

July 9, 2020

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on July 9, 2020, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: Ralph Neubauer, Acting Chairman
Jack Lawrence Jones
Rocco LogoZZo
Michael Schermeyer

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

Kyle Collins, Village Planner
Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

DECISIONS:

1. **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.

Status: *HELDOVER until July 23, 2020*

ZBA: *Granted*
ARB: *Advisory Report Received*

SEQRA: *Complete*
SCDHS: **NEEDED**

SCPC: *Approved;*
SCDPW: *Approved;*

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.

Status: *HELDOVER until July 23, 2020*

ZBA: *Granted*
ARB: *Received*

SEQRA: *Conditional Neg. Dec. Issued*
SCDHS: **NEEDED**

SCPC: *Approved, Matter of Local Jurisdiction;*
SCDPW: *Approved with no comment;*

3. **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.

Status: *HELDOVER UNTIL July 23, 2020*
Applicant is awaiting a determination from the Suffolk County Dept. of Health Services Board of Review.

ZBA: *N/A*
ARB: *N/A*

SEQRA: *COORDINATED REVIEW; DETERMINATION ISSUED: 6/25/2015*
SCDHS: **NEEDED**

SCDPW: N/A
SCPC: **NEEDED**

4. **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.

Status: **HELDOVER UNTIL September 24, 2020**

ZBA: GRANTED, 12/20/2018
ARB: N/A

SEQRA: UNLISTED ACTION, GRANTED FEBRUARY 28, 2019
SCDHS: **NEEDED**

SCDPW: N/A
SCPC: **NEEDED**

5. **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.

Status: **HELDOVER UNTIL August 13, 2020**

ZBA: **NEEDED**
ARB: **NEEDED**

SEQRA: 1/23/2020 – Deemed Complete; Unlisted Action Coordinated review commenced on 1/27/2020

SCDHS: **NEEDED**

SCDPW: Received SCDPW – No objection;
SCPC: Received SCPC – No objection;

OTHER: **Zone Change Approval Needed from Village Board of Trustees**

6. **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.

Status: **HELDOVER UNTIL July 23, 2020**

ZBA: N/A
ARB: **NEEDED**

SEQRA: Granted; October 10, 2019
SCDHS: **NEEDED**

SCDPW: N/A
SCPC: N/A

7. **Rogers Associates LLC, North Side of Rogers Ave (905-003-01-007.01 through 007.07).** Applicant seeks site plan approval to construct 52 dwelling units in 13 Buildings (11 townhouse groupings, 2 two-family dwellings) with private community center, pool & tennis court for multifamily development with on-site sewage treatment plant in two development phases.

Gair G. Betts, Esq., appeared on behalf of the application, together with Jim Behringer. He said if there were any questions, they would respond.

Mr. Pasca said it's not a public hearing, but you may ask questions.

Mr. Reilly said his review of Mr. Collins' comments incorporated all if not more what was discussed two weeks ago, he does not see anything that was omitted and he does not see any scoping issues. The Trustees also submitted a letter that agreed with Mr. Collins' comments.

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Mr. Neubauer asked if there is an opportunity that this property to be purchased with CPF funds, should that be an element of the scoping document,

Mr. Pasca said it legally cannot be part of the SEQRA process, and not for this Board to consider.

Mr. Collins said you need a willing seller to participate in CPF and given the site conditions and location it is unlikely that the CPF would buy this and it's not appropriate for this document.

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

Mr. Neubauer asked if the draft proposal available to the public.

Mr. Collins said the public comment period was closed.

Mr. Pasca said it's not a public comment document, but I don't have any issues with it being made available, and it could be posted to the website, but it's not for more comment solicitation.

Mr. Neubauer said it's very information and contains a lot of the back story. Can we have it posted on the website?

Mr. Pasca said yes, you can you are the Lead Agent and that's part of your management of the process.

Mr. Collins said we have to watch the timeline when we have to adopt it.

Mr. Pasca said it has to be adopted at the next meeting.

Mr. Neubauer said we have to give the residents the opportunity to see that we did something, and that document is comprehensive.

Mr. Pasca said it may be fair for the applicant to review it.

Mr. Betts said you will give the applicant and neighbors the chance to respond to the document.

Mr. Pasca said the Board can decide to post it and if they want to create a limited comment period, only to comment on the final draft scope as written by Mr. Collins.

Mr. Reilly asked how we adopt this if we're still waiting on comments from Mr. Hill.

Mr. Collins asked if Mr. Hill wanted to comment.

Mr. Hill said he only has a few comments, basically it was the ATR they are taking on Rogers Avenue, I would like to include a classification study to know the truck number, size, etc., it is part of the count. I did speak with Pat Lenihan, the applicants traffic engineer and we went over things. The counts will be done on a Friday in August, and I think he was unaware of the Sunday date, that has been added. The other thing we discussed is the October counts for school, because it depends what school will be like this Fall. If there is not a regular school schedule, I don't see a point in doing it then. The intersections during the school year will not make that much of a difference, and will not overwhelm what they see in October and there's no point if school is not in regular session.

Mr. Collins asked if we should condition it?

Mr. Hill said yes, it should not be done during a normal bus schedule and class load.

Mr. Collins said okay. We will say the weekday is a Friday, and do we include Sunday or not?

Mr. Hill said that's up to the Board. I thought Saturday would capture the heaviest.

Mr. Collins said I am concerned about Sunday and traffic leaving on Sunday.

Mr. Hill said yes, that's a good point.

Mr. Collins said I did qualify the school, you don't need Saturday & Sunday then, just the weekday.

Mr. Hill said yes. The other thing with school their traffic has different peaks. They unload at 2:30 on the afternoon and the peak count is 4:00 p.m. to 6:00 p.m.

Mr. Collins said it's not just 2:30 p.m., the three schools' bus at different times, but it's not the standard PM peak.

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Mr. Hill said traffic is lighter at the other hours. I don't know if it makes all that much sense.

Mr. Collins said the Trustees liked the idea of including the school day.

Mr. Hill said we need to condition it that school has to be in normal operation.

Mr. Collins said okay.

RH said the only one I had was that the ATR count they are taking on Rogers Avenue include classification.

Mr. Collins said to email him that language to be incorporated.

Mr. Pasca said just because it's a document with the word "draft" if the applicant is working on the DEIS and they have conversations they want to discuss they can come in at any time, we don't have to say see you in a year with the final draft EIS. The Board meets every two weeks and they are there to be available to discuss the Draft EIS as its being done, not just at the very end.

Mr. Collins said in the interest of getting a completed and adequate DEIS the first time around that would be helpful.

Mr. Reilly said okay.

Mr. Pasca said my suggestion, if Mr. Collins finalizes this by tomorrow with Mr. Hill's comments, Ms. Mackie can publish it and if you want to keep it open for comment just on that document until a date next week, that would then lead a week for Mr. Collins to put it in final form and if there are issues that need to be discussed they can.

Mr. Reilly said that is reasonable. We can post it tomorrow, and leave comment period open to July 16, 2020 at 4:00 p.m.

Motion was made by Mr. Neubauer to adjust the schedule as published on the website; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to holdover the application of **Rogers Associates, LLC., 905-3-1-7.1 through 7.2** to July 23, 2020; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

8. Westhampton Inn LLC., 43 Main Street (905-11-1-15) Applicant requests a Site Plan approval to construct a two-story ten-room hotel building with a covered front entry, rear porte-cochere and associated site improvements upon a 0.93 acre parcel located at the South West corner of Main Street and Mitchell Road in the B-1 Zoning District.

James N. Hulme, Esq., appeared. He had no new updates; however, they did demolish the building.

Mr. Reilly said okay, and asked when they would like to appear next.

Mr. Hulme asked to hold the matter over to July 23, 2020.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Inn LLC., 43 Main Street (905-11-1-15)** to July 23, 2020; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

9. Prime Storage, 98 Depot Road (905-002-01-019.10). Applicant requests a site plan review to construct a two-story mini-/self-storage building (10,428 SF) on slab with accessory office as an expansion of an existing storage facility operation. The 3.657-acre property is located on the east side of Depot Road, in the I-1 zoning district.

Ted Galante, Architect appeared on behalf of the application. They went through a presentation and there are outstanding questions and they are trying to move this to an approval stage. They presented to the PB in November of 2019, and they presented again in February, 2020 and referred to the ARB where they presented to them and everyone was in a good place as far as they understood and the SEQRA process has started, and he understood that to have a 30 day period. He understood they were in a good place and he received an email and he's uncertain to where things stand. There was a discussion about neighborhood conditions, and they understand it to be industrial and a sea of asphalt, a tennis court and tennis bubble and we based our design on the adjacent storage facility that is on the East of their site. They agreed to change the lighting to full cutoff and they changed their landscaping and they have been working hard to align with the Board's concerns and they believed they fulfilled that and he remains confused about what is being asked now.

Mr. Reilly said the feeling of the Planner and the Board is that the design as proposed is unsatisfactory. We

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understand what you're saying, and you went to ARB and that's fine but the PB retains ultimate authority with regards to the design aspects and I can defer to Mr. Collins to relay the technical aspects.

Mr. Neubauer said to say one thing, unless I missed something the applicant has been vacant from a number of meetings.

Mr. Galante said to be clear, we didn't know we were on the agenda. There was no notification, and perhaps it was on us to check in.

Mr. Neubauer asked how you advance an application without attending a meeting.

Mr. Galante said we didn't know the meetings were happening and we would have attended them.

Mr. Neubauer said we have not seen you since you attended the ARB meeting.

Mr. Galante said that is true, we did not know that the meetings were happening and we started to check back in. I am not proposing that the Village is in default, we didn't know they were happening.

Mr. Reilly said okay, you are here now. In terms of expressing upset with the delay it's fair to say it's not on the PB. He asked Mr. Collins to go over the issues.

Mr. Collins said we are under the SEQRA review, and one consideration under that is the impact of Community Character. The applicant did present something not looking at the surrounding neighborhood and they represented a sea of asphalt in front of an old Historic Train Station and the applicant did not attend the meetings and that is the gateway in to the Village and the architecture as it relates to this property on Depot Road will represent the gateway in to the Village. In addition, in their recent presentation they did not look at Depot Road and the residential character on that road which is all single-family residential homes. To say this is an industrial area is not correct. The issues are under the SEQRA process the Board had concerns that it would potentially have an impact on the surrounding character of the residential community. You reference the other self-storage building approved; it was recognized that is accessed by a flag lot and will have another development on Old Riverhead Road and will not be seen. It can not be seen from Depot Road because of the applicant's facility which blocks it. Over the last few meetings, it has been discussed that the architecture is not consistent with the surrounding area and does not represent the entry to the Village. In the alternative you can request alternatives from the applicant or the Board can choose to go through the SEQRA process and Positive Dec the application and get alternatives through that.

Mr. Neubauer said we would like to avoid a positive declaration.

Mr. Collins said yes.

Mr. Reilly said we would like to see alternative designs; we are not saying you have to build something that looks like a house but we'd like to see something that is considerate of the surrounding neighborhood. We want to see alternatives to what is proposed. We won't tell you how to do that, but we want to see alternatives.

Mr. Galante said he understands the clear feedback. We are talking about residential scaled neighborhood and I don't know the exact line, but in the 50% from Montauk Highway to a side line is and there's a slope roof with a residential hinge to it, and what I'm hearing is that the size of building is the contemporary quality of the building.

Mr. Reilly said we're not saying redo the building, but we want to see you incorporate design elements from the surrounding area to make it stand out less. No one is making you cut it in size, maybe in the process it gets smaller or it doesn't.

Mr. Neubauer said this is going to be a measure of what goes on in the future, there are a lot of opportunities in this area which will be regulated by this path. It is something we are looking to set a precedent with, not create one we can't live with ultimately.

Mr. Logozzo said he'd like to review the drawing again, but as far as direction is concerned it's important to know everyone's thoughts.

Mr. Neubauer said Mr. Collins has been able to step forward with expert concept.

Mr. Galante said he assumes, because its storage and because we were using precedent that's local we did look at the other storage facility and not having full faced glass helps and not having the garage helps, is there a Village design guideline that we are supposed to be following.

Mr. Collins said no, it is more about the design. Less glass, and if you want suggestions, I would add a pitch to the roof as it relates and addresses the street as RL said it should address the street more and consistent with the surrounding residential area.

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Mr. Logozzo said to add elements to give the front of the building relief and roof structure to help it fit in to the neighborhood but I think it's important to give them direction.

Mr. Collins agreed.

Mr. Galante appreciates the feedback and it is helpful and allows them to move in a direction that they can shift the design to fit in with the neighborhood. I don't think a McMansion is a good idea and I don't think you're asking for that, and a pitched roof can set precedent. I want to do it respectfully, and represents the residential portion of the neighborhood.

Mr. Logozzo said as far as roof goes, I don't want you think I'm saying put a full roof on, you can do a façade to give the appearance of a roof structure.

Mr. Jones said the Fire House and the Village Office was done that way. We don't want a big blank box. I would be hard pressed to take elements from to incorporate into it, but you may have more light and shadow placed some way and landscaping to soften the look of it.

Mr. Galante said this is good feedback, and they will, with their client's approval make changes. Are there other issues like the landscaping, or anything else that we are not being made aware of and I'm asking to move this forward. I know the SEQRA piece is in process and the BOH is in their process. It says we need ZBA, we just want to know whether we do or not.

Mr. Collins said he is not aware of ZBA.

Mr. Hammond said it was an error and got carried forward on the agenda, there are no zoning issues. I gave comments in October, talked about landscaping and lighting and you made that submission in December. SEQRA tackled the visual and maybe they can move forward with SEQRA in order for you to move forward with the Board of Health.

Mr. Schermeyer asked if they have to go back to the ARB.

Mr. Collins said once the Board is comfortable, they will issue a Negative Declaration but I won't say there aren't going to be additional comments or items that need to be tweaked, but I don't want you think that everything has been reviewed and discussed today.

Mr. Reilly said there are always things that come up and are not major issues, but there will be.

Mr. Galante said he understands that, the Zoning piece is the biggest piece to him.

Mr. Collins said okay.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road (905-2-1-19.10)** to August 13, 2020; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

10. James Traynor, 91 Old Riverhead Rd (905-002-01-007.02) Applicant requests site plan approval to construct a one-story General & Special Trade (G/ST) Contractors' Office building (9,744 sf) on slab, a two-story G/ST Contractors' Administrative Office building (1,776 sf) over unfinished basement, & convert dwelling to G/ST Contractors' Administrative Office (1,888 sf), with associated site improvements, upon a 63,770 square-foot parcel located in the HD zoning district.

11. HCMC, 51 Old Riverhead Rd (905-004-01-010). Applicant requests site plan approval to construct two-story additions to the converted dwelling for a G/ST Contractors' Office building (3,796 SF) over unfinished basement & crawlspace, with associated site improvements, upon a 22,886 square-foot parcel located in the HD zoning district

Heather A. Wright, Esq., appeared on behalf of the application, together with Frank Lombardo. She said they revised the lighting plan, and updated the survey with the spot grades at the driveway. They are waiting on Dept. of Health and DPW.

Mr. Neubauer asked if Mr. Collins and Mr. Hill reviewed it.

Mr. Collins said he is fine with the application as currently submitted.

Mr. Hill said he is fine with it now.

Mr. Hammond said he has nothing left.

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Motion was made by Mr. Neubauer to holdover the application of **HCMC, 51 Old Riverhead Road, (905-4-1-10)** to July 23, 2020; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

12. Kevin Butler, 104 Main Street (905-012-04-032). Applicant requests subdivision review to subdivide a 10,606 SF lot into two parcels of 2,877 SF & 7,729 SF. The subject property is improved with three mixed-use commercial buildings and located on the northwest corner of Glovers Lane & Main Street, in the B-1 zoning district. This is a re-opening of a public hearing held-over from by request of the applicant dated June 9, 2016.

Status: *HELDOVER UNTIL July 23, 2020*

ZBA: *NEEDED*

ARB: *N/A*

SEQRA: *Type II Action*

SCDHS: *NEEDED*

SCDPW: *N/A*

SCPC: *N/A*

13. 55 Old Riverhead Road LLC, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03) Applicant requests site plan approval to construct a multifamily development consisting of 16 (sixteen) senior dwelling units in four two-story townhouse buildings with attached garages, pickleball court, and associated site improvements, upon an assemblage of three parcels totaling 122,001 square feet on the west side of Old Riverhead Road in the HD zoning district. ****THIS APPLICATION WILL NOT BE DISCUSSED UNTIL THE “NYS PAUSE ORDER” HAS BEEN LIFTED.**

Status: *HELDOVER UNTIL July 9, 2020*

ZBA: *N/A*

ARB: *NEEDED*

SEQRA: *Unlisted Action; Coordinated Review Commenced on February 14, 2020*

SCDHS: *NEEDED*

SCDPW: *NEEDED*

SCPC: *NEEDED*

REFERRAL FROM THE BOARD OF TRUSTEES

14. Build Coastal, LLC., 26 Old Riverhead Road (905-4-2-9) Special Exception Application for “Change of Use” from Administrative Contractors Office to Propane Contractor and Administrative Contractors Office.

Status: *Decision for July 23, 2020*

15. Krzysztof Zebrowski, Flanders Renovations, Inc., 121 Main Street (905-11-2-24) Special Exception Application for Change of Use from retail to Administrative Contractors office.

Chris Zebrowski appeared on behalf of the application. He has an office, and he wants to open just an office there.

Mr. Neubauer asked if there will be signage?

Mr. Zebrowski said just lettering on the window.

Mr. Hammond said there is no issue with it, it’s nothing that will affect the site or building its just the use.

Mr. Neubauer asked if we just offer no objection to the BOT.

Mr. Hammond said yes.

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16. 804F Realty Corp., Robert Chase 112 Montauk Highway (905-4-2-14.1) Special Exception Application to allow a Convenience Store as Accessory Use to an existing gas station at 112 Montauk Highway, Westhampton Beach

Status: **HELDOVER UNTIL July 9, 2020**

17. Galway Holdings LLC, 53 Exchange Place (905-015-05-032.01) Applicant requests a site plan review to install fill within the floodplain in conjunction with a sanitary system upgrade for additions/renovations to an existing single-family dwelling upon a 1.87-acre property located in the R-1 zoning district.

Charles Bowman, Land Use Ecological Services. This is a requirement for the Dept. of Health for the new system of depth to ground water and the retaining walls are per Suffolk County. We have DEC and that's where the fill is limited to.

Mr. Collins asked if it's an IA system.

Mr. Bowman said it's not.

Mr. Reilly said the Board in general on fill applications rely on the review by Mr. Hill. It doesn't sound like there is anything too alarming, he just wanted to check to see if there were any public comments.

NEW APPLICATION:

19. 804F Realty, 112 Montauk Highway (905-004-02-014.01) Renovate One-Story Building for Accessory Convenience Store & Construct Canopy for Relocated Gas Service Pumps w/ Associated Site Improvements for Valero Service Station, upon a 0.44-acre Parcel in the B-2 Zoning District

REFERRAL FROM THE BOARD OF TRUSTEES:

20. North Fork Roasting Co., 59 Main Street (905-11.2-2-5) Referral from the Board of Trustees for outdoor music. Applicant is requesting a single person playing an instrument.

Heather Drapal, North Fork Roasting Co., appeared on behalf of the application.

Mr. Reilly said they have an approval for tables and chairs, and they are looking to add outdoor music and the 6 tables are just for this year because of the COVID, but there seems to be concern about the location.

Ms. Drapal said she was going to move one of the chairs on the right of the building and put someone there playing music, and they are 6' from the other table on the right of the building.

Mr. Hammond said that is a perfect spot because it's within the property.

Mr. Reilly said okay.

Mr. Neubauer said so we are offering no objection to the Board of Trustees.

Motion was made by Mr. Neubauer to adjourn the meeting at **6:00 p.m.**; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.