

May 13, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on May 13, 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

DECISION:

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.

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.

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.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach** to June 10, 2021; 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** to June 10, 2021; 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)** to June 10, 2021; 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)**. to June 24, 2021; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

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

Status: **HELDOVER UNTIL June 10, 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

Public Hearing Held on March 25, 2021

SCDHS: **NEEDED**

SCDPW: **N/A**

SCPC: **NEEDED**

OTHER: **Special Exception Permit required from Board of Trustees**

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)** to June 10, 2021; 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)**. to May 27, 2021; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

8. 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.

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)** to May 27, 2021; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 1 absent.

9. 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.

Vincent Pizzulli, Esq., appeared on behalf of the application, there were questions regarding the review and requirements of the subdivision and the 23 yield map conformed to the R2 requirements. Counsel requested that they demonstrate the lot yield as specified in 150-11 of the Village Code and the applicant analyzed the lot yield reservations and prepared a map, and in March to further address the questions regarding conformance, the applicant submitted both maps to the Village Administrator. As you know the applicant proposed a 22-lot map with no park land and is one less than the permitted maximum density. The applicant proposed one less to avoid the jurisdictional requirements of the LIWFH. Pursuant to the Village Law it is incumbent on the Planning Board, 7-730 and that's based on criteria set forth in the statute, and the applicant believes there are several reasons why its impractical and desirable and should be addressed by the Planners and not Lawyers, and I have Charles Voorhies here to discuss the same.

Charles Voorhies, I am certified environmental professional and planner. Mr. Pizzulli has outlined the application to date, and all of these were in response to request for information to advance the subdivision review process. I see this as a straightforward subdivision of land in conformance with the Village Zoning Code. It is 13.06 acres and zoned R2 requiring 20,000 square foot lots and they are proposing a conventional subdivision with one less lot than allowed on the yield plan in order to conform with the Long Island Workforce Housing Act. The considerations for this Board include the location of the site access and park land whether it will be provided. Access is proposed from Old Riverhead Road to the East and provided a traffic assessment that supports the access and provided DPW Contact information indicating that it is approvable. Our traffic assessment indicates a low trip generation and Old Riverhead Road is least disruptive, with emergency and pedestrian access to Depot Road. This matter seems to have a satisfactory resolution and regarding the park the applicant has complied with Chapter 150-11 with consideration of a park that meets the requirements of that Code provision. The Board must determine if its practical and if its not a park fee will be required. A park would be 46,000 square feet in size and dedicated for a playground for use of the subdivision and that's out of 150-11 and I submit to you that a park is impractical, and it is not wise or sensible because there's no need for a park in a 22-lot subdivision that has yard space for those purposes. A sizable portion will be older people not utilizing a park. A park near the train station could attract nuisance and issues and require improvements and maintenance. There are more than adequate inventory of parks and beaches and a park fee is suitable for funding in improvements in the Village. It is impractical and if you feel otherwise certain findings must be made by this Board. The Law of New York State and under subsection 4.B it may not be required until a finding or case exists requiring one and that includes the evaluation of the present and future needs of one in the Village based on population growth that a subdivision contributes and is needed to be required. Per 150-11 a park is for the residents of the subdivision, and when a park fee is paid, they are available for acquisition of sites and improvements of sites in the Village. I urge you to consider the factors and consult with your Planner to make a determination whether it is practical or not, and what evaluation supports it. We think you agree it is impractical and a park fee achieves a greater good for the Village. These two items are threshold to define the project and to allow the review to move forward.

Mr. Pizzuli said he would like to reiterate that we believe it's necessary for the Board to consult with Counsel and their planner to evaluate the points raised this evening, and in order to have a meaningful application there has to be a matter to review and this determination of the park should be made at the outset to establish a map for SEQRA and engineering review; it should not be reserved and require the applicant to design a menu of maps. They are entitled on the decision and is willing to adjust it as suggested by this Board but its customary to make it at the outset of an application or a pre-application meeting. The neighbors on Depot Road have made their feelings clear on the access on Depot Road and the applicant submitted a traffic impact statement confirming the access permitted on Old Riverhead Road by the County DPW. In addition to resolving the yield and parkland questions, we need a decision on a preferred design and settle on a specific map and in order to respond and answer questions that will be raised by the SCPC. We are also respectfully requesting the SEQRA determination is adopted, and no agency has contested and the Planning Board can declare themselves Lead Agent and identify the application as unlisted pursuant to SEQRA. We need direction in order to proceed with this application, and we're not certain which maps will be advanced.

Michael Dubb, Beechwood Organization. When they met with this Board in February, initially they went into contract on this land it was with the intention of changing the Zone and building 72 Townhouses, which is what exists to the South and North of this property. Upon his meeting with the Board of Trustees they asked if they would consider the as of right use and they did. They are as of right allowed 2 houses per acre, then they met with the residents of Patio Villas about 6 weeks ago and took them through the project and their strong preference was not to have it exit on to Depot Road and candidly I will do what the Board directs me to do, but my preference is to satisfy my neighbors and have the access be from Old Riverhead Road. Also, they were concerned about a through street and additional traffic from that. Really, all we want to do is receive direction and my intent is to accommodate the wishes of this Board and neighbors.

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Mr. Reilly thanked Mr. Dubb. They fully understand the need to address these issues upfront because it does dictate the flow of the application, and we thank you for reducing the density of the project, and we understand the layout and access has to be laid out up front and their Village Engineer provided comments and it seems that the traffic study may not be complete at this point to make a full determination, and from my perspective putting more traffic on to Old Riverhead Road will create more problems, and people trying to go North on a weekend in the Summer will be near impossible. I would ask Mr. Hill to summarize his comments so the public and the applicant can hear the same.

Mr. Pizzuli said we did receive Mr. Hill's comments and the traffic engineer will evaluate them and we will supply the additional data, but I want to reemphasize regardless of the street that we exit on to the same number of homes won't have a significant impact in terms of volume, and I believe there was more data requested on turning and we will provide that.

Mr. Reilly asked Mr. Hill to summarize his comments.

Mr. Hill said it isn't going to be a huge traffic generator and I am most concerned about how it works, and with residential neighborhoods when they access a very busy roadway its difficult to get out on to a State or County roadway and its more of a problem for the future residents than those around them. I don't think it will have that much impact on adjacent intersections because it won't generate that much traffic, but my concern is the access on to Old Riverhead Road. It's a general principal when you have alternate access to a lower volume road it won't have future capacity such as Depot Road you put it there rather than a heavily traveled County Road and the residents get access to it via a traffic signal. The County has said they will allow access, and they are the ultimate decider of it, but I personally think it's not as good as if they use Depot Road but there are a lot of citizens on Depot Road whose opinion differs. I would say and I didn't put it in my letter, I'd like to see where the access will be on Old Riverhead Road and how that relates to access points across the street. I'm concerned about creating an offset intersection with another driveway where the left turns from Old Riverhead Road lock up and interfere with one another, and there's not much room to move the proposed driveway and see how it lays out. It's easy to do and they can super impose the map on an aerial to see what's in the area. Ideally, you'd like to line up with an access point but if you can't it's not a disaster to be offset as long as the turns don't lock themselves up.

Mr. Pizzuli said the traffic engineer will speak to that and some of your comments. One of the factors that go into fully assessing an alternative access on Depot Road would be the train station and the anticipated increased usage by commuters and others. I don't think we're talking about a through street.

Mr. Hill said even though it's a through driveway now no one knows about it, but I'm not in favor of a cut through.

Mr. Pizzuli said if I'm over simplifying it correct me, it sounds like we're comparing the ease of use and safety of a connection to Old Riverhead Road as opposed to Depot Road and everyone would like the safest, and least disruptive.

Paul Campagnola, Hayduk Engineering said regarding the access location, the location we're proposing is locked in because there's a 50' right of way; so, we can accommodate that and your request and show it on an aerial in relationship to the other accesses across the street.

Mr. Hill said my concern is if we're putting this on to Old Riverhead Road that it works well from a capacity standpoint and we don't create a problem with its position relative to other driveways, and that matters on what the driveways are high volume or low, but my concern is the intersection build out and whether it will work or not. If you put the intersection on Depot Road that will work, there's no problems and its low volume and there's a lot of frontages to pick a good location that won't be a problem and there's no high-volume intersections opposite it, and it will work; but I don't know if the one on Old Riverhead Road will work well.

Mr. Neubauer asked if we should poll the members on the access of Old Riverhead Road,

Mr. Reilly said in terms of the information Mr. Hill is requesting, depending on what you receive it may alter your opinion of the Old Riverhead Road access versus Depot Road.

Mr. Hill said it could, and I need to be convinced it will work well.

Mr. Collins said I understand there's a 50' right of way, and there is a small parcel that won't be developed and there could be an option that if you can control access at that small lot then it would line up with the driveway associated with the strip mall across the street. Right now, the access is proposed between the two access points between Westhampton Glass and the strip mall further to the North.

Mr. Neubauer said if we're all in favor of Depot Road instead of Old Riverhead Road, what's the point?

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Mr. Pasca said this is a public hearing, and I don't know if anyone's here but we haven't gone that far yet to hear what they have to say. There shouldn't be any straw poles without their input.

Mr. Reilly said from a planning perspective, we generally on Old Riverhead Road tried to minimize contact points with cross access, how does the development further North gel with this proposal.

Mr. Collins said Mr. Hill discussed it; although the County seems to be okay with it, I'm sure they've reviewed it preliminary I will leave it up to Mr. Hill. My position, as a Planner is connectivity and if we don't do a through road and they're offering one whether it's on Depot Road or Old Riverhead Road, the pedestrian connection should accommodate bicycles and pedestrians and should be improved.

Mr. Pizzuli said that's what we're proposing, a dedicated 50' right of way paved appropriately for those purposes. Counsel asked a question and the Chairman reiterated and I know that the property manager from Patio Villas is present and there were neighbors on February 11, 2021 who made their preference known about access.

Michael Dub said his goal is accommodation and the Board and neighbors and I am good with the direction given, I just need to emphasis from living here and traveling on Depot Road that you do have back up on Depot Road at certain times from the train and the tennis facility is operating, so the objections that are being raised and the residents of Patio Villas feel pretty strongly that they want the access on Old Riverhead Road, having said that I will do whatever direction given but there is some back up at times and I've seen it and its at Depot Road and Montauk Highway and the light is quick and in the Summer it does back up the traffic along Old Riverhead Road.

Mr. Neubauer said there's another way out of that neighborhood and you can go right and head West and get out on Montauk Highway with no traffic control device.

Mr. Dub said yes, he does do that himself.

Mr. Reilly said its fair to say without passing judgment, the back ups on Depot Road are much fewer and far between than Old Riverhead Road; if you go to that intersection from 7am – 9am or 3pm – 6pm it is backed up. My big concern is when the backups happen and they go past the entrance to this on Old Riverhead Road it creates a number of conflict points, it's a safety issue most specifically for the future residents of this subdivision.

Mr. Pizzuli said to that point about public sentiment they are on record but based upon what we've seen and heard, it shapes up to a decision where someone won't be happy. We will accept the judgment on either access because we have to, but it may be unpopular to come out on Depot Road but I think the public interest has spoken so I want to make you aware there is public comment on it.

Mr. Reilly understands and they did not make a decision, and we are the Board of the Village and we have a broader mandate while certainly we listen to everyone's concerns but there are broader planning issues involved and that has to be made aware to everyone as well. He asked if there was anyone else on behalf of the applicant who wishes to speak.

Mr. Collins said we've beat the transportation access issue; can we talk about the park fee. There was a presentation, and whether the park should be here or not it was reflected what the Village Law says but I think some additional information to make a determination particularly about the existing recreational supplies in the Village and if you could document what those are in proximity to the site and there are some that may justify not putting them here and also in relationship to given the Village population what are the appropriate supply of facilities for a Village of this size. I think it's provided and indicated that the general statement will bear out but we need that information in order to make a finding on whether a park should go here or not.

Mr. Voorhis said he appreciates that and it is a municipal function as outlined in the NYS Village Law and if you're looking for that to move things along, I will consult with my client, but we didn't want to be presumptuous but the Law requires the Village to make that.

Mr. Pizzuli said if the Planning Board prefers a park the Planning Board has to make that finding.

Mr. Collins said we're asking for more information, and you want us to make a determination we just need more assistance to do so.

Mr. Pizzuli said if there is a consensus among the Planning Board that they don't want a park you don't have to go through the finding's requirements, that Law is only triggered if they want a park land. If the Planning Board knows that they do not want a park then you don't have to go through that exercise.

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Mr. Reilly said more information is better for us, to be perfectly frank we aren't in a position to make the determination based on the information we have and if you can provide that to us, I don't see how it will hurt your cause.

Mr. Pizzuli said as Mr. Voorhis said we're happy to facilitate it but at the end of the day it's a Planning Board responsibility, we can and will help you compile the data.

Mr. Pasca said in terms of procedure, to make sure it's sound and fair to the applicants and the public who has a right to be heard, I think procedurally the SEQRA issue should be moved along and the applicants asked for you to declare yourselves lead agency and that should happen today and to get SEQRA going it may help frame the issues being discussed today. The first decision you have to make whether to issue a positive declaration or negative declaration and the applicant has articulate why it should be a negative declaration and if you're prepared to issue a Neg. Declaration that opens you up to giving more guidance to the layout, the plat and park land issue. If you were to find the need to do a more thorough review then you have to look at alternatives, so before you can make the two decisions, we should work SEQRA into the process so we know where we're going and I also want to remind everyone that it would just be an initial guidance and determination, there's no locking the Planning Board in to accommodating a particular plat or access until the preliminary plat is decided. That's when the decision is made on the plat and I completely understand why the applicant wants guidance, and you can do so but you may want to do when you issue a negative declaration.

Mr. Pizzuli said we're nowhere near a positive declaration on a 22-lot subdivision with negligent traffic impacts, but going back to the main thesis of our hearing, there has to be an action to review and in this context a map to review and in order to review it in the context of SEQRA we request a consensus on what the Board would prefer to review. Do we go through the study to decide on a map, or do we come to a consensus on what they'd both like to review as a desired map and then we can conduct SEQRA and make adjustments? If you want to adopt a negative declaration that's great, but I don't want the decision on the preferred layout and park land to be held hostage.

Mr. Pasca said I don't necessarily agree with that; SEQRA won't take long to make and if it needs a negative declaration that's very simple and from that point on, getting a preliminary consensus on the two key planning issues, the parkland and access is not hard and can be done with the negative declaration. But I don't prejudge whether it will be negative or positive declaration, that's for the Board to decide, if they determine it's a positive declaration than all alternatives are on the table.

Mr. Pizzuli said he's okay with that, but just to be clear if it's justified, you're issuing a negative declaration on a generic 22 lot application.

Mr. Pasca said it's on either of the two proposals, they aren't that different that it would require a lot of brain work on anyone's part to say either will be negative or positive. It's not too difficult to do.

Mr. Collins said SEQRA accounts for that in Part III and I know you talked about the Village Laws and findings, but Mr. Pasca is right but we have to analyze it through SEQRA and we know the park issue is one of them so asking for that information to hang our hat on and make that finding as it relates to traffic and recreational demands would be appropriate to ask for as part of SEQRA,

Mr. Pizzuli said he agrees with Mr. Collins and they'll put together the additional information, and they will also put together the park land data that you'd want to review and if I may only because I'm the applicant's attorney, I'd like to put this on a course for review and decision and get this on track for a negative declaration.

Mr. Collins said let's talk about the timeline, if we make a lead agency determination today, we have to make a determination of significance in 21 days.

Mr. Voorhis said SEQRA does not have to be adopted if additional information is needed. We would like the opportunity to demonstrate there's not a significant adverse impact, and I feel whether there is a park or not or where the access is located, I don't think either elevate it to an adverse environmental impact. I see us providing that information and continuing the discussion with the benefit of that documentation and supporting a negative declaration.

Mr. Reilly asked what the time frame is that they are looking at.

Mr. Pizzuli said the traffic engineer will compile additional data to respond to Mr. Hill and they can do some of the sampling over Memorial Day weekend, so I would say 30 days.

Paul said a month would be a good realm.

Mr. Reilly said the next meeting is June 10, and the following is June 24 so we'd need the information by June 17 which is 7 days before the meeting.

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Mr. Pizzuli said that's fine, they'll submit everything by June 17.

Mr. Voorhis said he can do that as well.

Mr. Reilly said at this point unless any Members of the Board have comments we should open it to the public for comment. He asked whoever wishes to speak to raise their hand.

Ms. Mackie said there was no one raising their hand.

Mr. Reilly asked Mr. Pasca if they can accept Lead Agency?

Mr. Pasca said yes, you will make a motion to accept Lead Agency status, but to declare the Board lacks insufficient information until it receives back from the applicant the requested information.

Motion was made by Mr. Neubauer to accept Lead Agency status, but to declare the Board lacks insufficient information until it receives back from the applicant the requested information; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to holdover the application of **Beechwood Westhampton, LLC., 44 & 60 Depot Road (905-4-1-14.6 and 13.1) to June 24, 2021**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

10. 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. They did go to the ARB and this Board should have received their report, they have agreed to increase the pitch of the roofline of the canopy 3' and they did not have time to get the drawings to this Board, but she did send renderings.

Mr. Reilly said how come the ARB got this canopy but we did not.

Mr. Neubauer said it was the applicant's way or no way the last time.

Ms. Rasmussen said Mr. Collins was suggesting a much larger pitch, and my client is willing to do a 3' pitch and I understand there are concerns about the venting and that's why I'm the only one here because they're still working on it.

Mr. Reilly asked Mr. Collins what he thinks about the newest plan.

Mr. Collins said they just received it Tuesday he hasn't had a chance to look at it, and he would like to reserve his comments until he can review the drawings.

Mr. Reilly said the renderings were difficult to tell the height of the canopy to the existing building.

Ms. Rasmussen said the building itself will be slightly higher, the canopy will be 1' to 2' lower than the actual building which you want the building to appear larger.

Mr. Reilly said the streetscapes don't show that.

Ms. Rasmussen said she will make sure it's clear when they get the full plans from the Engineer.

Mr. Hill said if you give the elevation of the bottom of the roof for both canopy and the building if they can't visualize it at least with the numbers they can see where they are.

Mr. Collins said he wants to pull out the elevations for the building which will provide the information Mr. Hill just spoke to, and if they aren't on there I agree with Mr. Hill.

Ms. Rasmussen said she will make sure its clear on the plans. The ARB was positive and liked the application they questioned the landscaping which was explained and the location of the A/C, the venting did not come up at all with them and one thing they wanted to see was the gable added on the Eastern side of the building toward the Veterinarian they were missing a small peak and that was added.

Mr. Reilly said okay, we did only receive this a few days ago and we need Mr. Collins to review the drawings, and at first blush my personal opinion is that this is an improvement but I would like to review everything in its entirety. There are still more than a few members on this Board with serious concerns about the vents.

Ms. Rasmussen said her client and Engineer are making sure there was not another reason why the vents are located where they are, as well as the cost factor. They are not prepared to make that presentation as of yet and we should be prepared to do so on May 27, but if we're not I would ask for a holdover. I would like to discuss it in its entirety and be done with it whether they agree to move them or we have a strong case why we can't.

Mr. Hill said they owe us a revised site plan, there were a few comments I had and Mr. Tartaglia said they were no problem but we need them.

Ms. Rasmussen said she thought they were all addressed?

Mr. Hill said he's not sure.

Ms. Rasmussen said she thinks they were all addressed in the site plan but she will go over it with the Engineer.

Mr. Hill said at the last meeting he agreed to it, but I don't think we have a new plan reflecting it.

Ms. Rasmussen asked what the changes were?

Mr. Hill said they were discussed in my email and Mr. Tartaglia said he had no problem with them, but I have not seen a revised plan.

Ms. Rasmussen said she will address it for the next meeting. I saw Ms. Mackie's email about the 239F Referral.

Ms. Mackie said they have 10 days, and normally we hear back from the County so if your client has anything please give it to this Board because we have not received any feedback from the County as of yet. The 239F Referral is outstanding.

Mr. Hammond asked if they've applied to the Department of Health?

Ms. Rasmussen said yes.

Mr. Hammond said okay, this Board will not render a determination without the approval from the Department of Health.

Motion was made by Mr. Neubauer to holdover the application of **804F Realty, LLC., 112 Montauk Highway (905-4-2-14.1) to May 27, 2021**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

11. 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 May 13, 2021**

ARB: **NEEDED**

BOT: **N/A**

SEQRA: **N/A**

SCDHS: **N/A**

SCDPW: **N/A**

SCPC: **N/A**

12. 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.

Status: **HELDOVER UNTIL May 13, 2021**

ARB: **N/A**

BOT: **N/A**

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: N/A
SCPC: N/A

13. 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).

REFERRAL FROM BOARD OF TRUSTEES

14. 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.

Motion was made by Mr. Neubauer to adjourn the meeting at **6:06 p.m.**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.