

September 24, 2020

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on September 24, 2020, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman  
Ralph Neubauer  
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

ABSENT: Rocco Logozzo

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

**Status:** **HELDOVER until October 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 October 8, 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 October 8, 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 December 10, 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 September 24, 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 24, 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 September 24, 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.

**Status:** **HELDOVER UNTIL October 8, 2020**

**ZBA:** *N/A*  
**ARB:** *Referred to ARB at January 23, 2020 Meeting;*

**SEQRA:** *Coordinated Review Commenced January 27, 2020;  
Accept Lead Agency Status  
SEQRA Determination Adopted, August 27, 2020*

**SCDHS:** **NEEDED**

**SCDPW:** *N/A*  
**SCPC:** *Received SCPC No objection;*

**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.

Heather A. Wright, Esq., appeared and said that they received their approval from Board of Health today. She will submit it to the Building Department tomorrow.

Mr. Reilly said okay.

Motion was made by Mr. Reilly to holdover the application of **HCMC, 51 Old Riverhead Rd (905-004-01-010)**. Seconded by Mr. Neubauer and unanimously carried 4 ayes, 0 nays, 1 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.

Jodi Giglio appeared on behalf of the application and said they have appeared before the Zoning Board of Appeals, and they received an approval from that Board and a decision was submitted to the Planning Board. I know you wanted us to obtain that approval before we could obtain an approval from this Board. We are respectfully requesting you close the hearing for a determination.

Mr. Reilly thinks there are things they need to attend to as part of a Planning Board approval, there was reference to improving the lighting to conform to today's Code, and discussion about sewage.

Mr. Hill said the issue is that the property drains a lot on to the Village roads and right now there's no room for drainage because the sewage takes up all the available space and if they hook up to the Village sewers there may be opportunity to add drainage on the site.

Ms. Giglio said they have no opposition to that, and they will hook up into the existing tanks and that's a requirement of the Board of Health and adding liters and gutters and they will pump them out and drain them into those and that would have to go back to the Department of Health and when you abandon them, they want to see them filled with sand.

Mr. Hill said yes, he doesn't know how to take care of that right now.

Mr. Pasca said when you hook up to the sewer system being optimistic that it will be complete in a year or two, what kind of permitting would the Village be involved in and if the Village is not involved it will get tricky to figure out how to set it up.

Mr. Hammond said the Village will be involved, and we haven't decided whether there will be PB involvement. You need Department of Health and we will get a map of every parcel, and as they hook up they show the water lines, sewer lines, and its approved by the County and sewer district and thereafter each goes to the sewer district. To start off there's Board of Health involvement and sewer district involvement and this department will be involved too. It makes sense to reuse the leaching structures to pump out and reutilized for drainage we're going to ask that that happens and a lot of times they do want you to abandon them and you can't always re-utilize them and some should be able to remain and repurposed for that and specifically, Best Market there was an old system and the Board of Health did abandon it in the approval and did not make them pull the rings out so it's not like it can't happen. We're going to try to get that in for extra drainage, and it doesn't make sense for some property owners to tear up their parking lot more to remove the rings and backfill them with sand. If we can reuse them and change them and pump them out and put a surface grade on top is what we're hoping for, it won't be one size fits all as we see each parcel there will be an Engineer involved with the Village.

Mr. Pasca asked what kind of permit may be given from your office.

Mr. Hammond said it will be a building permit of some sort, but they have not worked that out yet about going through planning. Typically, it would go through this Board and it's in the Code and people do come through the PB to review that, and I don't know the strategy and the process and what it will look like with this Board.

Mr. Pasca said we can put a general condition in that's part of the subdivision approval that will say the future owners upon hook up will be required to get an approved drainage plan from the Village and it will be subject to future review and that will be part of the covenants.

Ms. Giglio said yes, the Board of Health dictates whether it has to be filled in but it is possible with coordination I am sure they would appreciate recharging ground water at a slower pace and not creating flood issues.

Mr. Pasca said the other condition was getting the lighting updated to today's Code and Mr. Collins has to look at that. We were contemplating a condition, prior to the signing of the maps you need to get a plan to the Planning Board to make sure the current site is up to the lighting Code.

Ms. Giglio said it's site lighting not tied in to the Village light?

Mr. Reilly said yes, we have the dark sky compliance law.

Mr. Pasca said we use new applications to update the current sites to today's Code and it could be swapping small things out, but it's something you have to do.

Mr. Hill said they need to submit a lighting plan to review.

Mr. Reilly said it will be hard to not have a spill off.

Ms. Giglio said the buildings are existing.

Mr. Pasca said the pathway from Glovers Lane to the Northern building crosses over the Southern lot line, and this is up to you. You have to move the path on to the Northern lot or build in an easement when you separate them, but we can't have access crossing over two lots and no contemplation made to legalize it.

Ms. Giglio said okay.

Mr. Pasca said in the resolution it will be stated it has to be addressed, but how they do it is up to the client.

Mr. Reilly said it's a small lot, but we would like to see some landscaping to clean it up.

Motion was made by Mr. Neubauer to close the application of **Kevin Butler, 104 Main Street (905-012-04-032)**. for a determination; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**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.

Heather A. Wright, Esq., appeared on behalf of the application. They submitted revised plans, and refresh the Boards memory of the project, and they submitted a memorandum addressing the SE requirements on this and submitted that at the same time, and their Engineer and architect are on the call today as well.

Mr. Reilly said the letter you submitted was Mr. Collins request as part of the SEQRA process, and he is not able to attend tonight's meeting if anyone had any other questions or comments.

Ms. Wright said they discussed the cross access and we understand that you want to line them up and our preference may be a crash gate, and I was giving it a lot of thought about a commercial property and I'm not sure it has the same value and the Board discussed it last time and I'm happy to hear your further comments.

Mr. Jones said there is a past history by the Hardware store and the Gentry property on Montauk Highway, but I don't know if we need that connection. I don't see the need for it. If you need to drive a fire truck through there you could use a gate or fence.

Mr. Neubauer said if that's a question, we should ask the Fire Department. I think that's the only issue. We don't want a situation where people are driving through the neighborhood and we don't want to create that hardship.

Mr. Pasca said it's emergency access now, not cross access. I agree with Ms. Wright, and it's different to keep people off of Montauk highway and to go from one store to another without exiting.

Mr. Reilly said they never qualified in terms of the type of development.

Mr. Neubauer said he would like to wait for comment from Mr. Collins.

Ms. Wright said that's fine.

Mr. Reilly said as far as the layout nothing stood out to me. I think it's figuring out the details at this point, but there's nothing on the plan that stood out.

Mr. Pasca said to set up the conversation the usual rule to create the cross access, the private property remains private and you can't force someone to allow other people on to your property so when you're talking about a public or commercial site. A private community does not have to be open to the public like a commercial site and we'd need a very strong rationale to support a need to support a cross access. Emergency access everyone has to contemplate that, and to protect both sites it's justifiable if it's needed for both sites. But you can't say two private communities turn in to one giant one and that's not what they signed up for so we have to be careful about that.

Mr. Hill said you need the emergency access, and the new site plan has one way in and the other community has emergency access already. There is a crash gate, its alternate means of access and the site plan we have now doesn't have anything. If you have something that blocks a fire in the first building, they can't get more trucks in to fight it from the other side so alternate access in to that site is desirable. Cross access between residential properties is done to make stops to multiple businesses, and that's not happening in residential properties so unless you are providing alternate access to a traffic signal, there's no point. Emergency access is important but cross access is not.

Ms. Reilly asked to see a streetscape along Old Riverhead Road.

Mr. Hill said the site to the North was controversial, and after it was in the residents kept calling and asking for it higher, and there were other issues with landscaping. Let's get a cross section of the berm, and a landscaping plan. The landscaping in front will be a big deal.

Mr. Reilly said the landscaping to the North was very skimpy, but now it is full and looks very nice. It takes time, and we don't want to overdo it.

Mr. Hill said the first year or two no one liked the landscaping.

Ms. Wright said okay.

Mr. Neubauer asked if you can see the sanitary system on the site?

Mr. Hill said not really, the landscaping is less internally than it is externally. It was skimpier along the fence line but there's not much there. You can't tell it. Are you tapping in to their treatment plant?

Ms. Wright said yes.

Mr. Reilly said okay, we will hold it over.

Motion was made by Mr. Neubauer to holdover the application of **55 Old Riverhead Road LLC, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03)** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**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 September 24, 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**

**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, together with Chris Tartaglia, High Point Engineering, Andrew Villari, Stonefield Traffic Study.

Mr. Hill said they had a meeting today and the plan the County prefers which is the one entrance on Old Riverhead Road and the right turn off of Montauk Highway and the right turn out off of Montauk Highway as suggested by the County as their proposed plan, is the best access we can get out of the site. Closing off one of the Montauk Highway driveways and sliding it back was an alternate and that creates a little island in the middle and the County likes to see them with raised curbs and I don't think that's a good idea, you will only move the right turn 50' to 60' and I think as far as access we are with the County plan. We talked about traffic because one of the issues that I have had is the site itself with the new larger convenience store generates more traffic and that's new traffic for the road, and not more on Montauk Highway or Old Riverhead Road because traffic for those facilities gas stations / convenience stores are passbys and in fact 80% comes from the same stream of traffic, people just pull in and out and this is different because there aren't a lot of gas stations around so it's more of a destination use for the Village but it's not generating much new traffic on the road because people don't make a trip just for gas, so it's a secondary trip. But, the traffic in and out of the driveways will go up considerably and that's the issue and I thought we should have Mr. Villari discuss that and how the site is going to work safer with the new driveways. Mr. Villari can talk more about the pimps, but he convinced me the alternates are not that great.

Mr. Pasca said the comments sound like they are focused on the in and out as opposed to the layout of the pumps, or are you covering both?

Mr. Hill said he's a little less sure about that, but it appears their proposal works best for the tractor trailer, and may work the best for circulation. The question I have, we're increasing traffic significantly, and we've improved them by redesign but the increase of the intensity of the site would be whether it works better with two pumps and not three with the convenience store, but that's something I leave to the Board. Mr. Tartaglia convinced me the other alternates are not that great,

Mr. Tartaglia said he thinks that they had a productive meeting and thanked them for their time.

Mr. Villari said he's an Engineer in NYS and in this application, he compares to the proposed versus what's on the property. There is a fueling station with four vehicle stations, with two pumps. There's a 1,900 square foot building, partly as a store partly as an office and storage. There are two driveways on Montauk Highway and no access restrictions and there are two driveways on Old Riverhead Road and the conversation Mr. Tartaglia and Mr. Hill are having we're getting to the site layout and reducing the access on the County roads and the gas station component would be increased from four vehicle fueling positions to six and it's not a big net difference. The convenience store would not be expanded, but the interior layout would be fitted out so the entire building is a convenience store. There will be one right ingress and one right egress on Montauk Highway and Old Riverhead Road would be egress and that's what we think is going to be best. What's new is that there are two vehicle fueling stations, and then the convenience store and it is 1,000 square feet now will be increased to 1,900 square feet and it's modest in size.

Mr. Reilly said the present store is not large at all, it's very small. There will be a large increase of the convenience store operation it is not a deminimus increase.

Mr. Villari said a standalone convenience store is different than pairing with a gas station. When you have the two uses paired together, there are linked trips, you get gas you run in for coffee and come back out.

Mr. Reilly said he appreciates that for an operation further West from here and there are not a lot of gas stations in this Village and there are people who go just for the convenience store use and not fuel and I would say because there are not many other opportunities nearby; the nearest one is a little further down the road, and the other is in Quogue and I understand what you're saying but this operation has different considerations and there are more people who go just for the store and more people who will use it that live in the Northerly part of the Village because it's easier to get to.

Mr. Villari said you have to think of the time of the day when people use the store. It's an amenity for people who are currently here, there is a gas station and store and we're making it more modern and people who go now will continue to in the future. We look at what people come to the use for, is it gas, the store, or both and we find that people who come just for the convenience store it's the minority of the traffic and most go for the gas station and if they go to the convenience store, they are already getting gas and about 15% of the combined uses are just for the convenience store, it operates different than the standalone 7-11. The concept of pass by traffic, as pointed out by Mr. Hill and you go through the intersection regardless if the project is redeveloped or not, and Mr. Hill mentioned a



number about 80% and I agree with that. There are studies that show 75% to 80% are comprised of pass by traffic and the impact is not as great as you think and it's because it's an amenity and pass by traffic. The amount of new traffic is minimal. I want to connect the access plan as it relates to pass by traffic, if you're going West, you can make a right turn in on Montauk Highway and not a left turns out and you have to go right and it is promoting the West bound flow which only works for a pass by use. The industry uses for a measuring stick for significant impact, and it is will it generate more than 100 trips in a single peak hour, this will not generate more than 100 trips and will not have a significant adverse impact at the intersection.

Mr. Reilly said he agrees with Mr. Hill and that the County stumbled into the correct outcome with one on Old Riverhead Road and the split on Montauk Highway but because we're talking about the expansion of the convenience store significantly, there is no way that won't dramatically increase the traffic especially in the Summer when you come off Sunrise Highway to the beach you will stop there. I think perhaps a way to minimize that congestion would be to reconsider the number of pumps we are proposing.

Mr. Villari said so instead of four as proposed back down to what's currently provided. What is there is not much different than what is being proposed.

Ms. Rasmussen said we have three pumps, and we're proposing three. It looks like two and they can't be utilized.

Mr. Reilly said if you reconfigure those, you are increasing the number of vehicles stopped at once creating more congestion and traffic.

Ms. Rasmussen said if the concern is the convenience store, how is changing the pumps and removing a pump they lawfully have change the traffic flow of the site.

Mr. Reilly said they want to take two pumps and separate them and have them sit further apart, and they are reconfiguring them to take up a larger amount of space than they currently take up.

Ms. Rasmussen said it's required.

Mr. Reilly said but by doing that you are creating more obstruction to traffic flow on the site overall.

Ms. Rasmussen said if we spread the pumps out it helps the traffic flow better and prevents the back up at each individual pump.

Mr. Villari said a metaphor he's used it is somewhat like the checkout lane at the grocery store, if you have a grocery store with 10 lanes and they open up four more when its busy, the store doesn't get busier it processes who checks out better. You have four fueling stations today, if there are three vehicles now it's congested but three at six positions it looks 50% full and you can get gas easy. It may not result in more vehicles fueled, but more efficiently.

Mr. Reilly but in a supermarket scenario, they are going through the check out and exiting a different way, and on this site the vehicles will fuel and circle through the site different ways, and they may go South or go another way. The analogy is appreciated but it's not apt.

Mr. Tartaglia said he disagrees, so this will be in your opinion fairly busy site and will be well traveled and traffic and with that assumption the way I read it, with less fueling position there are more cars lined up and there's nothing worse than obstructing traffic by keeping people longer than they need to be. People want efficiency, they don't want to wait, and this proposed plan facilitates that.

Mr. Reilly said it's a matter of position the pumps efficiently.

Mr. Tartaglia said there are three pumps today and there are two that don't function and we're allowing the que of both sides of the pump and we're getting to the pump faster and safer, and out of the site faster and safer. It's superior even so to what is there today, the fifth car in a que and the sixth as well, and in our proposal, they are pumping and ready to get out of the site and there's a point you're missing, they won't do any more volume or financial gains by clogging up the site and we're arranging it to be efficient and get the cars off the site faster and people want efficiency and not to wait.

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Mr. Reilly said I don't think I'm misunderstanding this; it is that I use the site and I know how people use it, and I'm familiar with it and I'm just trying to limit the congestion and I'm not saying you can't get those pumps I just want it configured properly and I know Kyle wanted to meet and he couldn't and I would before we commit to a direction and I would really like his input. I do think we've made a lot of progress and the curb cut issue has allowed us to work on the interior site.

Ms. Rasmussen said they also discussed a plan to minimize variances, including landscaping and the buffers and I know you are aware, and I remind you that they are one way in and one way out curb cuts. Each opening is one way on Montauk Highway. It's one flow with two openings, each opening is only one way.

Mr. Villari said one last thing he wants to address regarding an accident analysis and they have requested that from NYS and they did not receive that data but they will submit that to discuss it further.

Mr. Pasca said there is an equation that this Board and Trustees have to deal with, it's not just the pumps and store, it's how they work together. We are working through this because we just changed the Code but we are working this out as well and we're trying to work through the process and our job is making sure that both uses work on one site and focusing on one and cutting off the other and then going to the other cannot work, we have to deal with both at the same time. One thing Mr. Hill pointed out, yes, the pumps were spread out but then the usable area for parking decreases and it's your job to convince us that the expansion of the store coupled with the spread out use of the pumps will work on this site. If it doesn't work then you have to make adjustments to make it work. We have to deal with both sides of this at the same time.

Mr. Tartaglia said we were able to sit down today and go over everything, and they were able to sit down and go over everything. I think Mr. Hill would agree after we walked through it all we pointed back to this layout as being the best and most efficient and the safest and not having the drawbacks that other configurations have and regarding two or three pumps, that seems to be the issue on the table, and I stand firm in saying two pumps is too little and will create traffic jams on the site and if they come for the convenience store if that's the draw you expect, they will use the pumps as well and there will be a backup of cars. The additional pumps fit and allow circulation and queuing around them and at the same time will get people on and off faster and have the benefit of not having a traffic problem and we have to convince you of that, but let us know how.

Mr. Pasca said it's not just to say that we assume we are entitled as a matter of right to a full-sized store and assume we're entitled to the three pumps this is the best way to do it, that's how I hear you approaching it, and you have to convince the Board is, that you are not entitled and you have to convince us that the two uses work on this property for this configuration and I'm trying to steer the conversation towards that. If there are concerns you can reduce the convenience store to reduce the scope of the use. You can't approach it and say we're entitled to these things, and this is the best way to do it.

Mr. Tartaglia said I don't recall using words like that at all, if the building were 1,000 square feet, we'd propose 1,000 square foot store it's not a new building so that's what we're proposing. We have three pumps now and we are trying to reorientate them to work better. You all drive and use filling stations and next time you go to a gas station look how it works and see how it flows and its different and the same as other layouts and we realize it's the first one this Board is hearing, but it won't work differently than other sites.

Mr. Reilly said this station location is not like others, it is the first thing you hit when you get in to this Village, in addition to function it has to satisfy aesthetic concerns; maybe that's the way we're hearing it I do feel like well this is what we want to do and this is the best way to do it and there is no willingness or scaling it back may solve some of the Board concerns.

Mr. Neubauer asked if Mr. Hill said that reducing the pumps helps the site?

Mr. Hill said yes, it would give you more circulating room on the site and you get a smaller canopy and if you look at the trip generation two pumps generates less than three and whether the gas station functions that way and whether there is a difference it's based on studies, they look at stations with two pumps and four pumps and whether there's a real hard relationship is maybe not so determining but that's the way its calculated. If you go from two to three you get less traffic and more circulation and a smaller canopy and that goes in to what the board has to look at. If you go back to what Mr.

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Pasca said, the site works the best as it is now with the store as it is and three pumps but it requires variances and the Board has to figure out what it wants to do.

Mr. Neubauer but you did say reducing the pumps will help the site as a whole.

Mr. Hill said the counter is there will be more cars lining up and he may be right.

Mr. Neubauer said that's only the perspective of the gas station, and we have to look at both uses the gas station and the convenience store and how they interact together.

Mr. Hill said yes, it's a site plan with two uses and special exception and you have to decide how it'll work together and what's best for the site and I you look at the generation and before and after it's a significant intensification and the driveway improvement mitigates it but it's all in the mix and if there's more room on the site you may be able to put in more standard buffers.

Ms. Rasmussen said Mr. Villari made it clear, three pumps help the flow of traffic it will create bottle necking on the site.

Mr. Neubauer said two pumps allow access to the store through that area; tying them together limits the traffic that can flow to access the store.

Mr. Hill said he is not sure if that's true. One of the alternate plans had a pinch point, but the current layout that they are proposing should allow circulation around the fueling to the parking spaces to the store.

Mr. Reilly said we covered the Engineering issues thoroughly and the one aspect we're missing is the planning effects and what they may be and that ties in to the engineering. There's a loose consensus on the curb cuts and it would be nice to get one piece of the puzzle in place to work from and I know Mr. Collins offered in email to sit with the applicant and their consultants to hash out different designs so I think that might be the next hurdle.

Mr. Hill said Mr. Collins may be indisposed for a week, I believe he had surgery today. I think what I would be interested in seeing the site plan that Mr. Tartaglia has and showed me today the minimizes the variances and shows where they are and how we can make the site work better. And also, I think we need the concepts to look at the visual on the canopy and that will be a big issue to go over. I think the site plan is nailed down enough that we can start looking at that.

Mr. Reilly said the general feeling from an esthetic point of view was to have that canopy at an angle and it looks better than a free-standing rectangle in a parking lot.

Ms. Rasmussen said it cannot go on an angle with the three pumps. And given that he has three pumps now, I'm not sure how it will affect the application.

Mr. Reilly said I'm curious to see what Mr. Collins feelings are on the site.

Ms. Rasmussen said if we reduce the pumps, we run the risk of having cars back on to Montauk Highway.

Mr. Hill said the site plan and the curb cuts is preferred, but we have to see what the canopy looks like with this. There's no room to twist the three pumps and the alternates we looked at today the only workable plan is what is proposed.

Mr. Neubauer asked if the Board has the plans he's referring to?

Mr. Hill said he doesn't think so. But it probably should be submitted as I saw it today.

Ms. Rasmussen asked if he wants things fixed first?

Mr. Hill said he'd like them to work on the buffers, and if the preferred site plan is going ahead what variances will they need.

Mr. Reilly said he'd like to see elevations, not full elevations but an idea where we're going.

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Ms. Rasmussen said we submitted them already.

Mr. Reilly said when you make changes to what Mr. Hill asked for you can make changes and submit it together.

Ms. Rasmussen said okay. I know someone commented about the peak sections, fake façade so it looks peaked and keeping with the roofline all of which we are okay with.

Mr. Reilly said I don't want renderings of what you have some place else, I want to see what you're proposing and how it will look on this site and I'd like to get it to Mr. Collins for his review and comments.

Mr. Hill said you can submit it electronically.

Ms. Rasmussen said maybe Mr. Collins can email us his comments and we can discuss it with Mr. Collins.

Mr. Reilly said yes, you can have that conversation informally, and then return to this Board.

Ms. Rasmussen said her client is spending money on renderings and details with no lay out, are we good on this layout?

Mr. Neubauer said there's still an open topic on the pumps.

Mr. Reilly said in terms of the curb cut I am okay.

Ms. Rasmussen said I'm talking about the site layout, and I don't think he will drop the pumps from two to three.

Mr. Reilly said you have that plan, it's not new that you have to create so that's done but you have to give us the visual.

Mr. Hill said you can't move on without the visual because that's a key element.

Mr. Tartaglia said they did discuss that today, and they can do that rendering, and it's simple and gives a nice view.

Mr. Hill said yes.

Mr. Reilly said we need a general idea to see what it will look like in real time.

Ms. Rasmussen said as discussed, they have the full modified traffic study and she'll submit that to the Board.

Mr. Hill said it sounded like the State accident report was not received yet.

Ms. Rasmussen said okay.

Mr. Reilly asked when they'd want to return to the Board? Is October 8, okay?

Ms. Rasmussen said yes, we want to return on October 8.

Mr. Reilly said okay, if you can submit them by Monday or Tuesday.

Ms. Rasmussen asked Mr. Tartaglia if he can do that?

Mr. Tartaglia said no.

Mr. Reilly said to get the site plan.

Mr. Tartaglia said okay, we'll do our best.

Mr. Reilly said okay.

Motion was made by Mr. Neubauer to holdover the application **804F Realty, 112 Montauk Highway (905-004-02-014.01)** seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

**17. Stuart Blumberg, 150 Dune Road, (905-020-01-029.02)** Applicant requests site plan review to install fill within the floodplain in conjunction with a sanitary system in association with the construction of a new dwelling upon the 0.97-acre parcel in the R-3 zoning district.

**18. Michael Brunetti, 65 Main Street Unit 5 (905-011.02-02-005)** Applicant requests a waiver of site plan to replace front windows with accordion doors in conjunction with a modification of site plan for a 16-seat pizza takeout restaurant, approved March 12, 2020, upon a 0.59-acre parcel located at the southwest corner of Main Street & Mitchell Road in the B-1 zoning district.

No one appeared on behalf of the application. Mr. Reilly said he submitted what the Board asked, he doesn't see any problems with his proposal that only extend 18" out in to the side walk area and the awning looks fine.

Mr. Neubauer asked if it's, okay?

Mr. Hammond said he is fine with the plan, and he received everything he wanted. They revised the awnings and he thinks it looks nice.

Mr. Reilly said they can close the hearing for a determination.

Motion was made by Mr. Neubauer to close the application of **Michael Brunetti, 65 Main Street Unit 5 (905-011.02-02-005)** for a determination; seconded by Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

#### **NEW APPLICATIONS:**

**19. Swordfish Beach Club, 245 Dune Road (905-019-02-011.01)** Applicant requests waiver from site plan to reconstruct a deteriorating swimming pool (4,880 SF) and surrounding deck at the existing beach club located upon a 3.7-acre parcel on the south side of Dune Road with associated parking 2.2-acre parcel on the north side of Dune Road.

Joy DeVries appeared on behalf of the application, Larry Rubinson, RNW Engineers.

Mr. Reilly said they had a discussion and it looks like the County has given them the permit to rebuild the pool and as far as he can tell and there is a deminimus change and they are replacing what's there. He does not see any issues with the application.

Motion was made by Mr. Neubauer to close the application of **Swordfish Beach Club, 245 Dune Road (905-019-02-011.01)** for a determination; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

**20. JP Morgan Chase, 154 Main Street (905-012-04-042.01 & -043)** Applicant requests waiver from site plan to replace deteriorating windows and exterior door at the existing bank located upon at the northwest corner of Mill Road & Main Street.

No one appeared on behalf of the application. Mr. Hammond said any change to a commercial building requires a waiver from the planning board, there is no esthetic changes its working on the exterior and there may be updates on the interior but this is just the windows and the door with no changes to the site.

Motion was made by Mr. Neubauer to close the application of **JP Morgan Chase, 154 Main Street (905-012-04-042.01 & -043)** for a determination; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Reilly to adjourn the public hearing at **6:30 p.m.**; seconded by Mr. Neubauer and unanimously carried 5 ayes, 0 nays, 0 absent.