

May 12, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on May 12, 2022, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman  
Ralph Neubauer  
Rocco Logozzo  
Michael Schermeyer

Brad Hammond, Building & Zoning Administrator

Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

ABSENT: Kyle Collins, Village Planner

**HOLDOVERS:**

**1. 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 May 26, 2022**

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

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

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

**SCDHS:** **Received**

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

**SCPC:** **NEEDED**

**2. 85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02).** Applicant requests Site Plan review to construct a two-story restaurant building with associated site improvements including improvements on lots to the West & South, consideration of a change of Zoning District for the Southerly lot with demolition of the dwelling and site build-out for parking with buffer, and site improvements on the Westerly lot including curbing, buffer & access reorientation.

No one appeared on behalf of the application. Nicholas A. Vero, Architect submitted a request to hold the application over.

Motion was made by Mr. Logozzo to holdover the application of **85 & 105 Montauk, LLC., 85 & 105 Montauk Highway & 105 Oak Street (905-5-1-12, 53.1 and 52.2)** to May 26, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**3. 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 to May 26, 2022.

Motion was made by Mr. Logozzo to holdover the application of **Westhampton Inn LLC., 43 Main Street (905-11-1-15)** to May 26, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**4. 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

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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, Architect submitted a request to holdover the application to June 9, 2022.

Motion was made by Mr. Logozzo to holdover the application of **Prime Storage, 98 Depot Road, (905-2-1-19.10)** to June 9, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**5. 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 to June 9, 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 June 9, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**6. Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017)** Applicant requests minor subdivision approval to subdivide a 35,250 square feet lot, improved with a single-family dwelling, into two lots of 18,090 & 17,157 square feet in the R-4 zoning district.

**Status:** **HELDOVER UNTIL May 26, 2022**

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

**SEQRA:** *Needed*  
**SCDHS:** *Needed*

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

**7. 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. He said they are waiting on the Board of Health and that is all they are waiting for.

Motion was made by Mr. Neubauer to holdover the application of **WHBH Real Estate, LLC., 7 Beach Lane (905-11-3-10)** to May 26, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**8. 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 Mr. Hulme said he received the comments from the Village Engineer and Building Inspector and they will update their site plan and the Board of Trustees issued their special permit and the ARB issued their Advisory Report and we are close to being finished.

Mr. Reilly said okay, and asked when they wanted to return.

Mr. Hulme said they'd like to hold the application over to May 26, 2022.

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Motion was made by Mr. Neubauer to holdover the application of **WHB Development Partners, LLC., 107 Old Riverhead Road (905-2-1-19.5)** to May 26, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**9. 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 submitted a request to holdover the application to May 26, 2022.

Motion was made by Mr. Neubauer to holdover the application of **Hampton Synagogue Parrish House, 13/15 Brook Rd & 161 Sunset Ave (905-012-01-039, -040, & -043.01)** to May 26, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**10. 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, and they submitted their revised plans to the Board showing the change to the curbing and closing off the entry to the East and keeping the other two entries on Montauk Highway and Rogers Avenue as the main entrances to the parking and we also submitted a lighting plan for the existing lighting, which according to the engineer he felt it was adequate to illuminate the parking lot and we are still seeking permission for 100 seats outside for the seasonal dining and we’re taking the seats from inside to use on the outside and we’re redoing a handicap access and relocated the four parking spaces that will be used for dining on to the side and we’ll restripe the parking lot as shown.

Mr. Reilly asked where the 100 seats are? Are they inside?

Carlo Sciortino said we have 180 seats inside.

Mr. Reilly asked if they’re adding an additional 100?

Mr. Sudano said no, they will take the 100 from inside and move them out and we’re not exceeding 180 seats in total.

Mr. Reilly asked if they are closing the curb cut?

Mr. Sudano said yes, the Eastern one.

Mr. Reilly said there will be driveway between the side of the building? What will you do with that?

Mr. Sudano said we will probably put grass down, we’ll tear the asphalt out at some time.

Mr. Neubauer asked if that will impact the accessibility?

Mr. Hill said no once the driveway is closed you won’t. The only thing I suggest, and I’m not sure but the site has enough drainage, and removing asphalt makes it better I just don’t know how the water flows just make sure you won’t trap any water. There must be a basin somewhere on that side.

Mr. Sudano said he hasn’t looked at the East side it’s 16’ wide and not substantial but I will look,

Mr. Hill said that side, unless it goes to Montauk Highway there has to be something we just have to find out what is there.

Mr. Sudano said they’ll keep any existing drain and pitch it to that.

Mr. Reilly said he’d like to see them remove as much asphalt as possible.

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Mr. Sudano said they will remove it from the front to the wheel stop.

Mr. Reilly said if you swing the planters over you get more room for seating, so you don't have to take the asphalt out and make bigger seating.

Mr. Sciortino said it will be concrete and it will look like large tile.

Mr. Hill said he will look at the lighting plan, and he thinks there's one comment but he wants to double check.

Mr. Sudano said all of the lighting is existing.

Mr. Reilly said I think it's just details at this point; the biggest part of the job is done.

Mr. Pasca asked him to make sure the lighting plan complies with the current code.

Mr. Hill said he will review it.

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

Mr. Neubauer asked them to update the site plan to show everything they discussed tonight. Before you do that though, check with Mr. Hill and make sure the lighting is complete so you don't need to do this twice.

Mr. Reilly said you want all the technical details worked out before you redo the site plan.

Motion was made by Mr. Neubauer to holdover the application of **PGJG Holding Corp., 214 & 238 Montauk Highway (905-6-2-31 and 32.1)** to May 26, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**11. 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 Ryan Jantzen and Bryan Grogran, PW Grosser. Mr. Hulme said when they last left off they were looking to circulate the notice about reestablishing the notice of Lead Agency status.

Mr. Reilly said that is complete and we should assume Lead Agency status tonight and he is not sure what further action we can take.

Mr. Pasca said we discussed whether this is a new application, or whether you're going to look at the old determination and decide whether it is valid or not and you can take time to consider the impacts, it's up to this Board.

Mr. Reilly said in my general recollection, the general consensus of this Board is that we thought given the passage of time and the change of circumstances and the property and the area and the nature of this project compared to it before it is not a renewal or picking up where you left off but it is a new project and might be subject to SEQRA.

Mr. Hulme said I submitted documents on that, we're not adverse to evaluating changed circumstances and things that have changed and the passage of time isn't sufficient enough to undo a prior SEQRA determination for a project that had the benefit of a Negative Declaration and there are things to review and analyze without the protracted process of an EIS and Scoping Session and I think the regulations provide for a path forward that address our need to move forward, and your need to identify and review your areas that need further study because they are changed from before or significantly different.

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Mr. Reilly said generally, are there any circumstances that a project received a negative declaration and decades later coming back with a similar proposal a positive declaration would be in order. Are you saying that?

Mr. Hulme said no, there is an exit ramp for that as well and it starts with SEQRA which was granted and passes through a process wherein the Board and its professionals need to identify substantial changes in the proposed project, substantial new information discovered or substantial changes in circumstances.

Mr. Reilly asked what is substantial?

Mr. Hulme said we think with the submissions we have identified those and the obvious one is the traffic and we submitted a study and updated that and a site plan and updated it based on preliminary comment and Depot Road access; we submitted a consistency analysis that your professionals commented on and our conclusion is that this was substantially the same project. The project has not changed substantially since the original submission to this one. To the extent that there are unanticipated changes and circumstances we are open to your identifying for us other areas of concern and we're happy to provide an analysis as well. The original SEQRA can be rescinded and I don't think the information is there to support that. We're not unwilling to look at anything, within reason and we just see there is a path to satisfy our needs and your needs.

Mr. Reilly said he will defer to the rest of the Board.

Mr. Pasca said the decision you need to make, when we discussed this a month or two ago and the difference between what Mr. Hulme is proposing versus my suggestion, he's saying start with the Negative Declaration previously issued and work off of that to determine if any change has to be taken in to account. I suggested it could be a new application and the prior decision can conform to the new decision and you're not constrained by it in a legal sense. I won't push you to either course, but it's a decision you need to make. Is it a new application and given a new determination or is it the prior and you have to determine if the changes warrant a new one?

Mr. Hulme said SEQRA and the regulations don't speak in terms of applications they do so in actions, this commenced in 2008 and received SEQRA and approval and this Board did not receive a decision and it's the same action.

Mr. Pasca said I disagree; the application was abandoned and it's a new action that has to be determined.

Mr. Neubauer asked if there's been discussion with the Board of Trustees regarding the life cycle, and the Board Members have a life expectancy of 5 years, and having 14 years gone by trying to bring an application in reviewed by different board members.

Mr. Hammond said it's up for discussion, it was intertwined with the expiration and that section in the Code includes C&Rs and the enforcement of them so it became complicated but its being discussed and reviewed and we're busy but I don't know if it'll get to that in time for this.

Mr. Pasca said they didn't keep it alive for 5 years, it was withdrawn.

Mr. Reilly said at one point what time does it become deemed abandon.

Mr. Pasca said it was.

Mr. Hulme said there's no concept in the regulations or caselaw. It's the same project, we're trying to solicit form you what you want us to study as it impacts this project.

Mr. Schermeyer said the density on old riverhead road, the volume of traffic is alone and a significant change on that North side of Montauk Highway and Depot Road.

Mr. Pasca said two big issues, Rogers Avenue were traffic and character of the community which is SEQRA not just zoning. Mr. Hill will help with the traffic and time impacts character of the community and time may work to their advantage, but it's not just time.

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Mr. Hulme said they have no issue and they're looking for identification and we'd like to do so in the context of revised SEQRA as opposed to back to ground zero.

Mr. Reilly asked if that's an action they take now. We deemed Lead Agency and we don't have to decide it now.

Mr. Pasca said this will continue coming up whether you make a decision tonight or in two weeks but it has to be decided so you can instruct the planner and Village Engineer and take that into account. They are not very different, the two views are not that different. One is are you starting with a decision and working off of it or are you starting fresh and looking at it to help inform you.

Mr. Reilly said he'd like to use the old one to move forward and start with a new plan.

Mr. Neubauer agreed with Mr. Reilly.

Mr. Hill said traffic is one issue and the applicant has gone and submitted something you'd scope out, you need to focus on community character. If that's the issue you need to think about that, and Mr. Collins can help with that.

Mr. Schermeyer do you mean less housing?

Mr. Hill said a planner will have to describe that. You don't put an office building in a residential area, that's community character. Different types of housing fit in, you don't put an apartment complex around single-family houses.

Mr. Pasca said when you issue a negative declaration and you're doing so without public input especially if you're stuck with a prior one without your input. There was one or two members on the Board then and that's part of it too

Mr. Reilly said the conversations around that time, and the development pressures were not present then. Patio Villas was predominantly seasonal, and now more than a fair amount live there full time.

Mr. Hulme said the Law that permitted that hasn't changed.

Mr. Reilly said the community has changed and its more year round and less seasonal and what's happened around this parcel has completely changed what was under consideration at that time. There has been a substantial change in circumstances and there was no public participation and what we just went through with Rogers Avenue, and I think we owe it to the Village residents to proceed forward with public input and if it causes a slight delay, I'm sorry but this will be there forever we'd like to do it right.

Mr. Hulme said I don't agree it's the same as Rogers Avenue and its in a different part of town, with different impacts.

Mr. Reilly said the scope of similar, the number of units, people, the amount of traffic.

Mr. Hulme said they are all within the guidelines of the Code.

Mr. Reilly said I know how I feel, and Mr. Neubauer agreed.

Mr. Schermeyer said I would like the public to be part of it.

Mr. Logozzo said the public should have something to say.

Mr. Schermeyer said the community has changed.

Mr. Logozzo said I won't drag this project, but the people that live around it have to have some say in it. The people impacted have nothing to say or any opportunity to speak.

Mr. Reilly said we made our feelings clear, is there something to vote on?

Mr. Pasca said you need to make a determination of significance.

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Mr. Neubauer said he'd like to hear from the Village Planner.

Mr. Pasca said you have to advise the Planner of your concerns.

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

Anne Smalley, Patio Villas. She is interested in when the original traffic study was done and when the new one was done?

Mr. Hulme said in 2008 or 2009 and the most recent was done in the last few months.

Bryan Grogran said the new traffic study was completed utilizing the data from Beechwood subdivision and reviewed by Mr. Hill and the Village and we supplemented it.

Ms. Smalley said that was done a year ago?

Mr. Grogran said yes, and we submitted it to Mr. Hill and comments were done and changed with respect to train station queuing.

Ms. Smalley said we have the Hampton Jitney also on our road and that will continue. I back up to Old Riverhead Road and the traffic density since 2005 and in 2008 to now is massively different.

Mr. Reilly agreed.

Ms. Smalley said between the new businesses and the new gas station and 7-11 on this Agenda and the other things that are going in or wanting to go in. Also, to the community character, Rogers Avenue is residential but it's not on Depot Road with the trains and Jitney impacting traffic and it's not backing up to Depot Road like the homes on Old Riverhead Road. She thanked the Board for considering the character of the community which will be impacted. The high school is across the street and 48 town houses going in across from that is unimaginable. She said her community is interested in the public hearings.

Mr. Reilly said they can submit written submissions and they are part of the record.

Ms. Smalley asked about the special exception part of the public hearings?

Mr. Reilly said there will be public hearings.

Ms. Smalley asked if they are listed in the paper?

Ms. Mackie said yes.

Mr. Reilly asked if there were any other questions. There were no other questions or comments.

Motion was made by Mr. Neubauer 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 May 26, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

**12. George Vickers, 25 & 27 Hazelwood Ave (905-004-02-020 & -019)** Applicant seeks lot line modification between adjoining parcels that total 26,897 SF (Existing: 19,773 SF & 7,124 SF) resulting in one lot of 13,304 SF and one lot of 13,593 SF.

**Status:** **HELDOVER UNTIL May 26, 2022**

**ARB:** *Needed*

**BOT:** *Needed*

**ZBA:** *N/A*

**SEQRA:** *Needed*

**SCDHS:** *Needed*

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**SCDPW:** *Needed*  
**SCPC:** *Local Determination Received*

**FILL APPLICATION:**

**13. 282 Dune Road LLC, 282 Dune Road (905-019-03-004 & -005)** Applicant seeks site plan approval to install fill within the floodplain for a sanitary system in conjunction with proposed development of a single-family dwelling on combined parcels totaling 32,749 SF in the R-3 zoning district.

Joshua Rosenswieg, Austin Patterson Disston appeared on behalf of the application, he said there was a suggestion to update the drainage calculations and show French Drains and we added pervious driveway notes and they are on the May 3, 2022 survey and we're showing substantial drainage and consideration for the roof runoff and storage and the gravel driveway. We re-engineered the system.

Mr. Hill said that he will review their submission, but it should be okay for a determination at the next meeting.

Motion was made by Mr. Neubauer to holdover the application of **282 Dune Road, LLC., 282 Dune Road (905-19-3-4 & 5)** for a determination on May 26, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**14. 213 Dune Road LLC, 213 Dune Road (905-020-02-005)** Applicant seeks site plan approval to install fill within the floodplain for a sanitary system in conjunction with proposed development of a single-family dwelling on a 55,860 SF parcel in the R-3 zoning district.

Michael Nobiletti submitted a request to holdover the application to May 26, 2022.

Motion was made by Mr. Neubauer to holdover the application of **213 Dune Road LLC, 213 Dune Road (905-020-02-005)** to May 26, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**NEW APPLICATIONS:**

**15. 165 Oneck Lane LLC, 165/167 Oneck Lane (905-009-01-021.01 & -021.02)** Applicant seeks modification of the conditions of subdivision approval of the "Laurence Verbecke" two-lot subdivision, originally approved by resolution of the Planning Board on March 25, 2021.

David Gilmartin, Esq., appeared on behalf of the application.

Mr. Neubauer asked if this got re-noticed?

Mr. Gilmartin said yes. His client is a contract vendee and they have an agreement to allow them to gain access and this Boards previous decision restricts southerly access and we have an agreement with Lot 2 pending closing that we can take access off of their driveway and access our lot and our contract is contingent on this. Your decision states we have to take access off of the Southerly access and you do not want an additional curb cut and this is not adding one and we take the access off of Lot 2 now and I don't know you intended to restrict us on Lot 2 but to restrict Lot 1 access with a significant lot frontage. There's no additional curb cut and that's consistent with your decision and a covenant was filed too.

Mr. Neubauer said they aren't using the Rhoadies driveway?

Mr. Gilmartin said maybe for a garage but wed like the main access up Lot 2 driveway.

Mr. Reilly asked if you're not eliminating a curb cut perse?

Mr. Gilmartin said you're just spreading it, there's no real difference its just the language in the decision and I wondered if we should be here because it is private to take the access but the language is concerning if it was to be protested.

Mr. Reilly said it seems to keep in spirit with the planning concerns and probably a better plan.



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Mr. Pasca said the neighbors were concerned about Lot 2 taking access of the driveway, and the other was not having an additional curb cut so I don't see any problem from the previous decision.

Mr. Schermeyer agreed with Mr. Pasca.

Mr. Pasca said the shared driveway seems like a better plan.

Mr. Gilmartin said Lot 2 is precluded from coming to the Southerly access.

Mr. Logozzo said are you changing anything?

Mr. Reilly said it's a branch off of the driveway.

Mr. Hill said the important thing was not adding another driveway. This does not and this is fine, and the driveway is now going to access they did not want it and they wanted their own driveway but this plan is fine.

James Bronner, 163 Oneck Lane said he was not at the original hearing, and they want to clarify there are no concerns about Lot 2, I just couldn't understand whether its circular or not.

Mr. Gilmartin said no, it won't.

Mr. Bronner said currently it is.

Mr. Gilmartin said it won't and we're here on Lot 1, and Lot 2 is precluded from accessing the Southern access. He said they will need a clarifying covenant and that will be recorded with the County Clerk's Office.

Mr. Hammond asked if we can condition that the Southerly and Northerly driveway don't meet?

Mr. Pasca asked if they are offering it?

Mr. Gilmartin said yes.

Mr. Hammond said it was told they had to remove their access.

Mr. Pasca said okay.

Mr. Gilmartin said we agree with that.

Mr. Pasca said we will do a resolution modifying the subdivision approval and authorizing the amendment of the covenants and you can prepare them, and submit them and that can be done.

Mr. Gilmartin said okay, we will draft it and have you review it.

Motion was made by Mr. Neubauer to close the hearing of **165 Oneck Lane, LLC., 165/167 Oneck Lane (905-9-1-21.1 and 21.2)** for a determination at the May 26, 2022 meeting; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**16. Robert Schoenthal, 22 Bayfield Lane (905-010-06-002)** Applicant seeks minor subdivision approval to subdivide an improved 97,769 SF parcel in the R-1 zoning district into two lots; 57,768 SF & 40,001 SF.

Richard Hafeli, Esq., appeared on behalf of the application. They are before the ZBA for a variance to create the two lots, and that I anticipate receiving a decision for May 19, 2022 and it's a two lot subdivision and I don't have much to say about it and I know the neighbors have opposition and there are two conforming lots.

Mr. Neubauer asked if there are changes in existing structures?

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Mr. Hafeli said we have to resolve the tennis court and garage on the vacant lot, we have to remove it before you finally approve this or we have to get a variance for that too and I'm aware of that I just haven't talked to my client but we will discuss it.

Mr. Neubauer said there's nothing we can do until you finish with the ZBA.

Mr. Pasca asked if Mr. Collins reviewed the subdivision?

Ms. Mackie said no.

Mr. Hammond said the Northerly lot meets with the width in the R1 zoning district.

Mr. Hill said you may want to covenant the driveways, on the Easterly lot it's placed properly and its fine and I don't want to see it moved.

Mr. Hafeli said the driveway is coming off of Bayfield Lane and it's coming off of Stevens Lane too.

Mr. Hill said the existing driveway for the main house is where it should be, don't move that. The other one probably should get further from Stevens Lane as possible.

Mr. Hafeli said the tennis court has to be removed. That can't exist and the garage could because it's 20' off of the rear lot line and we have to deal with that.

Mr. Hill said he will look again; the existing driveway is fine and that's where you want it.

Mr. Hafeli said what do you mean for the other, if we have a separate vacant lot?

Mr. Pasca said if you want the driveway a certain distance from the intersection you should create a distance so it can't be changed.

Mr. Hill said he will do that.

Mr. Reilly asked if he wants it further from Stevens?

Mr. Hill said yes, he will review it.

Mr. Hafeli said anything that's reasonable we have no issue with.

Joan Levan