

January 27, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on January 27, 2022, at 5:00 P.M. via web-conferencing in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: Ralph Neubauer, Acting Chairman
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

ABSENT: David Reilly, Chairman

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.

Motion was made by Mr. Logozzo to holdover the application of **Anthony J. Cassano, Jr., and Louis Commisso, (905-5-1-21) 30 Lilac Road** to February 24, 2022; seconded by Mr. Jones

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.

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

ZBA: **GRANTED, 12/20/2018**

ARB: **N/A**

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

SCDHS: **NEEDED**

SCDPW: **N/A**

SCPC: **NEEDED**

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.

Nicholas A. Vero Architect appeared on behalf of the application; they have held this over due to a death in the family, and he spoke with the applicant's widow who gave him permission to return to the Board and pursue the application and continue to work on it and make the changes as per the correspondence from July 10, 2021; and they are finalizing the changes and they did not have time to get them to this Board and they will finalize them and return to this Board in February to discuss the same with this Board.

Motion was made by Mr. Logozzo to holdover the application of **85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02).** to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 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, Jerry Rumplick and Jim Behringer. Mr. Isler said they believe they are receiving a determination to be considered by the Board of Trustees for the Special Permit and he did have discussions with the Village Attorney and there were concerns about the need to refer this to the SCPC at this juncture, and that would delay the action on the resolution, and I reviewed our file and I sent to Anthony Pasca the submittal made by the SCPC during SEQRA 8/10/2020 where they offered numerous comments on the SEQRA process, and at the conclusion they said pursuant to State GML 239 Article 14; prior to final approval this has to be referred to the SCPC and as discussed at the last meeting, the resolution that you're going to be entertaining is not a final approval of the site plan, it's just a interim approval that basically sends the map to the Village Trustees for their action and the SCPC will have to participate in the Village Trustee proceeding and be asked to render their comments at that juncture, because the Special Permit is likewise needs a referral. The application before the Trustees will have to go to the SCPC return comment and the Trustees are required to consider them in their deliberations and after that's concluded, the application for Site Plan approval will be returning to this Board because it's not a final approval and doesn't trigger a referral at this stage, and when it is referred back and in light of the actions it will be referred back to the Board of Trustees and any changes and we urge that you do that tonight and we don't want any delays and we hope you agree

Mr. Neubauer asked Mr. Pasca how they should proceed.

Mr. Pasca said I drafted a decision for the Board and as we were working on it, this Board doesn't do two different decisions and its at the end of the process usually after BOH, ARB, and the SCPC and the Trustees, as you know have a big job to play on this and that's deciding the Special Permit and the way the Code is written they cannot act until there is an approval from the PB. The Special Permit process is the decision regarding the density, and we were trying to work through that and figure out a way to get a preliminary determination made and hypothetical is that the full yield is approved and I drafted a decision and it was going to jump over the BOH process, because in part that is dependent on the number of units they get which dictates the sanitary design; and the ARB process, and jumps over the Trustee process and the issue that I'm not sure about is the SCPC and it's true their prior letters relating to SEQRA remind us that we have to refer it but I don't know what that means because there's no preliminary decision process. Mr. Hammond put a request in to them today to let us know whether they would be okay with us taking action and they did not respond yet. I'm not sure what to do; there is a decision that has been written but I'm not in a position to tell you that you have the jurisdiction without the SCPC referral process and it's a step you can not waive.

Mr. Isler said we're not asking it to be waived, it's not a final action there is no question that if the Trustees and the Special Permit process you can't act on our site plan officially and finally until the permit is issued by the BOT which ultimately determines the yield of the site and waiting for the County and they clearly said final, this is not a final decision and we all know that and you have been kind enough, and correctly sending it to the Trustees without BOH and they have to know the plan before they can comment and I think you're safe to send this to the BOT without BOH to get their final, and they will drive the bus on the site plan and clearly the County has said in their SEQRA pending final decision, this is not a final decision and we know it isn't and this will only delay our application unnecessarily and what' you're approving today only moves it to the BOT and it has to return to this Board for final action; even if this site plan is adopted 100% it has to come back to this Board to adopt a formal and final resolution and we're not getting final approval, and the SCPC doesn't want to review academic applications and this is not right for them to review until you know what the BOT say, so I urge you to reconsider this and take into the applicants needs and please let us go before the BOT and the SCPC is not going to be affected by this what so ever. If you refer this to them today or tomorrow and then you get comments on a tentative plan and then it goes to the BOT who may completely change the plan and it comes back to us whether they do or don't and you already have their input because they have to submit comments on that and the SCPC can review the merits at that time, and I think Mr. Pasca can agree; the BOT cannot approve the special permit without SCPC input and you will have full input compliant with the GML from the County Planning Commission before you as a Board act on a site plan. It has to be done at the Trustee level; the SCPC will not set out two different opinions on this site plan.

Mr. Pasca said I don't think the applicant is being treated unreasonably, and the applicants receiving an accommodation that the Code does not provide for and they have to go through the process before the

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BOT can review their application, and the way they are trying to set it up, you can jump over the BOH, the ARB and some of our own processes and our own things and there are things this Board would have to review and all that said, I think it's appropriate to jump over them and that's why trying to come up with a mechanism to do so I cannot say with any degree of certainty you have a right to jump over the SCPC process and I understand your argument,

Mr. Neubauer said we do not have a decision to read, and we put this on hold predicated on what we've heard. What I'd like to do because there will be a supplement to the BOT is to ask the Members individually on what comments or stipulations they'd like to add to the decision and we can adopt it on February 10, 2022 to move forward and then we will have a clear decision as to whether or not we have to hear from the SCPC. We're just not prepared at this moment, to advance to the BOT simply on a document to do that. I'd like to talk to the Board on the record.

Mr. Jones said he did not have any problem with the Site Plan, and I feel like it is high density, the number of units being proposed and I can't tell whether taking ten away will really matter. I think it will be the same issue as far as the traffic concerns and such, I think the site plan we reviewed looked fine.

Mr. Schermeyer asked if we can do this by writing to the BOT and giving our comments to them?

Mr. Neubauer said the comments won't go to the BOT before an approval is rendered, and we should develop a consensus and we'd like to avoid that it was not received well; we'd like to come up with a consensus where all the Members exhibit the same train of thought.

Mr. Pasca said I envision two different documents and they're interrelated and one will be the preliminary determination on the site plan which presumes the full yield which is what they're proposing and the second document is a referral back on the special permit and that has different considerations and jurisdiction, but the Trustees do have to grapple with the density and the Code talks about a maximum density but then directs the BOT to determine the full yield density. Do you want to share comments to the BOT while they consider the Special Permit and what Mr. Neubauer is asking whether there's a consensus or not, it's easier to provide one opinion as opposed to individual.

Mr. Schermeyer the density and the traffic is an issue; it's hard enough to get out of Rogers Avenue and Montauk Highway today, and you add all of these units it's difficult.

Mr. Neubauer said the comments will revolve around the density.

Mr. Schermeyer said yes, there's no doubt about it.

Mr. Logoza said I agree with Mr. Jones and the site plan is as good as it gets and the discussion regarding density needs to happen.

Mr. Neubauer said 40 versus 52, I think to demonstrate to the public that there's recognition about the density complaints and there has to be compromise and I think the applicant recognizes that. I feel safe to say the Board's consensus is the density and we charge Mr. Pasca to generate a document that generalizes and memorializes that by the Board.

Mr. Isler said you may recall, you were discussing the submittal of a recommendation to the BOT and we agreed last time that while you have plenty of time to generate that unified or Board recommendation because even if we got a decision today, you have several meetings of your own to refine it. I don't want to delay action on the preliminary approval resolution to coincide with whatever your recommendation is and you have time to do that and we agreed they would not be tied together.

Mr. Neubauer said I'm not trying to tie them together; we have a consensus that the density is the issue.

Mr. Isler said if there's further need to revise that, it doesn't delay the resolution.

Mr. Pasca said it will not, it will be two separate documents. The resolution is ready to go, and the other document will be separate.

Mr. Isler asked if its possible, if the Board acts conditionally tonight that you adopt it subject to the hearing from the SCPC and that way we have it in place and adopted with a condition that it takes effect only if the SCPC does not need the referral.

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Mr. Pasca said one thing, the Board does not have the document so he's not capable of adopting it. The Board doesn't have it and it's just impractical for them to approve a resolution that they don't have.

Mr. Neubauer said we want to read it into the record at a meeting, we need this to be part of the public record and to demonstrate to the public that we have done our job in relation to this decision.

Mr. Isler said you have done your job, but we hope that at the very least we can accomplish this at the February 10, 2022 meeting.

Mr. Pasca said barring the SCPC stating we have to act, that's the only thing I see creating the Board from not being able to adopt a resolution at the next meeting.

Louise Conway, 3010 Mitchell Road said her question to the Planning Board is that they are looking at Mr. Isler's application and they total 138 units and go by the density of each one and including Mr. Isler's and is the SEQRA process complete or is that in process still?

Mr. Neubauer said the SEQRA process is complete on this development.

Ms. Conway asked the result?

Mr. Neubauer said the impacts identified during the process were discussed and mitigated by the applicant.,

Ms. Conway asked what they are requesting.

Mr. Neubauer said they need a Special Permit by the Board of Trustees and they need a special exception permit.

Ms. Conway when the cumulative impacts are discussed and not segmented.

Mr. Neubauer said they are very sensitive to that, and they are discussing the density and they realize here are 140 units being discussed in this corridor and we're sensitive to the community impact.

Mr. Isler said these issues that were just raised were done on a coordinated SEQRA review basis and the process they undertook took into account that project and it was supplemented at the PB request and we did study the impacts of this other project on the agenda.

Mr. Neubauer said that's correct.

Mr. Isler thanked the Board.

Ms. Mackie asked if there were any other members of the audience who wished to speak on this application only, otherwise it would be held over to February 10, 2022. She stated there was no one with their hand raised and asked for a motion.

Motion was made by Mr. Logozzo to holdover the application of **Rogers Associates, LLC., North Side of Rogers Avenue (905-3-1-7.1 through 7.7)** seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

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.

James N. Hulme, Esq., appeared on behalf of the application and his client likes the idea of the turret in the far corner to overlook the Great Lawn and he's taken to heart the idea of wrap around porch so this is a proposed front view, prepared by Mr. Heine and that is provided for in this view and if you look at the building it goes around the corner. We expect to have this held over to digest this more and if you had any thoughts or comments, we'd take them.

Mr. Neubauer thanks them for returning and we appreciate you accommodating our requests. And I

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think this enhanced view is worth consideration and I'm grateful. I would ask the Board Members if they want to comment.

Mr. Schermeyer said it looks nice, I don't blame him as far as the towers concerned the view is much nicer and it looks great.

Mr. Jones said it looks very nice and the porch looks great, on the East do you need the shed roof extension that extends South.

Mr. Collins said it is a vast improvement and he wanted to know how the ADA compliance is being addressed, and the light to the basement is an issue and they looked at the basement floor plan and it seemed like there was the ability to switch the room and modify that floor plan. The lift would need to be shown on the plan.

Mr. Heine said they could conceal it with an appendage.

Mr. Hulme said it does give more deck space

Ms. Conway said her concern, where are the entrances and exits for this structure. Since Main Street has been redone the Mitchell Road and Main Street corner is congested and there are a lot of pedestrians and the turn is very dangerous and the supply truck and there is a lot of traffic and there's two parking lot entrances on Mitchell Road.

Mr. Neubauer asked Mr. Hill if he has anything to add.

Mr. Hill said there should only be parking on the East side of Mitchell and I don't remember any on the West; with the way Mitchell and Main Street was constructed with the Village improvement it's not a big problem. The delivery trucks for Goldbergs should be using their own parking lot. There should be enough parking and we will look at it.

Ms. Conway said okay.

Mr. Schermeyer asked Mr. Hill to look at that parking lot, and a bigger truck has a problem there and they do park and Ms. Conway is correct.

Mr. Hill said he will.

Mr. Hulme said this is a very low intensity use and we're looking at 8 to 10 rooms and traffic flow we need to be able to get in and out, and if we close the Exit on to Mitchell it will create site issues.

Mr. Hill agreed with Mr. Hulme, and we're not providing parking for that many vehicles and we're only using 60% of the site that's there now, a lot will be green space and unfortunately the driveway on to Mitchell Road is being moved up and that's more problematic and we can look at the parking North of that to open it up more.

Mr. Hammond said this also has to go to the BOT for the use so they can amend the Code for the parking if that's something needed.

Mr. Neubauer said we can make a recommendation once it's reviewed by Mr. Hill and Mr. Collins.

Mr. Logozzo said the extension of the wrap around porch deck and I think since it's such a large wall surface it may give more relief to extend it around the side and let it wrap around to break the wall up. Its aesthetic and I think it would look nicer.

Mr. Hulme said he will discuss that with his client.

Motion was made by Mr. Logozzo to holdover the application of **Westhampton Inn, LLC., 43 Main Street (905-11-1-15)** to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

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.

Status: **HELDOVER UNTIL February 10, 2022**

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;*

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, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03)** to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

8. 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

Richard T. Haefeli, Esq., submitted a request to holdover the application to March 24, 2022.

Motion was made by Mr. Logozzo to holdover the application of **Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017)** to March 24, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

9. 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, together with Cory Gluckstal, Alex B., Matthew Aylward. Mr. Hulme said since they have first appeared they modified the parking and eliminated the pool house, reoriented the pool to eliminate variances and went through a process with the ZBA and they are looking to modify and add to an existing building, provide the parking, a swimming pool for the subject premises and the original plan had a cabana and pergola and we moved the parking back and the only front yard parking which required a variance is the handicap parking and our thinking was that it should be as close to the front door as you can get. The front is pea gravel and the back is grass and a suggestion from this Board is the use of pavers to divide the parking areas to be flush with the ground. There was a landscape plan and we've discussed it with the North and South neighbors and it is satisfied to the Southerly neighbors and it is a 16 unit hotel and it has a dining room, and an outdoor bar however our position with the ZBA and you is that their use is limited to the hotel guests and not open to the general public and a comment and we wanted to discuss moving forward and we can't go further without the ZBA approval, and I will ask the Engineer or architect to comment on the status of the BOH. And that's our overview.

Mr. Neubauer thanked Mr. Hulme.

Matthew Aylward said that the application has been made to the BOH and Board of Review for grandfathering of the flow, so we're in the process with the BOH and the IA System as designed, it's been verbally approved and now we have to go to the Board of Review and that's all.

Mr. Neubauer thanked Mr. Aylward.

Mr. Hulme said one of the things he wanted to do was resubmit the plans as modified through the ZBA process so this Board has that and I think we're close and I want to make sure that there's direct correspondence between them.

Mr. Neubauer asked if there were any other questions?

Ms. Mackie said there was no one in the audience.

Motion was made by Mr. Schermeyer to holdover the application of **WHBH Real Estate, LLC., 7 Beach Lane (905-11-3-10)** to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

10. 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 and Rick Bartlett, AIA. Mr. Hulme said that they shared photographs of the 7-11 store in Oyster Bay and this store is what they'd like to look with this Board in terms of the look and canopy.

Mr. Neubauer said he doesn't have an objection, and it looks a bit run down and he's hoping not to see the baskets on the side and the logs in the front and he encourages them to mimic the canopies and such.

Mr. Schermeyer said the board and batten looks a lot cleaner.

Mr. Krasnow asked Mr. Hulme to put the pdf up on the screen of the elevation and the 3D rendering.

Mr. Bartlett said he understand the look they are seeking, and perhaps they want to see more detail and they had a colonial look with dormers and he's not sure if they want to see that or not, but they have a stone base and vertical board and batten siding which I believe is the look you were going for, but if not we can regroup and prepare something else but at this point we're seeking comments on the latest elevations before you.

Mr. Schermeyer said he likes the stone base with the board and batten.

Mr. Neubauer asked if there's any aversion to it?

Mr. Jones said it's not my favorite, I like the modern façade that no one else likes. If at all possible, I would like to see the beige and white paint scheme that permeates the Village the cladding is not the issue.

Mr. Krasnow asked what color scheme they are looking for, if they don't want white and beige but they will hear what this Board's looking for. The 7-11 would have loved to have the modern design and they aren't moving forward with it, and they are willing to do what this Board would like to see and they'd like to get this project moving forward.

Mr. Jones said he is wondering if they can go with a stronger paint color on the board and batten and the canopy isn't a problem. It seems like it appears awfully thick when we look at it and maybe a different paint scheme that's dark might minimize it.

Mr. Krasnow asked if they have a color choice or suggestion, are you looking for a Gray? We want to make it what this Board wants.

Mr. Neubauer said he would like to see darker colors.

Mr. Jones said the terracotta that runs around the canopy is White or Off White and a stronger color on the board and batten would minimize it and has a fresh modern look.

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Mr. Kraswno asked if they're suggesting the canopy and building different colors?

Mr. Jones said no, I would see the board and batten the same color and set off the trim with a different color.

Mr. Bartlett said the color 7-11 uses is a Linen White and it's a shade darker.

Mr. Logozzo said he likes the glass and that gives it that openness and he doesn't know how everyone else feels but I did like the glass and I said a few meetings ago maybe they can merge the two store concepts the 2.0 and this layout and get a blend.

Mr. Neubauer asked if they can add more glass? I don't have a problem adding glass, but I do not like the 2.0 design and I like this roof line compared to the flat roof.

Mr. Logozzo said he'd like to see the two styles merged.

Mr. Neubauer said this is a very typical 7-11 look, maybe we can add more glass and that could be the merger of the two stores.

Mr. Logozzo said it would be somewhat contemporary and maybe along the lines of what we're looking for.

Mr. Jones said hes been in favor of more glass, and he likes more glass and if you extend the glass further South I don't know what it would do the symmetry. I think the corner wrap looked best about the original design.

Mr. Logozzo said to merge them it would create a composite.

Mr. Kraswno said the other part had a corner design with counter seating, and this one of the left side would be the counter and check out and I dontknow how much more glass you can do and on the right side is generally the coolers and beer wall and I'm not sure we can go to the corner with glass and I'm not sure how much we can do with this style building and it's about 800 square feet smaller.

Mr. Bartlett said the points about the glasing on the front are correct; the one side has th service counter and the other side is the refrigeration box for the beverage wall so to add glass to a prototypical plan is difficult but could there be a modification that would be agreeable that would allow expansion of the glass is possible and I can discuss it.

Mr. Logozzo said there is a why question, why can't we take the 2.0 building and the glass that works with the xtra square footage and do a merger of the 2.0 and something like this and end up with a compromise and get the seating. The building will be nice and the size you want.

Mr. Neubauer said they'd have to get rid of the flat roof.

Mr. Logozzo said they can keep the size and glass and put in the bigger store, why is it all or nothing?

Mr. Barlett said the massing of the 2.0 is larger, and we'd have to bring it down so there wouldn't be as much glass vertically.

Mr. Logozzo said why is it all or nothing, and you're selling yourself short and have the opportunity to put a bigger building in and it's a great compromise.

Mr. Pasca said they don't have a right to put a bigger building in they would need a variance. Some of this conversation today is ahead of itself because they do not have the right to a 4,000 square foot building an di would like to see this move on to the ZBA to work out the size of the building.

Mr. Logozzo agreed.

Mr. Pasca said you're getting into details of the architectural design and they were raised as part of SEQRA because of the character of the community, and that was based on the other plan and he suggested it was not keeping with the character of the community and as long as you feel that this can

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pass SEQRA then its time to move them on to ZBA. Give them a SEQRA determination, let them work with the ZBA on the square footage and then you can hammer out the architecture details.

Mr. LogoZZo said he understands.

Mr. Neubauer asked the Board Members whether they have aversion to this plan.

Mr. Schermeyer said he likes the board and batten and the color darkening is a great idea. This layout fits the community.

Mr. Jones said he's happy enough with the design and layout.

Mr. LogoZZo said he said how he feels, I am okay with the design and maybe we can tweak it more later.

Mr. Neubauer said there's a consensus that the new design and efforts made on our behalf are accepted and we encourage you to go to the ZBA and work with them.

Mr. Pasca said right now the ball is in this Board's court to complete SEQRA.

Mr. Hammond said he said it's 4,000 square feet so that's Type II.

Mr. Pasca said yes, that is correct.

Mr. Krasnow asked Mr. Bartlett the size of the building.

Mr. Bartlett said it's not much of a difference if we're under 4,000 square feet.

Mr. Pasca said I encourage you to get to that number.

Mr. Hulme said they will represent it will not exceed 4,000 square feet.

Mr. Neubauer asked if they'll submit plans to the Board with the new square footage.

Mr. Pasca said if you reduce the size to 4,000 square feet or less it's a Type II action.

Mr. Krasnow asked Mr. Bartlett to verify what the square footage is now.

Mr. Hulme said they will submit to the ZBA and this Board to reflect their current discussion and understanding.

Mr. Neubauer thanked the applicant.

Mr. Pasca said the number that they have to be at or below is 3,999 square feet. Anything above that is subject to SEQRA.

Mr. LogoZZo asked the timing impact of exceeding 4,000 square feet.

Mr. Pasca said it could be a few weeks, I'm not sure.

Mr. Hammond said the Type II action allows them to go to the Board of Health without this board acting, and the canopy and open space do not count.

Mr. Hulme said they will go forward on that basis.

Mr. Neubauer asked if there were any comments from the audience.

Ms. Mackie said no.

Motion was made by Mr. LogoZZo to holdover the application of **WHB Development Partners, LLC., 107 Old Riverhead Road (905-2-1-19.5)** to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

11. 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 Hermon J. Bishop, Esq.

Mr. Neubauer said they received the Advisory Report from the ARB and they gave an accurate description of the application, but they failed to touch on the topics that they should have addressed, in particular colors, textures and materials and I ask on behalf of the Chairman that Ms. Mackie compose a letter to the Chairman Minasian and ask him to supplement his response to the Planning Board with the aspects of those items under his jurisdiction and what we're looking for.

Ms. Mackie said okay.

The rest of the Board Members were in agreement.

Mr. Bishop said they received their variance from the ZBA and they are looking for a SEQRA determination from this Board and I assume that the ARB has been dealt with and do you require anything else?

Mr. Neubauer said we asked Ms. Mackie to ask the ARB for further clarification on their Advisory Report but that is all, but it won't hold you up any.

Mr. Bishop said they are still waiting on approval from the Board of Health and I think Mr. Lombardo can discuss any changes to the site plan.

Mr. Lombardo said the only outstanding items were Mr. Hill's comments and they were discussed and with the submission Mr. Condon updated his drawings to match my drawings, and he took care of Mr. Hill's comments regarding the drywell depths and 6" pipe and the other comments, one had to do with the internal walkway coming from the South and he was concerned that someone driving will not see the pedestrians that are blocked by a hedge row so in our landscape plan we had a low planter in the front of the walkway, and then the hedgerow is behind the walkway shielding the cars so now the kids are visible. The suggestion made by Mr. Hill has been changed. The other comments were the photometrics and Mr. Hill had concerns about the basketball court lighting not being correct, and he was right and we have reworked it and were able to, by raising the fixtures to 12' we reduce the lightpoles from 10 to 6 so there are none on the South and North end of the basketball court, they have been eliminated and the foot candle level works out well. The last item I will need Mr. Bishop to discuss is the corner dedication; on my site plan A101 I hatched in the area that will be dedicated or an easement to the Village and it's the intersection of Brook Road and Sunset Avenue.

Mr. Bishop said the last time we spoke Mr. Pasca discussed an offer of dedication or an exclusive easement, and either is fine with my client and if that area is okay and that's what you want dedicate or an easement I just need an okay so we can get a metes and bounds description. This has been in existence since living memory and in my opinion it's an implied offer of dedication and an implied acceptance which under common law is still recognized but I'm amendable to anything you want to do.

Mr. Pasca said we will likely have covenants so why don't we include that in the covenants, and I will discuss it with you and it will be done.

Mr. Bishop said that was fine by him. They are waiting on SEQRA and asked when they should expect that?

Mr. Neubauer said we will advise Mr. Collins to do so for the February 10 meeting.

Mr. Bishop said they received a negative declaration from the ZBA.

Mr. Neubauer asked if there were any members of the audience with comments.

Ms. Mackie said no.

Motion was made by Mr. Logozzo 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 February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

12. 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 Pizzuli, Esq., appeared on behalf of the application together with William Morrow and Eric Jeter, Hayduck Engineering.

Mr. Pizzuli said he's happy to say that they are very close to finalizing the application, and I believe we have finished all of the revisions on the plans, we were almost finished with the bond estimate numbers, I have had some offline emails with Mr. Pasca and I think we're at a point to calculate the park fee and discussing other standard conditions of final approval. I also am pleased to inform you that I'm at the 1 yard line with the Board of Health and they have redeemed their Pine Barren Credits so we have to file C&R's which were also approved today, and being mindful of the requirement that we submit an approved Board of Health final plat in the next week to 10 days and I anticipate that you will have a stamped signed and sealed map from the Board of Health prior to the next meeting. All of these pieces have come together, and the staff has been very helpful and one item that came up late today is the concern about utility responsibility and we will do whatever is legal and reasonable that the cost of the utilities are not covered by default and the Village will have no responsibility and we can address that and it's useful for us to have further discussion with Mr. Pasca and I will discuss it with him and leave it for him to offer comment.

Mr. Pasca said Mr. Hill asked a question about the performance bond and how the utilities get folded into that bond and part of it depends on who will do the work, for example conduit has to be laid at the same time the road is being improved and one question is who is responsible for running the wires, putting the conduit is one item and running the wires is another and it may have to be included in the performance bond estimate and I don't mind working with Mr. Pizzuli to figure it out, and if it needs to be included they will do so and Mr. Hill can receive it.

Mr. Hill said most of the utilities go in the road and I believe they will take care of everything to the property access so it completes the subdivision and I don't know if it has to be bonded but I don't want to see each property sold off until the utilities are in and we have a bond on the road improvements.

Mr. Pasca said if it's part of the right of way being proposed to the Village, if it's the SCWA mains that's in the right of way that has to be included in the bond because in that unlikely scenario that the developer doesn't complete it the Village will be responsible to call the bond and finish the work. The SCWA won't pay for it unless there's an agreement to the contrary and I don't know how the other utilities work, like electric underground and the wiring of that, or if they're bringing in street gas. We have to make sure the Village wouldn't be responsible without a bond to cover them.

Mr. Hill said there could be multiple bonds, each utility will bond their own work so we don't want to duplicate it. If they post one bond to cover it all we can deduct the others.

Mr. Pasca agreed and suggested we give Mr. Pizzuli time to figure it out and explain it to this Board and to us. They know what we want to avoid, and that'll enable them to answer the question.

Mr. Pizzuli said Mr. Hill made a good point, and that's been our experience and at a minimum we can craft a solution and a condition of approval we could discuss it and the security of the surety and how best to address it.

Mr. Pasca said PSEG raised the question, and there was a commitment that they'd sign off on the final utility plan.

Mr. Pizzuli said they made a comment during SEQRA and they want us to submit a plan to be approved.

Mr. Jeter said they did not submit that plan yet.

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Mr. Pizzuli said it's premature but we can address it in the final approval.

Mr. Pasca said if we could do it in the final approval but as long as we account for it in the bond procedure which is being set at this time.

Mr. Pizzuli said okay, and he will craft something that's mutually agreeable. We can cover this item at the next hearing along with other conditions of approval that you want to specify for this application.

Mr. Pasca said okay.

Louise Conway asked where the road begins and ends, does the Village become responsible for it? What is the public road?

Mr. Pizzuli said the map calls for a right of way that has ingress and egress from Depot Road and there are two cul-de-sacs in the subdivision.

Ms. Conway asked why it's a public road, why aren't they responsible for their own snow plowing. Why is this public and not a typical road in a development that the people who own are paid for.

Mr. Pizzuli said the rights of way are planned and dedicated to the Village's specifications and its not gated and they pay taxes for the maintenance of the road.

Ms. Conway asked if it will be a new road?

Mr. Pizzuli said yes, and it'll be called Happy Lane.

Ms. Conway said this application and a number of others all impact Depot Road and Old Riverhead Road the traffic of the Jitney, the train station.

Mr. Pizzuli said all concerns and questions raised in the past, we've completed a traffic study and SEQRA and considered the other developments impacts.

Ms. Conway asked if they included all of the ones in this agenda?

Mr. Pizzuli said yes.

Mr. Neubauer said yes, and the traffic study was the most thorough he's ever seen.

Ms. Conway asked the result of it?

Mr. Neubauer said they have the entrance and exit on Depot Road and that's the only road impacted by it.

Ms. Conway thanked the Board.

Ms. Mackie said there are two people in the audience who'd like to speak.

Anne Smalley, Patio Villas said she has a few questions about the traffic study, what period of time was it done within, what months?

Mr. Pizzuli said the traffic study was conducted was in the Spring and early Summer.

Mr. Jeter said right around Memorial Day Weekend, just to artificially heighten the traffic to insure we were giving a true representation of the traffic flow.

Ms. Smalley said it was done during the pandemic where LIRR ridership was reduced.

Mr. Pizzuli said I don't want to cover this, it's been covered already. All of those factors were factored into the report. The SCDPW and the Village had those factored in and Mr. Hill was satisfied with the scope of our study and I don't want to waste time to rehash what we already have at length.

Ms. Smalley said okay.

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Richard Germinder, 64 Depot Road said he wants to follow up on the traffic study, obviously it came up that it had no real impact either way and a determination was made and if that ship sailed that's what happened but I'll also bring up if you ever get this through when do you think construction will begin?

Mr. Pizzuli said they'd like to start ASAP and he's working to expediate the Board of Health approval to ask for an approval, there's a Code provision that requires me to submit an approved map from the Board of Health and to answer the question, as directly as I can if we are in the que for an approval for February we would be breaking ground in March.

Mr. Germinder said thank you, and the public roads. Will our taxes go down if we're going to collect all these taxes? The revenue generated will provide additional services and bring new employees on. I'm just trying to understand this, there's 144 units and there's going to be a bit of change, maybe it's the wrong body and I have to talk to the Board of Trustees.

Ms. Mackie said there's another attendee who'd like to speak.

Jessica Maguire, Rogers Avenue asked if this project will go to the Board of Trustees as well, or it doesn't need a special permit?

Mr. Neubauer said it does not need special permit approval.

Ms. Maguire asked if they'll consider the density of all these overall?

Mr. Pasca said this project doesn't need any input from the Board of Trustees.

M. Mackie said there's another attendee who wishes to speak.

Mira Nabi, Patio Villas said when they said they hope to break ground in March, there are 22 homes going up for sale when do you project you'll show them?

Mr. Pizzuli said the way it works, we have to start the site work and advance that in terms of installing sufficient amount of roadway to allow access and then we'd build a model home and then we'd conduct the sales from the model or a sales office on the property and that would all start once the driveways are constructed, possibly April and we can't sell lots until the map is filed.

Ms. Nabi said you'd start selling the lots in the Summer?

Mr. Pizzuli said it won't take that long; my plan is to satisfy the conditions as soon as possible and once they are complete I would ask the Chairman to sign the map which is a standard procedure and once they are satisfied all the conditions are met and we would file the map in the County Clerk's office and then we can sell the lots.

Ms. Nabi thanked Mr. Pizzuli.

Ms. Mackie said there's no one else in the audience.

Motion was made by Mr. Logozzo to holdover the application of Country Pointe at WHB, 44 and 60 Depot Road (905-4-1-14.6 and 13.1) to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

13. PGJG Holding Corp, 214 & 238 Montauk Highway (905-006-02-031 & -032.01) Applicant seeks modification of site plan to convert a portion of site parking and access way for a seasonal dining area (100 relocatable seats) with façade changes to install accordion doors & associated site improvements for the existing standard restaurant "Baby Moon," upon property totaling 44,650 square feet in the B-2 zoning district

The applicant submitted a request to holdover the application to February 10, 2022.

Motion was made by Mr. Logozzo to holdover the application of **PGJG Holding Corp, 214 & 238 Montauk Highway (905-006-02-031 & -032.01)** to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

14. PAB Realty Holdings, 314 Dune Road (905-018-01-024.01) Applicant seeks site plan approval to install fill within the floodplain for a sanitary system installation in conjunction with the construction of a single-family dwelling upon a 14,077 SF parcel located within the R-3 zoning district.

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

ARB: N/A

BOT: N/A

ZBA: N/A

SEQRA: N/A

SCDHS: N/A

SCDPW: N/A

SCPC: N/A

15. 71 Sunset Ave Realty Inc, 71 Sunset Avenue (905-012-01-051.01) Applicant seeks modification of site plan to convert the former bank building for butcher/grocery use including screening of rear roof-over for walk-in cooler on a 0.8-acre parcel in the B-1 zoning district.

Jodi Giglio, Valentino Pompeo, Architect, together with Marcus Stinchi and Justin Demarco appeared on behalf of the application.

Mr. Neubauer said it looks like the reduced the container size the color was changed to match the columns?

Ms. Giglio said yes, that's correct.

Mr. Logozzo asked Ms. Mackie about the plans that were sent.

Ms. Mackie said it was lighting and renderings.

Mr. Logozzo said he hasn't seen them.

Mr. Jones said he has them.

Mr. Logozzo asked when they were sent?

Ms. Mackie said I don't know off hand, I'm in the meeting room and not near my computer.

Mr. Jones said he received them at 11:59 a.m. today.

Mr. Neubauer said receiveing tmaterial on the day of the meeting doesn't work, but in the interest in trying to assist the applicant.

Mr. Logozzo said we're looking at the back of the building instead of looking from Hansen Place.

Mr. Pompeo said they gave a view of the surrounding properties on one image.

Ms. Mackie said the files are right next to him since he's in the office.

Mr. Logozzo said he found the attachment and he can see the email. IU think it's an improvement and I know that Mr. Stinchi will clean the site up on the West side because there are a lot of elevations where it needs to be addressed to improve the appearance with plantngs. What color will it be? White?

Mr. Pompeo said yes, to match the columns, fascia and trim.

Mr. Logozzo said he likes that its not projecting out past the building, it is an improvement.

Mr. Neubauer said there aren't many comments we can make because we only received it today. I think

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we've made progress I wish I could advance you further but that's where we are. Everyone has to review the submissions.

Mr. Hill said they have shown the landscaping and it might be good since the one driveway is being removed if you extend the shrubbery along the box and it may help hide it.

Mr. Neubauer agreed; he said you should bring the landscaping around to help break up the white wall with columns.

Marcus Stinchi, property owner said in working with the architect they are spending a lot in cladding the boxes and we don't want to cover it with tall plants or trees its an extension of the building, and when is poke with the architect we agreed we'd remove the driveway there's no need for it and it'll be planted and landscaped and I don't have issue bringing it around to the box but we don't want to cover it with tall trees it'll defeat the purpose.

Mr. Hill doesn't think it should be covered but low shrubs foundation plants at the bottom to break it up.

Mr. LogoZZo said I drove around by Hansen Place and what I think would be an improvement would be heading East and coming to the building there is elevation to that part of the building where the drive through is if you can dress it up it would go a long way.

Mr. Stinchi said the grade has to be manipulated, and the drive through on the West side that grade has to come up and has to be planted and I am happy to put that in and add it on the site plan. It's not an issue.

Mr. LogoZZo said its elevation draws attention to it. Especially when you look at the plan and look at the building and the proposal.

Mr. Stinchi said they can do 24" – 30" plantings around the West to the South

Mr. Neubauer said Mr. Stinchi takes a great deal of pride in everything he does in the Village.

Mr. Stinchi said they are proposing boxwoods, some hydrangea, simple plantings and very plain and more to show off the building and before it was completely covered.

Mr. LogoZZo said that was comment originally, and I thought the box was taking away from teh building the way it was set there. But, now this is falling in line and it looks a lot better.

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

Ms. Mackie said there were no other people with their hand raised. Is this a modification of a site plan?

Mr. Hill said I would think so.

Mr. Pasca said he was waiting on the lighting plan to make sure it's a complete application.

Mr. Neubauer said we will look at the submission received today, and if there's any comments they can discuss them on February 10.

Ms. Mackie asked Mr. Hill if he received the email?

Mr. Hill said he didn't see it.

Ms. Mackie said Mr. Stinchi has his hand raised.

Mr. Stinchi apologized for the late submission, but I would just ask the Board, because this has been going on for quite awhile and they are trying to open could they get a decision pending the approval of the lighting and landscaping at the next meeting?

Mr. Neubauer said tonight, but yes at the next meeting.

Ms. Mackie said I'm okay with it, if Mr. Pasca is.

Mr. Pasca asked if they need Board of Health approval?

Mr. Hammond said he was advised its dry retail.

Ms. Giglip said it's a permit under Ag and Market and if they do cooking on the premise and they will need a grease trap and they'll need to go to the Board of Health.

Mr. Pasca asked if it changes the sanitary requirements?

Mr. Hammond said at this point, if he's not engaging in the cooking then no. If the packaged goods is more than 50% then it's under Ag & Market and the bank to retail is lower than sanitary density and they will need to amend the plan if they want to do cooking there.

Mr. Pasca asked if there is any ARB review?

Mr. Neubauer said I don't think we're inclined to involve them in a modification. We've discussed the lighting and there's no changes to the color or impact on the existing building; I personally don't feel they need a referral.

Mr. Pasca said I'm just making sure it's complete, if they are asking to obtain a decision those are questions and I want to run through the check list.

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

Mr. Stinchi asked if there's anything else the Board needs in order to close it, assuming there's no issues with the landscaping and the lighting. And they will submit the updated landscaping tomorrow.

Mr. Neubauer said that's fine, and they can anticipate a decision at the February 10, 2022 meeting.

Motion was made by Mr. Logozzo to close the application of **71 Sunset Avenue Realty, LLC., 71 Sunset Avenue (905-12-1-51.1)** for a determination on February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

NEW APPLICATIONS:

16. Village Marine of Westhampton LTD, 33 Library Avenue Ext (905-015-01-005.04)

Applicant seeks modification of site plan to expand stone blend parking for boat storage & display area, and also to replace siding and install two windows for the existing one-story "Modern Yachts" marina building located upon a 3.5-acre parcel in the Marina zoning district.

Agena Rigdon, DKR Shores Inc appeared on behalf of the application. The applicant has a stop work order because they were doing the siding and they have filed a waiver of site plan to complete the siding and also they have revised the parking area and placed gravel and some of the area for a display area in the front of the property. It has been an area for boat storage but now it is going to be a display area and they'd like to clean the marina up and there was a 6' fence placed on the Northern section of the parking area that had some new gravel placed and it's a blended stone and that's also before the board. There is also plans in the works, and I have questions on it because it's a gray area. I'd like to discuss the building, the parking area and the fence and get a waiver for those activities and discuss the future activities with the Board.

Mr. Hammond said with the ownership change a lot was maintenance, first the fence was replaced and we let that slide and then the gravel area was raked out and then it expanded and we said that should go to this Board and we anticipated a bigger application and then the siding and they started without a permit or approval from this Board. I want them to look at a site modification, we make people get permits for siding all of the time and they go to the ARB and I wanted to get it all before this Board to review at once.

Mr. Neubauer asked if they have looked at them? I don't know if I'm missing things but I don't see a great deal of information and the explanation was substantial and what I have submitted doesn't reflect that.

Ms. Rigdon said all that was submitted is a survey showing in the existing conditions. A lot of the way it looks now is pre-existing non conforming and like Mr. Hammond said they made minor modifications, but the Village doesn't have records after the 1990's so what we're aiming to do is update the Board on the site as it exists today and this is why we're before the Board. The stuff is minor compared to what was done in the past. They replaced gravel and a fence, and the building siding was a violation. They didn't know they needed a permit and there is a bigger future picture and the board will have an opportunity to look at the site as a whole coming up. The siding is half on and half off and there is a dredging project for the future, and the parking area will be demolished and it'll be a dewatering area and that's the future we need to discuss and it's a gray area. Yes, we're modifying the site but the site is marina work, replacing docks, replacing a low silt bulkhead on the North and South side and that is currently before various agencies for approval. The marina work will be fully permitted, the basins need to be dredged.

Mr. Neubauer asked Mr. Hammond if it has to go to ARB?

Mr. Hammond said yes, it's more than 20% change so it has to. If you want to do a referral then it gives you involvement but otherwise it'll go when they get a permit. It needed siding and I don't think the proposal is too far out, but we want to follow the process. There is an issue with the bulkhead work and I have no issue with the dredging work and dewatering and I'm sure when they get the permits they'll file something with the Building Department to keep track of it, but if that changes the land or usage on the lot I won't know until I see a full plan it may have to return to this board.

Mr. Neubauer said we will refer it to the ARB.

Motion was made by Mr. Schermeyer to refer the application of **Village Marine of Westhampton, LTD., 33 Library Avenue Ext., (905-15-1-5.4)** to the ARB; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Logozzo to holdover the application of **Village Marine of Westhampton, LTD., 33 Library Avenue Ext., (905-15-1-5.4)** to February 10, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

RENOTICE:

17. WH Equity Group LLC, 12, 22 & 80 Montauk Highway & 11 Old Riverhead Road (905-004-01-022.01, -023, -026.03 & -030.01) Applicant seeks site plan approval to construct a multi-family residential development consisting of forty-eight (48) dwelling units, distributed amongst seventeen (17) buildings, with a community building, swimming pool, on-site sanitary treatment plant and associated site improvements upon an 8-acre assemblage of parcels in the HD & B-2 zoning districts.

James N. Hulme, Esq., appeared on behalf of the application together with Bryan Grogan, PW Grosser and Ryan Jantzen, WH Equity Group, Duncan White and Mike Messina.

Mr. Hulme said this is a re-notice from 2008 and to bring it up to date it's four tax lots that extend from Old Riverhead Road to Depot Road and what was proposed in 2008 and it is today is a 48 unit facility among 17 buildings, with a community building, swimming pool, on site sanitary and it is 8 acres. It includes 8 affordable units and the balance are market; the affordable units are 1 bedroom and the remainder are two bedroom. There are minor differences between the current plan versus the plan from 2008. We are doing a sewage treatment plan and its now better than the original proposed plant; it wasn't clear whether they included basements or not, but we are including basements not as habitable space and the clubhouse has a larger footprint. Other than that, I believe the project is the same as presented in 2008 and the 2008 plan was a plan presented under the then significant changes to the Village Code with design standards. This plan was vetted under those sections of the Code which have not amended in any material way; the project in 2009 – 2010 benefited from an adopted SEQRA and the access to the property was changed, and the matter went forward until such time as the only thing the Boards were waiting for was approval from the Board of Health which was never received and the project stalled. My clients acquired the property in June of 2021 and in December of 2021 we presented the updated application as indicated in the plans provided. The plan as currently proposed has in and out from Depot Road, with some limited turning from Montauk Highway, and right turn in only from Old

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Riverhead Road. If you compare that to the site plan presented in 2008 – 2010 they are in fact, in all material ways, the same and the additional access was provided as part of a modified plan met the condition of a SEQRA determination which was issued back in the early 2008 – 2010 time frame.

Mr. Neubauer asked for clarification on the SEQRA process.

Mr. Pasca said what has to be determined now is the circumstances and whether they are changed which would alter the original determination, enough time has gone by that it has to be looked at and it makes sense to reevaluate some parts of it with the other projects going on and Mr. Collins has dig deep into it. It has to be looked at in its entirety.

Mr. Hulme said it sounds like we need Mr. Collins to weigh in on that and we'll wait for that.

Mr. Neubauer said we see your plan, and it will take time to digest it all and things have changed a lot.

Mr/ Hulme said they have changed in the sense that there is a lot of build out proposed and most of, if not all what is proposed is stuff that was possible when this plan was first presented. The potential existed then as it does now andi don't know that it's a change in circumstance.

Mr. Neubauer asked if Mr. Schermeyer has comments.

Mr. Schermeyer asked if they need a traffic study.

Mr. Hulme said there have been ones done for other projects and this prokect was incorporated in them, and we did not have a filed application and what was filed in 2008 was the model and what we're filing now is similar enough.

Mr. Neubauer said the other studies are applicable to this.

Mr. Hill said they are and they are not, the focus of each study was the project they were looking at and while they included projections in the no build they did not look at this project for the built condition and its impact. This was rolled up with oethers, so you have to run it again for this project with a slightly modified bno build so this is the one that's the focus of the impact. You can pick up one of the latest studies and look at the data from that because itw as collected last Summer and its valid data to use. That will have to be looked at.

Mr. Hulme said they will look at it.

Mr. Schermeyer asked if the gas station on the corner of Montauk Highway and Old Riverhead Road is still in consideration?

Mr. Hulme said no.

Mr. Schermeyer thought it was supposed to be purchased to be used with this.

Mr. Jantzen said they are not in dialogue with the gas station owner.

Mr. Hulme said it's not part of this property.

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Mr. Jones said he did not have any comment.

Mr. LogoZZo said in looking at the traffic flow, he is looking at and this may be an improvement to Depot Road on the East side of Old Riverhead Road there's an entrance in and I think it may help to have an entrance out and the people from the development may be able to exit South on to Old Riverhead Road and not on to Depot Road.

Mr. Neubauer said we have concerns and short cut potentials and it has to be looked at through the 2022 vision. Not only Depot Road and avoiding the light at Montauk Highway, I don't know if they are part of the process last time and they are going to be this time.

Mr. Hulme said the added road is to relieve traffic. But we will hear what Mr. Hill has to say.

Mr. Neubauer said it's a massive amount of density.

Mr. Hulme said the density is what's allowed per the Code.

Mr. Hill asked if this is a special permit?

Mr. Hulme said yes, and the density lies with the Board of Trustees and this was the model design the Village wanted.

Mr. Schermeyer asked if they're going to have to put a sidewalk in on Montauk Highway?

Mr. Hill said yes, they will have to and wherever they front on Old Riverhead Road and Depot Road will require one too.

Mr. Schermeyer said most of Depot Road has a sidewalk now.

Mr. Hill said it will have to continue.

Mr. Neubauer said there's a lot of ground to cover.

Bryan Grogran said there are sidewalks on Montauk Highway and making the corner on Depot Road and as Mr. Hulme started, the preliminary conversations we have had that the changes were minimal between the previous plan and what's there now, particularly with the Sewage Treatment plant and some other items we added utility closets for fire suppression and it's nothing of large change, with respect to reutilizing the existing SEQRA determination and it has to be reviewed by Mr. Collins but that was the intent in keeping it consistent with what it was. The Board of Health approval was relatively fall along and was at the goal line and had a recorded agreement and that has expired, but to renew it we needed a letter from Mr. Collins stating that with respect to the treatment plants there was no impact changing from one technology to another; the original was chromoglass which aren't typically used and we've upgraded to better, and it was done in 2010 and at a minimum I'd like to get a letter from Mr. Collins so we can progress the County in renewing those contracts.

Mr. Neubauer said we have a long way to go before we generate that letter. There will be a lot of civilian input.

Mr. Pasca said he'd like to not call it previously approved, nothing was approved.

Mr. Hammond asked if they received his comments?

Mr. Hulme said yes.

Mira Nabi, 6 Patio Villas said she's watched the changes, and the best way to describe it is a sandwich and I feel like I'm being crowded in on both sides and traffic is a major issue and times have changed and the landscaping has changed and the footprint has changed and if I'm correct you're putting 48 units on

8 acres and the other development is 22 homes on 13 acres and think about the cars, the school, the noise, the pollution and the all of the people in Patio Villas who are being affected by this situation and I'm begging the Planning Board to take this into consideration seriously.

Mr. Neubauer thanked Ms. Nabi.

Ms. Mackie said Ms. Conway can go next.

Louise Conway, Mitchell Road said she's speaking on a friends behalf who lives in Patio Villas but her question is why for example Country Point a public road, because it's just 22 single family lots versus the application now who are condominium owners who pay taxes, why is it that 22 single family lto have the Village maintain the roads versus a condominium complex that pay for their own roads?

Mr. Neubauer said its not relevant to the topic, and I thought we adequately covered it. The residents of the 22 single family homes are tax payers also and the road dedication has a procedure in this Village, and the DPW has a great deal to say about it and their input is vital.

Ms. Conway asked if it is it because they want a public road versus not wanting one?

Mr. Hill said the distinction is they are creating 22 individual lots like the other single family homes in the Village and they have the right to ask the Village to take it over as long as its built to the Village standards and the condominium will be owned by an HOA and remains private and the distinction between a subdivision and is typical of the other roads int eh Village. The ownership in a condominium the land around the units is owned by an HOA and a single family home it's owned by an individual.

Mr. Hulme said it's also driven by the zoning, and that project is different than this.

Ms. Conway said okay, my friend is concerned about being sandwiched.

Mr. Neubauer thanked Ms. Conway.

Ms. Mackie said Ms. Smalley can go next.

Anne Smalley, said this new project concners her because the egress on to Depot Road and noen will back up to her units and the traffic going in an dout at Depot Raod and the exit will come out way too close to the traffic light and if there are two cars lined up how will they make the arc on to Depot Road from the new property, the Patio Gardens. There is a gas station at the corner of Depot Road and Montauk Highway that has many cars parked up against the edge and makes it more congested and Depot Road and Montauk Highway have school crossings and have students who walk up to the corner and cross the street and many residents walk to that cor4ner and cross in the Summer time when school isn't in session to use the track and tennis courts and the people up and down Depot Road walk their dogs and very often they cross over and walk into the Village, so the traffic at that intersection is already very congested. I am curious why the Town of Southampton isn't part of the discussion because the West side falls in the Town of Southampton, not the Village of Westhampton Beach. My third consideration has to do with them mentioning it is 8 acres, and there's 48 units planned but some will be taken up with a pool, Community building, and a sanitary area so those units that look very dense are not on 8 acres, probably more like 6 or 7 acres and the density is a major concern and I drove around the Dunes at Westhampton Beach and there are 40 units lined up with a lot of parking in front and it's not very attractive and the sanitary system is fenced in above ground and I'm wondering if that's the plan for Patio Gardens or will it be buried underground. Will the construction vehicles come from Depot Road or Old Riverhead Road? How will the density affect the school, will there be an occupancy prokection and a study and the way I'm adding things up and I have added 242 units between Quiogue and Depot Road between Montauk Highway and the train tracks and I don't know how the school will meet the needs of the children in those communities.

Linda Grad, Patio Villas said she's very concerned about the safety of the children, the crossings, and the traffic and when the train comes in there are cars and taxi cars that go at a high speed to get the train and pick up passengers and no monitoring of it and its an accident waiting to happen. There are people and kids on bicycles waiting to cross from Depot Road over Montauk Highway. There is a traffic guard or a police car on this property that is proposed for construction at the time of dismissal and it soun ds like an accident waiting to happen, or to have an exit and entrance on Depot Road in addition to the other projects seems unattainable.

Chiara O'Connor said she has questions, and she's concerned about the density but if they are within Code they probably will be built. Why are there only 8 one bedroom units for the affordable housing? I am a second homeowner and I appreciate the hometown vibe of Westhampton Beach and that its so quiet, and I've seen local people become priced out so I'd like to see more fairness and legitimate fair housing options and one bedroom units don't provide for a family, and it seems more fair and appropriate to offer two bedrooms. I have concerns for the Town and the school to handle the density and it can't remain as a top school if its over burnded without income and resources. The traffic study from 2008 is irrelevant and has to be redone and there has been a tremendous boom in this Village and I would love to see these projects encourage a walking community so we can cut down on the pollution that cars do to the environment with exhaust and noise.

Ms. Mackie said Sarah Myles would like to speak.

Sarah Myles said she would like to reiterate that there is obviously an issue with traffic on Depot Road and I would think there would be issues with the egress and ingress on Old Riverhead Road and Montauk Highway and Montauk Highway is a parking lot from 3:00 p.m. to 5:00 p.m., and has there been considerations made for people being able to get in and out of the development on to Montauk Highway or Old Riverhead Road; Montauk Highway is dangerous now and the proposal is very high density and there is going to be traffic and air pollution and I live fairly near Depot Road and the increase in traffic on Depot Road is a lot of cars potentially two each and I think there is a pollution potential problem and I also wonder if the Town is generally look at it, I undertand each is evaluated on its merits and there are group traffic studies, but it seems the Village can't absorb any more cars so there's limited parking in the Village and it's almost impossible in the Summer to drive anywhere. I am concerned that we won't be able to go into the Village during the Summer season if we have so much more development in total. I am interested ot know, if addition to traffic and pollution if the Town is thinking about the big picture and how much more development can be squeezed into available land.

Ms. Mackie said there is no one else with their hand raised, so it seems like the public participants have spoken.

Mr. Hulme said they are not prepared to address each issue tonight and some are social ills that this project didn't create and can't solve, but we will address the pertinent issues that have been raised.

Ms. Smalley said she spoke to her neighbors and quite a few were planning to speak and this is 3 hours into the meeting so I do request, when this comes up again for a meeting that the public can comment that it be done so earlier on the agenda.

Ms. Mackie said the applicants attorney would have to request that, the agenda is set. There are 12 people in attendance that haven't raised their hands. I think you may have come in to the office and we suggested that possibly you create a point of contact to disseminate the information, and as you saw earlier there was an application for Rogers Avenue and they dedicated one person as the point of contact and disseminated that information among the interested residents and that helps the folks you can't stay on long or attend in person meetings and if you contact me and tell me who that is I can send them information. With large projects like this it is a major help to everyone involved and you can put comments in writing and if people can't attend I will assure you the Board gets them and reviews them and they are part of the record, and if that's an avenue you want to take it will help you tremendously.

Mr. Hammond said the videos will be posted as well, and this is the first time the Board is hearing this and it hasn't been before them since 2008. It's all pretty new to this Board even though it was a renotice.

Ms. Mackie said yes, and there were a few calls why the plans weren't online, but they are available in our office and anyone can come in and view them we're opne 9:00 am to 4:00 p.m. and the videos will be online when they are via Zoom and also once we return to in person the videos are online as well. You can urge your residents to watch them, take notes, put everything in writing and assign a point of contact to make sure you feel comfortable and that your questions are answered.

Mr. Hulme said if someone wants to look at plans or ask questions, they can come to our office I can't do it 40 times but I can show the public the plans and try to answer questions as best I can.

Ms. Mackie said the old files are also out to see what was proposed in 2008 versus now you can come in and look at it. Do your research, but don't feel like you can't speak to the application.

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Mr. Neubauer asked if anyone else had comments?

Ms. Mackie said no.

Motion was made by Mr. Logozzo to holdover the application of **WH Equity Group, LLC., 12, 22, and 80 Montauk Highway and 11 Old Riverhead Road (905-4-1-22.1-23 -26.3 and 30.1)** to February 10, 2022; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

FILL APPLICATION:

18. 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.

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

RESOLUTION OF THE PLANNING BOARD

VILLAGE OF WESTHAMPTON BEACH

DATED: January 27, 2022

IN RE: 13 Meadow Lane, LLC.

13 Meadow Lane

Westhampton Beach, New York

SCTM #: 905-10-1-19

WHEREAS, 13 Meadow Lane, LLC., has applied to the Planning Board of the Village of Westhampton Beach (hereinafter referred to as "Board") for site plan approval for the placement of fill pursuant to § 197-27 (B) and § 197 - 63 of the Zoning Code of the Village of Westhampton Beach with respect to property located 13 Meadow Lane, Westhampton Beach, New York, Tax Map designation 905-10-1-19 and

WHEREAS, this Board has reviewed the application and held a public hearing at which it reviewed the site plan drawn by Spaces Landscape Architecture dated October 3, 2019 and updated on January 11, 2022, consisting of sheet L-02B and

WHEREAS, this Board has resolved that it is the lead agency for purposes of SEQRA review, and

WHEREAS, this Board has reviewed the submitted EAF Part I and the applicable criteria pursuant to 6 NYCRR 671.11 in determining the environmental significance of this action,

IT IS THEREFORE RESOLVED, that the proposed action will not have a significant effect on the environment and therefore this Board issues a negative declaration with respect to this proposed action, and

IT IS FURTHER RESOLVED that the site plan is approved subject to the following:

1. All run off from the dwelling, other improvements, driveway, fill and elevation changes shall be contained on site in the drainage structures and facilities shown on the site plan.
2. All fill, grade contours and elevation changes shall comply with the site plan and there shall be no change or modification to the fill, grade contours and elevation changes without further approval of this Board.
3. A minimum driveway clearance, free from landscaping and other encumbrances of 10 feet wide by 15 feet high shall be required.
4. There shall be no changes or modifications to the drainage including any changes or modification to the driveway shown on the site plan without the further approval of this Board.
5. Prior to the issuance of a Certificate of Occupancy, a final “as-built” survey of the site shall be provided. The “as-built” survey shall show all of the drainage structures and facilities installed and the final grading of the site.
6. The total height of each drainage structure called out on the approved site plan shall be installed above ground water.
7. Bog, clay or other unsuitable material that prevents the movement of ground water within two feet of the bottom of any drainage structure shall be removed and replaced with clean sand or gravel. Unsuitable material between ground water and the bottom of any drainage structure shall also be removed.
8. Prior to the installation of any of the drainage structures, the applicant shall notify the Building Inspector, who shall conduct an inspection to ensure that the provisions of this approval are complied with.
9. If, after the date of this approval, the Building Inspector determines that the plan, as approved herein, does not keep all run off on the applicant's property or that the installed drainage structures and facilities fail to function properly to keep run off on the applicant's property, the Building Inspector shall notify the applicant that run off is not being kept on the applicant's property as required by this approval. The applicant shall, within sixty (60) days of said notice, be required to re-apply to this Board for a new site plan approval. The failure of the applicant to make application to this Board as is set forth herein shall be deemed a violation of the terms and conditions of this approval.
10. In the event there are expert fees set forth in a separate resolution adopted simultaneously herewith, said fees shall be paid prior to the issuance of the building permit, and if additional fees are

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incurred during the course of construction, said fees shall be paid prior to the issuance of the certificate of occupancy.

11. This approval shall expire unless a Building Permit has been issued for the construction within six (6) months of the date hereof and construction completed within eighteen (18) months of the date hereof. The Board shall have the right to extend the time periods set forth in this paragraph for an additional six (6) month period of time by the majority vote of the members present at a regular meeting wherein such vote is taken.

12. In the event that legal proceedings are commenced by the Village of Westhampton Beach in order to enforce the provisions of this approval in any court or to obtain injunctive relief in the Supreme Court against the owner, occupant or tenant of the owner or heirs, successors or assigns of the owner, the legal fees, court costs, and other associated expenses incurred by the Village of Westhampton Beach shall become a lien against the real property.

13. To insure that the provisions of this resolution are complied with, the owner shall, within thirty (30) days of the date hereof, execute the attached covenant and shall record said covenant in the Suffolk County Clerk's Office at the owner's cost and expense and the recorded covenant shall be filed with the Planning Board, Village of Westhampton Beach prior to the issuance of any building permit.

Dated: January 27, 2022

Motion was made by Mr. Logozzo to adopt the determination of **13 Meadow Lane, LLC., 13 Meadow Lane (905-10-1-19)** as written; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **8:27 p.m.**; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.