

August 8, 2019

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on August 8, 2019, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman  
Michael Schermeyer  
Rocco Logozzo  
  
Ron Hill, Village Engineer  
  
Maeghan Mackie, Board Secretary  
  
Brad Hammond, Building & Zoning Administrator  
  
Kyle Collins, Village Planner

ABSENT: Ralph Neubauer  
Jack Lawrence Jones  
Anthony C. Pasca, Esq., Village Attorney

**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.

Jefferson Murphree and Kieran Murphree, Esq., appeared on behalf of the application. Mr. Reilly said they have a resolution and Mr. Murphree waived the reading.

Motion was made by Mr. Schermeyer to adopt the determination of **Avidor Group LLC, and Jonmor Group LLC (905-5-2-4,5 and 38) Westhampton Beach** as written; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 absent.

**David McBride, 45 White Oak Lane, (905-009-01-003).** Applicant requests review to install fill within the floodplain in conjunction with development of a single-family dwelling. The subject property is located on the west side of White Oak Lane, in the R-1 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.

John J. Bennett, Esq., appeared on behalf of the application, together with Richard Searles, Architect. Mr. Bennett said they have submitted their revised plans, and they are here to address any comments regarding the same.

Mr. Reilly said he would solicit any comments from Mr. Hill and the applicant.

Mr. Hill said the drainage looks good, he is concerned of the South West corner where there are 3 Village basins in the street, and the site sheds water towards them so I think we need to have something to connect to the Village basin.

Mr. Searles said where the line is, everything drains to that as it is.

Mr. Hill said his concern is it looks like it goes to the Village basin.

Mr. Searles said that's where it goes now.

Mr. Hill said it comes off of your Site in to the Village basin.

August 8, 2019

Mr. Searles said they can put another drywell in to it and connect to the Village one.

Mr. Bennett asked if they need approval from the Highway Superintendent?

Mr. Hill said they should let him know. They should shape the pavement to catch the water, but he thinks it would be better to tie in to the Village's basin.

Mr. Hammond asked if there will just be a cover if they tie in to it?

Mr. Hill said yes.

Mr. Reilly said these are three (3) basins on the West side on Hazelwood Avenue?

Mr. Searles said yes.

Mr. Hill said we may need an easement to clean them out.

Mr. Reilly said he is concerned about the legalities of it, and how would that be bonded?

Mr. Hill said the Village probably has easements for drainage in other places, in municipalities on private property.

Mr. Bennett said in Southampton they did that at the Citarella site.

Mr. Reilly said his concern is the ongoing maintenance.

Mr. Hill said they can put the new basin in the Village right of way.

Mr. Bennett said you can't require an offsite improvement, but if I say yes, it's fine.

Mr. Reilly said okay.

Mr. Bennett said let's put it in the Right of Way that takes care of the maintenance concern, and I waive any problem with the PB requiring off site improvement.

Mr. Searles said the overflow basin is on the applicant's property, and we can tie in to it.

Mr. Bennett said okay.

Mr. Searles said they would add a basin, and would they like it outside or inside?

Mr. Hammond and Mr. Hill said outside.

Mr. Searles said okay.

Mr. Reilly said Mr. Collins will have to look at the landscaping plan.

Mr. Searles said he believed he wanted street trees, and they added them.

Mr. Hill asked where the mechanicals are going, and what's the dumpster location. Where are the cooling units? If they go on top there's no problem, but there is not a lot of room on the site for a dumpster.

Mr. Searles said on the site plan there are two (2) dumpster.

Mr. Hill said he did not know if they are dumpsters or ice machines. Are they gated?

Mr. Searles said they have landscaping and they did not seem to need them.

Mr. Hill said he thinks we require a fence and that they are on a concrete pad. Will there be ice machines outside?

August 8, 2019

Mr. Searles said no, they are inside.

Mr. Hill said okay.

Mr. Reilly said Mr. Hill raised an issue about the landscaping in the right of way, has that been resolved?

Mr. Hill said it was brought up, but he is not sure if it's been resolved. If you want the landscaping, it has to be in the right of way.

Mr. Reilly asked how we address that?

Mr. Hill said we are putting drip irrigation out there according to the plan to maintain that, but the attorneys have to work that out.

Mr. Bennett said the property owner has a duty to maintain anything in a right of way. He will rely on the Village Attorney to write up those conditions.

Mr. Searles said the grass is easier to maintain.

Mr. Reilly said but all of Pine Street will be open and it will not look nice, he would like to see landscaping.

Mr. Hill said a covenant can talk about the landscaping maintenance.

Mr. Bennett asked Mr. Searles to make the changes, and we can have Mr. Collins look at the landscaping, and it can be conditioned on whatever Anthony says.

Mr. Reilly asked if Mr. Hammond had any comments?

Mr. Hammond said no, he will make sure Matt Smith, DPW Supervisor reviews it, and Mr. Collins too and he will let the Board know.

Mr. Reilly said we can probably close the public hearing on August 22, and render a determination.

Mr. Bennett said okay.

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

Mr. Schermeyer said the sooner this gets done, the better, this site needs to be cleaned up.

Mr. Reilly agreed. He wants to make sure there is a clear understanding that it's taken care of and who is going to do it, and how.

Motion was made by Mr. Schermeyer to hold over the application of **160 Montauk Highway, (905-6-1-19)** to August 22, 2019; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 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.

Jefferson Murphree appeared on behalf of the application. The Suffolk County DPW requested changes to the site plan, and the architect met with the DPW and received approval which should be submitted to your offices.

Motion was made by Mr. Schermeyer to hold over the application of **Avidor Group LLC, 133 Montauk Highway (905-5-2-4 and lot 5 and lot 38)** to August 22, 2019; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 absent.

August 8, 2019

**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.

Nicholas A. Vero, Architect appeared on behalf of the application. He stated that the Department of Health approval was received on July 30, 2019 and the application is complete.

Mr. Pasca agreed, the site plan application is complete.

Motion was made Mr. Schermeyer to close the application of **Rock Hill Partners, 159 Mill Road (905-12-1-33.1)** for a determination; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 absent.

**6. 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. **HELDOVER TO SPETEMBER 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.

No one appeared on behalf of the application. Heather A. Wright, Esq., requested to hold the application over to August 22, 2019.

Motion was made by Mr. Schermeyer 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 3 ayes, 0 nays, 2 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. **HELDOVER TO AUGUST 22, 2019**

**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.

Simone Freeman, Esq., appeared on behalf of the application. She said they received approval from the ARB, so they are not sure why they are here.

Mr. Schermeyer said he believes that there are two (2) versions, and he's not clear on which \ version.

Ms. Freeman said they went to the ARB and they gave two options, the fluted top was the one that they preferred and the Board of Trustees liked the fluted top too, and now we are before this Board.

Mr. Hill said it has something to do with the column and its height.

Ms. Freeman said he may be looking at the option without the fluting.

Mr. Hill said he was talking about two and he did not like one.

Ms. Freeman said the one with the fluting was the most favorable among all of the Boards, and that's the one they prefer too.

Mr. Reilly said we can make a record of it, and we will tell Mr. Collins and its Photo 3A.

August 8, 2019

Ms. Freeman said its option number 2.

Mr. Hill said it may be helpful to send the ARB minutes to show what they preferred.

Mr. Reilly instructed the applicant to forward their proposal to the Board Secretary, who will forward the same to Mr. Collins to review and comment. If Mr. Collins has a comment that you need to address, then you do not need to attend, we will close the public hearing for a determination.

Motion was made by Mr. Schermeyer to holdover the application of **112 WHB, LLC., 112 Old Riverhead Road (905-2-2-4.4)** to August 22, 2019; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 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. **HELDOVER TO AUGUST 22, 2019**

**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 square foot 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. He addressed the comments from the prior hearing for additional drainage details and planting details, and he had a meeting with Mr. Hill and Mr. Collins to discuss the accessibility issues for the building which will be addressed on the building plans. We have Department of Health approval; they have to submit the stamped plans for it.

Mr. Reilly asked if they have elevations for the whole building?

Mr. Ormond said no, he only has the screening for the retaining wall. The original submission has the elevations.

Mr. Reilly asked Mr. Hammond if had any questions.

Mr. Hammond said there are a few things on the plan; they need a referral to the ARB and they need a variance for the fill. The square footage of the building has to be shown on the plan, the drainage in the front patio section has to be addressed.

Mr. Hill said you have to do the walls and enclosure for the sanitary system; and wall around the stairs and bring them up and over so it's contained. You can't have any joints because you're creating something that can fill up with water. You don't want it to come out of the joints and leak all over. If the wall goes around the stair and kept separate, that's fine. I need to see details on the drainage structures. I am wondering if you are better off with the structures, they are PVC and fluted and run an upside-down channel, but make sure you are putting the right stone around it. I am worried about the proximity to the foundation and I need to see more detail.

Mr. Logozzo said the stairs at the bakery are within the confines of the property, this is shown on to public property.

Mr. Ormond said the stairs were pulled back.

Mr. Reilly said the plan to review is August 1, 2019. The stairs are pulled back.

Mr. Ormond said they are on the property line and do not encroach.

August 8, 2019

Mr. Hill said in the back there's an apron and broken up and deteriorated, and I don't know what the parking lot is going to be like but that area should be finished to the curb.

Mr. Ormond asked if he means the Village property?

Mr. Hill said yes. It would be similar to the County asking for sidewalks to be put in. We should have Mr. Collins blend that and see what they want done. The apron to the dumpster is all broken up and that needs to be cleaned up and paved.

Mr. Hammond said the first plan had parking stalls in the Village right of way, but why were they taken away?

Mr. Ormond said they were not required, and he believes Mr. Collins had a plan for the parking lot.

Mr. Hammond said there was some parking provided in that plan and if its asphalt we can stripe it if we want. We don't have to stripe it, but it's nice to have it ready.

Mr. Logozzo asked what is happening with the space between the ramp and building on the East of the building?

Mr. Ormond said it's on the property line, and the ramp goes to the property line.

Mr. Logozzo said he's talking about the space, and it looks like it's 1'. What will happen with that? Can we close it in, or how do we maintain it so it's not a place for trash to collect.

Mr. Ormond said okay.

Mr. Logozzo said there are other buildings in town with this problem and they are not accessible and this is.

Mr. Ormond said if we could, I would build the ramp to the property line.

Mr. Hill said the Bakery built right to the neighbor.

Mr. Logozzo said there is a 1' or 14" to the West and that spot is open, but here you have two (2) buildings and you can't get in there.

Mr. Hill said to do a cross section, the guy can't maintain his wall.

Mr. Logozzo said there has to be access, and how do you do maintenance with 1'.

Mr. Hill said it's a ramp with sidewalks so they don't know how they'll get access.

Mr. Ormond said okay, he will look in to it. They will have to create something for the site.

Mr. Logozzo said it's just an idea to think about. It's not accessible at all, and a minor issue but one to think about.

Mr. Ormond said okay.

Mr. Reilly said we have enough to refer you to the ARB, there are no issues with the initial presentation.

Mr. Hammond said if the PB feels the sanitary closure is appropriate, but it may be nice to send something to the ZBA to let them know there is no objection to it.

Mr. Reilly said okay, we will send that. In terms of construction time line, what are you thinking?

Mr. Ormond said they want to demolish the building to coincide with the Main Street project.

August 8, 2019

Mr. Schermeyer said that is what they are hoping for.

Mr. Ormond said they are hoping to open next Summer.

Mr. Reilly said I don't see anyone standing in the way of this, and you just have to keep moving. Get the ZBA filed, go to the ARB.

Mr. Hammond asked if they are disturbing less than 5,000 square feet. Just for the planning commission referral.

Motion was made by Mr. Schermeyer to holdover the application of **SKL Realty Holdings, LLC., 115 Main Street (905-11-2-22)** until September 12, 2019; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 absent.

### **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. **HELDOVER TO SEPTEMBER 26, 2019**

**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. 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 appeared on behalf of the application. Motion was made by Mr. Schermeyer to adopt the determination of **Alvi Abuaf, 10 Fanning Dr, (905-015-02-008)**. as written; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 absent.

**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 Larkin, Esq., submitted a request to holdover the application of **Laurence Verbeke, 167 Oneck Lane, (905-009-01-019)** to August 22, 2019; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 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. **HELDOVER TO AUGUST 22, 2019**

Motion was made by Mr. Schermeyer to adjourn the meeting at 5:50 p.m.; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 absent.