

April 8, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on April 8, 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

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Kyle Collins, Village Planner
Rocco Logozzo

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 hold the application over to May 13, 2021 to record required documents pursuant to the Suffolk County Department of Health approval.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 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.

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** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 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.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 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.

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)** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

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5. 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.

Mr. Reilly said this is a continuation of the March 25, 2021 meeting of the DEIS and we held it open to allow the public another opportunity to comment, and I ask everyone to be conscious of the fact that we took a lot of comments about traffic, character, density and a lot of issues and we are not going to engage in colloquy and we're here for commentary and I ask you not to repeat yourself or what we've heard and we are aware of the neighbors concerns. And also remember, although public comment is welcome, written submissions are preferred. Now I'm going to turn it over to the applicant.

Frank A. Isler, Esq., appeared on behalf of the application, together with James Behringer, Bob Behringer, Bryan Grogan. Mr. Isler said they were just here to continue the public hearing portion and they believe they are here for comments not previously covered and at the conclusion of today's public comment it will be closed for 10 days for written submission under SEQRA. With that said, he defers back to the Chairman.

Mr. Reilly said to that end, I am going to open the public portion of the meeting.

Trish Olman, 71 Rogers Avenue asked how to submit written comments. And she asked how long she had to do so?

Mr. Reilly said you can email them to the Board secretary.

Ms. Olman asked how many days she has?

Mr. Reilly said the SEQRA regulation provides for 10 days after the close of the public hearing which is what we anticipate doing tonight.

Ms. Olman thanked Mr. Reilly.

Ms. Mackie said to the public, please raise your hand by using the hand raising feature, and everyone will have a chance to speak.

Mr. Reilly just reminded the public to do their best not to repeat themselves. He told Mr. Borow that they received his comments, and that he did have a chance to speak at the last hearing.

Jay Borow asked the email address to submit written submissions, he said he mailed his submission.

Ms. Mackie provided them with her email address and stated that it is available on the Village's website as well.

Mr. Borow read back the email address provided by Ms. Mackie and said he has nothing further to add.

Mr. Reilly said whatever has been submitted and whatever is submitted is disseminated by Ms. Mackie.

Kieran Morris appeared on behalf of the application in support of the application. He grew up in Westhampton Beach and he lived on Beach Lane for 30 years and now he lives on Baycrest Avenue but the principal comment is that townhouses offer the ability for younger families to move in to the town, and they have quality jobs, and are helpful tax payers and this is a positive way to draw them in to the community as opposed to older people who will buy and then resell later on. I think it's a fantastic help to the community

Carl Irace, Esq., said they were expecting information from the Village before today and their Engineer is at the meeting too tonight to express more what they were looking for and they did not get that. At the outset of this conversation tonight, it was no promise to close after today, it was a conditional idea that if other matters were satisfied, they'd entertain closing the public comment portion of the hearing with the written comment section after. As a threshold matter, as I recall and I think the Members of the Board and the public will too there was no promise to close the public hearing tonight and there's a lot of interest of the community and we have substantive foundational issues that need review. They are in the DEIS and as it is it's not suitable for adopting and not fundamentally correct and can't be

adopted. I think for a couple of reasons I will be happy to go in to, and I was waiting to comment to allow other people to comment first, and there's fundamental issues with the application and I think it's in appropriate to adopt the DEIS without things being corrected, if they can be I don't think there is jurisdiction to approve it and I will expand later if other people want to go first. I had to correct a few things at the outset that were pretty clear, and thanks for letting me jump in, I have substantive comments that I'd be happy to make. But if the Board would prefer, I would like to give others an opportunity to be heard.

Mr. Reilly said I have a recollection that there was no promise that we would definitively close the hearing tonight, but I did say it was our intention to do so barring some unforeseen or unexpected circumstances. We aren't closing the site plan hearing; we are still early on in the process. If you have substantive reasons why we can't take the next step, by all means share them with us now so our Counsel can advise accordingly.

Mr. Irace said he did not intend to bring this up, but these, even the workforce housing options they aren't starter homes and they are not the types to be at the price point but I live here and I know what life's like, they aren't starter homes. I think trying to put another spin on the units is misleading, even the ones labeled affordable the Board Members know what the price points are. There are a few things the Board has to review, they are cumulative impacts that we don't see addressed in the draft; there needs to be a review that includes the Amazon site and the Senior Center have to be included, without that this draft can't be approved. Cumulative impacts are an element of SEQRA review and this draft doesn't have it and without it it's not a great draft to approve for that reason and other and without that contemplation I don't think you can approve it. and it doesn't seem fair to the Board to evaluate it, it's on the applicant to provide that data and analysis for the Board to review and asses. There are other foundational issues that affect the yield, and the yield of 52 units is what is proposed and that 52-unit yield is what drives the other ill consequences of this application that has everyone upset. To describe those for the Board, they relate to the fact that there's an existing filed subdivision map and on that map there are lot lines and there's a foundational issue with respect to the lots and question, and merging title of legally conforming lots does not erase the lot lines of the existing subdivision and this board doesn't have authority to proceed on this as proposed because there are existing lot lines and you don't have an application before you to modify them or grant relief from them as the map exists now, it's not a clean slate where the Board has authority to approve construction of structures that don't conform to existing lots as filed. The existing easements cover over 2 acres of the site, while true the total area is 9 acres and after deducting two acres there are 7 and that 7 was divided into 6 one acre lots and a road that was 1 acre and the lots were designed at the time of subdivision to be larger than the adjacent zone so that they could accommodate the structures contemplated for the MF 20 Zone, specifically the plan then was, and this is important because in the DEIS the applicant offers the opinion that their plan achieves the goal of the MF Zone, but it doesn't, it exceeds it. What we have here are lots that were designed to accommodate structures of an MF 20 Zone which as of right means single family or two family residences, one each per lot. That means six (6) if they are single family residence, and 12 if they are two family, or a combination in between. The other option was to allow for a Special Exception Permit for each lot to have a MF residence up to 6 per acre. The point is, as long as the subdivision map exists there's no authority to allow for 52 units and the proposal is not conforming and this Board can't review the application if it's not conforming, so this draft cannot be approved. Additionally, and this is related to the yield, the DEIS is incorrect where it purports to describe alternatives, in particular Alternative 1 and 2 and Alternatives 1 is incorrect stating it would have 18 single family residences as of right, that's not correct. Everytime I look at the calculations it bothers me, because the calculations are not correct, and it's not born out by the facts. The fact is there are 6 lots and each can have one single family residence that's as of right that's 6, not 18 single family residences so how you get to 52 units is problematic for the application and they write their description in their DEIS it is not correct, if they want to reconfigure the lots and redesign them that's something that will be part of another review by this Board and makes it not as of right and it's being misconstrued and used improperly and is misleading and creates an exaggerated yield. And the problem is the yield, it is not correct to state it achieves the purpose and intent of the rezoning of 2003 because the purpose and intent of the rezoning was expressed in the Village resolution, and in the 2003 Industrial Updated, and in the 2006 Comp Plan, that was allowed to have one acre lots to have single family residences or two family residence or to apply for discretionary review from the Board of Trustees for up to, I don't know that a one acre lot could accommodate six multifamily units about that's the limitation in the Code, but it still doesn't get you to 52. Another misleading incorrect point is alternative 2 which similarly is not correct, because its underlying calculation is based on the wrong numbers. When you do the math wrong, the result is wrong, 52 is wrong, 4 units per acre, 4x6 lots is 24, not 36. It does not appear to us that this Board can adopt this draft that's the subject of this hearing

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as proposed, maybe they can go back to the drawing board to review other things and cumulative impacts and we have real questions on traffic, and I think we would like to hear the Board's standpoint, and we feel like closing the hearing is inappropriate. We feel a written submission can help, and the neighborhood is looking for feedback from the Board and responses and hear the Board articulate why or how it prioritizes these things, and we feel closing the hearing is inappropriate, procedurally because we haven't received information, we need to play our role in assisting the Board in its review. But also because it's not right to. I am happy to answer any questions.

Mr. Reilly said as we said at the last meeting, we are in listening mode. We are accepting public commentary and as I recall it will be incorporated in the review process before we adopt anything. We are gathering information to review and evaluate.

Mr. Irace said you can't adopt this, it doesn't conform.

Mr. Reilly said we are not saying we are adopting anything; we are not at that point. We are talking about whether the public hearing stays open or not.

Mr. Irace said this is our opportunity to persuade you not to adopt it. I think that's our goal.

Mr. Reilly said he appreciates that, but we're not there, at that point. As I recall, Mr. Collins the Village Planner is going to prepare analysis of the comments we are taking in, but we are not at that point yet.

Mr. Irace said we will want to comment on Mr. Collins' comments.

Mr. Reilly said this will not go through in the next month, there's plenty of time for commentary.

Sally Morris, said she will follow up with a written letter and had her son spoke earlier we have lived in this Village since 1986 and it's increasingly difficult for younger people to buy in to the community and it will be beautiful brand new construction, and it's not something younger kids are able to do, and it's also something that her sister, who lived in the Village for many years is trying to return to the Village, new construction gives someone on that end the opportunity to return to the community. They don't have enough money to renovate a more affordable house. I will follow up with my points in writing.

Mr. Reilly thanked Ms. Morris. He asked if there was anyone else from the Public who wished to comment.

Steven Schneider said the Amazon issue is a major impact issue, and in 2018 or 2019 when they first applied and put the application in, the Amazon facility was not on the board and should be looked at as a traffic generator of trucks through that area and part of the traffic study. We did some review, and the numbers that they used in their report which was based on August 2020 data, I compared that to the 2016 that the Suffolk County DPW had and the 2016 counts were taken and I increased that by the 2.8% to get to the current 2020 counts, I multiplied 2.8% by four and there's 11% and I added that to 2016 and some of those counts were 22% higher than the counts they were using in the report during the pandemic and that's something to be looked at. A 22% higher number of possible cars based on a 2016 giving a much higher amount of cars in 2020, by 22% and many approaches at CR31 and CR80. He thought he'd receive Mr. Hill's report before the meeting, and in order to proceed we have to hear it and see it, and comment on it and hopefully on it at another meeting. I thought it would be first, but I would like to know if he's available to give his comments today so we can hear what he has to say respond and return.

Mr. Reilly said he received them today.

Ms. Mackie said she received Mr. Hill's comments at 2:00 p.m. today and will forward them to whoever would like them tomorrow morning.

Mr. Schneider asked if Mr. Hill could summarize his comments.

Mr. Reilly said we are accepting commentary and we are not discussing anything tonight; we are listening to the public comment.

Mr. Schneider asked if there will be another meeting after Mr. Hill's comments are read by them,

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Mr. Reilly said no.

Mr. Schneider said Amazon should be a part of it too.

Mr. Reilly said that's another issue.

Mr. Pasca said procedurally, you decide at the end of the meeting, whether to close the public hearing comment period on the DEIS. But even if you close it on the DEIS there's a 10-day written comment period required under SEQRA, technically you are only closing for oral comments, subject to a 10-day written comment period and it's up to this Board what they would like to do. Regardless the public has an opportunity to respond to Mr. Hill's comments and you have the opportunity to respond in writing, if you keep it open for another meeting they can do so in person. But that's up to this Board to decide what to do.

Mr. Reilly said my recollection procedurally, I did not think we'd be making presentations at this point.

Mr. Pasca said they are not required to. I'm telling you procedurally, Mr. Hill has made written comments for the record and the public has the opportunity to respond either in writing or at the next meeting depending on what the Board decides to do.

Mr. Schneider said there are 50 people listening in and I thought last time you said it was not available, and there would be a time to review it and discuss it and there's 50 people ready to listen to the traffic study information as I am. I thought it would be helpful at this point, can you summarize it?

Mr. Pasca said no, that's not appropriate it dilutes it down, and he put written comments and they are his comments and they should not be diluted to something else. They are not that long, you should read them. The Village's consultants don't have to comment at this stage on the DEIS we are in a gathering mode to listen to the public comment; after this hearing closes the Planning Board as Lead Agency will prepare the FEIS and that will respond to all comments, so that is the main part of the process and whether Mr. Hill comments on the DEIS it is gratuitous to the process and we want everyone to have the opportunity to comment but we aren't obligated on Mr. Hill making a presentation on traffic that's not his role in this.

Mr. Reilly said it's not as if he's not going to discuss them at all, it's just premature at this point. We are at a phase in the process where we're gathering information from our consultants, from the public and from the applicant and it goes into the FEIS and then we will have presumably have a few meetings to discuss everything. We aren't foreclosing a discussion on traffic, we're just not doing it at this point because we are not there. Is there anyone else who wishes to be heard?

Mr. Irace said the statute says at least 10 days, and I encourage the Board to be more gracious than 10 days.

Mr. Reilly said okay, thank you.

Mr. Isler said a few comments; first in listening to counsels comments earlier, I think he's missed the point that the DEIS has been deemed complete by this Board, and as was explained we're in the process of having comment periods on the DEIS and that yields to this Board as Lead Agency to prepare a final impact statement to respond to the points that the public has made or involved agencies and you're not accepting the DEIS; it's been deemed complete and we're moving forward to the next step in the Environmental Impact review. Another thing, I'm confused by is his comments on the existing subdivision; I don't think he realizes that the 6 lot subdivision that was approved many years ago was an Industrial Subdivision it was under the Zoning when it was zoned Industrial and that was the Zone then. As a matter of right we could develop it as industrial property under that subdivision as approved, and we have no interest to do so and we are proceeding in accordance with the MF Zoning Requirements of the Code. The site plan we are preparing is completely compliant with the yield requirements of the MF Zoning, and we're subject to a Special Permit application that we must follow after site plan review and during the site plan review the public will have opportunity to comment on the site plan. We're in the environmental review, there's been two opportunities to be heard, the Village will distribute the comments and anything part of the record and 10 days is more than ample time and it's been a long going process and it will continue for quite some time to review the plans itself. I urge the Board, as you can see that the parameters set for this meeting was a continuation of a

public hearing and ask that comments be limited to what has not been discussed and very few people have come forward to talk because the subjects have been amply covered by public comment today and the hearing, we had two weeks ago so I urge the Board at the conclusion of this close the hearing, and set the 10-day period for written comment so we can proceed with the FEIS review. I will have Patrick Lenihan, VHB respond to Mr. Hill's comments in writing. They are ready to proceed to the next step and will address all of the comments received that were submitted orally and in writing, and the ones we anticipate receiving in the next 10 days; I urge you to close the hearing and allow for the 10-day comment period.

Lori Soloman, Rogers Avenue said she understands there will be development built on the site, and we don't have an issue with development, but if anyone has been to Rogers Avenue and Hazelwood and thinks 56 units and the traffic is a good idea on these little streets that already have cars whizzing and don't think it will change the character of the neighborhood, no one objects to building on the site but 56 units is insane.

Mr. Reilly said that will be addressed during the process. He asked if there were any other comments.

Motion was made by Mr. Neubauer to close the public hearing on the DEIS, with written submission comments to be submitted no later than April 22, 2021; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to holdover the application to April 22, 2021; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

6. 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.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Inn LLC., 43 Main Street (905-11-1-15)** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

7. 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.

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

8. 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 appeared on behalf of the application. They received written determination from the BOH and they are transferring Pine Barrens Credits and that is in the Village record. The second item is the SWPPP plan which has been approved by Mr. Hill and they have a SPEEDES permit and they are requesting a resolution for the next meeting, with the understanding that they obtain approval from the BOH and they will submit that.

Mr. Reilly said I appreciate where you're going, but we don't draft anything without approval from the BOH.

Mr. Gaudiello said okay.

Mr. Reilly said you want to get preliminary work underway while that's working its way through the system?

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Mr. Gaudiello said they want to erect the silt fence and start clearing the site, and I discussed it with Mr. Hammond who had no issue and if we can receive direction from this Board I would like to see that.

Mr. Reilly asked if there's any issues on Mr. Hammonds end.

Mr. Hammond said no, if you are okay with that, they can get started on the SWPPP work.

Mr. Reilly asked if that's ok?

Mr. Pasca said yes. If you want to authorize preliminary demolition work, that's not uncommon as long as the applicant is aware there's no final determination until such is adopted but if they want to proceed, they can. The resolution is to authorize Mr. Hammond to give them the approval to start the SWPPP work, and sign the Notice of Intent.

Motion was made by Mr. Neubauer to holdover the application of James Traynor, 91 Old Riverhead Road (905-002-01-007.02) seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

9. 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 a revised plan to this Board and they addressed all of Mr. Hills comments and met with Mr. Collins and we have addressed all of the comments regarding the garage location; we revised the road size between the proposed residences and we'd like to proceed with the BOH and we need an idea from the Board that you're comfortable with the plan. They met with Mr. Collins and the changes on the plan incorporate his suggestions.

Mr. Reilly asked what the conversations were about the cross access.

Ms. Wright said we didn't really discuss it because it was our understanding that it was for the applicant to decide whether they were in favor or not, and our position is we understand that the road has to line up with Timber Ridge and we'd prefer a crash gate rather than cross access. And I understand from Mr. Pasca that we had to decide that.

Mr. Reilly said it has come to light to share the sanitary system, and the club house and the pool.

Ms. Wright said we are sharing the sewage treatment because there's capacity for both.

Mr. Reilly asked about the swimming pool as well?

Ms. Wright said she does not know the answer to that.

Allon Avgi said the President of the Board for Westhampton Dunes have discussed potentially sharing, but I don't believe it will happen. If we have a crash gate rather than sharing the road then we will not share the amenities and they brought to light they were not interested in sharing so we won't be. We are building our own amenities.

Mr. Reilly said okay. He asked if there was any public comment.

Mr. Neubauer said he hasn't reviewed it, and he wants to talk to Mr. Collins about it too.

Mr. Reilly said that was his plan as well. He would like to hold it off to April 22 to talk to Mr. Collins as well.

Ms. Wright said okay. When you do discuss them with the consultants, can you provide comments in advance to keep the plan moving forward.

Mr. Reilly said you met with Mr. Collins?

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Ms. Wright said yes.

Mr. Reilly said okay, we just need to be debriefed by him, and if we can get that from him. He asked Mr. Hill if he looked at it or not?

Mr. Hill said one plan he looked at recently only had a 20' driveway at CR 31 and that's not wide enough, and something has to be done at the throat and I haven't gone too deep into the engineering and drainage but the throat of the driveway at CR 31 was much too narrow.

Mr. Reilly asked if he could get his comments in writing?

Mr. Hill said yes.

Mr. Neubauer asked where the crash gate is?

Mr. Reilly said it's at the end shown in a dotted line. He asked Ms. Mackie to reach out to Mr. Collins to confirm whether he's reviewed the plan.

Ms. Mackie said she sent the email to Mr. Pasca regarding the question raised by Ms. Wright about the Department of Health.

Mr. Pasca asked what it was about.

Ms. Mackie said because they are sharing the sewage treatment plant, what would we need in lieu of an approval.

Mr. Pasca said the Department of Health has to approve the proposal of using another sewage treatment plant, and that will serve as an approval to this Board.

Mr. Hammond said this is Unlisted and they will need SEQRA.

Ms. Wright said that was adopted on December 12, 2020. We were looking for a resolution without Board of Health because we're sharing the sewage treatment plant.

Mr. Reilly said no.

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.

10. 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 April 8, 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**

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.

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

13. 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.

Motion was made by Mr. Neubauer to holdover the application of **PGJG Holding Corp, 214 & 238 Montauk Highway (905-006-02-031 & -032.01)** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

14. James Acracri of James Nicholas Custom Home Builder, 11C Moniebogue Lane, Unit 15 (905-11-2-9) Referral from the Board of Trustees for a Special Exception Application for Change of Use from retail to Administrative Contractors office.

No one appeared on behalf of the application. Mr. Neubauer said it was a clothing store.

Ms. Mackie said it was a clothing store, converting to a contractor's office.

Mr. Reilly said he doesn't have any objection to it. The Board Members did not either.

Ms. Mackie asked if they wanted the referral to include the language about the parking of work vehicles.

Mr. Reilly said yes.

Motion was made by Mr. Neubauer to refer the application of **James Acracri of James Nicholas Custom Home Builder, 11C Moniebogue Lane, Unit 15 (905-11-2-9)** with no objection; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

15. Erin Finley of Sydney's Taylor Made Cuisine, 32 Mill Road (905-12-4-50) Referral from the Board of Trustees for outdoor tables, chairs and benches for the placement of eight (8) tables; twenty-five (25) chairs.

Erin Finley appeared on behalf of the application. She would like to have the COVID approved seating for her new approved Summer seasonal seating; they have 3 tables and 12 chairs which they've been renewing and they added five (5) tables and 13 chairs; 8 tables 25 chairs in total, and regardless of COVID I'd like this to be my yearly approved seasonal seating. I don't want it to be permanent, I want it Special Exception seasonal seating and the Code allows for 28 in total.

Mr. Reilly said it might as well be permanent from March 1 to December 31; it's a 10 month season it's pretty permanent. You had 25 last year, and you're proposing 25 this year?

Ms. Finley said yes, 25 with the COVID approval which was extended to April 15 and I want it to be my yearly approval.

Mr. Reilly asked the difference from last year?

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Ms. Finley said it's exactly the same; there's three (3) tables of four (4) on the porch and we reduced the number on the porch and moved them to the lawn; there's 16 on the lawn and 9 on the porch. We're approved for 12 on the porch.

Mr. Reilly said so it's the same as last year?

Ms. Finley said yes. I'm not adding anything more than what I had last year under COVID.

Mr. Reilly asked if there were any issues regarding COVID seating?

Mr. Neubauer said he doesn't have an issue with it?

Mr. Reilly asked how many seats she has inside?

Ms. Finley said 26 inside.

Ms. Mackie said he's asking what your approved on your CO?

Ms. Finley said 26.

Mr. Reilly said I like the outdoor seating and it seems manageable.

Motion was made by Mr. Neubauer to refer the application of **Erin Finley of Sydney's Taylor Made Cuisine, 32 Mill Road (905-12-4-50)** to the Board of Trustees with no objection; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

NEW APPLICATIONS:

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

Richard T. Haefeli, Esq., said it's a 35,000 square foot property and they are proposing two lots and in the past there was a definition in the Code relative to a flag lot with no provision and in December of 2019 the provisions were amended to permit a flag lot provided that the flag has a minimum area in the zoning district and the flag has 17,000 square feet and the second condition is the pole which is the area that you traverse from the street has a minimum of 15' back to the flag and we have that and there's a flag lot that complies with the Code and both of the lots will meet all of the requirements of the R15 Zone. Its one of the larger lots in the area and will not create any adverse effect and the lots behind it on Hampton are flag lots. It is subject to BOH approval and I have nothing else to add.

Mr. Reilly asked if there were any comments.,

Mr. Hill said he'd like to see a common driveway.

Mr. Haefeli asked if you want one access?

Mr. Hill said yes.

Mr. Haefeli said he has no problem with that, but the plan has 150' width on Rogers Avenue and 75' is required so there are two access which would be required if it was two lots.

Mr. Hill said he'd have to look at it and what it will be to the adjacent properties.

Mr. Haefeli said okay.

Mr. Hammond said the garage is constructed and facing the flag pole; there will be two driveways if they are not sharing.

Mr. Haefeli said he will talk to his client about the common driveway and get back to the Board.

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Mr. Hammond said there is a park and recreation fee, and the lot doesn't meet the Board of Health standards.

Mr. Haefeli said they have to buy Pine Barren Credits, we won't be back to this Board for another 6 months to a year.

Mr. Hammond said they are designating the front yard to the Southerly line.

Mr. Haefeli said yes, it's shown that way on the survey.

Mark Bernardo, Hampton Avenue said the density and shoe horning and loop holes to jam this on to the property is not in keeping with the character of the neighborhood at all. There will be more noise, and more density and people don't want to live this jammed together. If there's a bedroom people will come every weekend and it will probably be a party house with a lot of noise. I don't see a pool, but I'm sure they'll want a pool. It's too much in too small of a place. I hope the Board rethinks this, and lets the lot stay as it is.

Mr. Reilly thanked Mr. Bernardo and asked if there were any other questions or comments; there was nothing further.

Mr. Haefeli requested a holdover to May 13, 2021.

Motion was made by Mr. Neubauer to holdover the application of **Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017)** to May 13, 2021; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

17. SKL Realty Holdings LLC, 115 Main Street (905-011-02-022) Applicant seeks modification of site plan to convert attic space for office use & convert approved dry retail space for wet store market use, reducing restaurant seating to accommodate sanitary design flow and parking requirements with no proposed changes to the site.

Jason Ormond, Architect appeared on behalf of the application, he said they are changing the use to a coffee café and reducing the restaurant seating from 48 seats to 36 seats and the food use division of BOH has approved the layout for 36 seats, and we're also changing the attic to office space. John Condon the Engineer has sent a letter to the BOH and VG has said once they have approval from the Village they will issue an approval to the revision.

Mr. Reilly asked if all the changes are interior?

Mr. Ormond said yes.

Mr. Reilly asked if this affects parking?

Mr. Hammond said the plan goes in to that; they are juggling the flow and parking so there are no changes to any sanitary and parking. They are moving numbers around and he did speak with VG and they wanted to wait to have the Public Hearing to stamp the plan.

Mr. Reilly asked if we have to wait on the BOH? Did we dispense with the oral modification of site plans?

Mr. Pasca said yes, we have a form that Ms. Mackie fills out and it helps track the decision and plans for enforcement issues.

Mr. Reilly asked if they can authorize the Building Inspector to engage in communication with the BOH.

Mr. Pasca said yes.

Mr. Hammond said they got the green stamp, and if they didn't finish it but they would have to amend it but they have an approval so they need a new one and his understanding is that it will be issued once this Board says they have no issue.

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Mr. Pasca said we have to render a determination for this which helps track the decisions and plan dates and things of that nature. And by the next meeting you'll have the health department and resolution.

Motion was made by Mr. Neubauer to close the application of **SKL Realty Holdings LLC, 115 Main Street (905-011-02-022)** for a determination; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

18. WHB Kitchen LLC for J & C Realty Corp, 161 Main Street (905-011-03-003.01)

Applicant seeks modification of site plan to install an outdoor patio & fences for restaurant seating, consisting of six (6) tables with four (4) chairs each for a total of 24 seats, upon a leased portion of a 29,111 SF parcel in the B-1 zoning district and as accessory to the 16-seat restaurant located on the adjacent parcel at 149 Main Street (905-011-03-001).

David Hersh appeared on behalf of the application.

Mr. Reilly said they want to expand the outdoor dining to a leased property between your property and Walgreens?

Mr. Hersh said yes.

Mr. Neubauer asked if you are removing the front seating, and moving to the side only?

Mr. Reilly said that's not the question. Are you abandoning the seating in the front and moving it all to the side?

Mr. Hersh said not entirely.

Mr. Reilly asked Mr. Hammond to weigh in.

Mr. Hammond said there is a limit as per the Board of Trustees and there's 16 seats inside, and no parking and I don't see how you can go over 28 per the Code, and that seasonal allowance from the Trustees said its supposed to be on the restaurants property so I don't know how to do that on the adjacent property.

Mr. Hersh said they have leased that property.

Mr. Neubauer said our view is that you were moving the tables to the side for a safety reason which is something we'd encourage, but adding these in addition to what you have is not something we are going to consider.

Mr. Hersh said they'd reduce the front seating that they were granted from COVID. There's a total of 32 on the front and side.

Mr. Reilly said your interior seating is only 16 seats.

Mr. Hersh said the outside is double the inside.

Mr. Neubauer asked how it fares with the Board of the Health?

Mr. Hersh said the outside is viewed as half capacity. It would be the temporary seating.

Mr. Reilly said this is a modification of site plan, not temporary seating. If you are talking about seasonal seating and not permanent you can make that application.

Mr. Hammond said the seasonal seating through the Trustees has to be on your property. This is different, if he wants permanent seating not on his property and that has to go to the BOH and he gets approval for that from them and come back to this Board.

Mr. Pasca said I have a question, in looking at the survey and this leased area is that area a separate standalone parcel or is it part of another parcel?

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Mr. Hammond said it's part of the Walgreens parcel.

Mr. Pasca said then the site plan is a modification of that parcel and we need to consider that. I don't know how you carve out a piece of another parcel and not look at it all to see how it integrates together.

Mr. Neubauer asked whose site plan are we modifying?

Mr. Pasca said that's what I'm saying the principal use is on the Flora parcel, and we're modifying a site plan of another parcel. If you're taking this area away we have to look at the big picture.

Mr. Reilly said the agenda reads WHB Kitchen, LLC for J&C Realty 161 Main.

Mr. Pasca said that's why he asked whether it was stand alone or not. If its part of another parcel, you have to see the whole parcel.

Mr. Hersh said it's the land between Walgreens and Flora and it was an overgrown alley way until we renovated it.

Mr. Reilly said right now it's vacant, right? And that's how it was when the site plan for Walgreens was approved and now you're seeking to make that an active area which will have an effect on parking, and sanitary so we really need to look at it as a whole and not in abstract. We have to look at the operation for 161 Main Street.

Mr. Pasca said you need a site plan for 161 Main Street, we can't deal with this in pieces. You have to show a double site plan, one for your property plus the other property. You don't have to show a modification, but the calculations have to be based off of a full survey. I'm mnot saying it's not possible, but this is not a legitimate modification, the plan that's shown by the survey is not something this Board can entertain without the site plan being shown. Another thing that has to be thought about. When you're proposing a cross over use where two properties are being used for the same thing, it's a permanent and a lease is not. There may have to be covenants filed assuming we get passed everything we have to regulate that this approval ends when your lease ends.

Mr. Reilly said you have to get us effectively two site plans; one for your parcel and one for the Walgreens parcel.

Mr. Hersh said he will do that. What about on a temporary basis for COVID for this season as I go through this process to make it permanent.

Mr. Reilly said the Trustee seating will only be issued on your property.

Mr. Hammond said they were extended to April 15 now to November 15 to this year. Whatever you were set up for last year you can do until November 15 but it's the only seating in the front.

Motion was made by Mr. Neubauer to holdover the application of **WHB Kitchen LLC for J & C Realty Corp, 161 Main Street (905-011-03-003.01)**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

FILL APPLICATIONS:

19. 285 Oneck Lane LLC, 285 Oneck Lane (905-009-02-035.01, -035.02, 035.03 & -035.04) Applicant seeks site plan approval to place fill within the floodplain in conjunction with the development of four single-family dwelling parcels with sanitary systems & drainage upon a 4.53-acre assemblage of parcels within the R-1 zoning district.

Motion was made by Mr. Neubauer to adopt the determination of **285 Oneck Lane LLC, 285 Oneck Lane (905-009-02-035.01, -035.02, 035.03 & -035.04)** as written; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to adjourn the public hearing at **6:35 p.m.**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.