breslin said he's speaking to the dewatering of the pool and he wants some assurance that there will not be water being dumped to his property.

Mr. Neubauer asked if you filed a complaint with the Village?

Mr. Breslin said yes.

Mr. Rosensweig said we have to have backwash drywells and we will abide by whatever the building inspector wants us to do. There will be no dewatering, its piling construction and there's no dewatering at all.

Mr. Breslin said okay.

Mr. Pasca asked if there's an existing pool. When you get rid of that, where will that water go?

Mr. Rosensweig said the drywell to the backwash, or if the Board would rather take it off site they can.

Mr. Hill said in looking at the plan, the new pool will go in at 12' or 13' above ground water, so no dewatering is necessary for the new pool, and the trick is to get the water out of the old pool and done over time with the dry wells that they are installing for the drainage.

Mr. Hammond said they can be captured on the demolition permit.

Leonard Mikukovski, 8 Fanning Drive, Westhampton Beach said he spoke with Mr. Hammond a few days ago. We have a lot of problems with the flooding, as far as my house is there was years ago, 97 Beach Lane was reconstructed and as a matter of fact a lot of water was brought through 105 Beach Lane and 97 Beach Lane and in to our yard and water stays there all of the time. I also own 17 Stillwaters and there was fill there brought in to the back of me and to the side of me and all of the water came in to my property and there is a lot of problems from that. I want to make sure that will not happen here, because they are going to raise the building 4'.

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Mr. Rosensweig said it will be 3.5' currently from the existing first floor, like the current building it will be up high off of the road and be the same it will look the same.

Mr. Mizukovski asked if it will be on piles?

Mr. Rosensweig said yes, under it will be access and a garage and accessible stair case and foyer and entry.

Mr. Mizukovski asked if its ground level?

Mr. Rosensweig said yes, but it's only what is allowed by FEMA?

Mr. Mizukovski asked if it will be sand?

Mr. Rosensweig under the building will be concrete. The pile gets driven to the ground and there is a continuous concrete footing and walls that come up from there.

Mr. Reilly said our concern is not the construction, but the fill and storm water runoff. We are only assessing the application in terms of fill. The method of the construction and the rest of it is up to the building inspector, not this board not this application.

Mr. Mizukovski asked how they will be sure the water will not flood their property?

Mr. Reilly said we put a condition in the decision, and the applicant must oblige by that. They cannot adversely impact the adjacent property owners and its standard and will be a Code Enforcement issue.

Mr. Mizukovski asked if there are any retaining walls? Is there any other precautions for that?

Mr. Hill said he has added a lot of French Drains to the plan and the hard drainage structures also have been added. There are French Drains all around the tennis court, and both sides of the property and we may add more.

Mr. Reilly said our concern and purview is to address concerns about the effect of the fill on the adjacent properties and that's water runoff and there are conditions to try to assure that there are no adverse impacts on to the neighboring properties.

Mr. Pasca said this hearing will be kept open for 2 weeks and you can retain an engineer to look at the plans and provide comments on them.

Mr. Mizukovski said the Private Road they have, the Fanning Drive road will be destroyed by the construction trucks. Can they restore it?

Mr. Pasca asked what that has to do with the fill?

Mr. Mizukovski said yes.

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Mr. Pasca said this Board does not have anything to do with that.

Mr. Reilly said if it's a private road we can't help with that.

Mr. Pasca said if it's a Private Road we have no jurisdiction over it.

Mr. Mizukovski said they are concerned about how they are going to pump out the pool.

Mr. Reilly said that will be taken care of by the Building Inspector with the demolition permit.

Mr. Mizukovski asked about a construction fence.

Mr. Neubauer said that does not pertain to the fill application.

Mrs. Biderman, 111 Beach Lane, she is on the corner of Fanning Drive and Beach Lane. She cannot get out of her car because the road was built up much higher so his car did not get flooded and all of the water goes in to her driveway, it doesn't disappear and she can't lift the road in front of her house, Fanning Drive is delicate you don't just make it higher and higher, it was a quiet road and you don't have to have all of this building and a tennis court and 7 bedrooms it can't support it. My house is full of water now, too much water collects all of the time.

Mr. Neubauer asked if there were any other comments or questions.

Mr. Rosensweig said he is okay with the comments that Mr. Hill and Mr. Hammond have to make and will comply with conditions set.

Motion was made by Mr. Neubauer to holdover the application of Alvi Abuaf, 10 Fanning Drive, (905-15-2-8) to August 8, 2019; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

## **NEW APPLICATIONS**

**17. Laurence Verbeke, 167 Oneck Lane, (905-009-01-019).** Applicant requests review to subdivide a 207,984 SF (4.77 ac) lot, improved with a single-family dwelling and accessory structures, into two flag lots of 151,621 SF (3.48 ac) and 56,363 SF (1.29 ac). The subject property is located on the west side of and with access to Oneck Lane, in the R-1 zoning district.

Bailey C. Larkin, Esq., appeared on behalf of the application. This is a proposed two lot subdivision and the lot itself is 4.88 acres and they are proposing to maintain the existing structures with the larger lot on the Creek and the smaller lot closer to the road of 56,000 square feet. This is their first submission and does not know if there are any comments.

Mr. Hill said he reviewed it, and one question is how will these Southerly driveways that come out on to Oneck which seems to be access for a lot in the back, I think you need to define the access points for the properties so we know how they'll take the access and how will we protect the access for the back lot and we don't see that on the easement and what is the deal with that?

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Ms. Larkin said the ROW is existing and there are a bunch of lots to the South that have access to that; lot 1 is a new proposed residence and the house will take access off of that ROW and they are proposing to keep that.

Mr. Hill asked if they are going to take access from the Northerly access.

Mr. Collins asked to explain the configuration.

Ms. Larkin said it was to keep it over 40,000 sq. ft.

Mr. Collins asked if the driveway will be maintained.

Ms. Larkin said it will be relocated.

Alexandra Rhodie, 157 Oneck Lane asked why they would use the driveway with 4 lots when they have access to the other driveway? They are going to use the Northern driveway, why can they not use the flag pole part of the driveway?

Ms. Larkin said the flagpole proposal would transfer to Lot 1 and the lot closer to Oneck would maintain their access; the rear house will relocate their access.

Ms. Rhodie asked if 167 would not use their current driveway, would they maintain their own.

Ms. Larkin said correct.

Ms. Rhodie asked how the flagpole is moved?

Ms. Larkin said the driveway is owned by her client.

James Going, Esq., appeared on behalf of, Ms. Rhodie, 157 Oneck Lane and he said he's confused because the proposed survey shows two driveways off of Oneck Lane these are flag lots and he understands there were changes enacted regarding flag lots and how does that affect this property? It shows there are ROW for a driveway coming off of between the property and where 157 Oneck is and what is going on with those ROW, what are the setbacks required for a flag lot and Lot 1 where is the driveway going to be? Will it be next to 157 Oneck and what will happen to the driveway next to that which shows a flag, is that going to be another driveway? How do you get to the back house?

Ms. Larkin said the back house is proposing a driveway on the North side.

Mr. Pasca said he is going to suggest that they come up with an access plan to show which lots will take access and then you can review the access plan and let the neighbors review the same.

Mr. Going asked her to show where the house will be with the setbacks. And can we get a copy of the new setback rules?

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Mr. Hammond said the configuration did not need a variance, and there are a list of comments, is there a deeded right to the driveways.

Mr. Pasca said if they take effect to the new regulations of flaglots you have to comply with them, they are in very early stages. There are no regulations for flag lots as of now.

Mr. Going asked if they can find out what they are about?

Mr. Pasca said when they are advertised, yes. He said to get in to discussion over deeded lots.

Bruce Alpert, 169 Oneck Lane and there is a deed to reach his property and the plans look like Lot 1 cuts in to that right of way, so who owns that? It looks like it's giving that access to Lot 1, and he's concerned about that.

Mr. Pasca said they are not proposing to cut any one off. This process takes a long time so you should monitor and follow it, but it will be a long time before we reach a final resolution.

Mr. Alpert asked what their requirements are with the ROW, do they have to improve them?

Mr. Pasca said it depends, will the use be intensified and we are at the first step of the process, and if there's a common access it has to be reviewed by the Village Engineer.

Mr. Alpert said it's a ROW that it serves.

Mr. Neubauer asked if it's the South driveway.

Mr. Alpert said yes.

Ms. Rhodie asked if they can propose where the house is going, and how big it is.

Mr. Pasca said they do not have to build a house, the subdivision process doesn't require them to build a house they are dividing off a piece of property to enable them to build a house in the future.

Mr. Hammond said on matters of residential subdivision he looks at the building envelope to see if that is something that should be brought to the Board's attention and if that's not the case it will be brought up.

Mr. Hill said if it's within the building envelope and meets Zoning they can build that house.

Mr. Going asked who maintains the ROW.

Mr. Alpert said it has not been maintained.

Mr. Going asked who does the snow removal?

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Mr. Alpert asked what happens to the ROW when the lots are subdivided, is their maintenance and who is responsible. The other point he'd like to make is when it was originally subdivided in to 4 lots, there would not be another subdivision how do you find out about that?

Mr. Pasca said there is a pre-existing circumstance and the Board cannot force anyone to that. There are all of the parties present to have dialogue.

Mr. Neubauer asked if the applicant is the owner of the property?

Ms. Larkin said they own the property.

Mr. Alpert said it looks like the large house will not use the site.

Ms. Larkin said she has a proposed development plan for Lot 1 and I can submit the same to the Board.

Motion was made by Mr. Neubauer to holdover the application of Laurence Verbeke, 167 Oneck Lane, (905-9-1-19) until August 8, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**18. Westhampton Country Club, 35 Potunk Lane, (905-009-03-023.01).** Applicant requests a site plan review to reconfigure a vehicular entrance in coordination with the Westhampton Beach Village Main Street improvement project and also to improve existing dirt road openings and parking area along the ballfield with asphalt, drainage and lighting. The 45-acre parcel is located on the west side of Potunk Lane in the R-1 zoning district.

Vincent Gaudiello, Raynor Group and Bailey C. Larkin, Esq. appeared on behalf of the application. Mr. Gaudiello said they are filing this as part of the main street improvements and the WH Country Club is being forced to realign their access way that enters along the Southerly portion of the clubhouse, there is a proposed realignment of a second access just North of that, that provides for service vehicles. The third aspect is to improve the existing parking lot that's over near the Junior Sports facility which is East of the Little League Field, and that area is proposing grading, drainage, curbing, asphalt, paving, striping, lighting and signage. Part of that is in connection with the Main Street improvements the St. Mark's Church will be offered the use of that during the construction process and those of you who are familiar with the area of the property, and with that being said there is a formal design for it. They received the Building Inspectors comments and they find they to be minor in nature, and they have a question regarding 100% expansion or whether we're improving the parking area, I would clarify that being that its existing though it's not improved with asphalt it is an expansion, I do not want this to limit us should we need a variance and be precluded from that.

Mr. Pasca said he is confused.

Mr. Hammond said there is a pre-existing non-conforming country club which may only be expanded up to 25% of the main building, and there's another saying you can expand up to 100%

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of the square footage of area for storage, mechanicals so I interpreted that it does not require a ZBA approval for Special Exception Use and I could not find a Site Plan approval for it and I calculated the parking.

Mr. Pasca asked which provision does it fall under?

Mr. Hammond said its 100% to expand storage area, and it does not say parking.

Mr. Gaudiello said it was never viewed as an expansion, but improving an existing parking area. I am sure there is no CO that says it's a parking area defined by a CO.

Mr. Pasca said it sounds more like a Zoning Board issue.

Mr. Collins said it has grown over time and become more formal from 2004 to 2008.

Mr. Pasca said that's not a question for the PB; if you need Mr. Hammond to interpret that, and you are worried about the expansion issues.

Mr. Hammond said I put a bound on them by making a comment.

Mr. Pasca said if you don't like what he's saying you have to appear before the ZBA. You are concerned about his opinion?

Mr. Gaudiello said I have to understand where its coming from, and to advise my clients accordingly. If we are using up our 100% I need to let them know.

Mr. Hammond said the remedy would be in a future application and if I deny it, that's when you appeal to the ZBA.

Mr. Pasca said it doesn't sound like you are exceeding anything, you are not aggrieved by that in the future if you need to do something and exceed 100% you have a new opportunity to present that.

Mr. Gaudiello said the site is tough with the improvements. I just wanted to clarify that for my own edification.

Mr. Hammond said I am tasked with limiting expansion or development of pre-existing non-conforming issues, so I made an interpretation that parking is captured, and I think it's okay to expand the parking but you couldn't pave the ball field over should you wish to do that to add parking.

Mr. Pasca said the question is whether you need to go to the ZBA now or later.

Mr. Collins said there is future development, and it would come in to play sooner than later.

Mr. Neubauer asked why they are asphaltting it now?



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Mr. Gaudiello said for the Church use it may be better to use the asphalt.

Mr. Schermeyer said he thinks it's the school too. They are very concerned about the Main Street shut down.

Mr. Gaudiello said they will need a road opening permit to do this too, and we did not go to the extent of the cross walk from the two sites and if that comes up through this Board of the Public Works official, I take no exception to that.

Mr. Collins asked why they are going to add lighting?

Mr. Gaudiello said for security and liability. They are inviting the neighbors to use it.

Mr. Collins said Church and School is not at night.

Mr. Gaudiello said they meet the standards on the lighting Code.

Mr. Collins said they need to show that on the lighting plan and indicate that they comply.

Mr. Gaudiello said they comply. The standard they are looking at is for public or private. They are using the non-residential standard and they will put that on the plan.

Mr. Collins asked about the entrance relocation and what is proposed where the existing curb cut will be abandon, will it be a hedge, and how will that existing curb cut be redone.

Mr. Gaudiello said they will vegetate that.

Mr. Collins asked them to put that on the plan.

Mr. Gaudiello said okay. They have had discussion with the Board of Trustees and H2M and they are contemplating gate posts at the entrance and a concern they have; we want to make it clear this is not a road way and we will show that on our plan as well. The intent with the apron which was designed by H2M if it was a paver apron it would distinguish it more.

Mr. Hammond said there is a Code section on gate posts and they are not supposed to be within 20' of a ROW with a gate. There is a setback as well. If you are going to have gate posts they should be shown.

Mr. Hill said the curbing of Belgum Block is allowed and there is a little wiggle room in the Code and we do that special; you aren't going to be plowing snow so there is no worry so you aren't worrying about Belgium block coming up and I understand the concrete curb is more durable and we are likely to have that.

Mr. Hill said the Board has done that in the past. The pavement looked a little light to me, but it meets the Code. If you are only parking cars it should be okay.

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Mr. Gaudiello said okay. To summarize the comments the lighting plan we need to add more detail to it, and with the entrance way the existing drive area that is being demolished how we intend to restore that area of the site, and the columns must be indicated on the plan. We kicked around the possibility of a mountable curb within the new driveway entrance. The way we receive deliveries is to back in to the loading dock and the turning template that was used for the redesign and the tires just met the curb and the overhang, and we'd like more flexibility with that and we'd like to make it more mountable.

Mr. Hill said I don't see any reason why you can't, but if you are you can put something behind it like a grass paver or something. It will be driven over.

Mr. Pasca said there is no SEQRA required, this is Type II action; the only referral is the ARB if you do a column.

Mr. Neubauer asked if we can do a determination on August 8, 2019.

Mr. Pasca said he is not sure.

Mr. Gaudiello asked if they'll be ready for the Main Street project start?

Mr. Pasca said you will be ready way before that.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Country Club, 35 Potunk Lane (905-9-3-23.1)** to August 8, 2019; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**19. Metro Storage, LLC., 105 Old Riverhead Road, Westhampton Beach (905-2-1-19.6)**  
Applicant requests a Modification of Site Plan to the soil and sediment erosion control plan.

Philip Butler, Esq., appeared on behalf of the application. They received a memorandum on June 28 asking for additional details with respect to the final grade, particularly the out parcel with the method of soil stabilization and the contours and the silt fence location which will be moved East towards Old Riverhead Road and the soil stock pile sheet reflecting the regarding and the seeding specifications which were added. I don't think we made any changes to the plans which was adding those details.

Mr. Hammond said this also covers the trees and that's all part of this for the final landscaping and soil plan, this is an approval to spread the soil and amend 3 pages of the original approval. They have addressed our comments and I did not feel the original approval changed substantially and it will be redeveloped and moved around.

Mr. Butler said the trees are the 6 trees and relocated to the property line and not torn down.

Mr. Pasca asked what sheets are being modified?

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Mr. Butler said they are modifying Sheets C-5, C-6, C-10 and S-1, the last revision date of July 2, 2019; and they will replace their respective sheets in the current resolution.

Mr. Pasca said okay, that's perfect.

Motion was made by Mr. Logozzo to approve the modification of site plan to the soil and sediment erosion control plan for **Metro Storage, LLC., 105 Old Riverhead Road (905-2-1-19.6)**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **6:45 p.m.**; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.