

February 25, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on February 25, 2021 at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman
Ralph Neubauer
Jack Lawrence Jones
Michael Schermeyer
Rocco Logozzo

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Kyle Collins, Village Planner

DECISIONS:

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.

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.

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.

Status: **HELDOVER until March 11, 2021**

ZBA: *Granted*
ARB: *Received*

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

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

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.

Status: **HELDOVER UNTIL January March 25, 2021**
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**

3. **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 March 11, 2021**

ZBA: **GRANTED, 12/20/2018**

ARB: N/A

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

SCDHS: **NEEDED**

SCDPW: N/A

SCPC: **NEEDED**

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.

Status: **HELDOVER UNTIL February 25, 2021**

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**

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.

Bailey Larken, Esq., said they submitted the Board of Health plan and that was all they were waiting on.

Mr. Reilly asked if there was anything else?

Ms. Larken said there was a question whether they would agree to no further subdivision and they would not agree to it, the one lot is over 150,000 square feet in the R-1 Zone so at this point in time and if anyone were to re-subdivide and they are not willing to offer that condition.

Mr. Hammond said we went through the books and in the mid to late 1970's the PB was not as verbose as it is now, and it was not clear cut but there was a talk about a 4 lot subdivision and a talk about other properties but there was a question, and my reading at the time does not look like they can do another subdivision after this. There was limiting criteria on it and there is a section in the Code that talks about it as well and there is a lot that would be big enough but it is a question that was raised on the record and I understood the argument based on the record.

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Mr. Hill said he is having trouble remembering, but was this created by a subdivision 10 years ago and created as part of a subdivision at that time.

Ms. Larken said it was not, it is not part of a prior subdivision. The adjacent parcels were and there was a neighbor who came in 2019 objecting and stating they would not subdivide the lot and we submitted correspondence in response and it was acknowledged and all of that was filed with the Village and there was no record in the Village and nothing recorded against the property that prohibits further subdivision.

MR. Reilly said given the accelerating development of this Village I think there's a growing sense that things are getting out of hand a little bit, and we would have an idea where we're heading and we don't want it open ended. Can we condition it that way?

Mr. Pasca said the only thing I'll ask is the parkland requirements say that if it's two lots and you're filing a covenant that you won't further subdivide you are exempt from the park land requirement and that leaves the option open to the applicant not to file the Covenant and what that means is that the next park of the requirement for two lots you pay a flat fee of \$5,000.00 and if they are aware of that fee in lieu of providing park land I don't think our Code requires them to file a Covenant stating there's no further subdivision. I don't see any other reason and if there is a specific reason.

Mr. Reilly said Mr. Hammond indicated that there was a question of a further subdivision of a subdivision.

Mr. Hammond said I may have picked that up from the park and rec fee.

MR. Hill said my question was more are you dividing in steps to avoid things like the park fee, and I was concerned that if it was subdivided you're avoiding a major subdivision. If the way the park fee goes, if you divide in steps you avoid the park fee that's an issue. I think the best thing to do then is to have a claw back.

Mr. Pasca said they will be required to pay the park fee; if they file the covenant stating they will not further subdivide they are exempt from the park fee and if they do not then they must file the park land fee in the amount of \$5,000.00. And if they subdivide again there's another \$5,000.00 park fee that will be applicable.

Mr. Neubauer asked if they understand that?

Ms. Larken said yes.

Mr. Reilly said it looks like everything we need to do a resolution.

Mr. Pasca said between now and the next meeting I want to look at the plans and make sure we have everything because it has been dormant for quite some time. And we expected to deal with an issue and we forgot about it.

Ms. Larken said with the plan with the Board the applicant has proposed to remove access to the developed lot from the common driveway and offered a covenant that says the rear lot will maintain its own access off of Oneck, and the approval would be conditioned upon that.

Mr. Reilly said to hold it over to March 25, 2021 to review the plans in contemplation of an approval.

Mr. Pasca said no, we should hold it over to March 11, 2021 in case there are questions that need to be addressed and we can tell them at the March 11, 2021 meeting.

Mr. Hill said I want to go back to the access we don't want new driveways, and that means the two should have a common driveway.

Ms. Larken said there is a secondary driveway, it's a giant U-Shaped driveway and we're cutting off of access for the developed portion for the common driveway and maintaining the separate driveway.

Mr. Hill said he does not want to see a new driveway.

Motion was made by Mr. Neubauer to holdover the application to March 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

Status: **HELDOVER**
NOTICE OF PUBLIC HEARING SCHEDULED: MARCH 25, 2021

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
Draft DEIS Adopted by the Board, January 28, 2021 – Adequate for Public

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**

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.

Status: **HELDOVER UNTIL March 25, 2021**

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**

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.

Status: **HELDOVER UNTIL February 25, 2021**

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;*

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.

Status: **HELDOVER UNTIL February 25, 2021**
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;*

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.

Status: **HELDOVER UNTIL February 25, 2021**

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 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/ 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 Robert Chase

Mr. Reilly said the layout seems to be taken care of, and our discussions are at an end so now we're into the aesthetics of the application. The feeling now, the renderings that we have been provided are in adequate and they need more detail, and there is also a sense that the signage needs to be addressed

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so it's much closer to conformance with the Code and the Code only permits two (2) signs and we would like to see much fewer signs.

Mr. Neubauer said we want good applications for any signs.

Mr. Reilly said they don't want to see digital price signs above the pumps.

Mr. Neubauer said he'd like to discuss the color.

Mr. Reilly said we need a much more detailed set of plans, with colors, and renderings and when we get an idea of what you're proposing we can review them.

Ms. Rasmussen asked if they want to see the color renderings before the ARB?

Mr. Reilly said he'd like to see them; we won't send you to the ARB without seeing them.

Ms. Rasmussen said we haven't proposed any of yet, but what's on the plan is not what we're proposing. He wants to keep it in conformity with the Village Code and we've emailed with Mr. Hammond and we know there are only two (2) permitted and we understand we need a variance for a third sign.

Mr. Reilly said the pole sign on the corner is not something we would like to see stay.

Ms. Rasmussen said we are not proposing digital signs and pricing, and we're proposing one on the building and the canopy or both, which we'd need a variance for. Do you have ideas as far as colors or rendering that you'd like to see?

Mr. Reilly said I appreciate they have their own color scheme, and I'm not saying they are offensive, but I think there is too much teal and gold color it is visually overpowering.

Ms. Rasmussen said the client understands that.

Mr. Neubauer said we don't want what all the other gas stations on the island look like.

Ms. Rasmussen said the coloring will be there but only in the sign and something more in keeping with the Village atmosphere.

Mr. Reilly said yes. Get a good starting point, and I think you know where this should be heading and then we can work it out as we get closer.

Ms. Rasmussen asked if you have looked at the lighting and landscaping.

Mr. Neubauer said everything we have so far, and from my standpoint I would like to see a brand-new set of everything because we've gone through all of this between the Boards and I'd like to see a digital package but I'd really like an up-to-date plan that the Planning Board can consider on that site.

Mr. Reilly would like to see a robust landscape plan that is realistic and not obstructive but that will break up the feel of a gas station.

Ms. Rasmussen said the landscape plan is thorough.

Mr. Neubauer said they aren't accurate. There's no bicycle rack on Old Riverhead Road when discussing the canopy. The bollards are not shown, the air vent thing is not shown.

Mr. Chase said the vent is an underground air tank and I can look to see if it can be moved, I'm not sure if they can be but they are around them for protection.

Mr. Reilly said he appreciates that, but we need them shown on the plan and see what the visual impact will be within the context of your proposal. We need accurate street level renderings. We need a streetscape at a minimum from Montauk Highway and CR 31.

Ms. Rasmussen said the landscape plan is detailed.

Mr. Neubauer said it doesn't include those aspects that we just talked about.

Ms. Rasmussen said I don't know that would be part of the landscaping so that's why I'm confused.

Mr. Reilly said we need it shown on the site plan as it would look like as you're seeking an approval for.

Mr. Hill said the Boards point is that you're doing a rendering but some of the elements are being left out, and yes landscaping doesn't include those features but they are there and could be covered by the landscapes. And the signs, you want to show them and their size and your proposal.

Ms. Rasmussen said we were leaving the signs off because I understood it was separate from this Boards review.

Mr. Reilly said no, our review is inclusive of the signs and we discussed whether to include them as part of the site plan so that if there are changes, you'd have to return to this Board. But the signs are within our purview.

Mr. Neubauer said we want to know what you're building.

Ms. Rasmussen said the site plan has that, but we can make it more detailed. I would like to adjourn for two (2) weeks and if we need more time, we can ask for that.

Mr. Reilly said if we hold you over to March 11, we don't want to receive them March 9.

Ms. Rasmussen said is she correct in understanding you want a color rendering showing specific details of the materials, coloring, the landscaping all on one colored rendering.

Mr. Neubauer said we want to know what you are going to build.

Mr. Reilly said we don't need a full-blown site plan.

Ms. Rasmussen you want something you can refer to the ARB?

Mr. Reilly said yes.

Ms. Rasmussen said to go back to the last meeting, someone asked about the curb cut, is that satisfied, or do you want to talk to the DPW about that? We are still with the BOH and the DPW and I want to make sure if they approve a certain width will the Village be okay with that.

Mr. Neubauer said Mr. Logozzo said he made a recommendation.

Mr. Hill said High Point is going to ask the DPW, and I think they asked and High Point owes the PB an answer.

Ms. Rasmussen said okay, we will get information and if we need to, we will submit it.

Mr. Hill said Mr. Collins raised an issue at the last meeting and it was the air compressor and the vacuum.

Ms. Rasmussen said they offered to move that.

Mr. Hill said we don't want them in the location that they are proposed. Wherever they are having to be in a place where someone will not block pump access.

Ms. Rasmussen said okay. We will look at other locations for that as well as the vent screening.

Mr. Hill said you could move them, where they are would be nice to see them moved to the side, the vents.

Ms. Rasmussen said Mr. Chase is here and he just mentioned they can't be moved.

Mr. Chase said he doesn't believe they can be moved.

Mr. Neubauer said they'd like to see them moved.

Mr. Chase said the building will have zero Valero colors on it.

Mr. Reilly said to please look in to moving the vents and if not, explain to us why.

Mr. Hill said the bollards cannot be in the parking spaces.

Mr. Neubauer said this is why we need an accurate rendering.

Mr. Logozzo asked if there's a minimum height on the vents, the height off of the ground.

Mr. Chase said probably 10 feet.

Mr. Hill said there are Board of Health standards.

Mr. Logozzo said there is a spec he is looking for the minimum.

Ms. Rasmussen said she'll ask the Engineer.

Mr. Logozzo said he understands moving the vent, but that's why he's asking the question of what the minimum height is.

Motion was made by Mr. Neubauer to holdover the application of **804F Realty, 112 Montauk Highway (905-004-02-014.01)** to March 11, 2021; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

13. 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.

Mr. Reilly said they went to the ARB and he saw an issue in the report, and he thought they locked it down and that was the question of the glass on the door and the glass above being frosted or normal windows and we thought we were clear that we wanted them frosted so the inside was not readily visible from the parking lot area.

Mr. Neubauer doesn't understand why it came up.

Mr. Gilmartin said they did offer the frosting.

Mr. Neubauer said he would like it to all be frosted. The door and the glass should all be frosted.

Mr. Gilmartin said that's correct, but the window above to let in natural light.

Mr. Reilly said I understand that, and if it's not frosted up top it will look odd.

Mr. Gilmartin said it will be frosted.

Mr. Reilly said there's no other issues, and I know the Planner raised questions in terms of the signage and I don't have any issues with it.

Motion was made by Mr. Neubauer to close the public hearing of **Lidl Westhampton, 70 Sunset Avenue (905-012-04-020.01)** for a determination; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

14. 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 façade 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.

Status: **HELDOVER UNTIL March 11, 2021**

ARB: **NEEDED**

BOT: **N/A**

SEQRA: **N/A**

SCDHS: **N/A**

SCDPW: **N/A**

SCPC: **N/A**

15. Beechwood Westhampton LLC, 44 & 60 Depot Rd (905-004-01-014.06 & -013.01)

Applicant requests preliminary subdivision approval to subdivide 13.06-acre assemblage of parcels, into twenty-two (22) single-family lots with associated road, drainage and utility improvements in the R-2 zoning district.

Status: **HELDOVER UNTIL March 11, 2021**

ARB: **NEEDED**

ZBA: **N/A**

BOT: **N/A**

SEQRA: **LEAD AGENCY LETTERS SENT OUT, 2/12/2021 – COORDINATED REVIEW COMMENCED**

SCDHS: **NEEDED**

SCDPW: **N/A**

SCPC: **NEEDED**

NEW APPLICATIONS:

16. Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017) Applicant requests minor subdivision approval to subdivide a 35,250 square feet lot, improved with a single-family dwelling, into two lots of 18,090 & 17,157 square feet in the R-4 zoning district.

WAIVER OF SITE PLAN:

17. Blue 2, LLC., 99B Main Street (905-11-2-20.4) Applicant requests waiver of site plan to replace windows and siding on a two-story office building upon a 2,267 SF parcel in the B-1 zoning district.

Kimberly and George Monsour appeared on behalf of the application.

Mr. Reilly said there was some feeling that a plain white building might not work as well, we might want to see more detail beyond just the white.

Mr. Neubauer asked if they want to go to ARB.

Mr. Reilly said we’d like to see you add more to it than just white.

Ms. Monsour said we were trying to keep it simple.

Mr. Reilly said it’s okay to keep it simple, but maybe you can add something to the windows. But other than that, there’s no issues so if you can come back on March 11, 2021 we can send you on your way.

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Mr. Monsour said what are you looking for, everything is white so what do you want us to do?

Mr. Reilly said I understand that, I won't go crazy personally by changing it white, if you can add a little thought to it.

Mr. Monsour said the issue is the leaky windows and siding and replace it and move on. It's not like we're trying to make changes to it.

Mr. Reilly said I'm not looking to make you do that, I'm not an architect.

Mr. Monsour asked what you want, there's no room for shutters.

Mr. Reilly said it looks very plain. Mr. Neubauer likes white.

Mr. Neubauer said yes, I do.

Ms. Monsour said it has the shingles and the wood runs a different way so that is being kept. They can add trim around window and make the door a different color.

Mr. Monsour said there's vertical and horizontal plank, and if you wish we could paint it a different color to give contrast. We can do a light gray, but then there's a brown roof.

Mr. Reilly said I don't want to make it more complicated. Let's leave it white, and change the color of the door. And I don't want it to get damaged by jerking around over trim.

Ms. Monsour said okay.

Mr. Reilly said over time, you can add landscaping to clean it up.

Ms. Monsour said okay.

Mr. Neubauer said can we grant the waiver of site plan?

Mr. Reilly said yes.

Motion was made by Mr. Neubauer to grant the waiver of site plan of **Blue 2, LLC., 99B Main Street (905-11-2-20.4)**; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

FILL APPLICATIONS:

18. Kohn-Hall Enterprises LP (905-010-04-026) Applicant requests site plan approval to place fill within the floodplain in conjunction with providing drainage and redevelopment of the backyard for a 1-acre single-family property located in the R-1 zoning district.

Motion was made by Mr. Neubauer to adjourn the public hearing at **5:45 p.m.**; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.