

DECISION OF THE PLANNING BOARD
VILLAGE OF WESTHAMPTON BEACH
DATED: February 10, 2022

IN RE:
Rogers Associates, LLC.

Westhampton Beach, New York 11978
1 Twin Fork Lane, Westhampton Beach, New York 11978
2 Twin Fork Lane, Westhampton Beach, New York 11978
4 Twin Fork Lane, Westhampton Beach, New York 11978
5 Twin Fork Lane, Westhampton Beach, New York 11978
7 Twin Fork Lane, Westhampton Beach, New York 11978
Twin Fork Lane, Westhampton Beach, New York 11978
Suffolk County Tax Map Numbers
905-3-1-7.1, 905-3-1-7.2, 905-3-1-7.3, 905-3-1-7.4,
905-3-1-7.5, 905-3-1-7.6 and 905-3-1-7.7

I. The Application for Site Plan Approval

Rogers Associates, LLC., is the reputed owner of real property located at 1, 2, 4, 5 and 7 Twin Fork Lane, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as Nos.: 905-3-1-7.1 through 7.7 Rogers Associates, LLC., (hereinafter, the “applicant”), has submitted an application to the Planning Board of the Village of Westhampton Beach (hereinafter the “Board”), for site plan approval to construct 52 dwelling units in 13 buildings (11 townhouse groupings, two, Two-Family dwellings) with a private community center, pool and tennis court, with an on-site sewage treatment plant in two development phases, collectively to serve as a multifamily development community.

The final version of the site plan for which applicant seeks final plat approval is set forth in the plans prepared by P.W. Grosser Consulting Engineer and Hydrogeologist, P.C., (PWGC), created 02-21-19 and last revised on 12-23-21 (except as noted), consisting of several sheets labeled as follows:

- “General Site Plan Notes” (C-001),

- “Proposed Site Plan” (C-100),
- “Proposed Drainage and Grading Plan” (C-200),
- “Proposed Drainage Calculations” (C-201),
- “Proposed Sanitary Plan” (C-300),
- “Proposed Landscape Plan” (C-400),
- “Proposed Lighting Plan” (C-500),
- “Proposed Erosion and Sediment Control Plan” (C-600),
- “Proposed Erosion and Sediment Control Details” (C-601),
- “Proposed Trees Removal Plan” (TR-001),
- “Proposed Traffic Plan” (C-700),
- “Proposed Details” (C-800) (last revised 06-08-21) and
- “Proposed Details” (C-801) (last revised 06-08-21).

These plans shall collectively be referred to herein as the “Proposed Site Plan.”

II. Review by Planning Board and Other Agencies

The application for site plan approval was properly noticed and advertised for a public hearing, which originally opened on September 26, 2019. The Board thereafter reviewed the application, the site plan, the supporting materials, and multiple revisions to the site plan and supporting materials, at multiple public hearing dates.

The Village’s engineer and planner also reviewed the application and subdivision and provided multiple comments thereon throughout the course of the review process.

The application underwent a coordinated review under the State Environmental Quality Review Act (SEQRA), with the Planning Board acting as lead agency. The Planning Board issued a “positive declaration” of significance, conducted a public scoping session, held a

hearing on the Draft Environmental Impact Statement and Supplemental Environmental Impact Statement, and prepared and adopted a Final Environmental Impact Statement, and adopted a SEQRA Findings Statement on November 10, 2021.

The application requires approval of the Suffolk County Department of Health Services, relating to the sanitary plan. As of this date, SCDHS has not approved the plan, as the final plan is dependent in part on the yield that will be allowed by the Village.

The application also requires a referral to the Village's Architectural Review Board. As of this date, the ARB review has not been initiated. Said review is also dependent on the final yield that will be allowed by the Village.

The application will also require a referral to the Suffolk County Planning Commission, pursuant to General Municipal Law § 239-m, prior to final site plan approval. As of the date hereof, the referral has been initiated but no response has been received.

Finally, the application will also require a special exception permit from the Village Board of Trustees, which cannot act on said special exception until the Planning Board has approved a site plan.

III. Findings and Conclusions

As of the Board's January 27, 2022 meeting, the site plan application is deemed sufficiently complete for purposes of making a preliminary determination of site plan approval to enable the applicant to proceed with the special exception permit application to the Village Board of Trustees. While the site plan application cannot be reviewed for final approval, and while there are additional steps and determinations that still have to be made before any final approval can be given, the Planning Board recognizes that many of these details cannot be determined until after the Village Board of Trustees has made a determination on the special

permit and, in particular, two key determinations that can only be made by the Village Board of Trustees: (1) whether to allow the requested density and (2) whether to rescind the easements that were previously recorded against the property, in favor of the Village. Without those determinations, the applicant cannot finalize some of the site plan elements and obtain final approval from SCDHS, or from the ARB and the Planning Board. For example, the sanitary design is dependent on the number of units, the ARB review is dependent on the building density, and the Planning Board's recreational area and affordable unit determinations are also dependent on the final unit count for the development.

The applicant has requested that a site plan approval be adopted at this time in order to enable the special permit review by the Village Board of Trustees. The applicant was advised that if an approval were given at this time, the approval would be preliminary only, and the applicant would be required to return to the Planning Board to complete the final site plan review. The applicant agreed to this procedure and requested that the preliminary approval be granted, subject to returning to the Board for final review.

Under these unique circumstances, the Board finds that for purposes of providing a preliminary approval of the Proposed Site Plan – which assumes a maximum yield of 52 units – the Proposed Site Plan is sufficiently detailed and appears to satisfy the basic site plan requirements in terms of layout, design, parking, circulation, lighting, and landscaping, subject to the final review that is anticipated to follow the special permit review process.

If and when the applicant has obtained a special permit from the Trustees, the yield has been determined, and a decision has been made as to the easements, the applicant will be required to return to the Planning Board to complete the final site plan review process, which shall include, at a minimum, (1) confirmation that the applicant has obtained SCDHS approval,

(2) ARB referral and review, (3) review and determination of compliance with recreational facilities/park fee requirements, (4) review and determination of compliance with the affordable units requirements of the Code, (5) completion of the Suffolk County Planning Commission review process, and (6) establishment of the final conditions and covenants for the site plan. In addition, should the Village Board of Trustees not approve a yield of 52 units, as proposed to the Planning Board, the applicant shall be required at that time to revise the site plan to comply with the Board of Trustees' yield determination.

The Planning Board thus preliminarily approves the Proposed Site Plan, subject to the foregoing, and subject to the following comments:

IV Additional Comments

This preliminary approval should not be construed as the Planning Board's endorsement of the applicant's proposed yield of 52 units.

The Planning Board acknowledges that the determination of yield is entrusted to the Village Board of Trustees and is to be made as part of the special exception permit review process, and that the final yield for this development is not a determination that is left to the discretion of the Planning Board during site plan review.

The Planning Board has nonetheless received sufficient public comment and evidence that causes the Planning Board to have serious reservation about the neighborhood impacts that may result from a maximum-yield development of 52 units.

Therefore, the Planning Board intends to provide separate recommendations to the Village Board of Trustees relating to the special permit and the yield determination that the Trustees shall be making during that review process.

In short, while this determination preliminarily approves the site plan for purposes of acknowledging general compliance with the basic site plan elements, assuming a 52-unit scenario, this preliminary approval should in no way be misconstrued as an endorsement of the applicant's requested yield of 52 units, nor as a finding that the proposed density is appropriate for this property.

Dated: February 10, 2022

Village of Westhampton Beach Planning Board