

August 12, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on August 12, 2021, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman
Ralph Neubauer

Rocco Logozzo
Michael Schermeyer

Brad Hammond, Building & Zoning Administrator

Kyle Collins, Village Planner
Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

ABSENT: Jack Lawrence Jones

Harvest Power LLC, 105 Old Riverhead Road (905-002-01-019.06) Applicant seeks site plan approval to install a roof-top photovoltaic system (solar), 348.75 kW 775 panels, on the roof of the three-story building located upon 2.64-acre parcel in the I-1 zoning district.

No one appeared on behalf of the application. Mr. Neubauer stated there was a determination and the reading was waived.

DECISION OF THE PLANNING BOARD

VILLAGE OF WESTHAMPTON BEACH

DATED: August 12, 2021

IN RE:

Metro Storage LLC.

105 Old Riverhead Road, Westhampton Beach, New York 11978

Suffolk County Tax Map Number 905-2-1-19.6

I. The Application for Site Plan Approval

Metro Storage, LLC., (hereinafter, the “applicant”) is the owner of real property located at 105 Old Riverhead Road, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as 905-2-1-19.6 (hereinafter, the “property”), which is located in the I-1 Zoning District.

The property is benefitted by an approved site plan, pursuant to a resolution and decision of the Planning Board adopted on June 8, 2017 (hereinafter, the “6/8/17 Site Plan”).

The applicant, through its agent Harvest Power, LLC., Timothy Ivins submitted an application to the Planning Board of the Village of Westhampton Beach (hereinafter the “Board”), to request a Site Plan approval to install a roof-top photovoltaic system (solar) 348.75 kW panels, on the roof of the three-story building located on a 2.64 acre parcel. The changes to the 6/8/17 Site Plan are depicted on plans prepared by James J. Stout Architect, A-1, A-2 and A-3, all dated April 22, 2021 and date stamped received by the

August 12, 2021

Village of Westhampton Beach on June 24, 2021, and Larsen Engineering, Inc., Joseph B. Tinder, as detailed below.

II. Review by Planning Board and other Agencies and Boards

The application was properly noticed and advertised for a public hearing, which opened on July 22, 2021. The Board thereafter reviewed the application, site plan, supporting materials, and revisions to the site plan and supporting materials.

II. Findings and Conclusions

A. As of the Board's August 12, 2021 meeting, the site plan application is deemed complete and contains all of the site plan elements set forth in the Village Code. The procedures required for site plan review have been fulfilled as applicable to this application. The public hearing is hereby closed.

B. The Planning Board approves, subject to the conditions set forth in section III below, the site plan modifications and improvements as depicted on and described within the various plans which are hereafter collectively referred to as the "Approved Plans," and which consist of the following plans prepared by James J. Stout Architect, A-1, A-2 and A-3 all dated April 22, 2021 and date stamped received by the Village of Westhampton Beach on June 24, 2021, and Larsen Engineering, Inc., Joseph B. Tinder consisting of the following pages:

PC-1 "Cover Sheet" dated March 9, 2021;

PC-2 "Project Summary" dated March 9, 2021;

PC-3 "Array Site Map" dated March 9, 2021;

PC-4 "Typical Array Dimensions" dated March 9, 2021;

PC-5 "Assemblies" dated March 9, 2021;

PC-6 "Racking Components" dated March 9, 2021;

PC-7 "Ballast Legend" dated March 9, 2021;

PC-8 "Ballast Layout-1" dated March 9, 2021;

PC-9 "Ballast Layout-2" dated March 9, 2021;

PC-10 "Ballast Layout-3" dated March 9, 2021;

PC-11 "Ballast Layout-4" dated March 9, 2021;

PC-12 "Ballast Layout-5" dated March 9, 2021;

August 12, 2021

PC-13 “Ballast Layout-6” dated March 9, 2021;

PC-14 “Ballast Layout-7” dated March 9, 2021;

PC-15 “Ballast Layout-8” dated March 9, 2021; and

PC-16 “Mechanical Attachment Detail” dated March 9, 2021

C. Except for the changes depicted on the Approved Plans, the 6/8/17 Site Plan shall otherwise continue to govern the property and the Board’s 6/8/17 resolution is re-affirmed.

III. Conditions

1. All conditions expressed in the 6/8/17 resolution of the Planning Board shall continue to govern the property, except that the Approved Plans herein shall supplement and modify, to the extent needed, the Approved Plans in the 6/8/17 resolution. Any inconsistent terms or conditions of the 6/8/17 resolution, any inconsistency in the 6/8/17 Site Plan, and any inconsistent covenants and restrictions required by the 6/8/18 resolution, shall be deemed superseded by this site plan approval the Approved Plans.

2. All new improvements shall be made pursuant to the Approved Plans, including all details, specifications, notes, and conditions set forth therein. Except as provided herein, any changes shall be subject to further review and approval by the Board.

3. No Certificate of Occupancy may be issued by the Building Inspector until the Building Inspector has certified the completion of all of the new improvements as shown on the Approved Plans.

4. The issuance of the final Certificate of Occupancy shall be subject to the approval by this Board of a final “as built” survey containing all of the site plan elements set forth in the approved site plan, together with any additions set forth in this resolution.

5. This approval shall expire unless a Building Permit has been issued for the construction, within six (6) months of the date hereof and construction completed within eighteen (18) months of the date hereof. The Planning Board shall have the right to extend the time periods set forth in this paragraph by the majority vote of the members present at a regular meeting wherein such vote is taken, which extension shall not exceed a total of one hundred and eighty (180) days

Village of Westhampton Beach

Planning Board

Dated: August 12, 2021

Motion was made by Mr. Neubauer to adopt the determination of **Harvest Power, LLC., 105 Old Riverhead (905-2-1-19.6)** as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

August 12, 2021

Westhampton True Value, 223 Montauk Highway (905-007-01-002.04) Applicant seeks a modification of site plan to install an accessory outdoor storage area for the hardware store use located on a 2.8-acre parcel located in the B-2 zoning district.

No one appeared on behalf of the application. Mr. Neubauer stated there was a determination and the reading was waived.

DECISION OF THE PLANNING BOARD

VILLAGE OF WESTHAMPTON BEACH

DATED: August 12, 2021

IN RE:

Westhampton True Value

223 Montauk Highway, Westhampton Beach, New York 11978

Suffolk County Tax Map Number 905-7-1-2.4

I. The Application for Modification of Site Plan Approval

SKL Realty Holdings, LLC., is the owner of real property located at 223 Montauk Highway, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as 905-7-1-2.4, Theodore Jankowski (hereinafter, the “applicant”), has submitted an application to the Planning Board of the Village of Westhampton Beach (hereinafter the “Board”), for modification of site plan approval dated August 22, 2013 to install an accessory outdoor storage area for the hardware store.

The application was properly noticed and advertised for a public hearing, which opened on July 22, 2021. The Board thereafter reviewed the application, site plan, supporting materials, and multiple revisions to the site plan and supporting materials. The Village’s engineer and planner also reviewed the application and site plan and provided comments thereon during the review process.

The final version of the site plan for which applicant seeks approval is the prepared by Deerkoski and Arm Design & Engineering, DPC, last dated March 12, 2021, and date stamped received by the Village on June 3, 2021 consisting of page SP-1, (hereinafter referred to collectively as the “Site Plan”).

The applicant submitted an Environmental Assessment Form Part 1 pursuant to the State Environmental Quality Review Act (SEQRA). The Board granted a SEQRA determination dated October 10, 2019 in connection with the original application. The subject modification of use is consistent with the original SEQRA determination and thus requires no further environmental review.

II. Findings and Conclusions

A. As of the Board’s August 12, 2021 meeting, the modification of site plan application is complete and contains all of the site plan elements set forth in the Village Code. The procedures required

August 12, 2021

for site plan review have been fulfilled as applicable to this application. The public hearing is hereby closed.

B. The Planning Board finds that, subject to the conditions set forth in Section III below, the proposed modification of site plan satisfies the requirements of the Village Code with respect to design, drainage, parking, lighting, landscaping, and other requirements of the Code.

C. The Planning Board approves, subject to the conditions set forth in section III below, the modification of the site plan as depicted on the Final Site Plan (i.e., the site plan prepared by Deerkoski and Arm, last dated March 12, 2021, and date stamped received by the Village on June 3, 2021 consisting of page SP-1, which Final Site Plan documents are hereinafter collectively referred to as the “Approved Plans”.

III. CONDITIONS

All conditions of the original site plan approval, dated August 22, 2013, are incorporated herein by reference and shall continue in full force and effect except to the extent that the Approved Plans herein shall supersede any prior, inconsistent plans approved in the August 22, 2013 determination.

Dated: August 12, 2021

Village of Westhampton Beach
Planning Board

Motion was made by Mr. Neubauer to adopt the determination of **Westhampton True Value, 223 Montauk Highway, (905-7-1-2.4)** as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

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 written request to holdover the application to September 23, 2021.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, 160 Montauk Highway, (905-6-1-19) Westhampton Beach** to September 23, 2021; seconded by Mr. Logozzo 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.

Status: HELDOVER UNTIL August 26, 2021 Applicant is awaiting a determination from the Suffolk County Dept. of Health Services Board of Review.

ZBA: N/A
ARB: N/A

SEQRA: COORDINATED REVIEW; DETERMINATION ISSUED: 6/25/2015
SCDHS: **NEEDED**

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

3. Marios Nikolaides, 36 Hazelwood Avenue (905-6-1-11.1) Applicant requests a minor Subdivision review to create a three-lot subdivision on a lot located in the R-4 Zoning district.

Richard T. Haefeli, Esq., submitted a letter requesting the application be held over to September 16, 2021.

Motion was made by Mr. Logozzo to holdover the application of **Marios Nikolaides, 36 Hazelwood Avenue (905-6-1-11.1)** to September 16, 2021; seconded by Mr. Schermeyer 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.

Status: **HELDOVER UNTIL August 26, 2021**

ZBA: **NEEDED**
ARB: **NEEDED**

SEQRA: *1/23/2020 – Deemed Complete; Unlisted Action Coordinated review commenced on 1/27/2020*

SCDHS: **NEEDED**

SCDPW: *Received SCDPW – No objection;*
SCPC: *Received SCPC – No objection;*

OTHER: *Zone Change Approved by Board of Trustees*

5. 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.

No one appeared on behalf of the application.

Motion was made by Mr. Logozzo to holdover the application of **Rogers Associates, LLC., North Side of Rogers Avenue (905-3-1-7.1 through 007.07)** to August 26, 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.

Status: **HELDOVER UNTIL August 26, 2021**

ZBA: **NEEDED**
ARB: *Referred to ARB at January 23, 2020 Meeting;*

SEQRA: *Planning Board Deemed Lead Agent;*
SCDHS: **NEEDED**

SCDPW: *N/A*
SCPC: *Received SCPC, 2/14/2020 – No objection*

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.

Status: **HELDOVER UNTIL August 26, 2021**

ZBA: *N/A*
ARB: *Referred to ARB at January 23, 2020 Meeting;*

SEQRA: *Coordinated Review Commenced January 27, 2020; Accept Lead Agency Status*

SEQRA Determination Adopted, August 27, 2020

SCDHS: **NEEDED**

SCDPW: N/A

SCPC: *Received SCPC No objection;*

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.

Heather A. Wright, Esq., submitted a written request to holdover the application to August 26, 2021.

Motion was made by Mr. Logozzo to holdover the application of **55 Old Riverhead Road LLC, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03)** to August 26, 2021; seconded by Mr. Schermeyer and unanimously carried 4 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.

Status: *HELDOVER UNTIL August 26, 2021*

ARB: **NEEDED**

ZBA: **N/A**

BOT: **N/A**

SEQRA: *May 13, 2021 Planning Board Lead Agency Accepted
July 26, 2021 Negative Declaration Adopted*

SCDHS: **NEEDED**

SCDPW: **N/A**

SCPC: **NEEDED**

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.

Mr. Reilly stated that they have received her updated plans, he personally would like to see the vents in front of the bushes, and not the other way around.

Ms. Rasmussen said that they can offer additional screening as a condition of the approval if the Board would like.

Mr. Pasca said if they can make the change prior to the decision being rendered then it doesn't have to be a condition, if they can't then they will make a condition of the landscape plan. The next meeting is in two weeks and if they submit a landscape plan reflecting Mr. Reilly's comments it won't need to be a condition.

Motion was made by Mr. Neubauer to close the public hearing of **804F Realty, 112 Montauk Highway (905-004-02-014.01)** for a determination; seconded by Mr. Logozzo 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 August 26, 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 August 26, 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).

No one appeared on behalf of the application.

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)** to August 26, 2021; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

14. WHBH Real Estate LLC, 7 Beach Lane (905-011-03-010) Applicant seeks site plan approval to renovate & construct additions to the three-story hotel/inn (16 units) with associated site improvements, including a swimming pool with patio, pergola & outdoor seating area, upon a one-acre parcel located in the HC zoning district.

James N. Hulme, Esq., submitted a request to holdover the application to August 26, 2021.

Motion was made by Mr. Logozzo to holdover the application of **WHBH Real Estate, LLC., 7 Beach Lane (905-11-3-10)** to August 26, 2021; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

15. WHB Development Partners LLC, 107 Old Riverhead Road (905-002-01-019.05) Applicant seeks site plan approval to construct an automotive service station (eight pumps & canopy) with accessory one-story convenience store (4,872 SF) and associated site improvements, upon a 1.6-acre parcel located in the B-3 zoning district.

James N. Hulme, Esq., submitted a request to holdover the application to August 26, 2021.

Motion was made by Mr. Logozzo to holdover the application of **WHB Development Partners LLC, 107 Old Riverhead Road (905-002-01-019.05)** to August 26, 2021; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

Trustee Referrals:

16. Peter Haskell, Haskell's Seafood 77A Main Street (905-11-2-9) Applicant requests outdoor tables, chairs and benches; 11 tables and 28 chairs.

17. SKL Realty Holdings, LLC., LT Burger West 115 Main Street (905-11-2-22) Applicant requests outdoor dining; (4) picnic tables with attached benches.

Jenn Cajthaml appeared on behalf of the application, on behalf of LT Burger, West. She said that they are proposing four picnic tables with attached benches.

August 12, 2021

Mr. Reilly asked if they are already in place?

Ms. Cajthaml said yes.

Mr. Neubauer said that they can't be placed in the Village Right of Way.

Ms. Cajthaml said okay.

Mr. Reilly asked if there were any other questions or comments.

Motion was made by Mr. Neubauer to refer the application of **SKL Realty Holdings, LLC., LT Burger West, 115 Main Street (905-11-2-22)** to the Board of Trustees with no objection; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

Fill Application:

16. Tamara Bedrosian, 21 Jessup Lane (905-010-06-018) Applicant seeks site plan approval to install fill within the floodplain for a sanitary system installation in conjunction with additions to the single-family dwelling located upon the 12,648 square foot parcel in the R-1 zoning district.

Agena Rigdon, DKR Shores Inc., appeared on behalf of the application. She said that they are lifting the house and they are upgrading the sanitary system to the new IA System and Brad and Ron went to the site, they asked them to make a few changes they did and now the plan is acceptable.

Mr. Hammond said the plan is fine.

Mr. Reilly asked Mr. Hill if he is okay with it.

Mr. Hill said yes, it's fine.

Mr. Hammond said its very shallow and close to the road and the design is good, there's only 1 foot mound of fill and no leaching gallies and they are proposing a geogrid detail.

Joshua Porter, 15 Jessup Lane and Carol Heinze, 19 Jessup Lane appeared in opposition to the application. Mr. Porter said that it's a very low lying area and any change in the grade causes water and flooding in their backyard; when the house at 7 Jessup Lane was redesigned their backyards flooded substantially, and they worked it out. If the Village Engineer is okay with this plan he is too, but he wants it to be on the record that he is concerned about flooding, and would like the opportunity to object later if there is flooding.

Mr. Reilly said that a condition of the approval will require all of the water to be maintained on their property and Mr. Hammond will make sure that happens.

Mr. Neubauer asked if they are the rear neighbor?

Mr. Porter said when you go around the "S" curve on Jessup Lane they are rear to the big house on the curve that was reconstructed, when it rains their yard floods but they worked together to correct it.

Mr. Neubauer said if there is runoff, you can bring it to the Building Department for enforcement.

Mr. Porter said okay.

Motion was made by Mr. Neubauer to adopt the determination of Tamara Bedrosian, 21 Jessup Lane (905-10-6-18) as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at 6:00 p.m.; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.