

October 14, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on October 14, 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

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

ABSENT: Ron Hill, Village Engineer

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 October 28, 2021 for a determination; seconded by Mr. Logozzo and unanimously carried 3 ayes, 0 nays, 2 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 October 28, 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 28, 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

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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 October 28, 2021; seconded by Mr. Logozzo 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.

Frank A. Isler, Esq., appeared on behalf of the application. I think we are just about getting to the end of SEQRA process and the Board requested a draft FEIS on the issue of the reactivation of Patio Villas III and we submitted that statement to this Board and it was accepted, and you published the Notice of Acceptance and provided for a 30-day public comment period on that. From what I understand there were no comments from any interested or involved agencies, and there were comments submitted by the public which were repetitive of the draft EIS and not what was in the Supplement EIS on the issue of the one additional project being considered. We did receive comments from Ron Hill who reviewed the Draft Supplement EIS and in them you will see he finds that the matters he felt should be addressed would be more suited to be addressed in the site plan process and based on the acceptance of our Draft EIS and the comment period coming to a conclusion we have submitted the revised FEIS that is now revised through October 2021 and it was done so already in August and it is in our opinion complete for you as Lead Agent to accept and start the 10 day comment period on the accepted FEIS after the notice is published and then after that time period is over that the lead agency proceed to the findings of facts based on the FEIS. We request that you find the Amended / Supplement FEIS to be accepted to move on to the completion of the SEQRA process and proceed with the site plan application. We understand that we have to complete site plan with the PB before we can apply for the Special Permit to the Trustees. We ask to move forward and the SEQRA process be closed.

Mr. Collins said for clarification, the FEIS in October did include responses to comments during the DSEIS and we have Mr. Hill's comments on the Traffic Impact statement, although he has not given us comments on the October FEIS and we need that; but likely and in anticipation of those comments on the revised FEIS we will deem it adequate at the next meeting and due the findings in the first November meeting. As long as everything is okay with Mr. Hill, we should be prepared to do it in November. Nothing is referenced with the FEIS.

Mr. Isler said he does address the Patio III analysis and that was the subject of the Supplemental and the findings are discussed and accepted as correct.

Mr. Collins said he'd like to see clarification, and if that's the case we can accept the FEIS on the next meeting which is 10/28 and do a findings statement in November and we have to wait 10 days after the October meeting.

Mr. Reilly said it could be very simple, and he can revise the first paragraph.

Mr. Isler said I read it substantively and he discusses the substances of it and I understand the technical point.

Mr. Reilly said the public comment is closed, we aren't accepting any further public comment on this aspect of it, but once we get to site plan review, we can discuss these issues. This is a different part of the process.

Mr. Neubauer said we will have a 10-day public comment period also.

Mr. Reilly said we just need Mr. Hill to clarify and we will return on October 28 to adopt the FEIS as complete.

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Motion was made by Mr. Neubauer to holdover the application of **Rogers Associates, LLC., North Side of Rogers Avenue (905-3-1-7.1 through 7.7)** to October 28, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

James N. Hulme, Esq., appeared on behalf of the application. I am waiting on the plans to present to the Board and I ask to adjourn to the first meeting in December, 2021.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Inn LLC., 43 Main Street (905-11-1-15)** to December 9, 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.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road, (905-2-1-19.10)** to October 28, 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 hold the application over.

Motion was made by Mr. Neubauer to holdover the application of **55 Old Riverhead Road, LLC., 55 & 59 Old Riverhead Road (905-4-1-7, 9.2 and 9.3)** to November 10, 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 J. Pizzuli, Esq., appeared on behalf of the application.

Motion was made by Mr. Neubauer to adopt preliminary subdivision as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

Mr. Pizzuli said they will have the final application available in the next week or so, he'd like to be held over to the first meeting in December, 2021.

Mr. Collins said it's going to be a new application, and will require a new public notice and new hearing.

Mr. Pizzuli said okay. I will request the first meeting in December.

Mr. Reilly said okay.

Motion was made by Mr. Reilly to close the hearing of **Beechwood Westhampton, LLC., 44 & 60 Depot Road (905-4-1-14.6 and 13.1)** seconded by Mr. Neubauer and unanimously carried 5 ayes, 0 nays, 0 absent.

10. 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.

No one appeared on behalf of the application. Richard T. Haefeli, Esq., submitted a request to hold the application over to January 27, 2022.

Motion was made by Mr. Neubauer to holdover the application of **Firestar Holdings, LLC., 14 Rogers Avenue (905-6-2-17)** to January 27, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

11. 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., J&C Realty Corp., 161 Main Street (905-11-3-3.1)** to December 9, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

12. 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., appeared on behalf of the application.

Motion was made by Mr. Neubauer to adopt the SEQRA determination; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent

Mr. Hulme said he'd like to hold it over to December 9, 2021.

Mr. Reilly said there are a number of zoning issues that have to be addressed before you return to this Board, if there's anyone in the audience concerned there are two processes and right now it's before the ZBA and depending on the outcome there it will come back to us and we can then review the site plan.

Mr. Neubauer said it's before the ZBA to increase the square footage.

Mr. Hulme said yes, it's based on the 6,000 square foot gross floor area limit.

Mr. Neubauer asked how many variances they are seeking?

Mr. Hulme said there are a few parking variances, a few buffers that we're working on and the big one is the gross floor area with 29-C reconstructing a non-conforming use.

Motion was made by Mr. Neubauer to holdover the application of **WHBH Real Estate, LLC., 7 Beach Lane (905-11-3-10)** to December 9, 2021 seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

13. 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., appeared on behalf of the application and said after meeting with the Village Planner they have gone to their client and he'd like to return after they are able to review the plans and re draw them and give feedback after that.

Motion was made by Mr. Neubauer to holdover the application of **WHB Development Partners LLC, 107 Old Riverhead Road (905-002-01-019.05)** to October 28, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

FILL APPLICATIONS:

14. Darnley Stewart & Rita Hernandez, 14 Meadow Lane (905-010-03-010) Applicant seeks site plan approval to install fill within the floodplain in conjunction with redevelopment of the backyard area of a single-family dwelling upon a 40,000 SF parcel in the R-1 zoning district.

Susan Wilcenski Spaces Landscaping appeared on behalf of the application. Mr. Reilly asked Mr. Hill and Mr. Hammond if they reviewed the application?

Mr. Hill said yes, it is fine.

Motion was made by Mr. Neubauer to adopt the determination of **Darnley Stewart and Rita Hernandez, 14 Meadow Lane (905-10-3-10)** as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

15. Pine West LLC, 486 Dune Road (905-016-01-023) Applicant seeks site plan approval to install fill within the floodplain for a sanitary enclosure in conjunction with development of a single-family dwelling upon a 21,572 SF parcel in the R-3 zoning district

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

Motion was made by Mr. Neubauer to adopt the determination of **Pine West, LLC., 486 Dune Road (905-16-1-23)** seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

NEW APPLICATIONS:

16. Hampton Synagogue Parrish House, 13/15 Brook Rd & 161 Sunset Ave (905-012-01-039, -040, & -043.01) Applicant seeks site plan approval to construct a two-story parish house with attached pool cabana & mikveh, swimming pool, basketball court, gazebo, storage shed & associated site improvements for Westhampton Synagogue (demolish existing residential structures) on an assemblage of parcels totaling 39,474 square feet in the HC zoning district.

Hermon J. Bishop, Esq., appeared on behalf of the application, together with Frank Lombardo, Architect and Rabbi Marc Schneier. Mr. Bishop said his client owns three lots on Brook Road and Sunset Avenue forming a corner lot and the parcels are 13 Brook Road, 15 Brook Road and 161 Sunset Avenue and 13 Brook Road contains a one-story frame house and a two-story frame and block garage and 15 Brook Road contains a two-story frame dwelling and a one story framed portion. 161 Sunset Avenue contains a larger two-story frame dwelling with a one-story frame building in the rear yard which was a barn and a brick patio. They are seeking to combine the three lots into one lot and as a corner lot it contains two side yards that can be considered front yards and they would like to make Brook Road their front yard and they want to change the use from residential to religious and build a two-story residential parish house, with residential quarters on each floor and three bedrooms each. These facilities and parish house are not intended to be used year-round or 7 days per week and only on Jewish Holidays, Sabbath, and other occasions where dignitaries may need to use the Synagogue.

Mr. Neubauer confirmed they are not rental properties?

Mr. Bishop said that's correct, they are for Sabbath and Religious holidays. The applicant is also seeking to build a 18 x 40 swimming pool and a 490 square foot pool house to be attached to the parish house and they seek to build a 800 square foot Mikvah and above that will be the caretakers residence will be year round, however the size of that is limited because of the gabled roof and the footprint will not be the same. They also propose a shortened basketball / sports court a 154 square foot gazebo and a 196 storage shed; the lot coverage on all of these improvements are less than the 30% permitted and the total impervious areas are less than the 60% permitted in this zone. 6 parking spaces are required, and my client is providing 10; all of the proposed improvements shall comply with or exceed the Villager Code. And they do not need any variances. I ask Mr. Lombardo to speak about the application in further detail.

Mr. Reilly said around the basketball / sports court I see seven or eight light poles, is that correct?

Mr. Bishop said Mr. Lombardo can comment to that.

Frank Lombardo, Architect appeared I want to start off by saying the development of this is the vision of the congregation and the Rabbi. I will refer to the drawings that I have and programmatically there are three buildings, 2 are the parish center and mikvah and the outdoor spaces are planned in a park like setting for children to play which to include a sports court, biblical garden and a swimming pool and pool house. The 3 buildings are connected and you can see on the drawings they are connected.

Mr. Neubauer asked if they are open air connections?

Mr. Lombardo said no it's one building with three components.

M. Reilly asked if they are breezeways?

Mr. Lombardo said no. It looks like a "7" but it's one building. As far as the site development is concerned, I want to go back to these pictures.

Mr. Neubauer asked if the existing building will be demolished?

Mr. Lombardo said yes, they are and they are in poor condition. We are going to remove them, regrade the site and do the construction. The plan will include on the North end of the site with the building the South end will have the parking, and the Middle will have the park like setting and accessory structures. You can cut the site into four. We will need a new sanitary system and that will be in the NW quadrant of the site and John Condon is developing and just completed the SWPPP management plan for the site. As far as landscape is concerned, the existing site has a hedge row that fronts Sunset Avenue and Brook Road and we plan to keep it and manicure it and there will be a cut out for a gate and the vehicular entrance. The hedgerow will have a new curb cut for the parking area, and a gated entrance and pedestrian entrance.

Mr. Neubauer asked how it ties to the site next door?

Mr. Lombardo said it ties and will be used with Jack's House will have a walkway that the children can come through and access the property and use it. There is a tie and there is a benefit of what we're doing. The parking for this site is only for this site, and the parking for Jack's House is there, they are different properties. There is a lot of greenery and that's the intention, the basketball court finish will be green. When I was talking to the congregation and the Rabbi how do you make hardscape look like landscape, you make hardscape landscape by taking the parking and using grasscrete and the area below has to be asphalt because we have to comply with ADA and you can't do so over grasscrete. Then I started to look at the basketball court and you make it green to be a synthetic surface that drains and one we are considering is green in color.

Mr. Reilly asked if its similar to the Turf at the High School?

Mr. Lombardo said it's porous and hardscape and you can play sports on it. The area around the building will have considerable ground cover, plantings and trees and the parking area is shielded and we want to build a hedge wall to prevent the kids from going to the parking area. There will be trees to create a path as well. The pool area and pool equipment will be landscaped in; the West property line will have new Leyland Cypress and will be our buffer. We will be planting Leyland Cypress on the West end.

Mr. Jones asked if the driveway will be a drop off?

Mr. Lombardo said the way you access the site is pedestrian and vehicular. The vehicular traffic will have a new curbcut on Sunset Avenue and it's entrance only, and on the North side of the curb cut there's a 40' drop off and that's where children will be dropped off and they will enter the grass area into the park.

Mr. Schermeyer asked how they get from Jack's house?

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Mr. Lombardo said there's a gate.

MR. Schermeyer said that's very close to the entrance.

Mr. Lombardo said we only have 30' and from a programming standpoint it has to be supervised. We looked at the possibility of coming through another way but it doesn't really work. With Jack's House you enter and come across drop off and go around, either way it has to be supervised.

Mr. Reilly said as I recall from the previous application you furnished a narrative on how the programming will work and once the services ended, they can go to Jack's House and I'm presuming this will be similar. Can we get a narrative like that to see how they'll be used in conjunction with one another?

Mr. Lombardo said yes, we can provide that. Once they drop the children off the cars follow the driveway out to an Exit only curbcut that exists at present time. There is one way in to the site and one way out and it's all around the perimeter of the site. We've isolated vehicular traffic away from pedestrian traffic and we don't have a back log. In the case of the mikvah there will be parking, and they will use it.

Rabbi Marc Schneier asked if they know how to use the Mikvah? It's used by married women and I don't see more than 15 or 20 women using it the entire year. It's not the Mikvah kind of community it's something that the Synagogue should have. I don't want you to think we're building the next spa and its ritual.

Mr. Neubauer asked if it's used individually?

Mr. Schneier said yes, and it's very private. It's a very quiet and under the radar experience for those women that observe these Laws.

Mr. Reilly asked how many kids or children do you anticipate using it in the Summer versus the Winter?

Mr. Schneier said not more than 50 or 60, it depends on the community we welcome all the children in this community. Yes, it's quite extraordinary for a limited group of children but if the children of the greater community want to use it yes they may; but from a congregational point of view its limited.

Mr. Collins said it's the HC Zone and the maximum size is 3,000 square feet, and there are special standards to allow you to go over that and you need to address that because it's over 8,500 square feet.

Mr. Lombardo asked if you're talking about lot coverage or GFA?

Mr. Collins said the maximum size is 3,000 GFA and please address that. The circulation, I'm sure Mr. Hill will address this, when there's a one way you can't have perpendicular parking because people can go the opposite way and you can put them as a diagonal and reduce the aisle width, and that will ensure the cars backing out will maintain the travel plan.

Mr. Lombardo said he will look at that.

Mr. Jones asked if they'll get the same number of spaces on a diagonal?

Mr. Collins said on a 60-degree angle you should maintain the same number of spaces.

Mr. Jones asked where the parking for the Mikvah is?

Mr. Lombardo said it will share the parking. The building is a combination of two story and one story, and the caretakers quarters are smaller than that of the Mikvah. We are looking at the human element there are not any two-story high walls, there will be brick on the first floor to try to match Jack's House, and we want to keep that harmony and Cedar Shake above with gabled roofs and architectural shingles and double hung windows as well. The side facing Brook Road is similar and we will have foundation plantings around it and the last thing is as far as the layout is concerned there are floor plans in the packet and they show the functionality of the building. The second floor has the stair to the caretakers unit, and it's a small portion of the building and the floor plan is identical to the first floor.

Mr. Reilly said the care takers room and then two guest rooms?

Mr. Schneier said the parish house will be occupied by our choir over the six-month season and there are 8 members of them and they sing in the NY Opera and we're the only Synagogue in the USA whose services are televised on NBC Comcast on Friday and Saturday and its remarkable and over 200,000 homes watch us and a lot has to do with our music. We have eight members who have to stay with us, and then there is the conductor and his family and two people on the weekend to read the Torah for us and one on Saturday morning and one in the evening; there is the High Holy Day Cantor and on the weekends there is a Junior Congregation and we have four or five leaders from that who need to be there for the Sabbath and that's who will occupy that facility and I don't necessarily see any dignitary in that facility and I don't see the Ambassadors staying there. It's really for the religious functionaries that we need for Sabbath and Jewish holidays and we don't have that at this point. It is primarily used during the Summer and the choir in the spirit of Jack's House we will be hosting a pre-Thanksgiving Interfaith Service with all of the churches and an opportunity to hear the cantor and then you can appreciate the music. But these are about the functions and the apartment on top of the mikvah has to be private, you need someone to assist the woman in the Mikvah and her process so that would be occupied by the Mikvah Lady and perhaps her spouse, but that's the purpose of that apartment. There's no consideration to rent the units out at all, it's a place, because we're Orthodox and whether they are observant or not we don't want them traveling during the Sabbath and they need a place to stay during that and on the weekends.

Mr. Reilly said we heard from our Village Planner and we want to hear from our Village Engineer before we engage in comments and it's a very impressive proposal.

Mr. Hammond said it's an Unlisted Action, so I don't know about ARB yet because Mr. Collins just raised questions, and there's more leeway for religious uses but I think we need to commence SEQRA first.

Mr. Pasca asked if it's over 4,000? I don't know if a basketball court will count.

Mr. Hammond said it's each floor.

Mr. Reilly said the basketball court is in Mr. Collins calculation.

Mr. Lombardo said the figure of 8,698 is not the building; it is 3,428 and that's a big difference. The basketball court is half of that, so we're at GFA of 3,428, and that's the building area and lot coverage and if I add the second story yes, it is larger. I will recompute that and give that figure to the Board.

Mr. Reilly said we have to address SEQRA before we can refer it to the ARB. Is there a landscape plan?

Mr. Lombardo said dyes, there are photometrics one with the sports court and one without.

Mr. Reilly asked the height of the light poles?

Mr. Lombardo said they are 12' high fixtures, and there are eight of them and the key is the spread. You are trying to get full cut off but then as you get lower the concentration of light is around the pole so the issue is that from the middle length of the court from free throw line to free throw line that's the problem.

Cybil Cohen, she has attended services and I know that the Choir has an extensive number of participants and my question is regarding the apartment and the number of people who might be using it at one time will it be a dormitory arrangement?

Rabbi said no, we don't max for the high holy days, there is 8 members and a conductor; on the Sabbath it is 6 plus 1.

Motion was made by Mr. Neubauer to holdover the application of **Hampton Synagogue Parrish House, 13/15 Brook Road and 161 Sunset Avenue (905-12-1-39-40 and 43.1)** to October 28, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

17. Mill Road Corp, 146 Mill Road (905-012-01-045), Applicant seeks waiver of site plan to convert the central first floor retail suite for a professional office use with no proposed or required changes to the exterior of the building or site, a 13,698 square foot parcel in the B-1 zoning district.

No one appeared on behalf of the application; Mr. Hammond said this is retail being converted to office and there's no change in the parking on site. It will be before this Board in the future for another use.

Mr. Pasca said we have form for it we can do it.

Mr. Reilly asked if there were any questions or comments. There were no questions or comments.

Motion was made by Mr. Neubauer to close the hearing of Mill Road Corp., 146 Mill Road (905-12-1-45) for a determination; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

REQUEST FOR EXTENSION:

18. 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.

Jefferson Murphree appeared on behalf of the application.

Mr. Neubauer asked the status of the demolition.

Mr. Murphree said they did a walk through fo the site and testing on what was found, we know that we need the remediation for the demolition.

Mr. Neubauer asked for a time frame?

Mr. Murphree said it's on Eastern Environmental and their testing lab. I don't know if there will be any delays, the weather isn't the issue it's just a matter of their timing and getting results back.

Mr. Reilly asked if we can grant them a shorter extension?

Mr. Pasca said yes, we can.

Mr. Murphree said before the pandemic the retail market was in the dumpster, we would like a 12 month extension.

Mr. Reilly said we want to see the building demolished and we are going to recognize economic reality, how does four months sound.

Mr. Murphree asked for 6 months?

Mr. Reilly said 6 months sounds even.

Mr. Collins said 6 months will get them to April, 2022.

Motion was made by Mr. Neubauer to grant the extension of **Avidor Group, LLC., 92 Oak Street (905-5-2-38)** for six (6) months; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

REFERRAL FROM BOARD OF TRUSTEES:

19. LT Burger, West 115 Main Street (905-11-2-22) Special Exception Application for Outdoor Music Permit.

Jenn Cathal, LT Burger appeared on behalf of the application. They have two outdoor speakers that are installed on the patio which only play during operating hours.

Mr. Neubauer asked if they can play music year-round?

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Jenn said no, because the tables have to be brought in by November 15th.

Mr. Reilly asked if there are any issues.

There were no comments or questions.

Motion was made by Mr. Neubauer to refer the application of **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 5 ayes, 0 nays, 0 absent.