

February 10, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on February 10, 2022, at 5:00 P.M. via web-conferencing 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

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.

Status: **HELDOVER UNTIL February 24, 2022** Applicant is awaiting a determination from the Suffolk County Dept. of Health Services Board of Review.

ZBA: N/A
ARB: N/A

SEQRA: **COORDINATED REVIEW; DETERMINATION ISSUED: 6/25/2015**
SCDHS: **NEEDED**

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

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 February 24, 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. He said he spoke with his client and she wanted to see the permit activated and moved forward and based on the comments they received in July 2021 they addressed a good majority of them and they sent their consultant the lighting plan and they did submit the drawings to this Board and he's reluctant but willing to apply to the Board of Health,

February 10, 2022

but he would like to see if they can get a referral to the ZBA and a lot of the things would be moot if they do not get an approval from the ZBA as several variances are needed.

Mr. Reilly said he agrees with Mr. Vero and they were in this position with another application, but they do want a conceptual agreement and make adjustments.

Mr. Vero said they'd like to do that move the ball forward.

Mr. Neubauer asked if they have a complete site plan?

Mr. Vero said the latest has a landscape plan, and he's waiting on a lighting plan and we do have elevations and we submitted them awhile ago and we revised them and I can resubmit them so you can look at them, they did have a peaked roof and maybe at the next public hearing we can get back to the ZBA to get variances and start the work with them for the setback relief.

Mr. Neubauer said he'd like to see a complete application first.

Mr. Reilly said there's a lot going on, the size of the building that's proposed is much larger and how it looks will dictate where it should go and I think as Mr. Neubauer observed there is a lot of moving parts before you can go to the ZBA and I understand you want to get to the ZBA but this has been dormant for a while and everyone is looking to see that corner cleaned up, but it has to be a more deliberative process.

Mr. Vero said he will resubmit that to the Board and the lighting plan and I addressed most of the comments and you can review that and tell me what I'm missing.

Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02)**. to February 24, 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 and Jerry Rumplick.

Mr. Reilly said they have a resolution to adopt, and a recommendation report to the BOT and they are preliminary approving the site plan under the assumption under a 52 unit scenario and this preliminary approval is not to be construed as an endorsement of the application as proposed. We're finding that the basic site plan elements are satisfied and as the report we're going to send back we are urging the BOT and we're not recommending a specific density or reduction and urging them to weigh the impacts very carefully. Is that a good summary?

Mr. Pasca said yes.

Mr. Reilly said that's the general sense of the Board we are not approving or disapproving or expressing an opinion as its proposed, the site plan elements are satisfied preliminary. Mr. Pasca asked if there was any public comment?

Mr. Pasca said no.

Mr. Isler said he waives the reading of the determination and report.

Motion was made by Mr. Neubauer to adopt the determination of **Rogers Associates LLC, North Side of Rogers Ave (905-003-01-007.01 through 007.07)**. as written; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to adopt the Report and Recommendation to the Board of Trustees of **Rogers Associates LLC, North Side of Rogers Ave (905-003-01-007.01 through 007.07)**. as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

February 10, 2022

Mr. Reilly said he'd like to have these posted for the public.

Ms. Mackie said yes, that's fine. The one thing she wanted to let the Members of the public know, is that the Board of Trustees will have a public hearing on March 3, 2022 at 5:00 p.m. and you can contact the Village Clerk for the link; as a courtesy to the residents, the Board of Trustees have noticed this in the Southampton Press on February 17, 2022 and February 24, 2022 so it will be a public notice for two (2) weeks and the public hearing is Thursday, March 3, 2022 and I will email Chris Clapp to disseminate and we will post it online as well.

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., submitted a request to holdover the application of **Westhampton Inn LLC., 43 Main Street (905-11-1-15)** to February 24, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

Ted Galante, Design Studio Architecture Group and Anthony Kouardoughlin appeared on behalf of the application. Mr. Galante said they were before the BOH and they have satisfied all of the items, and the C&R's are written, and the water easement is in place and this week we sent it to the BOH by the surveyor and we're waiting on a formal approval but otherwise everything else is completed and they were the last two (2) pieces, and I sent the C&R's to Ms. Mackie just as an update, and the plan has been approved by this Board and I can review it if you wish.

Mr. Reilly asked if the Board of Health asked if anything has been changed on the site plan?

Mr. Galante said no, they needed the C&R's and water easement language.

Mr. Reilly said once we get the formal approval, we can be in a position to close the matter and hold it over for a hearing, what might be best for everyone since there were no changes while you're waiting for that approval you can coordinate the sheets and discuss the same with our offices.

Mr. Neubauer asked them to furnish a list of the sheet numbers and dates.

Mr. Reilly said you should do that with Ms. Mackie so we have that in play.

Mr. Galante said we can do that. We will send that out next week and get it in place.

Mr. Reilly said that will help the process, and make it easier on the Village staff as well.

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 written 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 March 10, 2022.

Motion was made by Mr. Neubauer to holdover the application of **55 Old Riverhead Road LLC, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03)** to March 10, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

February 10, 2022

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.

Status: HELDOVER UNTIL March 24, 2022

ARB: N/A

BOT: N/A

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: N/A

SCPC: N/A

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., submitted a request to hold the application of WHBH Real Estate, LLC., 7 Beach Lane (905-11-3-10) to February 24, 2022.

Motion was made by Mr. Neubauer to holdover the application of **WHBH Real Estate, LLC., 7 Beach Lane (905-11-3-10)** to February 24, 2022; seconded by Mr. Reilly and unanimously carried 5 ayes, 0 nays, 0 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. He said they are showing a building 3,900 square feet and they submitted the building elevations and they are showing a darker color for the siding and more glass.

Mr. Reilly asked if this is their proposed design?

Mr. Hulme said yes.

Mr. Reilly said there are 36 bollards proposed which are not shown on the elevations, and I don't know what they'll look like or how tall they will be or what color; they are around the front of the store.

Mr. Hulme said this is the elevation, but not the building but do you have thoughts about that.

Mr. Reilly said I am dreading they are 3' or 4' tall bright yellow bollards.

Mr. Hulme said he doesn't have an answer but he can get one.

Mr. Krasnow asked if the bollards are required, or they are optional?

Mr. Reilly said I prefer they do not have them he prefers parking blocks.

Mr. Krasnow asked if it's a requirement?

Mr. Reilly said I don't know. My question is, if you have them what will they look like?

Mr. Collins asked to see a plan with the bollards?

Mr. Neubauer asked if they're needed.

Mr. Collins said I don't know what plan that is, I haven't seen that. Mr. Reilly said there are 36 where did he come up with that?

February 10, 2022

Mr. Reilly said there are dots drawn on the top of the parking spaces by the building.

Mr. Hulme said his sense is, if they aren't required, they won't do them.

Mr. Collins said I recommend that because the front of the cars encroach into the sidewalk you're going to want wheel stops.

Mr. Krasnow said the flat cement things are neater.

Mr. Collins asked if he means a wheel stop?

Mr. Krasnow said they are 6" above the ground. I think that's a cleaner look unless it requires a bollard.

Mr. Hammond said there's no Village requirement, but people like to drive into the 7-11.

Mr. Hulme said if they are going to be there, we don't want them yellow.

Mr. Reilly said I think Mr. Collins and I said how we feel, if anyone else wants to weigh in they can.

Mr. Hulme said subject to 7-11 saying something different we will remove them.

Mr. Neubauer said that's his preference.

Mr. Reilly asked if anyone wants to weigh in on the elevations.

Mr. Collins said a technical matter relating to the elevations, we need the heights referenced on the plans. There's no height of the canopy or the building.

Mr. Hulme said they will provide that.

Mr. Collins said it will get into the roof pitches and those sort of things, there are constraints that can affect the design, which is the height.

Mr. Hulme said they are hoping to discuss with the ZBA next week and we don't want to if there's any objection to this layout in general.

Mr. Neubauer asked if the garbage can be moved to the back of the building? This is a huge piece of property and it shouldn't be on the side.

Mr. Hulme said that may necessitate another variance.

Mr. Krasnow said that will require more paving and less green space so we put it there to leave as much green space as possible and we had it that way in the original plans.

Mr. Neubauer said and we've seen photographs and we see what goes on at the 7-11 on Mill Road and it's a chronic eyesore and the property is enormous and since we've taken the building and put it the way you want it; I think the least you can do is make it look attractive when people drive by and not see the dumpster and the mess.

Mr. Collins asked if they provided truck radius circulation on this? And on the East side there's a 35' travel aisle you can move the building further East and you may not need a variance and I would consider it an accessory structure and I don't know what the setbacks are, but you say it needs a variance but it may be possible.

Mr. Hulme said they will look at it and if they can slide the building they will.

Mr. Krasnow said if we slide the building East we'll lose the landscaping.

Mr. Collins said the travel aisles of 37' exceed the Village Code, they can be reduced it's not talking about moving the landscaping.

February 10, 2022

Mr. Krasnow said you want us to narrow the travel aisles?

Mr. Hulme said we'll look at it.

Mr. Reilly said Mr. Hill indicated he looked at it and his only comment was regarding the driveway on Old Riverhead Road and that should be left turns out not permitted, and it should be adjusted so the fuel delivery trucks can do so without a left turn.

Mr. Krasnow said it will be a right turn heading South and right out turn heading South.

Mr. Reilly said okay.

Mr. Collins asked if the Board is happy with the design of the canopy and the roof?

Mr. Reilly said the ARB's role is more advisory than anything, and we retain authority.

Mr. Collins said I agree, you try to prevent conflicting approvals. If the ARB likes it it puts a lot of pressure on this Board to make a finding.

Mr. Reilly said I would like to get their comment, but I would like to see if there's any comment from this Board.

Mr. Hulme said in the context of this layout, we tried to be responsive as to what this Board would like to see.

Mr. Reilly agreed and said if there's anyone who wants to weigh in.

Mr. Neubauer said we would like to see this as aesthetically pleasing, and the trees are shown on the side with the garbage and the huts that are customary for 7-11 create eye sores so I urge the applicant to do everything to continue their good effort to make it appealing.

Mr. Hulme said they will do so.

Mr. Jones said I don't have real issues with the façade or canopy, and the increased glazing looks very nice and it seems like the gable on the front of the roof is a little off set by the columns are below it and the glass. I like the glass and the landscaping I would like to see it as much as possible.

Mr. Schermeyer said I like it, the color has to be tweaked and the sunburst above the 7-11 doesn't look great. I'm with Mr. Neubauer with the landscaping, it's a 7-11 gas station and landscaping is going to be key on this spot in this location.

Mr. Logozzo said he likes the glass and the stone and are we talking about earth tones on the siding.

Mr. Reilly said it's a dark grey. There are a lot of tans and browns on that road, and the Valero will be primarily White. I think it's lacking in some imagination, but it's a 7-11 and a gas station and it's troubling it's the first thing you'll see entering this Village but perhaps as suggested by the Board if we can beef up the landscaping and take the edges off it might work better. But I would like to hear what the ARB has to say, in it is advisory role at least primarily.

Mr. Hulme said they are happy to go there.

Mr. Pasca said the 7-11 signs on the canopy will require variances, and we made the Valero take them off because we did not want confusion that we're considering extra signs so the future plans should not show the signs.

Mr. Reilly said they need the elevation heights as well so we have a single set of plans to work off of.

Mr. Krasnow said based on the change of moving the trash to the back and layout, I thought we were hopefully going to be at the ZBA next Thursday, do we have to put that off.

February 10, 2022

Mr. Hulme said we need to look at the entire picture and then we will know that answer. You and I should discuss that.

Louise Conway asked if the lighting is dark sky compliant in all of the site?

Mr. Hulme said the Village has a Code that they must comply with.

Ms. Conway asked if its at the pumps as well?

Mr. Hulme said the Village has a code that they must comply with.

Mr. Hammond said the dark sky compliance doesn't allow for uplighting and the spillage can't go beyond the property lines. This site abuts the LIRR property and the train tracks and having a little light trespass might be desirable on the North but it does have to comply with the Code. We expect the lighting to be fully recessed in the canopy and they could be bright but they have to demonstrate with the lighting plan that the values don't exceed the Code. The plans aren't fully engineered and once that's all set with respect to the placement.

Mr. Collins said part of that is handled through the maximum kelvin lighting and that is 3,000 kelvins and the uniformity ratio in terms of the max to min so there's no spikes in the lighting.

Mr. Hulme said it is our intention to provide a code compliant lighting plan they will not seek a variance for that.

Mr. Logozzo asked where they are moving the dumpster to?

Mr. Reilly thought Mr. Hulme and his client wanted to have an offline conversation.

Mr. Logozzo said its not in a bad place, the layout is generally a good layout and its in the spot most hidden and once you turn the corner no one looks to the left and you look straight ahead and I think it becomes not noticeable.

Mr. Neubauer asked why it shouldn't be moved the parcel is very large.

Mr. Logozzo is saying its in a good place.

Mr. Neubauer said okay.

Mr. Reilly suggested they keep what they have and return with an alternative plan.

Mr. Logozzo asked where the deliveries are coming from?

Mr. Krasnow said it's a delivery and pick up zone for the garbage and the surround is usually not chain-link and its more of a structure that will damage a car, it's not a fence. And in that area, there will be landscaping but it is a common area for the trucks to back in for deliveries and load the garbage so it makes it more difficult to move it around the building and there will be a lot more asphalt and less greenspace and I think there's a cost.

Mr. Logozzo said it's hidden from the North and if there's planting on the curb it'll be disappear on the South.

Mr. Collins said the level of detail mentioned will be necessary to make that assessment.

Mr. Krasnow said we're trying to make the elevations and layout how you like and we weren't focused ont hose issues at the time and now we have that, yes I agree we can do that. Right now we want an acceptable concept for this Board to move forward. It's a process we're working on.

Mr. Reilly said sometimes it's procedural and with that being in mind, if you're proposing an alternative I don't see how I can send you to the ARB and if the enclosure gets moved that will need to be included.

Mr. Hulme said let's submit between now and February 24, 2022 a more detailed elevation of that feature.

February 10, 2022

Mr. Reilly said they have to show the enclosure, the heights.

Mr. Neubauer said he'd like to see the enclosure option.

Mr. Reilyl said that or an explanation as to why it can't be moved. And I'd like to see what Mr. Hill thinks about it.

Mr. Neubauer said during the next couple of weeks you should look at other 7-11s.

Mr. Pasca said we shouldn't talk about extra variances, and we should look at the aisles and we can't send it to the ZBA and have an extra variance added on. It's hard to justify on a site this big that there's no other location to place the dumpster except a site that requires a variance.

Mr. Schermeyer asked why it can't be moved to the North side and put the fence around it, then it doesn't face out and there's no variances involved.

Mr. Hammond said the dumpster can go anywhere unless there's a buffer or transitional buffer along those lines and that's not the case, and if you want in the back it doesn't affect the zoning procedure but the placement of the building does. And there's a transitional buffer in the front yard that has to remain at 30' but if you decide it is better in the back or the corner its in your purview and it wouldn't affect the ZBA unless it's in a transitional yard.

Mr. Reilly said so if the dumpsters moved, it won't trigger any ZBA except for the transitional yards?

Mr. Hammond said I don't see anything int the code, it's up to this Board.

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 and they received comments from the BOH and they are working through them and the ARB provided their report and the only other item is SEQRA and I defer to this Board about that.

Mr. Pasca said the ZBA did their own Determination. And it's a Negative Declaration.

Mr. Collins said okay, we can have it for the next meeting and I would imagine it's the same.

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.

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.

Michael Sudano Architect appeared on behalf of the application.

Mr. Reilly said they are in no position to have a discussion, they received his letter at 2:00 p.m. today, they gave new information just three hours ago.

Mr. Sudano said he wanted to discuss the two lots.

14. 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.

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

ARB: N/A

BOT: N/A

ZBA: N/A

SEQRA: N/A

SCDHS: N/A

SCDPW: N/A

SCPC: N/A

15. 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.

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

ARB: *Needed*

BOT: N/A

ZBA: N/A

SEQRA: N/A

SCDHS: N/A

SCDPW: N/A

SCPC: N/A

16. 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.