

August 27, 2020

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on August 27, 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

Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

ABSENT: David Reilly, Chairman
Kyle Collins, Village Planner

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 September 10, 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 September 10, 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 September 10, 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 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.

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 27, 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 Approved by 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 September 10, 2020

ZBA: N/A
ARB: N/A

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

Status: HELDOVER UNTIL October 22, 2020

DRAFT Scoping Documents Received on March 3, 2020
Draft Scope referred to Suffolk County Planning Commission, Suffolk County

*Department of Health Services;
Joint Work Session Held, June 25, 2020 with Board of Trustees*

ZBA: *Undetermined*

ARB: **NEEDED**

SEQRA: **POSITIVE DECLARATION ISSUED, 1/9/2020; PLANNING BOARD LEAD AGENT**

Draft DEIS Adopted on July 23, 2020

SCDHS: **NEEDED**

SCDPW: *N/A*

SCPC: **NEEDED**

OTHER: **Special Exception Permit required from Board of Trustees**

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.

Status: **HELDOVER UNTIL August 27, 2020**

ZBA: **NEEDED**

ARB: *Referred to ARB at January 23, 2020 Meeting;*

SEQRA: *Planning Board Deemed Lead Agent;*

SCDHS: **NEEDED**

SCDPW: *N/A*

SCPC: *Received SCPC, 2/14/2020 – No objection;*

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.

Mr. Neubauer said there is a SEQRA determination.

Mr. Jones said he has questions regarding the signage, and he doesn't want to see what Prime Storage has on Old Riverhead Road.

Mr. Galante said on their proposal, they removed the signage and he doesn't know what the client is seeking on the road, but he will talk to his client.

Mr. Logozzo said he would like to see a muted sign. Is there any idea for the signage?

Mr. Galante said to have a Logo on the building, but they would do a site sign like they have now. He doesn't know if its lit or not. They can make it discreet being as its in a residential neighborhood.

Mr. Logozzo said it should not look like the sign on Old Riverhead Road, that's very bright for the neighborhood.

Mr. Jones said he's not opposed to some illumination, but we can work that out.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road (905-002-01-019.10)**; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 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.

Status: **HELDOVER UNTIL December 10, 2020**

Applicant is before the Suffolk County Department of Health Services Board of Review.

ZBA: *Granted; Received, May 21, 2020*
ARB: *Referred to ARB at January 9, 2020 Meeting;*

SEQRA: *Negative Declaration Issued, February 27, 2020*

SCDHS: **NEEDED** *Applicant is before the Suffolk County Department of Health Services Board of Review.*

SCDPW: **NEEDED**
SCPC: *Received SCPC No objection;*

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.

Status: *HELDOVER UNTIL August 27, 2020*

ZBA: *Granted; Received, April 16, 2020*

ARB: *Received*

SEQRA: *Type II Action*
SCDHS: **NEEDED**

SCDPW: *Received, No objection*

SCPC: *N/A*

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 August 27, 2020*

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

SEQRA: *Type II Action*
SCDHS: *Received*

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.

Status: *HELDOVER UNTIL August 27, 2020*

ZBA: **N/A**
ARB: **NEEDED**
BOT: **SPECIAL EXCEPTION PERMIT**

SEQRA: *August 13, 2020 – Planning Board Accepted Lead Agency Status*
SCDHS: **NEEDED**

SCDPW: **NEEDED**
SCPC: **NEEDED**

REFERRAL FROM THE BOARD OF TRUSTEES

14. **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 August 27, 2020**

15. **Rogers Associates LLC, North Side of Rogers Ave (905-003-01-007.01 through 007.07)** A joint Work Session of the Board of Trustees and the Planning Board will be held to discuss the application of Rogers Avenue Associates, LLC., starting immediately after the Planning Board's regularly scheduled meeting at 5:00 p.m.

Status: **HELDOVER UNTIL October 22, 2020**

*DRAFT Scoping Documents Received on March 3, 2020
Draft Scope referred to Suffolk County Planning Commission, Suffolk County
Department of Health Services;
Joint Work Session Held, June 25, 2020 with Board of Trustees*

ZBA: *Undetermined*

ARB: **NEEDED**

SEQRA: **POSITIVE DECLARATION ISSUED, 1/9/2020; PLANNING BOARD LEAD AGENT**

Draft DEIS Adopted on July 23, 2020

SCDHS: **NEEDED**

SCDPW: *N/A*

SCPC: **NEEDED**

OTHER: **Special Exception Permit required from Board of Trustees**

NEW APPLICATION:

16. **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.

Barbara Rasmussen, Esq., appeared on behalf of the application. She reviewed Ron Hill's comments and some were addressed in the site plan, but there was a grading and drainage plan submitted. She said they have a site plan and erosion control, landscaping plan, grading plan, and drainage plan, and detail sheet, and they are not changing.

Ms. Mackie said there are no plans submitted, the ones originally submitted were changed since the County comments; what you have to do would be to send a complete set with that layout if that's the one you want the Board to review.

Ms. Rasmussen said she understands that, and she knows about the modified County plan. But specifically, with relation to Ron's comments; the additional pages to my knowledge are not changing and the Engineer can comment to that more.

Mr. Pasca asked how that's possible, the changes marked up in red by the County which include changes to the site plan with additional curbing and those impact drainage, and everything. You can't make changes to a site plan and leave old sheets that don't match up with the current plan. When you come back to the Planning Board you have to resubmit a full set of everything updated to reflect the current layout.

Ms. Rasmussen said she will, but she was saying before that modified site plan was emailed to anyone she wants to make sure that Ron Hill has a copy of the previous submission because it seemed like he didn't.

Mr. Hill said he has not.

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Ms. Rasmussen said she doesn't know what happened to his set, it was filed in April or May.

Mr. Hill said okay.

Ms. Mackie said in the file there's a site plan and preliminary floor plan.

Ms. Rasmussen said there's a site plan, that has 8 pages attached to it. There were 13 prints hand delivered to the Village.

Mr. Hammond said we have June 1 plans, and they were submitted and everyone has them but at the time we were in receipt of the correspondence from the DPW and this Board was expecting a full set which was emailed today from High Point, I think the only thing was SP1 was the red marked up new curb cuts, which as Mr. Pasca said, it is good to understand what the County was approving but we only received the one page today.

Mr. Bittner said we wanted to make sure you are acceptable to what the County is acceptable to.

Mr. Hammond said it's important to discuss the plan with the Board.

Mr. Jones said removing the curb cut is a nice idea. But I don't know how else you will get a truck in and out of there if you remove the curb cut at the intersection closest to Montauk Highway.

Mr. Neubauer said we will need to review what we received today, and we would like to review a complete set.

Ms. Rasmussen said she appreciates Mr. Jones comment about the curbcut, and asked if there were any comments about three (3) curbcuts.

Mr. Logozzo said there's a 28' wide curbcut on Old Riverhead Road, based on traffic that will stop traffic going North making a right turn into the property when someone is also trying to exit and there will be a stop because of cars blocking the exit, I don't think it's wide enough and I would like to review it further.

Ms. Rasmussen said she apologizes for that.

Mr. Logozzo said he has the drawing pulled up on his computer and they have not discussed it based on traffic flow I believe the 28' wide curbcut will stop traffic going North in to the property when someone is trying to exit; I don't think it's wide enough and 28' doesn't cut it and I want more time to evaluate it, I only received it at 2:00 p.m. today and we haven't discussed it but it's an issue for cars entering and leaving at the same time, the shoulder is not wide enough at that point of the property. There may only be 3' or 4' from the white line to the curb.

David Bittner, High Point Engineering said the County requested it to be 28' wide from the County.

Mr. Logozzo said from experience, that may not work regardless of what the County asked for.

Ms. Rasmussen asked if they can make it all one way like they do at the Speedway in Quogue.

Mr. Logozzo said he would like to look at it further but what he thinks is that 28' will not work, and the cars will stop when they are trying to make a right turn in to the property.

Mr. Jones asked what keeps that from being wider at Montauk Highway.

Mr. Logozzo said you will lose a parking stall.

Mr. Jones said they need all of the parking they can get.

Mr. Bittner said they can shift them.

Mr. Logozzo asked if the curb on the North can be recontoured to get extra space on the Exit, and the curb may encroach on the setback. There are a few things to talk about but I don't think 28' works.

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Mr. Hill said he hasn't had a chance to look at it. Is this just the marked up site plan, we should look at the layout and not modify anything else. Do we have a redone site plan layout.

Mr. Bittner said they just have the red line draft.

Ms. Rasmussen said she will submit full modified sets next week.

Mr. Hill said do not submit full sets yet until the Planning Board goes in to the site plan layout first, you don't need to submit lighting plans until we go over the site lay out.

Ms. Rasmussen said they may need to apply to the ZBA for parking variances, as pointed out by Mr. Hill. They think they want to wait before they apply depending on the site layout.

Mr. Hill asked them to review and respond to his letter.

Ms. Rasmussen said she will. There are a few things they need to address on site or apply to the ZBA for relief with parking and I discussed with Mr. Hammond about whether it makes sense to go to the ZBA but we should wait and apply for all the relief at once.

Mr. Hammond said this Board looked at a different canopy layout when it was first discussed a number of years ago, and the canopy would need variances but it makes sense to get a feeling from the Board of what they would like to see. There was a reverse gable canopy so those would need a variance, and the other thing we discussed was flat canopy or pitch canopy which changes the drainage.

Ms. Rasmussen said I believe we could not do, and we withdrew the application 2007 and we couldn't do a flat roof canopy and her client could comment and it has to do with fire suppression.

Mr. Hammond said you do not need fire suppression at gas stations anymore since 2015 and there are ways to hide them. But it's important to note that.

Robert Chase, property owner said Mr. Hammond is correct Suffolk County does have it. If the Village Fire Marshal is okay with it, it will help with the canopy.

Mr. Hammond said going back to Masterplans for this Village there was talk always about widening the intersection, was there any conversation with the County about that.

Mr. Bittner said no, the sidewalks and curbing need to be replaced and we came to an agreement with the driveway layout and the ramp has to meet current ADA standards.

Mr. Hammond said the curb will be replaced?

MR. Bittner said yes.

Ms. Rasmussen said to comment about the widening, in 2012 her client and the Board had discussions and the County appeared as well, and her client was amendable to doing so if the County ever decided to take those steps. Her client owns the property across the street as well.

Mr. Hammond said it may factor in to the queuing coming in and out of the site, and there's potential for a shoulder and whether it would help or hurt the site. If the curbing being replaced its good to know it's on the table.

Mr. Hill said they are looking for an improved radius at the corner, but not really widening it. I think they want to improve the radius at the corner.

Ms. Rasmussen said yes, Mr. Hill is correct.

Mr. Chase said the County did not have the financing for it.

Mr. Hill said they would usually ask the applicant to improve the corner.

Mr. Hammond asked if its premature to talk about the gable of the canopy. Does the Board want to speak to that?

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Ms. Rasmussen said she's happy to hear the comments about that and they'd like to address all of the concerns at once.

Mr. Jones the proposed canopy with the gable they'd like to see the elevations.

Mr. Logozzo said he'd like to see the gable canopy.

Mr. Hammond said they did submit a flat 3' high canopy in June.

Mr. Logozzo asked if it's a pdf?

Ms. Rasmussen said originals are delivered, and she can circulate pdf's.

Mr. Logozzo said okay. He wanted to bring something up, it appears the ADA stalls have a sign and a column in the pathway as well.

Ms. Rasmussen said she sees that in Mr. Hill's notes.

Mr. Bittner said they will look into it. They will review and address it. They may eliminate the column or push them in further.

Mr. Hill said okay. I know the ADA allows you to go to 36" but it's not a good idea on the curb.

Mr. Bittner agreed.

Mr. Hammond said the lot coverage, anything beyond 12" on the reverse gable has to be counted in lot coverage so that must be addressed because it would be a required variance.

Mr. Bittner said okay.

Mr. Neubauer said they are all inclined not to want to see a flat roof.

Ms. Rasmussen asked if the design as proposed with a slight elevation, is that acceptable? It's flat at the top with a pitch.

Mr. Neubauer said we're looking for something a little more in keeping with the neighborhood, more than just slanting the roof.

Mr. Bittner asked if a mansard would be acceptable or do they want a gable?

Mr. Neubauer said we're looking for a gable.

Mr. Chase said at that time they didn't like the layout, but it's not going to be a game changer, if a gable wanted we will do a gable. We are amendable and we want to get it done.

Ms. Rasmussen said that her recollection as well was that previously the gable wasn't wanted, but which ever design works best they are amendable to do.

Mr. Neubauer said its something we're going to look at.

Mr. Chase said he likes the gable better.

Mr. Pasca said you can pose a few alternatives to get the conversation going to see what direction the Board wants to go in.

Ms. Rasmussen asked if there is a particular location that you want us to look at for ideas, or copy that.

Mr. Jones said the gable is a nice place to start and you could try a mansard, but it might be worth doing putting a slope and make it more of a mansard.

Mr. Logozzo said he'd like to see a few options without a full rendering, but sketches.

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Ms. Rasmussen said they have no problem coming to the Board with a few ideas. Her client mentioned they were going by previous discussions from 2007 and 2012.

Mr. Logozzo asked if there are drawings from those discussions? Maybe you can look at them.

Ms. Rasmussen said after she speaks with her client she can send ideas over. She can submit ideas of pictures of gas stations from Westhampton Beach to East Hampton.

Mr. Logozzo said its better than a drawing that we don't like, but with options we can fine tune this very quickly.

Ms. Rasmussen said okay, she has the old photos she had taken and she will circulate that to the Board.

Mr. Hammond said to reiterate we need digital versions of the June submission, elevations, and mark the pending versus the new and what we have.

Ms. Rasmussen said the site plan will be updated and I will send them digitally and drop off originals to the office.

Mr. Hammond said we need digital of the June submission, and anything we discussed tonight we will need digital and hard copies. It is difficult with the meetings from home to keep track of everything.

Ms. Rasmussen said okay, they will redo the site plan and the attachments with the County's conceptual approval; canopy ideas digitally and original, and do you want me to resubmit the site plan or should I hold off?

Mr. Hammond said it would be beneficial to have the June submission sent digitally.

Ms. Rasmussen said I did that but I will again.

Mr. Hammond said that would be great. Anything we discussed tonight regarding the canopy and the Red Mark Up from the County and you can show what is new and what is a working submission and we can go further with hard copies after we discuss the new submissions.

Motion was made by Mr. Logozzo to holdover the application of **804F Realty, 112 Montauk Highway (905-004-02-014.01)** to September 10, 2020; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **5:37 p.m.**; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.