

December 9, 2021

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on December 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

Ron Hill, Village Engineer  
Kyle Collins, Village Planner

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

### **DECISIONS:**

**Ivy on Main, Inc., 103 Main Street (905-11-2-20.1)** Applicant requests a waiver of site plan to replace side windows with accordion doors and install a retractable awning over an existing patio for the existing 16-seat luncheonette within the building located upon a 7,009 SF parcel in the B-1 zoning district.

No one appeared on behalf of the application.

Motion was made by Mr. Logozzo to adopt the determination of **Ivy on Main, Inc., 103 Main Street (905-11-2-20.1)** as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**Roger Ross, 104 Point Road (905-017-02-004)** Applicant seeks site plan approval to install fill within the floodplain in conjunction with an emergency sanitary system replacement for a single-family dwelling upon a 4,779 SF parcel in the R-5 zoning district.

Chris Clapp appeared on behalf of the application. Mr. Reilly stated there was a determination, and the reading was waived.

Motion was made by Mr. Logozzo to adopt the determination of **Roger Ross, 104 Point Road (905-17-2-4)** as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**10 RR Corp, 10 Old Riverhead Road (905-004-02-012)** Applicant seeks modification of site plan approval to convert the northerly suite for a medical office use with no proposed alterations to the exterior of the building or site upon a 40,352 SF parcel in the B-2 zoning district.

No one appeared on behalf of the application. The reading of the determination was waived.

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

### **HOLDOVERS:**

**1. 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.

No one appeared on behalf of the application.

Motion was made by Mr. Logozzo to holdover the application of **Anthony J. Cassano, Jr., and Louis Commisso 30 Lilac Road (905-5-1-21)** to January 27, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

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**2. 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.

Richard T. Haefeli, Esq., submitted a written request to holdover the application to January 27, 2022.

Motion was made by Mr. Logozzo to holdover the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** to January 27, 2022; seconded by Mr. Neubauer and unanimously carried 5 ayes, 0 nays, 0 absent.

**3. 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.

Motion was made by Mr. Logozzo to holdover the application of **85 & 105 Montauk, LLC., 105 Montauk Highway & 105 Oak Street (905-5-1-12 -53.1 and 52.2)** to January 27, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**4. 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, together with Bryan Grogan, PW Grosser Engineers. The environmental review has been completed, a final statement has been adopted and the findings under SEQRA have been adopted. We are going to address the specifics of the site plan and I will introduce Bryan Grogan who is our engineer and planner who will address the revisions to the site plan and go over the site plan.

Mr. Neubauer asked if we report to the Trustees next?

Mr. Pasca said you have to review the site plan first, and then you make a recommendation to the Board of Trustees. There will be a site plan decision and a recommendation.

Mr. Isler said the site plan we presented and the modifications comply with the Zoning, subject to the Boards Special Permit upon completion of site plan review and you should review it like a site plan and then it will go to the Board of Trustees to address the number of units and this is a compliant, with zoning, plan and we're addressing this map and this site plan here tonight.

Mr. Pasca asked if the plan they are presenting, compliant or not with the scenic buffers required by the original subdivision.

Mr. Isler said in our plan, what the attorney is asking, may years ago when this was an Industrial Zoned property, a subdivision was approved for a n Industrial 6 lot subdivision and it required a 50 foot buffer and that was along Rogers Avenue and the West side to buffer the asphalt plant adjacent to the Western boundary going North. Our position and the requirement is that they do not apply to this property and that's an argument we're not here to make. It's an issue for the Village and when you look at the stie plan and the alternate number 4 adopted as result of SEQRA complies. The property that's setback 50' and along the Westerly boundary 25' is compliant with the Industrial setbacks but they do not apply.

Mr. Pasca said it was a question, I don't have an opinion. I want to make it clear, the Trustees decide whether to relinquish those covenants; this Board does not get to. If the Trustees relinquish it you made be entitled to the lesser buffers. Which one are we reviewing, is it complaint with the buffers or not.

Mr. Isler said the plan we're submitting, we believe is compliant with those setbacks and we did that to avoid that issue and I think what we'll present to the Village Board. When it was rezoned to MF use the findings that it was making was the need to change the use to MF and rezone it and MF brings its own setback requirements which we more than comply with in this plan and so we submit and it's a legal position that the property in single and separate, the subdivision approved for Industrial use has been

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merged and no longer has any force and effect. The whole purpose for MF was to remove a very adverse industrial use and replace it with MF housing, consistent with the area and provide affordable housing opportunities and specifically for this property.

Mr. Reilly said with all of that being said, the bottom line and the question is presuming the subdivision buffers are in place and would have been binding, does your plan respect those buffers.

Bryan Grogan PW Grosser and we have gone through this a handful of times, to touch on the point with respect to the buffer, on the Western side we are compliant with the buffer and we have a slight sidewalk and entryway is within that 50' buffer and we're compliant with the buffer on the Western side of the easement we are more than compliant and if not we'd have to slide building 6 to comply with 50'.

Mr. Reilly said so there's general conformance?

Mr. Grogan said yes.

Mr. Neubauer asked about the Eastern side?

Mr. Grogan said that was done earlier on. Mr. Collins recommendations were to convert in to street parking that's parallel and that alters the road layout for the Northern section and relocates some of it for the community center, adds ADA on the North, slides the alleyway North and creates on street parking on the Southern end.

Mr. Neubauer said instead of a parking field?

Mr. Grogan said yes, there will be parallel parking on the street frontage. There's parking on the western and eastern and we land banked it on the Southern and Western side and this was used for guest parking as we have more than sufficient parking for the residents as per the Code. To avoid cars to parking on site we felt this was better suited and we received Mr. Collins plans and we're discussing the same.

Mr. Reilly said the parking on the proposed will replicate Timber Ridge?

Mr. Grogan said yes. Mr. Collins comment modified the walkways to have more of a single walkway off of Rogers Avenue to blend with a single-family residence look and I believe Mr. Collins added street trees to the design and we have to discuss their location, and the placement and our concern about the sidewalks. I don't want to create hazards.

Mr. Reilly said we'd rather a healthier buffer along Rogers Avenue.

Mr. Grogan said I don't think his comments enhanced the buffer, and we're waiting on the comments. He provided the Board with a copy of Mr. Collins plan on the screen and the parking has been converted with parallel parking and the ADA parking stalls were removed to the rear side and the Northern alleyway to the railroad and then we converted it to a single walk way down towards Rogers Avenue.

Mr. Collins said he created a 5' landscape strip between the curb and sidewalk that allows for the street trees and I grade them out and it's hard to see the site details and this distributes the parking where its demanded in front of the units and a safety point of view, they were perpendicular on the side and if you have guests, and you have units further away it's a substantial walk. These parking spaces are in front of the units and more traditional neighborhood design with parking on the street and street trees and sidewalks and that's the objection and meets the standards and it references it and utilizes and uses the parking standards under the Code.

Mr. Reilly said the general layout of the buildings remains the same?

Mr. Grogan said yes. The most significant change is the Northern row of units furthest from Rogers Avenue.

Mr. Collins said the ADA spaces sitting in the middle of the Village green and they'd have to cross a road. It makes a better village green to have no parking.

Mr. Grogan said we'd like to hear comments from the Board before we make changes.

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Mr. Reilly said the public will want to comment and my initial feeling, and its theoretical and from our perspective I like Mr. Collins proposal and the layout and the function of the parcel it is nice and we really want to see buffering and vegetation around the perimeter. From a site plan perspective, we're in a good place.

Mr. Logozzo said he agrees with Mr. Reilly.

Mr. Schermeyer said the cross walk on Rogers Avenue and the curbing, is that a stop sign?

Mr. Grogan said yes, that was part of the SEQRA to install a 3 way stop.

Mr. Collins said the other recommendation was to take off the sidewalk, it's a sidewalk to nowhere and it was a comment that came from the public, I don't see the need for that. The Northern sidewalk at a minimum it takes you to Old Riverhead Road I would put it to the Hazelwood Avenue entrance or all the way to Old Riverhead Road.

MS said that will slow the traffic; the one stop sign on Hazelwood Avenue slowed the traffic some.

Mr. Grogan said that was the intention to help slow the traffic and we needed an intersection and there's no traffic control at that corner.

LJ said I like it and the traffic patterns and the alleys, so as long as we have plenty of parking I think it's okay.

RN said I have a problem with the density, and as far as this board is concerned there's no input on it. I think the revised plan from Mr. Collins is acceptable and I would like to see it over landscaped.

Mr. Grogan thanked the Board.

DR asked FAI if he had any questions or comments.

FAI said not right now.

Mr. Hill said he provided comments in writing; I do say that the South West corner the side walk and ramp can come out, but the curb should remain. The point is to tighten the curb for traffic control and it was part of the SEQRA.

Lisa Sommeraro, 9 Avaughn Court off of Hazelwood Avenue said she believes that this development into a community is exciting. It creates more housing and the community needs it our merchants and residents will benefit greatly. We once had a tiny airport and now it's very large and the vacant land became home to business industry our small library was rebuilt and our small main street was improved and the opportunity for my neighborhood which was called South Side Estates to experience positive changes makes me happy. I wanted to share my view and thank you for being inclusive because we don't see a lot of changes North of the Highway.

Jessica Maguire, 63 Rogers Avenue. From a parents perspective, I like the fact that you added in a three way stop and I do think it will slow the traffic and speed around that curve which is frightening and I live a few doors down; this road is a race strip and I talk to the Police and they sit on the street they can't get the cars to slow down they see the cars going fast. All of the houses and people are living here year round and I support that and I don't want an abandon lot at the end of my street but to have that many condos in such a smaller area and the main outlet be Rogers Avenue because Old Riverhead Road builds up and backs up and I can't get on to Montauk Highway off of Rogers Avenue I sit in traffic to go East and the East end is booming, but lets not over populate the area. We like the Country and we moved out here for that reason.

DR said from my perspective, I live on Oak Street so I understand, the Village is a through road and I agree with you, and I think it's a lot of units, but we don't decide that. We all sympathize with you.

RN said to make this point to the Board of Trustees your emotion is important.

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Chris Clapp, Rogers Avenue. Our children are on the older end, and there are a lot of young kids and the whole neighborhood has turned over and it always was the defecto affordable housing of the Village, Rogers Avenue and Hazelwood Avenue this is where you get to start. I don't think anyone is objecting to a development, and I don't think anyone objects to affordable housing, we just want to see it done safely and fits in with the current character. We haven't seen an elevation, and this is built to the max in height and extent and that doesn't fit in with a single family neighborhood, what will they look like on the front of Rogers Avenue with a sidewalk, what will it look like? You are urbanizing a single family residential neighborhood overnight and take that into account when you look at the site plan. They are preserving the buffer and easement and its untouched, so it would not start and they should not disturb anything on the other side of the buffer. What does this look like? How does it impact the look, character feel of the existing residential neighborhood.

DR said I agree with you agree with you.

Chris Clapp said we will make our points to the Board of Trustees and if you continue making tweaks to the site plan please think about how it'll fit in.

DR said part of the design was to have the one front Building to look like a single family structure and have the rest hidden so from the road it won't look like a mass complex.

KC said that was the intent.

DR asked if there were any other comments or questions.

RL asked if this could not be a cut through road, you can't get through to Old Riverhead Road, I've heard this traffic issue since the beginning and it seems maybe what can't be done should be considered. Would they consider blocking the road midway, it may be the solution.

RH said that's a different procedure and you'd need cul de sacs on both ends for emergency access.

RL said I understand that, it's something to think about.

RH said it's an action for the BOT.

RL said it's a possible solution.

DR asked FAI if they will work on the changes to the plans and return on 1/13?

FAI asked if they can resubmit the revised plans before 1/13.

Grogan said yes.

FAI said yes, they will do so.

34 Rogers Avenue

**5. 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 December 9, 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*

**6. 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.

**7. 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 request to holdover the application of 55 Old Riverhead Road, LLC., and 59 Old Riverhead Road, LLC., (905-4-1-7 – 9.2 and 9.3) to January 13, 2022; seconded by and unanimously carried 5 ayes, 0 nays, 0 absent.

**8. 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.

**Status:** **HELDOVER UNTIL January 27, 2022**

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

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

**SEQRA:** *Needed*

**SCDHS:** *Needed*

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

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

**9. 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).

**10. 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 and said that they are still before the ZBA and would like to hold it over.

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

Guy and Cindy Davis, 1 Beach Lane appeared and stated their concerns, and they do not see where the staff will be parked, the restaurant and bar and the patrons of the same. We don't see parking contingencies and the traffic pattern on that corner of Main Street and Beach Lane and we have issues about the traffic and congestion and how they'll go to this restaurant and the bar and it's a residential neighborhood and they are concerns of ours. We live on the corner, traffic is an issue in the Summer and we don't know if you are considering traffic control for this site and we think 10,000 square feet and that's 50' from our residence is quite large and it's a concern about fire safety, the dumpsters between our home and the Inn and on the North side it'll be unsafe. We don't know how they are taking the square footage from the cottage and adding it to the Hotel and in the HC there's no use for a hotel and this was a boarding house owner occupied, the building in the back was for the staff and we think it's a big ask for the area and it's a large structure and we want the board to consider that. There will be congestion and issues in the Summer and we have to put a traffic light in perhaps, and we know that as Patchogue expanded their traffic is terrible and there are a lot of issues in residential neighborhoods and

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they need security and there are a lot of issues. There is no parking for what they're looking to do it's in a residential neighborhood and in the middle of town and the Board should consider the size and the use.

Mr. Reilly said as you heard, they are before the ZBA next week and some of these issues may be dealt with by that Board

Mr. Hulme said I don't want you to have the wrong impression and a lot of this will be addressed by the ZBA and this is a high-end hotel. And it's not a brand-new use it's preexisting non-conforming, and we have informed the ZBA but the restaurant is for the patrons only and I will correct at the ZBA but the bar is for the patrons only so it will not be a destination restaurant for any one other than the 16 rooms in the Hotel. The plan provides the parking for the use.

**11. 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 together with Irwin Krasnow. Mr. Hulme said they are looking to develop the vacant land on Old Riverhead Road with a gas station and 7-11 they discussed renderings as to what it would look like and they provided renderings to the Board and they are in their packet and they have a street view showing the canopy the pumps and the building in the rear behind the pumps. Another view coming South on Old Riverhead Road and they have an aerial view showing the proposed and how it will fit in the community. What they are showing is the new 7-11 model which is a slightly larger store, and different features and a little more modern in design and we think it will be a nice addition in the Village. As we discussed, behind it is the storage facility and directly to the North is the railroad tracks, across the street is the highway facility for the Town of Southampton and then further is a cement plant, and below that is the VFW Hall. I think this will be a nice addition and improvement to the architecture that's there. We have talked in the past about a different orientation of this project which we don't find as favorable for the reasons discussed at the last meeting, and I suggest that the Wappinger Falls project being discussed which is not built yet and it fronts on two busy streets and the gas pumps are in front as opposed to behind and as we discussed there are a number of reasons why we can't put the pumps behind the building for safety and visibility so that's what we wanted to present so we're at a point and this is what we want to go forward with.

Mr. Reilly said he thinks that when they asked for the streetscape it was to assess the site plan in terms of the layout proposed by you versus the planner and we indicated that this is not the design we'd look favorable upon.

Mr. Hulme said that's not the impression we took as the feeling of the Board.

Mr. Reilly said we're not adverse to having the pumps on the street as opposed to behind the building, but in terms of the design, the color scheme and the look; we had that conversation and you submitted alternate renderings and a more traditional look. We were expecting a layout to assess your preferred site plan and a streetscape to look at. And that's now what we got, we got your design, your canopy, your layout.

Mr. Hulme said based on the Board conversation, there was some support for this design, and my understanding of what was asked was to take our preferred design and show it.

Mr. Neubauer said that's not how we left that meeting and there's a memo from the Village Planner, and this view that you gave us and if I'm not mistaken there was a conversation about this topic and it was brought to your attention.

Mr. Hulme said this is our opinion.

Mr. Neubauer said this plan does not enhance the value of our Village.

Mr. Hulme said we respectfully disagree. The box as we have shown, in other plans has more detail, and what you termed as more traditional is not our plan of preference and the stores smaller, and the generic this adds some color to a drab section of the Village and I think that this would give a favorable impression and esthetically pleasing as required by the Master Plan so that's why we presented what we did. The threshold question is, the pumps in the front the buildings in the back.

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Mr. Reilly said that's based on the appearance and the canopy and we may not agree with Mr. Collins but certainly there has never been a disagreement that this was going to happen.

Mr. Hulme said with all due respect, there are two members who do like this. It is contrary to what you're saying.

Mr. Logozzo said I am a member in favor of this plan. I do like the pumps in front, and I think and maybe I'm wrong the general consensus is the positioning works and I don't know if I'm speaking out of turn, the position of the pumps is preservation of the building and I like it. But that's my opinion.

Mr. Hulme said you are 20% of the weight.

Mr. Reilly said let's poll the Board.

Mr. Schermeyer said it's not bad, looking at the storage place behind it that's contemporary. I could go either way, I do like the board and baton look better and I do like the pumps up front that's a safety issue.

Mr. Jones said I don't have a problem with the design and the colors and the fact that it's more modern it is what it is there are other modern building sand the pumps up front to me it's standard to have the pumps out front. You don't want to go around the back of the building to pump gas; the board and baton design is an okay design but, to me it looks like another 7-11 store and it's not the same as the other two we have it doesn't add much at all. The canopy out front the height is somewhat obscures the front façade of the 7-11 and I think that reduces the negative opinion and I applaud you're able to get a larger store and the glazing going around the South side and it is more inviting and you can see into it and I'm glad we're able to have the option of the larger store.

Mr. Neubauer said I don't like this design, and I didn't like it from the beginning. I expected to see our preferred design on a streetscape; I think it's a box.

Mr. Reilly said perhaps I was trying to thread the needle. I'm okay with the pumps in the front. I think you have a healthy majority with the pumps out front, and there are two of us okay with the design, two who are not and one who can go either way.

Mr. Schermeyer said we don't have a streetscape and that's what we want to see.

Mr. Hulme said I missed that and I apologize.

Mr. Schermeyer said it would be nice to have both. This has a different canopy.

Mr. Hulme said in the proposed design, the architecture of the canopy is more flexible.

Mr. Schermeyer said the board and baton blends in, but you don't get the larger store with that design.

Mr. Hulme said I'm not trying to draw a line in the sand.

Mr. Reilly said I would like to see the alternate streetscape to get an idea and I was hoping that we could see more landscaping along the street and the driveway to break it up and there may be reasons for that. Before we can make any determinations, we need to see the alternate presentation

Mr. Collins said between the larger and smaller store, do they both need a variance?

Mr. Hulme said yes, we're permitted 3,000 square feet and this is almost 5,000 square feet. And the other is around 4,000 square feet.

Mr. Neubauer said so the variance for the alternate store is lesser.

Mr. Hulme said it's a variance or it's not, it's not a matter of degree. We can't get there until we get further down the road with this Board.

Mr. Reilly said we accomplished one thing.



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Mr. Hulme said there is now in the Village Code a definition of a grocery store in contrast to a convenience store, but a grocery store can be up to 5,000 square feet in this Zone. If you're thinking the variances, it may not be that hard.

Mr. Reilly said we need to see the alternative streetscape and more landscaping.

Mr. Hulme said they will look at the landscaping.

Motion was made by Mr. Neubauer to adjourn the hearing of **WHB Development Partners, LLC., 107 Old Riverhead Road, (905-2-1-19.5)** to January 13, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**12. 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

Frank Lombardo, Architect appeared on behalf of the application, together with Rabbi Schnier and they received comments from the Village and the most significant was the size of the Parrish House and we the plans you have show three separate buildings and the center building is down to 3,900 square feet and we're over the 3,000 square feet and we're going to the ZBA to seek relief for that. The total square footage is 5,799 square feet and it's just the Parrish House portion is 3,959 gross and that's the most significant comment. Mr. Collins recommended angled parking and we did so and we did 45 degree parking; Mr. Hill made a comment regarding the curbcut and that's been changed to 16'. The majority of Mr. Hammond's comments have been addressed with the accessibility ramp and we have that and we have added it to the drawings and addressed it. Mr. Hill's comments are the most recent, and you discuss the buffer on the South end and you review the Site Plan there's no 10' buffer and Mr. Hill pointed out the cross access and the angled parking and the gate that's 20' back I think you hit it on the head because it will lose parking spaces on both side. What we've done on the updated drawing is added a 10' buffer and there's access to come in and we've taken the view into consideration about the sidewalk as a safety issue so we're looking at that as well. The buffer will be different than the buffer on the West and that's Leyland Cypress tree and the South will be Privet Hedge. The detail on the basketball court surface is drainable and John Condon is addressing the plans for the drainage, and I owe an updated photometric plan. The last item which Mr. Bishop will address was the dedication.

Mr. Hill said basically if you look at the site plan property it comes to a point in the street, and the idea of the dedication, you may want to give the Village the property outside of the sidewalk.

Rabbi Schneier asked if he wanted them to give the piece to the Village?

Mr. Hill said yes.

Mr. Lombardo said that was it. They would like to go to the ARB if possible, but I will tell you from a professional point of view, the change to separating the buildings made the design better, it reduced the scale and you do have the elevations and I think it works better now with the requirements.

DR asked if they foresee anything the ZBA may do effecting the ARB reviewing it?

Mr. Lombardo said no.

### **NEW APPLICATIONS:**

**13. Country Pointe at WHB, 44 and 60 Depot Road (905-4-1-14.6 and 13.1)** Applicant seeks final subdivision approval of 13.06 acres for twenty-two (22) single-family lots with public road and associated site improvements.

Vincent J. Pizzuli, Esq., appeared on behalf of the application, together with Eric Jeter, Hayduck Engineering. Mr. Pizzuli said their preliminary subdivision was approved by the PB on 10/14 subject to

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several conditions and some of them include BOH approval, the acceptance of performance bonds, and park fee. This was formerly known as the Holistic Tennis Academy and it closed in October and the applicant Beechwood Westhampton and the subject property is 13.06 acres and zoned R2. The subject property has dual street frontage on Old Riverhead Road and Depot Road and surrounded by residential uses on the North South East and West and commercial to the North. The adjacent to the North is MF and known as the Dunes at WHB and vacant land; the adjacent to the South is a MF development and the property on the West are in the Town of Southampton and single family homes. They are proposing to subdivide the property into 22 fully conforming lots and will meet or exceed the 20,000 square foot requirement and during the preliminary review they prepared two layouts and a comprehensive traffic study and after several meetings the Board determined that Depot Road would provide the most suitable access for the homes. The monuments have been added, all utilities will be underground, a SWPPP plan has been prepared and submitted; a draft appraisal report has been prepared by Patricia Parsons and completed next week and delivered for the Boards review at the next meeting. The BOH Review reviewed and approved our request to obtain 10 Pine Barren Credits; SCDPW is reviewing the plans for the emergency access on Old Riverhead Road and requested a sidewalk on Old Riverhead Road which is a 50' frontage, and we've agreed to provide that. A 28' wide roadway will provide more green space and drainage. Street lighting has been recommended and they have no objection to doing so, and if the Board sees fit to providing that we will revise the plans accordingly. Mr. Hill has asked for information on the entrance island and we'll provide that plan to review. They have prepared performance bond estimates and

Mr. Collins said during SEQRA the road and curbcut there was a finding and presentation by Chic Voorhis and I believe there was going to be a pedestrian connection to Old Riverhead Road.

Mr. Pizzuli said there is and at the location of the emergency access driveway which is concrete grass pavers, along that there is a sidewalk that you requested and as luck would have it, it connects to a new sidewalk on Old Riverhead Road as per the County.

RL asked if there's street parking allowed?

Mr. Collins asked about on street?

RL said the roadway is 24' wide.

Mr. Hill said that's why we suggested a wider road with no curbs, and if we allow curbs it has to be wider, but that's not the character of WHB and I discussed it with Mr. Smith and we both agreed there should be no curb. The design has to give more stability to the shoulders, we don't want pavers but we want it stabilized.

RL said street parking if its allowed, maybe 24' is too tight?

Mr. Pizzuli said we are okay going wider, and it makes sense if there's no curbs.

Mr. Hill said I wanted the discussion to occur in front of the Board because it's their decision and Mr. Smith and I agree it should look like the rest of the roads.

AP said it's the BOT decision to accept the road dedication; Mr. Smith will look at it and make a recommendation to the BOT and if it doesn't meet his standards the BOT may not take it.

Mr. Pizzuli said we will revise the drawings and performance bond and we'll submit them as soon as we can.

Mr, Collins said there is a standard in the Code on street lighting.

Mr. Pizzuli said yes, the Highway Superintendent provided them to us.

LJ asked how do you access Lot 9, is there a driveway?

Mr. Pizzuli said it's the only lot with frontage on Depot Road. It could have been jerry meandered into a flag lot, but it would have ruined the subdivision.

LJ said okay.

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James Going 17 Brittany Lane and there are a lot of neighbors and we're all objecting, not to the development but to limit it to one exit on to Depot Road and it has endured the last couple of years a tremendous amount of traffic from the train station. We have a problem with train station and the traffic backing up. Why should they go down Old Riverhead Road and go to Montauk Highway and then go on to Depot Road and I realize that the Board probably figures they don't want more traffic on to Old Riverhead Road because it's more dangerous but as a solution I think a compromise should be worked out where if you're going to give them the right to use Depot Road and shut off Old Riverhead Road then you take the end of the street and turn it into a do not enter, where any traffic from the Train Station would have to go down Station Road to exit off of Depot Road it would relieve the problems and he doesn't know who has control over the street. Is it the Town or the Village?

RN said this ship sailed. And we received the finest traffic study I've ever seen and the determination has been made that the Depot Road will be the entrance and Old Riverhead Road will be used for emergency and construction entrance only.

Jim Going asked what the Village would have to do to change the road?

DR said you have to go to the Board of Trustees.

Jim Going asked if it's part of the review?

Mr. Hill said it's an ordinance.

DR said we appreciate the residents' concerns, we were presented with two bad choices and we had to make the choice of the lesser.

Jim Going asked why they picked Depot Road and not Old Riverhead Road?

Mr. Reilly said ultimately the number of conflicts and disruption would occur on Old Riverhead Road and not Depot Road. There are fewer cars on Depot Road as opposed to County Road 31. The interruption is less on Depot Road than it would be on CR 31. They were bad choices, and we had to pick one.

RN said the developer made a good point, for either way he was really willing to do whatever this Board decided and predicate don the traffic study, the safest way to access the community would be Depot Road.

DR said we thought of a cut through and that would create more traffic so it was not something we decided without reason.

RN said by right, and with a little bit of effort they could have over developed this site like the 52 Units on Rogers Avenue

DR said we can't say no, it's permitted.

Mr. Going said he disagrees with the board's decision about the cars using Depot Road and not Old Riverhead Road.

RL said it was the lesser of two evils, we didn't like either option. The best choice at the time was Depot Road and we don't like either.

51 Depot Road – she lives across from the new application.

DR said they were before us as a preliminary review, and now it's a final review.

51 Depot Road said its new because the original site plan had the entrance on Old Riverhead Road, and after the first public meetings most assumed it would done on CR 31 and after you got the results from the traffic study, it indicated that Old Riverhead Road was least disruptive, it was a level A Service, whatever service level for the study. There is no disruption or traffic going out that way.

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Mr. Hill said level of service is that, and so is the access on Depot Road. There are more accidents on CR 31, it's safer to go in and out on a lower speed lower volume road than it is a high-speed high volume road.

51 Depot Road said it's both Level A.

Mr. Hill said yes, but there's certain parts of the Levels.

DR said someone coming out of the development trying to go North on CR 31 will have a very difficulty time and it will cause more accidents and backups.

51 Depot Road the low level of traffic, the train comes in 17 times a day.

RN said there are two ways to the train station and Depot Road.

51 Depot Road said no one uses Station Road they speed up and down Depot Road; the train comes in 17 times and the Jitney 13-15 times throughout the week; the Hampton Luxury Liner; there was an accident at Depot and there is no turning signal and there is one at the CR 31 intersection and all of the left hand turns have a turning light. Depot Road is also a school crosswalk; there are kids that go up and down the street on bikes and walking their dogs, and people speed up and down the road trying to get the Jitney and the light. I don't know how you can approve the Level A and the Planner said there is no difference in the Level of service and you chose to go with a residential street.

Mr. Hill said the accident potential is much greater at Old Riverhead Road.

51 Depot Road asked for a stop sign?

Mr. Hill said they will not permit a stop light.

51 Depot Road said a stop light?

Mr. Hill said they will not permit a stop light.

RN said we made a decision.

DR said we made an educated decision, and we know it won't make everyone happy and we respect everyone's input, but traffic is a big problem in this Village and we can't do much about the traffic. We can't stop this, and the other possibility they wanted MF housing and instead of 22 units, they could have had 50 and this is less dense, and it could have been a lot worse and we did the best we could with what we had.

19 Depot Road WHB he's on the West side and affected by the East side. I listen to Jim Hulme give a presentation about a 7-11 on CR 31 and I would assume there's no left hand turns and there was a traffic study done.

DR said we did discuss that and I brought that up, and the curb cuts up to the rail road.

Mr. Hill said they will not get a left turn out of that.

19 Depot Road said CR 31 speed limit is 40 mph and 30 mph on Depot Road and the question I have, why not keep it on CR 31. Did you do a traffic study for the Dunes?

Mr. Reilly said they did not have another access point?

19 Depot Road said you had a plan to CR 31 and now you're going to disrupt Depot Road, and all the people from Patio Villas walk their dog up and down Depot Road and someone will get killed; Ethan Theune and I watch cars speed up and down the road and I don't think there's anyone who will say differently. Why didn't you keep the entrance on CR 31. The Dunes in WHB they make left hand turns, if you go out there now you can make a left turn on CR 31 without a delay, and it's only during rush hours as it is all over.

DR said one goal, generally with PB is to reduce contact points.

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RH said to reduce the potential for accidents.

DR said the Depot Road traffic is less than CR 31 and you can't dispute that.

19 Depot Road said he's not opposed to the houses, it's great, I would prefer people but it's just that the traffic on Depot Road is dangerous.

DR said I appreciate that and with the development and in the short period of time, and with a lot of people having seasonal homes who decided to stay out here we have a large increase in a short period of time so the Village is trying to adapt as a whole. We're trying to manage all of this.

19 Depot Road said you can fix a potential dangerous situation by agreeing to the first plan. The Dunes in WHB work, and I don't see what the problem is, there's no accidents.

DR said in terms of process these should have been discussed before.

Linda Forney, I have combed all of Patio Villas and I have four children on the road and we did receive registered letters and every resident doesn't want the entrance there; maybe you can only make a right turn on to CR 31 and with the new development on Rogers Avenue and there's another complex and you will need lights; there's so much build up of homes that will exit on to Old Riverhead Road. People got notified a week ago, people didn't know they contacted their neighbor, they didn't know it was final and if it was then why did I get another registered letter. Why did we receive a letter if it's a done deal. Let's be honest, with 22 proposed houses at 1.5 million a piece, will it only be two cars? It won't be that, the amount of time the train comes in, the Jitney, the Ambassador. The station road has been clipped so the Jitney doesn't hit the bushes. The senior citizens walking up and down and all they can do is walk on that road and it's very crazy and I've called the Hampton Jitney and they are going 75 mph and it's out of control and there area lot of people who have lived on the road, and I am happy for the development. But to dump everything on to the road which is the major transportation hub is wrong and I have every person on that street who is willing to work with the developer. I went door to door to get people involved, and I spoke with a lot of people who can't come and they are elderly and all they have for exercise is walking up and down the road. There has to be another solution, don't tell me the road won't have a light.

DR said that's a county road.

Ms. Forney said that's the County? We're on the North side of Depot Road, and on the South side they didn't get notified. North side is the Town, the South is the Village and the Eastern side of this is the County Road?

DR said CR 31 is a County Road, and Montauk Highway is a CR and it's under the jurisdiction of the County of Suffolk.

Ms. Forney said the traffic study was done during COVID.

Mr. Hill said that was accounted for in the study because it was an issue in Rogers Avenue and they adjusted for that.

Ms. Forney said I can't imagine that there won't be a traffic light.

Mr. Hill said there's not a lot of traffic for a light.

Ms. Forney suggested a right turn only out of Old Riverhead Road.

Mr. Hill said that's possible, and there is a discussion about a through opening and no one wanted a cut through.

Ms. Forney said I agree with that, and I wouldn't do it but you saw people driving through and its terrible. But to alleviate some of it, and you do use it as an Exit and there's only 2 cars per home and there are two kids, there are four cars they will make left on to Depot Road. I don't know what to figure out, even with both sides open I don't know to have it only on Depot Road it's a mess. It's the transportation hub.

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RN said that might be a way to address it and speak to the Bus companies and move them off of Depot Road it will be best and seemed to work.

Ms. Forney said she did speak to people and I don't know, the Department of Transportation and the Train and Jitney are run by the DOT who allow it.

Mr. Hill said the DOT is allowing them to go there, and why they moved from the airport they were forced out at the time because they were redeveloping the airport. I personally believe they should be at the airport.

Ms. Forney asked about the airport pad for a fast food area?

Mr. Hill said I don't know of any fast food restaurant there.

Ms. Forney asked who allows the bus to use Depot Road?

Mr. Hill said he's using MTA property, that turn around is MTA property.

Ms. Forney said this is all Westhampton Beach and the traffic is backed up all the way down Depot Road. It is busy and there are a lot of kids on the road. The police are called because of the Jitney and one bus will run in to a house.

DR said no body is unsympathetic to the Depot Road residents, but this was the best determination we made at the time, it was a bad choice but we had to make a choice.

Ms. Forney asked if they should leave both ends open?

Mr. Hill said it will be much worse.

Ms. Forney asked about the Jitney and the Ambassador and how to get them off of the road.

Frank Siciliano 27 Depot Road the property located on the North side of this development has access to and from CR 31 is that correct? Yes, they do. That's okay to do and there's no problem and this development has a problem if you're going to do this and say there's nothing to change or be done and you'll hear a lot of arguments on Depot Road traffic and it's a nightmare. If you're going to do this and it's the only option than someone better get something done at least minimal with a traffic signal, at least put a three way stop sign, put speed bumps into the road, it's a draft way and I know enough cops and I offer my driveway for them to use. You will have to do something to make it safer, you can't shrug it off. I've seen people go around school busses and they don't care.

DR said along the lines, if you want to pursue that you should talk to the BOT.

Mr. Siciliano said you should have looked at it before the decision was made.

Leighann Germinder 64 Depot Road, and she wants to be supportive of their neighbors as well, and we didn't get this notice. And I am a member of the public and my property is impacted and my husband has talked to me about this process and secondly I concur with my neighbors regarding the traffic increase on Depot Road and there's an increase and it needs to be addressed.

DR asked if there were any other questions or comments.

**FILL APPLICATION:**

**14. 13 Meadow Lane LLC, 13 Meadow Lane (905-010-01-019)** Applicant seeks site plan approval to install fill and drainage within the floodplain in association with reconstruction of a tennis court & sport court, improving the backyard area of 1.1-acre single-family lot in the R-1 zoning district.