

May 26, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on May 26, 2022, at 5:00 P.M. 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

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

ABSENT: David Reilly, Chairman

DECISIONS

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.

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.

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. Richard Hafeli, Esq., appeared on behalf of the application.

Mr. Hill said they added the drainage and the grading and the driveway is fine.

Mr. Hafeli said the next issue is the screening, they submitted a plan with reference to the Southerly lot; the first part is and there was never objection with reference to the common driveway screening.

Mr. Neubauer said at the last meeting they discussed this.

Mr. Hafeli said he did give the landscaping plan.

Mr. Neubauer said just the South?

Mr. Hafeli said yes, but why am I screening a back yard on the South lot. It’s the two houses and the driveway.

Mr. Neubauer said we discussed this at the last meeting, and we thought we were clear.

Mr. Hafeli said he’s just asking a question.

Mr. Neubauer said the neighbors asked you too and we’re trying to accommodate everyone.

Mr. Hafeli said the plan submitted shows that it is screened, it is labeled as now or formerly Rosanti and there’s a vacant lot and I don’t know why I’m required to provide screening to a vacant lot.

May 26, 2022

Mr. Neubauer said we had asked you to put all of the landscaping on one site plan.

Mr. Hafeli said I didn't agree with everything at the last meeting and a substantial amount of the lot behind us is screened and there is a vacant lot, why am I screening an area that consists of a vacant lot?

Mr. Logozzo which lot is he referring to as vacant?

Mr. Hafeli said it is Lot 2.

Mr. Logozzo said we discussed screening on Lot 2 and Lot 3.

Mr. Hafeli said the plan from the beginning shows screening.

Mr. Logozzo said existing, where is the screening we asked for?

Mr. Hafeli said there is a vacant lot, and I don't know why I'm screening between my client lot and a vacant lot?

Mr. Logozzo said you're going to leave a 25' gap?

Mr. Neubauer we asked you to screen it and we're trying to accommodate the neighbors and you agreed to it and we discussed it.

Mr. Hafeli said the lot behind us is screened and the most of it is vacant.

Mr. Logozzo said we agreed to it.

Mr. Pasca said if the applicant is not willing to offer it, you can condition the approval or deny it or agree with the applicant.

Mr. Schermeyer said as they are developed, you have to go to the ARB and they will want screening and that will be part of the plan for the house. But, we should be writing something in the decision at least to the ARB to make them aware.

Mr. Neubauer said we did discuss this.

Mr. Schermeyer said the neighbors made their feelings known.

Mr. Pasca said they won't be installed right away, does your client know that?

Mr. Hafeli asked when would it have to be put in?

Mr. Pasca as a condition of building permit.

Mr. Hafeli said what about with reference to the property, with the road, my suggestion is that it's done at the time the roads put in.

Mr. Pasca said that has to be done when the road is constructed, it's the equivalent of a road.

Mr. Logozzo asked how it will be irrigated?

Mr. Hafeli said when they construct the road they put the utilities in.

Mr. Logozzo wants to know when they install the planting, they should put them in when they can get watered.

Mr. Hafeli said the water will be put in when the roads constructed.

Mark Coles and MaryAnne Ogiejko appeared. They thought they were going to see a landscaping plan, and they would like to see a plan, 10 days in advance and I think having it in the building permit is the way to go. We just don't want to end up with the screening not being constructed, we're concerned we don't get everything we ask for.

May 26, 2022

Ms. Ogieko said she's glad they brought up the issue about watering and maintenance of them and the other parts where screening was asked for. Lot 3 becomes my neighbor, so I appreciate that you were going to screen the length of the property.

Mr. Coles said in the minutes Mr. Hafeli said he understood what you were asking for; Lots 1, 2 and 3 screened to the South and the Lot to the North too.

Mr. Hafeli asked to hold it over for two weeks so he can submit the landscaping plan.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaides, 36 Hazelwood Avenue (905-6-1-11.1)** to June 23, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

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.

Nicholas A. Vero, Architect appeared on behalf of the application. You should have the latest plan submitted several weeks ago, and as an overview we decreased the building and the parking. We cleaned up a few things on the site, the mergers of the properties and the notes and they will be merged together legally. There were grades Mr. Hill wanted to see and a few comments we want to see addressed, and I'm here to see if we can go to the ZBA to further our discussions with them.

Mr. Neubauer asked if they are making Lilac Road anything more than a service parking area?

Mr. Vero said that's their refuse area, and we discussed not connecting Lilac Road to the parking lot so there is no through traffic.

Mr. Neubauer asked Mr. Hill if he's okay with that?

Mr. Hill said yes.

Mr. Neubauer asked where they will put outside dining?

Mr. Vero said in the extended paved area.

Mr. Collins said the area that is called paved, what is that?

Mr. Vero said a paving stone.

Mr. Collins asked what the intention of the use is.

Mr. Vero said I wanted to get the parking off the building, would you rather see a parking lot or landscaping?

Mr. Collins said he'd rather see landscaping. He said there's a sidewalk on Oak Street and I don't think you need to have the length and width of the sidewalk to go parallel to the parking lot. I would do it from the paved area and there's 200' of sidewalk and bring that off the rear paved area and go around the front of the building. On the landscaping plan there are foundation plantings and I see you're screening the back paved area and I think I would have that come in and then come around that and accommodate more landscaping and we want to screen the parking spaces and the rear lot.

Mr. Hill said I am okay with that.

May 26, 2022

Mr. Collins on the West side I would extend the paved sidewalk out to the sidewalk so there is a connection.

Mr. Hill said you have to for ADA accessibility.

Mr. Vero said okay, he will make those changes.

Mr. Collins said the paved area and outdoor seating, you're maxed out on parking.

Mr. Hill said in his latest comments, the parking did not jive with the seats; there are 70 ad only parking for 66. What you call the service bar on the second floor looks like a regular bar with no seats.

Mr. Vero said we took it out.

Mr. Collins said he means the first floor.

Mr. Hill asked what that's for and how it'll be used.

Mr. Vero said it won't be a bar but more for takeout, but I will find out.

Mr. Hill said that will work, you just can't have any seats there. Behind the restaurant there's a way out and Mr. Collins and I were discussing the windows, can they be opened up.

Mr. Hill said on the South elevation, they look like overhead doors and it says windows, doors, metal storefront.

Mr. Vero said they do have an exterior door.

Mr. Collins said it says windows and doors, are they fixed?

Mr. Vero said they are fixed they won't be overhead doors.

Mr. Hill said on the first-floor plan, there isn't a door indicated.

Mr. Collins asked the date of the plan?

Mr. Vero said May 9, 2022. It should be an exterior door, not overhead doors.

Mr. Neubauer asked when he's going to the ZBA?

Mr. Pasca said you wanted him to come back before you send him there, if you're comfortable with his plan then Mr. Hammond can identify the variances needed and he can apply to that Board. That will be a few months.

Mr. Hammond said it was corner setbacks, and the transitional front yard setback needed and no other variances.

Mr. Hill said he should make sure the parking calculations work first.

Mr. Vero said the buffer should be 10' to 30' and I am sure you're looking for 30' but should we have that written in for reference, I'm asking for 20'.

Mr. Pasca said you don't need a variance for that.

Mr. Neubauer said they do not have any objection to go to the ZBA. We can hold you over to June 23, 2022.

Mr. Vero said he will make the changes and return to this Board and he will apply to the ZBA.

May 26, 2022

Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Montauk Highway, LLC., 85 & 105 Montauk Highway & 105 Oak Street (905-5-1-12, 53.1, and 52.2)** to June 23, 2022; seconded by Mr. Logozzo 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., appeared on behalf of the application; he submitted a site plan and renderings and I'm not sure we have enough detail yet to be reviewed by Mr. Hill, Mr. Collins and Mr. Hammond.

Mr. Neubauer said the building looks nice.

Mr. Collins asked if they have a Mitchell Road elevation?

Mr. Hulme said he will get one.

Mr. Schermeyer said it's a big improvement from where it started.

Motion was made by Mr. Neubauer to hold over the application of **Westhampton Inn, LLC., 43 Main Street (905-11-1-15)** to June 23, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 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 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 June 9, 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;

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.

Status: **HELDOVER UNTIL June 9, 2022**

ZBA: **N/A**

ARB: **NEEDED**

BOT: **SPECIAL EXCEPTION PERMIT, NEEDED**

SEQRA: August 13, 2020 – Planning Board Accepted Lead Agency Status

SCDHS: **NEEDED**

SCDPW: Received March 21, 2022

SCPC: Received March 22, 2022

May 26, 2022

6. 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 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, and he has the Board of Health and he thinks this is the last outstanding item.

Mr. Pasca asked if we figured out how to handle the exit?

Mr. Hulme said they submitted a grass paver turn around.

Mr. Hill said yes, and it is fine.

There was no public question or comments.

Mr. Pasca said we will shoot for a decision, but just in case there is anything

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., said they are modifying their plan and

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.

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

ARB: *Received*
BOT: *To Be Determined*
ZBA: *Granted*

SEQRA: *Complete*
SCDHS: *Needed*

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

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

May 26, 2022

doors & associated site improvements for the existing standard restaurant “Baby Moon,” upon property totaling 44,650 square feet in the B-2 zoning district.

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

ARB: N/A

BOT: N/A

ZBA: N/A

SEQRA: N/A

SCDHS: N/A

SCDPW: N/A

SCPC: N/A

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 Bryan Grogan.

Mr. Neubauer said the submission you gave us this week, are there any changes?

Mr. Hulme said the last thing he provided were the elevations.

Mr. Neubauer said we added basement windows?

Mr. Hulme said they are uninhabitable.

Mr. Neubauer said they look like egress windows.

Mr. Hammond said in 2016, all basements need the egress windows uninhabitable or not. And our Code requires covenants that they cannot finish them and we have enforced that

Mr. Hill said he does not think they responded to his comments, and he knows that the plans were changed according to them but we received drop box plans did we receive hard copies.

Ms. Mackie said yes.

Mr. Grogan said the plan was modified to match the responses.

Mr. Hill said he will need a letter response.

Mr. Grogan said he will get VHB to write a response.

Mr. Neubauer said they are not prepared to proceed with SEQRA.

Mr. Pasca said we need to see if there is public comment, which should be the next step.

There was no public questions or comments.

May 26, 2022

Mr. Hulme said I have repeated the legal things of this, but it seems to me that all of the parties interest could be served in a less complicated way than a full blown positive declaration scoping session and we understand there are things we have to study even if you recognize the existence of the current SEQRA and you can modify that and it seems from the comments one concern is public input and comment on this process and although from my perspective, the regulations look to you to identify the areas and you can use any instrument to identify them in consultation with your professionals and have a public session for the comments.

Mr. Neubauer said he gave that thought, and he doesn't disagree with Mr. Hulme but rather than one meeting my thought was two or three so we can accommodate all of the comments.

Mr. Schermeyer said they'd like to hear from the public.

Mr. Neubauer said we identified the traffic concerns, and there is a traffic study and our experts examined it.

Anne Smalley, Patio Gardens asked if they reupdated it?

Mr. Hill said they used data from Memorial Day of 2021.

Mr. Neubauer said yes, it has been updated.

Ms. Smalley said the Jitney and the train schedules are there now, not in the Winter.

Mr. Neubauer said we're aware of the traffic but we want to hear what other impacts you may have. This Board is not convinced its necessary or a path we choose to go, we're asking the community to submit their comments.

Ms. Smalley asked if that will require a special exception.

Mr. Neubauer said yes, and you can go to that public hearing too and speak to that Board.

Ms. Smalley thanked the Board.

Mr. Hill said he suggests the latest plan available, the traffic study, my comments and responses. We have to make sure everything is the latest and up to date.

Mr. Hulme said also the public can contact him and his client and they can meet together to talk this out.

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*

SCDPW: *Needed*

SCPC: *Local Determination Received*

13. 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.

Joan Levan appeared on behalf of the application. She asked when she should address the landscaping and the screening.

May 26, 2022

Mr. Neubauer said you can do it with both Boards, and we'll refer it to the ARB and ask them to review it and report back to this Board but the ultimate decision is for this Board to decide.

Mr. Pasca said if you have a request you can put it in writing and we will send that to the client.

FILL APPLICATION:

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.

15. Michael Nobiletti, 8 Stillwaters Lane (905-010-04-025) Applicant seeks site plan approval to install fill within the floodplain for backyard improvements of a single-family dwelling on a 40,000 SF parcel in the R-1 zoning district.

Michael Nobiletti appeared on behalf of the application. He is adding fill to the South East portion of his property to eliminate runoff and ground water and to plant bushes and trees and direct the runoff. Mr. Hill made recommendations and they incorporated that into their plan and there should be no runoff.

Mr. Neubauer asked Mr. Hill if he reviewed the application?

Mr. Hill said yes.

Paul Coyne, 6 Stillwaters Lane said his property is adjacent and nearing the completion of his project. He had to put perimeter drains around his property and do everything that this Board asked of him. I was under the impression that you needed a permit prior to installing the fill and you had to show a plan and show how the water was leaving the property. I had a tremendous amount of water over the past year and I have been finally been able to remedy the water on my property after owning for 17 years. There was a tremendous amount of water from the adjacent properties.

Mr. Logozzo asked what side he is on?

Mr. Coyne said the South. There is a vector drain in the back, I put perimeter drains in the whole area and the fill has been brought in to the property it has been done and when I saw the fill being trucked in I called the Building Department and we let him put it down and that's it and he got a Stop Work Order. The next day he installed more fill and he shouldn't finish the job, and he was allowed to. The thing I have a problem with is that I did everything the right way and properly and there's water run off in to my property and I'm concerned one drain will cause water to my property. I had to do perimeter drains and he should have to as well along the edge of my property. I don't want his water coming on to my property His property is much higher because he keeps adding fill and there's a steep embankment and if you look it's not by the book.

Mr. Neubauer asked if they went to the site?

Mr. Hill said there were three or four plans since we've gone to the site.

Mr. Coyne said it's complete.

Mr. Hammond said it's about half way complete.

Mr. Neubauer said Mr. Nobiletti doesn't need to be chastised, and I think your neighbor made the point you should have progressed further than you should and I'm surprised by that.

Mr. Coyne said I saw the bulldozer and I called and I called the Building Department and he was not allowed to work but he did. All I am saying I did everything properly but when someone keeps looking at what I'm doing and then he goes and does whatever he wants it's not okay.

Mr. Hammond said, so the Board is aware and we are not happy he did as much as he did without permits and he was allowed to do topping and throw grass down and there is a lot more drainage wasn't installed and there's half the amount of work that's left and we were not

May 26, 2022

satisfied with the original plan and they made a few revisions and we're not discounting what you're saying and we're not happy about it but the completion was not intermediary and we would not have known unless you call.

Mr. Coyne asked why he doesn't have to install drainage along the property line like he had to?

Mr. Hammond said this Board has to look at a plan, and whatever has been done has to go through approval process.

Mr. Logozzo said I can't tell, and you can't tell what it looks.

Mr. Hill said he's bermmed down both sides and the bulk is contained.

Mr. Neubauer said to get a copy of the current plan before they make an advancement.

Mr. Logozzo said without topo information, this doesn't really mean much to him. I can't draw a conclusion from this and you've seen it.

Mr. Huill said he's bermming along the perimeter. It's about 10' in and there's a slight berm the water has to flow to the green drainage swales and if you look at it, we didn't think it was enough so if you look you'll see two green spots. We told him to dig it out and debog it in several areas and then I told him I want the South property line filled with clean sand to match the neighbors grade.

Mr. Logozzo said without topo information, you can't tell from the piece of paper, it's not an Engineered drawing and its missing information. There is no elevations to support anything.

Mr. Neubauer asked why Mr. Nobiletti doesn't have to do what the neighbor did.

Mr. Logozzo said without the topo map we can't decide.

Mr. Hammond said Mr. Coyne's design came in with perimeter drains and they were not topo lines either

Mr. Hill said contour lines are two feet.

Mr. Logozzo said a regular survey would have it. This is not something I can make a decision with.

Mr. Coyne said I just want the same drains installed as well.

Mr. Neubauer said you will not have the water and he will have to follow the rules.

Mr. Logozzo said without elevation data we can't tell what is going on.

Mr. Coyne thanked the Board.

Mr. Nobiletti said the site plan was done with spot elevations on the plan.

NEW APPLICATION:

16. M&T – People's United Bank, 144 Sunset Avenue (905-012-02-001.01) Applicant seeks waiver of site plan replace the exterior drive-through ATM kiosk with an M&T branded kiosk for the existing bank upon a 1.2-acre parcel in the B-1 zoning district.

Mike Hyman appeared on behalf of the application. He said they're requesting a waiver because on April 1 the Government approved this acquisition and we are going to change the signage and the ATM machines and at this site the kiosk has a few things going on and the blue structure is in poor shape, and the new ATM machines won't fit inside of it so we have to reconstruct it. There is a rendering showing the new ATM structure that they are installing on the East coast, it's an ATM in what we call a dog house and there is security equipment up top and a canopy over the top of it. They also show examples of them in the field currently.

May 26, 2022

Mr. Hammond said he was not sure whether to refer this to the Board, but since the street is prominent and we have no issues with the site but I felt like this Board should review it.

Mr. Neubauer said he has no opposition to it.