

January 14, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on January 14, 2021 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

**HOLDOVERS:**

**1. 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., submitted a request to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach** from January 14, 2021 to February 11, 2021.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach** to February 11, 2021; seconded by Mr. LogoZZo and unanimously carried 5 ayes, 0 nays, 0 absent.

**2. 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.

Britton Bisstrian submitted a request to holdover the application from January 14, 2021 to January 28, 2021.

Motion was made by Mr. Neubauer to holdover the application of **Anthony J. Cassano, Jr., and Louis Commisso, (905-5-1-21) 30 Lilac Road** to January 28, 2021; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**3. 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.

Richard Haefeli, Esq., submitted a letter stating the applicant received a notice of incomplete application and they would like to hold the application over to March 11, 2021.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** to March 11, 2021; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**4. 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.

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Nicholas A. Vero, Architect requested a holdover of the application of **85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02)** to January 28, 2021.

Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02)**. to January 28, 2021; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**5. 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.

John J. Bennett, Esq., requested to holdover the application of **Laurence Verbeke, 167 Oneck Lane, (905-009-01-019)**. to February 11, 2021.

Motion was made by Mr. Neubauer to holdover the application of **Laurence Verbeke, 167 Oneck Lane, (905-009-01-019)**. To February 11, 2021; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**6. 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.

Frank A. Isler, Esq., appeared on behalf of the application. They have filed their DEIS and its been reviewed by Mr. Collins and Mr. Hill and they believe its deemed complete.

Mr. Reilly said Mr. Hill still has outstanding matters to be addressed in the DEIS, so he does not feel its complete, but Mr. Collins believes it to be complete. At this point it is incomplete at the moment.

Mr. Isler said they got the Engineers report, and were hoping that could be addressed in ten Final Impact Statement, and if you still feel its incomplete we will address them.

Mr. Reilly said they feel it is not complete pending the addressing of those matters.

Mr. Isler said okay.

Mr. Pasca said none of the items seemed to be too time consuming to address, and id ont know if you consulted with your traffic people about what Mr. Hill sent to you, but you may be able to get it wrapped up by the January 28, 2021 meeting

Mr. Isler said that's their hope.

Mr. Pasca said we thought it would behoove everyone to get it all cleaned up and there will be a lot of public input and comment and rather than leaving it to a to subsequent EIS we'd rather get it all on teh table.

Mr. Isler said that's fine, and they will address it all.

Mr. Pasca said they don't need a holdover, but they need a resolution deeming it not ready for public comment until the items raised by the Village Engineer are incorporated in to the DEIS.

Mr. Reilly said before we do that, in terms of timing its two weeks to the next meeting and we need the adjustments to Ron in a timely fashion. Let's figure out a time line we have. If we receive it on January 28, 2021 we'll be right here again.

Mr. Neubauer asked if a week prior to January 28, 2021 reasonable?

Mr. Reilly said you can let us know a few days prior if it's not going to be ready.

Mr. Hill said Friday, 1/22 will be fine.

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Mr. Isler said they will do their best to submit it by then and if they are not able to do so they will let the Board know.

Mr. Reilly said okay.

Mr. Isler asked if they can submit everything electronically?

Mr. Hill said yes.

Mr. Pasca said it's a resolution to deem the draft DEIS incomplete pending the clarification requested by the Village Engineer to the traffic component.

Motion was made by Mr. Neuabyer to deem the draft DEIS incomplete, pending the clarification requested by the Village Engineer to the traffic component of it; seconded by Mr. Shermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

**7. 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.

**8. 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.

**9. 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.

Vincent Gaudiello, Raynor Group appeared and said they are waiting on the Board of Health and they appeared before the Board of Review for Pine Barren Credit transfers on October 22, 2020 and they are waiting for a determination from them, and once they receive a determination from them they will be in a position to obtain approval from the Department of Health and proceed with this site plan approval.

Mr. Reilly said Mr. Hill prepared comments concerning the SWPPP.

Mr. Hill said yes, that has nothing to do with an approval of the Site Plan and I resolved them so I expect to receive a new document, but that's handled outside of the site plan.

Mr. Gaudiello said one thing was how the roof runoff from the existing building and bringing that into the proposed drainage structure and they will submit those drawings and should be complete with the SWPPP.

Mr. Reilly said okay.

Mr. Gaudiello said he wanted to talk about potential covenants and his client takes no objection to providing cross access with the front of the property with the lot to the South however the design of the property is a building trade shop in the rear and its intent is a secured area with a fence surrounding it with a gate that affords access to the back of the buildings and having the cross access with respect to those boundaries and seems counter intuitive with the design intent and I understand this Board has discretion to make determinations for suitable cross access but I just wanted to breach that subject with you and get feedback at this time.

Mr. Neubauer said regarding cross access we have adapted to make it practicable for every day usage and having access for emergency purposes is something we have been going back and forth along Old

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Riverhead Road and we've encouraged cross access but having the impact on the usability of the property and we recognize and having that in the event of something catastrophic or compelling its' available if needed.

Mr. Collins said there was a distinction, when we have commercial sites that are going to be used by and available for the public and adjacent parking lots that there would be and no question in the past as it relates to cross access between the establishments in those parking lots. The other access is multi family and they are a different application, but I think is has been a policy in the past to get the commercial parking lots and have cross access between to have the ability to go from one commercial site to the other without having to go back on to Old Riverhead Road.

Mr. Gaudiello said he takes no objection to the properties that front along Old Riverhead Road, but to the part of the site that's intended to be secure.

Mr. Hill said if cross access is being provided in the front, he doesn't see why it needs to be provided in the rear.

Mr. Gaudiello asked when that is firmed up and how do we go about working that out? Are there standard covenants that this Board typically imposes with an approval and if so, is it possible to get direction from the Village of what they may be, and this is why I'm asking the filing of covenants with the County Clerk's Office is a challenging process from a timing standpoint and should there be a requirement of site plan approval respective to the issuance of a Building Permit that it must be filed or recorded.

Mr. Pasca said you don't have to worry about that; with commercial property and their covenants we have been making the filing of the covenants a condition of the CO. With site plans we have been making them a condition of the CO and it seems to work better for the commercial site plans, and we can get you a few samples of site plan approvals that list covenants and they are fairly standard and you can review them.

Mr. Gaudiello said the fact that they are a condition of the CO is okay to them. His last question is who reviews the signage application?

Mr. Neubauer said it is through the ARB.

Mr. Gaudiello said okay, that's all.

Mr. Reilly asked if a free-standing sign has to be part of the site plan?

Mr. Pasca said no they are often dealt with as standalone applications.

Mr. Reilly said okay.

James Traynor said thank you for your time, but to go back to the cross access. Can it go from the property in the rear, or will have to remain?

**10. 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.

**REFERRAL FROM BOARD OF TRUSTEES**

**11. 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.

**12. 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/

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Associated Site Improvements for Valero Service Station, upon a 0.44-acre Parcel in the B-2 Zoning District.

**14. Lidl Westhampton, 70 Sunset Avenue (905-012-04-020.01)** Applicant requests modification of site plan for façade alterations to the existing grocery store located on a 2.7-acre parcel in the B-1 zoning district.

David Gilmartin, Esq., appeared on behalf of the application, together with Luis Rodriguez, Lidl, Bill Pepin Architect and Kevin Reim Bohler Engineering. Mr. Gilmartin said at the last meeting they were asked to look at a few items and Mr. Pepin can address that.

Mr. Pepin said he is the architect for Lidl and they did look and see whether there was an opportunity to relocate the bottle return area elsewhere in the store and we do not have the opportunity to put it on the North or South and both locations do not have sidewalks and are in drive lanes so there is no room to do that. We are also limited by the entrance and exit vestibules that are existing and the former entrance vestibule for Best Market will now be the exit and that's rather tight in order to create a use in the North West end of the store; and with cart storage and the entrance in the center of the store we don't see an opportunity there as well. From our perspective the best location is at the South West end of the building, it affords the least conflict with carts and conflicting traffic in and out of the store in that location and there is a drop curb already present with sidewalk space to afford the use. It would really feel like its the best location and we don't see much other

Mr. Neubauer said he hasn't seen the sites maintained correctly, and the return facilities are sort of left out of sight out of mind and at the entry of this building I just don't think it will look nice.

Mr. Reilly said the other problem, that corner is the line of people pulling in to the main driveway so it's not off to the side and I concur with Mr. Neubauer.

Mr. Pepin asked Mr. Rodriguez to address the operation.

Mr. Rodriguez said we do have to have it and its required by New York State and obviously if we could do away with it, we would love to but we have to comply with the State having to supply bottle redemption and we try to put it in an area where it will not affect the main entry to the store so we try to make it as inconspicuous as possible, but I wouldn't say we don't try to maintain them. We do have employees that regularly go out and corral the carts and they are supposed to maintain those areas and we can discuss with the operations team to see if there's more to do but we want to make sure we keep them upkept and we put water near there to make sure they are maintained and clean. But there are not a lot of other options for its location. I can talk to our operations team to make sure it is maintained but unfortunately it is something we don't have a lot of options available to us for.

Mr. Neubauer said we are not looking at the cart corals at other stores, the cart corals that are part of the approved site plan are what will be used?

Mr. Rodriguez said he will have to look in to that. Typically they use the standard ones but I can look into that.

Mr. Collins said the cart corals were an approval of the original site plan, if you are asking to change them you'd have to amend your application and it was a major contention of the original application the design of the cart corals. I see you are adding new railings for cart containers on the sidewalks I would like to see specs on those too which I don't see in the application.

Mr. Rodriguez said they will provide that; I don't know that anything has been removed from the site.

Mr. Collins asked if the cart corals are there?

Mr. Neubauer said they were removed.

Mr. Collins said that's a big issue, they need to be replaced.

Mr. Jones asked about the proposed bicycle racks they look like they are going to project into the sidewalk under the overhang.

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Mr. Pepin said they are proposing a clear frosted glass door.

Mr. Logozzo said he has a comment about the door, and it looks great but it will be up all day long so we will be looking at the machines, not the door. When you pull in and see the bottle returns it's not a nice site when you pull in and the door looks great when it's down, but it will only be down at the end of the day.

Mr. Neubauer said the location is an issue that they need to focus more on.

Mr. Reilly said can you have that door with an entrance so they can be down all day and we don't see the returns?

Mr. Logozzo said yes, that's what he'd like to see too.

Mr. Reilly said no one wants to look at the machines.

Mr. Logozzo said the area is never kept clean, and it's something you'll see upon entrance of the site.

Mr. Neubauer said this is not a very high traffic usage in our area, and if possible containing it where it is now is an acceptable option. People aren't coming to the store to return the bottles it's not that kind of volume here.

Mr. Gilmartin asked what he meant by contain?

Mr. Reilly said to keep the door down, and closed because when it's open people will see the interior with the machines and bottles and garbage and we would like it to not be visible.

MR. Gilmartin said he's not sure what they are suggesting.

Mr. Collins asked if it could be redesigned; could it be a room you walk in to with a door and maybe the area is designed so it's deeper so you can have the two machines face each other instead of facing out and it's not such a major visual component of the front of the building. That may work, with a door that people can go in and out of instead of a 12' x 3' wide

Mr. Jones said providing space for garbage is a good idea, and there's always things that don't go in the machine they leave it and if there's a receptacle for trash that will be handy.

Mr. Rodriguez said in that room there should not be anything in there and that gets back to the back room and recycled on a weekly basis.

**15. WHB Kitchen LLC, 149 Main Street (905-011-03-001)** Applicant requests modification of site plan to erect a seasonal membrane enclosure under the retractable awning for outdoor dining at the existing 16-seat restaurant located upon a 3,610 SF parcel in the B-1 zoning district.

**16. PGJG Holding Corp, 214 & 238 Montauk Highway (905-006-02-031 & -032.01)** Applicant requests modification of site plan to convert a portion of site parking and access way for a seasonal dining area (40 seats) with facade changes to install accordion doors at the existing standard restaurant "Baby Moon," upon property totaling 44,650 square feet in the B-2 zoning district.

**17. Westhampton Synagogue, 142 Mill Road (905-012-01-044)** Applicant requests site plan approval to construct a second-story addition over existing first floor, remove mezzanine and convert building for a children's center with an exhibition hall, community rooms and a youth chapel upon a 16,033 square feet property located at the northwest corner of Mill road and Sunset Avenue in the B-1 zoning district.

Hermon J. Bishop, Esq., appeared on behalf of the application, together with Frank Lombardo, Architect. Mr. Bishop said they have submitted plans and he thinks at this time, he's going to refer this to their architect.

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Mr. Lombardo said at the last meeting, they were referred to the ARB and they received a favorable response from them and Mr. Minassian was going to send a letter to this Board.,

Mr. Reilly said yes we received that.

Mr. Lombardo said they will go back to them for the signage and the second issue was the curb cut for the children's drop off and curb cut and he reviewed our revised drawings we concur with him and are going to abandon the curbcut and my revised drawings show the original drop off, and they prepared a SWPPP plan and the plan appeared sufficient without the curbcut

Mr. Reilly asked Mr. Hill if he could look at the new submissions?

Mr. Hill said he did look at them, and he's okay with them. The only other thing is that it seems appropriate to have a sidewalk from Mill Road.

Mr. Lombardo said okay, they will look into it.

Mr. Bishop said he sent a letter to the BOard on December 23, 2020 indicating they would like to continue the neighborly cooperation allowing the adjacent owner to the West to have cross access or access from Sunset Avenue to the Northern parking lot of their as long as they don't make any more property claims, but we do not want to agree to any shared parking. We have 11 spaces and we need them., With respect to the SEQRA we respectfully request that the Board determine this a Type II action.

Mr. Collins agrees that it is Type II

Mr. Pasca said if they need it for the BOH we can do an oral resolution.

Mr. Collins said yes, and then it's memorialized in our final resolution.

Mr. Pasca asked if they need an oral resolution?

Mr. Bishop said they would appreciate it.

**NEW APPLICATION:**

**18. John Keogh, 29 Fisk Ave (905-009-02-032)** Applicant requests site plan approval to place fill within the flood plain for a sanitary system enclosure and site regrading in association with redevelopment of a single-family dwelling property upon a 2.05-acre parcel in the R-1 zoning district.