

September 9, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on September 9, 2021, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: Ralph Neubauer, Acting Chairman

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: David Reilly, Chairman

### **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.

Bailey Larken, Esq., appeared on behalf of the application, together with Richard Searles, Architect. She said they have submitted their approval from the Board of Health and they needed Board of Review and TDR rights.

Ms. Mackie said they received it on September 3, 2021.

Mr. Neubauer asked if they could provide an updated set of plans because it has been a long time since they've reviewed the application.

Ms. Larken said okay.

Mr. Pasca asked if they remember where it was left off?

Ms. Larken said she thinks it was all settled and the building was reconfigured and the entrance was moved to the side and we were going to have the garage moved to the side and the deliveries could be taken in the building and we addressed the parking lot comments and we were in good shape and we had been before the ARB and they had no comments and we then went to the BOH and we do have all of their approvals from them and they think it's the final piece.

Mr. Neubauer said he doesn't have any documentation so they'd need to have it refreshed.

Mr. Hill said they would like to review the minutes from the last meeting.

Ms. Mackie said okay.

Mr. Pasca said he believes it was finished, and they had to go to the BOH and he just isn't sure about the conditions, if there were any.

Ms. Larken said okay.

Mr. Neubauer asked if they could submit those for the September 23, 2021 meeting.

Ms. Larken said yes.

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

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**Status:** **HELDOVER UNTIL September 23, 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 October 14, 2021**

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

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

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

**4. 85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02).** Applicant requests Site Plan review to construct a two-story restaurant building with associated site improvements including improvements on lots to the West & South, consideration of a change of Zoning District for the Southerly lot with demolition of the dwelling and site build-out for parking with buffer, and site improvements on the Westerly lot including curbing, buffer & access reorientation.

No one appeared on behalf of the application. Nicholas A. Vero, Architect submitted a request to hold the application over to October 14, 2021.

Motion was made by Mr. Logozzo 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 October 14, 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.

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 Ave (905-003-01-007.01 through 007.07).** to October 14, 2021; seconded by Mr. Jones 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 October 14, 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

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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 hold the application over to October 14, 2021.

Motion was made by Mr. Logozzo to holdover the application of **Prime Storage, 98 Depot Road (905-002-01-019.10)** to October 14, 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.

No one appeared on behalf of the application. Heather A. Wright, Esq., submitted a request to hold the application over to October 14, 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 October 14, 2021; seconded by Mr. Jones 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.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to holdover the application of **Beechwood Westhampton LLC, 44 & 60 Depot Rd (905-004-01-014.06 & -013.01)** to September 23, 2021; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

**10. 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. Mr. Neubauer said this application has been on the agenda for quite some time with no activity and he’d like to remove it without prejudice.

Motion was made by Mr. Logozzo to remove the application of **PGJG Holding Corp, 214 & 238 Montauk Highway (905-006-02-031 & -032.01)** without prejudice; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

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

No one appeared on behalf of the application. Richard Haefeli, Esq., submitted a request to holdover the application to October 28, 2021.

Motion was made by Mr. Logozzo to holdover the application of **Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017)** to October 28, 2021; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**12. 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 September 23, 2021**

**ARB:** **N/A**

**BOT:** **N/A**

**SEQRA:** *Needed*

**SCDHS:** *Needed*

**SCDPW:** **N/A**

**SCPC:** **N/A**

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**13. 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.

No one appeared on behalf of the application.

Motion was made by Mr. Logozzo to holdover the application of **WHBH Real Estate LLC, 7 Beach Lane (905-011-03-010)** to September 23, 2021; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**14. 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.

No one appeared on behalf of the application, James N. Hulme, Esq., submitted a request to holdover the application to September 23, 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 September 23, 2021; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**15. DLV DD LLC, 379 Dune Road (905-017-05-055.01)** Applicant seeks a modification of site plan to expand the sport court and reorient/relocate several parking stalls affected for the Dune Deck Beach Club located upon a 4.8-acre parcel in the R-3 zoning district.

David Gilmartin, Esq., appeared on behalf of the application, together with Mark Hissey. Mr. Gilmartin said at the last hearing they discussed removing the parking spaces to convert into a sports court and they use parking attendants to do all the parking and they are parked via valet service and they are controlled by them. We were asked to review the site plan and the motor court didn't serve any official function based on our review, it's an ornamental feature and cars enter on the West and the parking attendants park them into spots and when they are finished using the facility the attendant gets the car and they are driven out of the East gate. The motor court served no real function, except ornamental. The third issue was the two spaces which would interact with the loading dock, that is used before 10:00 a.m. and it's an internal company rule that all deliveries are done before 10:00 a.m., and practically done by 12:00 p.m., and the parking isn't full capacity except weekends and special events and there's no deliveries during the weekends at all. I think it's also important to note that Dune Deck has control of the vehicles on site and if there were an interaction at the employee spaces and the loading dock they could relocate the cars should they need to. There will never be attention between the spaces and the loading dock. Those were the three issues raised and we're happy to look at the site if they need to.

Mr. Hill said we can work it out, there are two spaces on the East end and I think there are only one space and you get the six you need and there's work on two and its just one on either side of the service area, if we do that I ask you take the service area label off because it's a parking space and not a service area.

Mr. Gilmartin asked if you can show him what he's talking about on the map.

Mr. Hill showed Mr. Gilmartin the spaces he was referring to. He told him to take the label of service area off of the area and reconfigure the motor court and put an end cap, or island there so the aisle comes down and the beginning of the driveway is there and remove the coloring. He'd like him to do something with the bicycle rack because it shouldn't be against the cars. It doesn't look like you should hide it, it would be better to move it

Mr. Gilmartin said okay.

Mr. Neubauer asked if they can get it submitted next week, if so we can close it for a determination.

Motion was made by Mr. Logozzo to close the hearing of **DLV DD., LLC, 379 Dune Road (905-017-05-055.01)** for a determination; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**Fill Application:**

**16. Christopher Mensch, 42 Library Avenue (905-011-03-021)** Applicant seeks site plan approval to install fill within the floodplain for a sanitary system installation in conjunction with construction of a two-family dwelling upon the 17,994 square foot parcel in the MF-20 zoning district.

Christopher Mensch appeared on behalf of the application. He stated he submitted a revised drawing today. Mr. Mensch spoke to the neighbor at 44 Library Avenue and he believed it to be fine, and he sent her an email to discuss it with her.

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Mr. Hill and Mr. Hammond reviewed the same and have no objection to it. Mr. Hill asked what side the neighbor is on?

Mr. Mensch said the South side.

Mr. Hill said there is drainage there, and it should be fine.

Mr. Neubauer asked if we can adopt a determination on September 23, 2021.

Mr. Hill said yes, the plan is complete.

Motion was made by Mr. Logozzo to close the hearing of **Christopher Mensch, 42 Library Avenue (905-11-3-21)** for a determination; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

**REQUEST FOR EXTENSION:**

**17. Avidor Group, LLC., 92 Oak Street (905-5-2-38)** Applicant seeks an extension of their site plan approval which has been previously extended and will expire on October 22, 2021. The applicant is seeking another extension of 12 months of their site plan approval, up to an including October 22, 2022.

Mr. Neubauer asked if we should grant a one-year extension, or can we ask them to demolish the building? If they want an extension, we should see some form of progress and the lot should be cleared.

Mr. Pasca said they are two separate builders? The residential is one and the other group is separate?

Mr. Neubauer said I think so. I think we have an opportunity to demolish it, and in a year they'll probably want another extension, I think if we're giving them an extension of six (6) months instead of one year they can show good faith.

Mr. Hill asked how long the building permit is good for?

Mr. Pasca said they haven't applied for it.

Mr. Hill said although, the other thing you sit so long things change and the plan will change

Mr. Pasca said if you don't grant the extension and they come in for a reapplication, as long as circumstances haven't changed there's no basis to turn it down.

Mr. Neubauer said he's not looking to do that, he'd like to see them demolish the buildings, I'm doing it as an ask.

Mr. Pasca suggested they come in to discuss that. I've seen projects sit for two or three years and things happen.

Mr. Hammond said there's no time limits in extension requests, there's just a fee involved.

Mr. Neubauer asked Ms. Mackie to contact the applicant and ask someone to appear on September 23, 2021 to discuss the request and the property conditions.

Motion was made by Mr. Logozzo to adjourn the meeting at **5:30 p.m.**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.