

September 23, 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: 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

DECISION

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.

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

Motion was made by Mr. Logozzo to adopt the determination of **Christopher Mensch, 41 Library Avenue (905-11-3-21)** as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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.

Bailey Larkin, Esq., appeared on behalf of the application, together with Richard Searles, Architect. They have submitted a full set of everything submitted to the Board previously and they were discussing any conditions, and I want to mention that the ZBA reviewed the application and they put conditions on it, and there were two (2) that they wished to be included ensuring the interior parking is maintained as parking not storage and prohibiting the delivery trucks outdoors from being parked other than normal business hours.

Mr. Reilly said parking has been issued discussed earlier on and its used for his trucks, and we want to avoid that and I don't recall anything specific we'd like to see.

Mr. Pasca said it's the operational conditions that we'd like to see.

Mr. Reilly said we discussed the outdoor dropping of the merchandise on the street.

Mr. Jones said that's worse than the trucks.

Mr. Reilly said we're constantly looking at the wall of water bottles, but I'd like to see that in the site plan approval.

Mr. Pasca said there's a note on the site plan that says they will unload and load deliveries in the building.

Mr. Neubauer said that doesn't preclude them from operating the way they are.

Mr. Reilly said I don't want any outdoor storage of any kind, even if its temporary.

Mr. Jones said the landscape islands will complicate that more.

Mr. Neubauer said we are clear, we want to see this conducted inside moving forward, that's the point of the application.

Mr. Reilly said ask that it's a condition of the approval, no matter how temporary I don't want to see it anymore outside, the people on Pine Street have been putting up with it for a long time. I don't want outdoor loading and unloading and the trucks on site they need to have it all done inside.

Mr. Hill said the parking spaces will be kept free for parking, inside and outside. I don't want pallets on parking spaces they should do that inside.

Mr. Pasca said I can circulate a draft set of conditions and anyone who thinks of anything can add to it.

Mr. Reilly said in terms of the layout of the site plan we're all okay with?

Mr. Hill said yes, we are all okay on everything.

Mr. Pasca asked if there were any conditions relating to the other use on the property and any way to divide them, is the parking open to all?

Mr. Hill said it was always stand alone with its own parking when it first was built, they are doing something and they are moving the dumpster location.

Mr. Collins said that was a request.

Mr. Hill said that piece of the property was stand alone, and the other business didn't depend on parking from this.

Mr. Reilly said I'm trying to figure out timing do you think we can have a resolution on October 14, 2021 or hold it over to review the conditions.

Mr. Pasca said we can discuss the draft conditions then if we need to.

Motion was made by Mr. Neubauer to holdover the application of **160 Montauk Highway, LLC., 160 Montauk Highway, (905-6-1-19) Westhampton Beach** to October 14, 2021; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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 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 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 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 October 14, 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

Status: **HELDOVER UNTIL October 14, 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; DEIS Adopted, August 26, 2021; Written Public Comment Period open until October 1, 2021 on Supplemental DEIS;*

SCDHS: **NEEDED**

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

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

6. **Westhampton Inn LLC., 43 Main Street (905-11-1-15)** Applicant requests a Site Plan approval to construct a two-story ten-room hotel building with a covered front entry, rear porte-cochere and associated site improvements upon a 0.93 acre parcel located at the South West corner of Main Street and Mitchell Road in the B-1 Zoning District.

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 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 October 14, 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.

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

ZBA: **N/A**

ARB: **NEEDED**

BOT: **SPECIAL EXCEPTION PERMIT**

SEQRA: *August 13, 2020 – Planning Board Accepted Lead Agency Status*

SCDHS: **NEEDED**

SCDPW: **NEEDED**

SCPC: **NEEDED**

9. Beechwood Westhampton LLC, 44 & 60 Depot Rd (905-004-01-014.06 & -013.01) Applicant requests preliminary subdivision approval to subdivide 13.06-acre assemblage of parcels, into twenty-two (22) single-family lots with associated road, drainage and utility improvements in the R-2 zoning district.

Vincent Pizzulli said Mr. Hill signed off on the preliminary site plan and I suggested we start considering preliminary approval to advance the map in to engineering and Mr. Pasca said we don't have a determination from SCPC and they recommended local determination, and they had comments which were addressed by this Board including the park land and workforce housing and TDR;s. In addition to the SCPC correspondence and they received a PSEG letter for SEQRA purposes and my client will respond to that and we drafted that and we gave to Ms. Mackie to forward to PSEG and they will have an opportunity to review and address that. If you have any questions of us, we're here to answer them if not I was hoping to get a resolution on a preliminary approval at the next meeting, and I'm happy to discuss the conditions of that.

Mr. Pasca said I don't see the need for it, the conditions of final approval are detailed, and preliminary are giving you the okay to move on to final.

Mr. Reilly asked if there was anything needed for preliminary?

Mr. Hill said no, when we get to the final plan we will have comments.

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 October 14, 2021; seconded by Mr. Logozzo 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.

Status: **HELDOVER UNTIL October 28, 2021**

ARB: **N/A**

BOT: **N/A**

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: **N/A**

SCPC: **N/A**

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).

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

ARB: **N/A**

BOT: **N/A**

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: **N/A**

SCPC: **N/A**

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.

No one appeared on behalf of the application.

Mr. Collins said we can do SEQRA for the next meeting,

Mr. Pasca said they do have a big issue to deal with at ZBA and they can do SEQRA here, finish with the ZBA and then return to this Board.

Mr. Hill said if they are not providing the 10' of buffer to the parking, is that for the ZBA?

Mr. Hammond said yes.

Mr. Hill said okay, if they approve it that will remove my question, we can discuss what will go in the 5' area.

Motion was made by Mr. Neubauer to holdover the application of **WHBH Real Estate, LLC., 7 Beach Lane (905-11-3-10)** to October 14, 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., submitted a request to hold the application of WHB Development Partners, LLC., 107 Old Riverhead Road (905-2-1-19.5) over to October 14, 2021.

Motion was made by Mr. Neubauer to holdover the application of **WHB Development Partners, LLC., 107 Old Riverhead Road (905-2-1-19.5)** to October 14, 2021; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

FILL APPLICATIONS:

14. Sean & Monica Sullivan, 11 Meadow Lane (905-010-01-020) Applicant seeks site plan approval to install fill within the floodplain for redevelopment of the backyard of a single-family dwelling on a 1.1-acre parcel in the R-1 zoning district.

Susan Wilcenski, Spaces Landscape Architecture appeared on behalf of the application. Mr. Neubauer stated there was a determination and the reading was waived.

Motion was made by Mr. Logozzo to adopt the determination of **Sean & Monica Sullivan, 11 Meadow Lane (905-10-1-20)** as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

REQUEST FOR EXTENSION:

15. 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.

Brad Hammond said he got a call from Jefferson Murphree the agent for the applicant, but it was okay to let the Board know that they were going to demolish the building and we will look for a building permit. If you are amendable to extending it in anyway and they get a demolition permit.

Mr. Neubauer asked if they gave a time frame?

Mr. Hammond said he said soon, we can hold it over to see if they put in the demolition permit in.

Mr. Reilly said is there anything about the residential subdivision holding it up?

Mr. Pasca said no. They are finished with the residential subdivision.

Mr. Neubauer asked what their plan is going forward once it's demolished.

Mr. Collins said they'd like to talk to the applicant to find out how they will leave the site once the structures are demolished. It would be one thing if they were going to get a building permit right away, but they're not we should discuss that.

Mr. Hammond said the demolition permit condition is that they'll have to plant grass or something.

16. 516 Dune Road, LLC., 516 Dune Road (905-16-1-9.1) Applicant seeks an extension of their February 11, 2021 Fill Determination which expired on August 11, 2021; for 6 months up to and including February 11, 2022.

Ms. Mackie said that the applicant requests an extension of their Planning Board fill application up to and including February 11, 2022.

Motion was made by Mr. Neubauer to grant the extension request of **516 Dune Road, LLC., 516 Dune Road (905-16-1-9.1)** to February 11, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

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Motion was made by Mr. Neubauer to adjourn the meeting at **5:20 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.