

June 24, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on June 24, 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

Brad Hammond, Building & Zoning Administrator

Kyle Collins, Village Planner
Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

ABSENT: Maeghan Mackie, Board Secretary

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 August 12, 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 July 8, 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 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.

Status: **HELDOVER UNTIL July 8, 2021**

ZBA: **GRANTED, 12/20/2018**
ARB: **N/A**

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

SCDPW: **N/A**
SCPC: **NEEDED**

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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.

Nicholas A. Vero, Architect appeared on behalf of the application. His last submission they were looking to change the building, and they are going to leave the design as is. He's making changes based on Mr. Hammond's memorandum and the site plan is working out well and he's in the process of determining where the existing sanitary system is for Boom Burger which will come in to play for the Northern drainage. Based on the comments he received and changes he has to make, which include the buffers being increased, so when you see the next go around at the next meeting I will be able to discuss that further but if there are other comments please let him know.

Mr. Reilly said the stuff that is date stamped from January 17, 2020 first floor, second floor plan and elevations, is that the working set of drawings?

Mr. Vero said he believes that to be correct. Is the elevation showing a pitched roof or flat?

Mr. Reilly said pitched.

Mr. Vero said yes, that's the working set.

Mr. Reilly asked if the October 11, 2019 site plan the one we're looking at?

Mr. Vero said no, the site plan has been revised June 3, 2021. What I will do, for the July 8, 2021 hearing I will resubmit a site plan and I will update the elevations and submit that to the Board.

Mr. Reilly said thank you, please just give us a new packet to review.

Mr. Hill said I sent comments to Ms. Mackie to forward to you today, so I don't think you got them, but some of them had to do with drainage, and some to the ZBA stuff that Mr. Hammond pointed out but one issue is the three sites is a narrative, what will happen with them and also on the site now housing Boom Burger the parking is on both sites and all access if rom the adjacent site so you need a narrative to what you're going to need to make this work. Mr. Hill said he'd like to see the property line lighting dimmed down and keep the outside lighting the heaviest so we know it's being merged.

Mr. Reilly agreed with Mr. Hill. Will the third property be merged?

Mr. Vero said yes, it will be one parcel. What do we need legally done, I thought it was already described and I will get that to Mr. Pasca.

Mr. Pasca said it's a condition of the site plan to confirm the merger and it has to be reflected in the deeds and the assessor puts in a request to the County to assign one tax map number to the County.

Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Montauk Highway, LLC., 85 Montauk Highway & 105 Oak Street (905-5-1-12 – 53.1 and 52.2)** to July 8, 2021; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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 July 22, 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 Review and Comment

*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***

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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.

No one appeared on behalf of the application. Mr. Hulme submitted a request to holdover the application of Westhampton Inn to July 22, 2021.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Inn LLC., 43 Main Street (905-11-1-15)** to July 22, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

No one appeared on behalf of the application. Galante Architecture submitted a request to holdover the application.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road (905-002-01-019.10)** to July 22, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

No one appeared on behalf of the application. Heather A. Wright, Esq., submitted a request to holdover the application.

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 July 8, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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 Pizzuli, Esq., appeared on behalf of the application, together with Chic Voorhis, Eric Jeter, Hayduk Engineering and Michael Dubb, Beechwood Westhampton. Mr. Pizzuli said the three thresholds issues were the park land requirement, direction on which access the point the Board would prefer the subdivision to utilize and SEQRA and he asked Counsel if they could discuss the parkland discussion first which was agreed to. We engaged Mr. Voorhis to prepare an analysis on parklands in the Village, and that analysis was completed and submitted to the Board two weeks ago.

Mr. Reilly said it's fair to say that the Boards consultants have reviewed it, and the Members of the Board have and I believe the Village Attorney wanted the analysis broken down, whether we agree its impractical and if we do that ends the conversation, but if we don't then we go to the next question. There may be a consensus to some degree already in terms of the parkland issue.

Mr. Pasca said that's correct, and maybe what you can do, unless the applicant wants to I think Mr. Voorhis made his position clear, and if you want to straw pole the Board to see if they agree its impractical we can move on from the issue and that would trigger the park fee in lieu of the parkland which is their preference so if its agreeable we can move on to the access issue.

Mr. Reilly asked Mr. Neubauer if he felt the parkland was practical or impractical.

Mr. Neubauer said it's impractical and he prefers the park fee.

Mr. Reilly asked Mr. Logozzo.

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Mr. Logozzo said it's impractical.

Mr. Reilly asked Mr. Schermeyer.

MR. Schermeyer said impractical.

Mr. Reilly asked Mr. Jones.

Mr. Jones said it is impractical.

Mr. Reilly said there is a unanimous consensus and he agrees that its impractical, and the park fee is preferred. And he asks if anyone from the public wants to be heard on the park land issue only.

There were no comments from the public.

Mr. Reilly said there is your direction.

Mr. Voorhis said they prepared the study dated June 8, 2021 and it's the parkland and recreational facility assessment and he appreciates the consensus.

Mr. Reilly thanked Mr. Voorhis for his report and it made the analysis much easier and resulted in their ability to dispense with the issue. Now that issue is complete, the next issue is the access point, and we received the traffic study and Mr. Hill did not provide his analysis and thoughts but if you would like perhaps, if he's available to give the headlines and bullet points of the conclusion.

Mr. Pizzuli said he reviewed the traffic study, in sum and substance it was concluded there is no traffic impact from either direction, and he supported that with a study according to the criteria and guidelines asked to use by Mr. Hill.

Mr. Reilly said he agreed with Mr. Pizzuli.

Mr. Campinelli, Hayduk Engineering said they did a standard traffic impact study and intersections that Mr. Hill questioned and they did counts and turning moving counts, volumes, and accidents on CR 31.

Mr. Hill said I don't think you need to go through the methodology, why don't you summarize the conclusions.

Mr. Campinelli said they found that the level of service at all of the intersections that we looked at were levels of the or less. The access point on CR 31 with the signal is a level of service A and we looked at the distribution and how we got that, we looked at the Dunes at Westhampton Beach so we're in good shape.

Mr. Hill said okay, I didn't expect you to have impacts at the signalized intersections because the generation is not significant. I was concerned about the access, but if you say it is "A" that sounds good and I will review it in detail and provide the Board a memorandum.

Mr. Campinelli thanked Mr. Hill.

Mr. Pizzuli said I don't know if you're inclined on straw poling the Board without Mr. Hill's comments, if that's the case, can I request it be done at July 8, so Mr. Hill to assess the study.

Mr. Pasca said its up to this Board if they want to straw pole the access points they can; Mr. Hill's portion is relative to SEQRA which cannot be done tonight. If you are prepared to straw pile the access points, that gives Mr. Hill and Mr. Collins enough instruction to prepare a SEQRA determination.

Mr. Reilly said before we go down that road, perhaps that's a good idea we should see if there's any Member of the public who wishes to speak on the access point issue alone at this point.

There were no public comments or questions.

Mr. Reilly asked Mr. Neubauer if he would like the access on Depot Road or County Road 31, also known as Old Riverhead Road.

Mr. Neubauer said Depot Road.

Mr. Reilly asked Mr. Logozzo.

Mr. Logozzo said Depot Road.

Mr. Reilly asked Mr. Schermeyer.

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Mr. Schermeyer said Depot Road.

Mr. Reilly asked Mr. Jones.

Mr. Jones said Depot Road.

Mr. Reilly said he agrees with the Board, and he prefers Depot Road. When in doubt he knows to go to the least traveled road, and that's been stated by Mr. Hill and Mr. Collins. So now the applicant has guidance on two issues.

Mr. Dubb said he wants to be a good neighbor which is why they are doing single family homes instead of Multi Family; they met with the residents of Patio Villas and they expressed their preference for Old Riverhead Road and he understands Depot Road and is prepared to go with whatever direction the Board gives to them. The one request he'd like to make would he be able to bring the construction traffic in and out on Old Riverhead Road on a temporary basis so the people on Depot Road don't have to deal with them?

Mr. Reilly asked if that's for Mr. Hammond to decide or this Board?

Mr. Pasca said if that's a request, and you are open to it we should take it in to account when we do C&R's and if you are open to that, if you impose covenants that there's no access on CR 31 directly it prevents Mr. Hammond from allowing it.

Mr. Reilly said we're open to it.

Mr. Pasca said it is a premature request.

Mr. Collins said we should address that under SEQRA that the access will be provided during construction, and we should address it during SEQRA.

Mr. Reilly said I think it's a reasonable request, and it might be advisable to come in off of CR31.

Mr. Pizzuli said the spirit and request is to minimize the inconvenience on Depot Road.

Mr. Hill said there are advantages to that, all of the heavy equipment and materials will come down that road anyway and we can turn it in and can damage Depot Road so the request makes a lot of sense. The only possible objector could be the County, but it's a construction entrance.

Mr. Reilly said to minimize the effect could be delivery timeframes and it should be a consideration.

Mr. Hill said I would let the County do that.

Mr. Hammond said it will be a page on the Site Plan so the County knows what we're looking at as well.

Mr. Dubb said he wanted to ask sooner than later out of concern for his neighbors.

Mr. Reilly thanked Mr. Dubb.

Mr. Pasca asked if this is contemplating the road and drainage construction, or is the owner doing the individual construction as well. If 20 different owners have their own contractors, it will make a difference whether its one builder or 20.

Mr. Dubb said it's one builder.

Mr. Reilly said this will be dealt with during SEQRA.

Mr. Pizzuli said that was all they have, and they will finalize their preliminary map with access to Depot Road and they will submit that to the Board to continue their review.

Motion was made by Mr. Neubauer to holdover the application of **Beechwood Westhampton, LLC., 44 and 46 Depot Road (905-4-1-14.6 and 13.1)** to July 8, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

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No one appeared on behalf of the application, Barbara Rasmussen, Esq., submitted a request to holdover the application to July 8, 2021.

Motion was made by Mr. Neubauer to holdover the application of **804F Realty, Corp., 112 Montauk Highway (905-4-2-14.1)** to July 8, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

No one appeared on behalf of the application, and no one submitted a request to hold the application over.

Motion was made by Mr. Neubauer to holdover the application of **PGJG Holding Corp., 214 and 238 Montauk Highway (905-6-2-31 and 32.1)** to July 22, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

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 August 22, 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).

Status: **HELDOVER UNTIL July 8, 2021**

ARB: **N/A**

BOT: **N/A**

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: **N/A**

SCPC: **N/A**

14. North Fork Roasting Co, 65 Main Street Unit 6 (905-011.02-02-006) Applicant requests a waiver of site plan to install retractable awnings for a coffee shop upon a 0.59-acre parcel located at the southeast corner of Main Street & Mitchell Road in the B-1 zoning district.

Heather Drapal appeared on behalf of the application. Mr. Reilly stated that even though they received the drawings today, they feel it’s minor enough and will close it for a determination on July 8, 2021.

Ms. Drapal said that they can’t order the awning without a determination.

Mr. Reilly apologized and said that they only received the drawings today, and they shouldn’t be hearing it but they are as a courtesy to her and they need to write a determination and they have told her numerous times for numerous weeks what the Board wants.

Ms. Drapal said you gave me four (4) weeks to do it.

Mr. Reilly said he apologizes but this is the Boards process, and they can render a determination on July 8, 2021.

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Ms. Drapal said she had four (4) weeks to do it, not six (6) weeks.

Mr. Neubauer said you handing in the information today would normally exclude you from being heard today.

Ms. Drapal said they told me if they handed it in today it would be okay.

Mr. Reilly said, and you are, we are closing it for a determination on July 8, 2021. This is the Board's process.

Motion was made by Mr. Neubauer to adjourn the application of **North Fork Roasting Co, 65 Main Street Unit 6 (905-011.02-02-006)** for a determination; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

FILL APPLICATIONS:

15. Dune Star Realty LLC, 153 Dune Road (905-020-02-028) Applicant seeks site plan approval to install fill within the floodplain for a sanitary system enclosure in conjunction with development of a single-family dwelling on a 1.3-acre parcel located in the R-3 zoning district.

No one appeared on behalf of the application. Mr. Hammond stated that he and Mr. Hill reviewed the application and the site and have no issues with it.

Motion was made by Mr. Neubauer to close the hearing for a determination on July 8, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to close the public hearing **5:36 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.