

June 23, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on June 23, 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
Larry Jones

Brad Hammond, Building & Zoning Administrator

Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

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 he wanted to see the grades to the drywell and their capacity and he isn't sure if the plans have it or not.

Mr. Reilly said the plan dated May 20, 2022 with the road and drainage plan is what they're discussing. As far as he can tell everything they asked for was submitted, but we're going to hold it open until the neighbor has the chance to speak.

Mr. Hafeli said he will submit a covenant regarding the road and landscaping.

Mr. Reilly asked if he wants to hold it over?

Mr. Hafeli said the covenants need to be approved.

Mark Coles said they asked for screening down to Lot 2 and he did half, and there is existing screening and its half. It says 10 off center, and it should be 5 off center and there will be gaps and the diagram says they are about 5 off center and they should be clarified. He's proposing evergreens which aren't consistent and our understanding is that he was asked to plant arborvitae across and they replanted four or five feet high and that's what we were looking for and if that's what this represents it's fine with us.

Mr. Neubauer said this was had and the area that wasn't being covered but this area was something that we think there is vegetation and it will suffice.

Mr. Coles said it's not a huge concern, our concern is that we are getting a hedge, and green giants planted 5' and that suggests that when measured. It is offset 10' but it's a 5' buffer and will be too difficult to maintain and they will require a lot of that.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** to July 28, 2022; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 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.

Status: **HELDOVER UNTIL July 28, 2022**

June 23, 2022

ZBA: **NEEDED**
ARB: **NEEDED**

SEQRA: *1/23/2020 – Deemed Complete; Unlisted Action Coordinated review commenced on 1/27/2020*

SCDHS: **NEEDED**

SCDPW: *Received SCDPW – No objection;*
SCPC: *Received SCPC – No objection;*

OTHER: *Zone Change Approved by Board of Trustees*

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 said they received ARB approval on June 23, 2022 and they'd like to hold it over August 25, 2022.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Inn, LLC, 43 Main Street (905-11-1-15)** to August 25, 2022; seconded by Mr. Schermeyer 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 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.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road (905-2-1-19.10)** to July 14, 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 hold over the application to July 14, 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 July 14, 2022; seconded by Mr. Logozzo 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.

Richard T. Hafeli, Esq., submitted a request to hold over the application to August 11, 2022.

Motion was made by Mr. Neubauer to holdover the application of **Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017)** to August 11, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

7. 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.

June 23, 2022

James N. Hulme, Esq., said they are still pending before the BZA and he would like to hold this over to July 14, 2022.

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 July 14, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

8. 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 requested to hold the application over to July 14, 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 July 14, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

9. 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, together with Carlo Sciortino.

Mr. Reilly said we were in agreement with everything it's just a matter of getting it on paper.

Mr. Hill said he's concerned with the lighting, the two big fixtures are not code compliant and have been removed and the lot is dark and it doesn't look like when the lighting was wrong they accounted the two driveway posts and they aren't picking up enough illumination.

Mr. Sudano said he asked the Engineer he says the lighting is adequate, and they can swap them out to conform to the Code.

Mr. Hill said there are two lamp posts and a .015 next to them and further away it's .75 and it doesn't make a lot of sense, and in the back lot its very dark and the rest of it is even but I'm not sure that the plan which says the lights are being removed and I don't know if its part of the calculation.

Mr. Sudano said they'll swap out the two lights at the Rogers Avenue entrance and the back area by the dumpster.

Mr. Hill said to make sure it's consistent with the lights that are there.

Mr. Sudano said okay.

Mr. Sciortino said the light on the building was out but its been changed.

Mr. Sudano said the drains were located for the run off.

Mr. Hill said the only concern I have is the lighting, everything else is sufficient. But I am fine with the plan otherwise.

Mr. Neubauer asked if it has to be held over?

Mr. Reilly said regarding the seats, is it changing? When you add the seats outside will they be removed from inside? There's no increase in seating its just how its distributed?

Mr. Sundao said yes.

Mr. Hill said once I see the lighting plan complete I will be fine with the plan.

June 23, 2022

Mr. Logozzo said these are actual light readings?

There was no public comment.

Motion was made by Mr. Neubauer to holdover the application of **PGJG Holding Corp, 214 & 238 Montauk Highway (905-006-02-031 & -032.01)** to July 14, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

10. 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. Collins said the options are to determine the significance and typically there is not a public portion, that's where you are at. This was the Board felt it important prior to take the public comment in.

Barbara Weber -Floyd 67 South Country Road, Quiogue said she is deeply concerned about the development before this Board and the Town of Southampton because we have these two jurisdictions evaluating projects and not taking in to consideration other projects and I read the article in the Southampton Press and not considering the project on South Country Road and this is one of 6 or 7 within four miles, together its 372 Units and I don't hear anyone on this Board or the Town looking at the environmental impact on the community; on the traffic, density, the school district and we're looking at an area with severe traffic problems and its wider than Westhampton Beach. The cost per student will go up when facilities have to be built, and there's no way our neighborhood can handle 372 Units and the density and cars. What I would like to see is a hold on the projects until they can be coordinated and the total environmental impact can be reviewed. Looking at each individual project and not taking in to account the totality will be disastrous for this community. If a developer brought before either Board with 372 Units and ask that the environmental impact be analyzed it would be disastrous. I'm asking that you do these studies and you're not taking in to account the proposals down the street because it's a different jurisdiction.

Mr. Reilly said I take issue with your characterization of this Board; we have mentioned and have asked applicants to take things into account. We had an applicant redo a traffic study to take into account new construction.

Ms. Weber-Floyd said the traffic study for Rogers Avenue, did it take in to the new development on South Country Road

Mr. Collins said its required under SEQRA all the MF and all the commercial activities within the village and we account for Amazon because SEQRA says you need to take in to consideration of the cumulative projects on the books and they were not on the books when we did the SEQRA determination on Rogers Avenue; they were not before the Southampton Planning Board when this action was taken.

Ms. Weber-Floyd was before the Town of Southampton for two years.

Mr. Collins said it was a change of zone, but it was never a formal application and you can't consider it until it's a formal application, and it was not one at the time of Rogers Avenue. When we started the SEQRA process and there comes a point where you have to start it and a new application comes in when a findings statement comes in it won't be considered. We made Rogers Avenue go back and take this in to consideration, and we did a supplemental EIS because of this application.

Ms. Weber-Floyd said the Southampton Press says it will be a negative impact.

Mr. Reilly said based on the input the effect would not be significant on traffic.

Mr. Neubauer said you can't assume how many units will be in any development. Something you may not know, this Board was adamant about reducing the scope of Rogers Avenue and obviously we are taking that in to consideration on this application as well. That's the purview of the Board of Trustees, not the Planning Board.

June 23, 2022

Mr. Reilly said there are multiple jurisdictions, and I appreciate that it does work awkwardly and that's how its set up.

Ms. Weber-Floyd said the line goes through this neighborhood and now they are looking at a township wide housing plan and there is going to be the same problem. The concern is there's no legal process for the coordination between the two boards. My concern is that in a few years we will have 372 Units within a couple of miles and the density will be severe.

Mr. Reilly said I agree, and people are moving here. Unless zoning changes that says we can't do this development, we can't stop it because we don't like it. This is zoned MF if you get the special exception and that's not our purview; they have to go to the Board of Trustees.

Mr. Neubauer said the special exception is unique.

Mr. Reilly said you have to satisfy the criteria, and if you want that changed you need to go to the elected officials. There are five people here, but there are legal confines we have to work in. When I came to this Board 16 years ago I thought we could say no if we felt that way, and you can't. You have to follow the Code and the confines of that. Property owners have rights.

Ms. Weber-Floyd asked what impact it has on the school and the area.

Ms. Mackie explained that the school, fire district, and ambulance were all notified.

Mr. Collins said there is NYS Town and Village law that determine how applications are reviewed, and its all under the state. If you want the procedural process to change its at the state level, but these are looked at together. We can't anticipate projects, but there is a requirement to look at the cumulative impacts on the drawing board.

Mr. Neubauer said this project is 14 years old.

Mr. Schermeyer said there is also the CPF and they made an effort towards Rogers Avenue and there's open space money and people have to want to sell it.

Mr. Reilly said the site that is Timber Ridge, it was a Hotel District and they said if you get a special exception you can get MF and it's a zoning issue and what's permitted by the Code and zoning is reactive and the plan is made its too late. So what you need is perspective zoning and this may or may not happen and it doesn't always happen. Once the application is made, whatever the Zoning is that's the rules we evaluate and application under.

Mr. Hulme said we touched on a lot of things and some of which is in this Board's purview. Part of the issue is that people are looking at an existing problem and looking for us to solve it and what you are supposed to look at is what we're proposing and its impact and one way we do that is a traffic study, and other studies and we've done one and submitted it to the Engineer who reviewed it and commented and he was accepting of it and the conclusions reached. The report reached the conclusion that the impact of this project is relatively small and can be accommodated without significant impacts on adjacent roadways which was reached by this Boards professionals. Why is that? Well there are two or three reasons, and the first is that this project is self contained by private roads and parking and everything is not in the public at large. The second thing is that this project has three entrances or exits, not everyone will come off on to Depot Road or go on to Depot Road and there are three different ways you can access this site which is another reason why the engineer reached his conclusion. Some of the improvements proposed impact Montauk Highway and Depot Road directly, we're adding a turning lane on Depot Road and a right turning lane off of Montauk Highway on to Depot Road and it's the conclusion that it will absorb the traffic and it has been looked at and 11 different projects were looked at and that's the conclusion we reached and these are the reasons why. We hear a lot about traffic but this is really the answer.

Mr. Reilly said so the public is aware, the traffic engineer conclusion were based on a 12 month worst case scenario not seasonal short term impact. The numbers may happen in July but it may not from October to March; a lot will be seasonal and I presume they will not be the actual numbers.

June 23, 2022

Mr. Hulme said yes, and even with that that's the conclusion reached. Our estimate is that less than 10 students may come from this project, based on my 25 years on the Board of Education the addition of 10 students will impact the tax payers not at all, the population at the school has been dropping.

Mr. Reilly said the property taxes will cover the students.

Ruthie Biel, 46 Brittany Lane. She is concerned about the traffic, is there 70 homes between Country Point and Patio Gardens? Depot Road and Montauk Highway? And I was told on Country Point there was no entrance on Depot Road and Old Riverhead Road, just on Depot Road. So where will all the traffic be? The light in the Summer the traffic is horrendous, and I want to know where things will be placed; the sewer plant, the air conditioning units, and the garbage dumpster. The Hampton Jitney will be more people at the stop at the train station.

Mr. Hulme said we can't solve the traffic for the Village, we are here to manage the traffic we're going to generate and we're accommodating that and its increase. In our study, in the study at Country Point all of these plans were included and the conclusions were reached.

Mr. Logozzo asked if there's a site plan, showing the improvement to the intersection?

Mr. Hulme said yes, we gave that to you.

Mr. Logozzo said I think that the people need to see it.

Mr. Neubauer said it's influx.

Mr. Reilly said we're gathering information for significance and we're not there yet.

Mr. Hulme said the turning lanes will help.

Mr. Logozzo said the people need to look at the drawings, and look at them for what they are and does it help the situation?

Mr. Hulme said I have offered to go page by page, and no one has. The traffic impact on our project is not that significant.

Mr. Logozzo said it will help.

Anne Smalley, 27 Brittany Lane said she has appeared a number of times and I am reminding the Board of my comment at the last meeting on June 9, 2022 that the traffic study is invalid and it was done May 27, 2021 and June, 2021 during a cold, windy three day weekend and the numbers generated regarding the turning movement counts collected with videos is low compared to usual traffic and as an example, last Friday evening I was walking my dog and I saw a number of cars going toward the tennis facility and I realized that's close to when the cannonball from the LIRR comes in from NYC; at the same time a Jitney went Northbound on Depot Road and I stayed to see how many cars returned south. From 5:40 p.m. to 6:00 p.m., 103 south bound cars passed in 20 minutes and at least they all went North to the train and to pick people at the Jitney and train. A number of people may know the secret to go off Station Road so the South bound number may have been more. Other concerns I have, you heard from the Fire District and I spoke to the Commissioners and they have concerns too and they possibly wrote to you which was generated by that conversation. They are concerned that all of these new residents, have smart houses with false alarms and they have to respond to all of them; I spoke with the Ambulance Service and they have few volunteers and a lot of the FD volunteers are being priced out of the Village and will be moving away and can't volunteer anymore.

Bobbi Betts, Patio Gardens. I think a lot of people think we only cover WHB but we cover from Eastport to Speonk-Remsenburg Quogue, Quogue and Westhampton and it's incredibly busy and triple the population in the Summer and a comment I want to make we do the best we can and I live on Depot Road and I'm the first house on Depot Road so I can't get out of my driveway in the Summer. I have to go to Station Road.

Mr. Reilly thanked Ms. Betts for her service to the community.

Ms. Smalley said she found out that there's a big project off Stewart Avenue off of Gabreski and those people will be using the same roads to come to the Village. The beaches are overcrowded and they

June 23, 2022

agreed on Holiday weekends the parking lot has to close and that's with two Village resident stickers and a few local volunteers get stickers, and if the new residents get two stickers they will have nowhere to park. The train, Jitney, the school arrival and dismissal and the traffic light to the train was backed up for 12 minutes. I also spoke to someone I know in the EPA and they mentioned that the LUST tanks from the gas stations because of the abandon gas station which is closed and up for lease and owned by the Valero and I tried to reach him and his attorney but no one returned my call and I would like to know if they were removed? They could cause a problem for this development.

Mr. Hulme said we have public water and no wells, and there is a state of the art sewage treatment plant. We are not responsible for the ills of the neighborhood, we don't control the gas station and that's not an issue for this application. People are talking about the baseline and how we will affect it and our professionals and submissions demonstrate its minimal and that's the question to look at.

Pamela Murray, 29 Brittany Lane said she has a concern about the environment and we have this green zone across from the playing fields from the school and its been in existence for all that time. They are used for practice, and there is the walking track and why would we want to get rid of the trees giving oxygen over to that area with so much car traffic and at least that seems like an area that should be preserved for the school and their use of the fields.

Mr. Hulme said it is private property being developed in accordance with the Village Code; there's an extensive landscape plan and its likely it will produce as much if not more oxygen. They are societal ills not our responsibility to solve and the laws were deemed appropriate.

Todd Scates, 57A Depot Road said his thought regarding the train station, can we divert that traffic via Old Riverhead Road versus and offset what's happening with Country Point and this, can we divert the traffic? I don't want through traffic, but I was curious if Old Riverhead Road can blend the traffic better for the train and Jitney versus a residential area.

Mr. Reilly said it's outside of the confines of what we can look at.

Mr. Collins said there is an application before you that could have cross access on to the MTA property; there is a road South of the tracks and the Town tried to get access to the train station along the South of the train tracks. The problem is that its immediately right against the tracks, and if there could be negotiation with access to that road without it adjacent to the railroad. It can be looked at but it's not constructed now and could be good future planning if there's an agreement with he MTA made getting the railroad traffic not having to come down Old Riverhead Road, down Montauk Highway and back up Depot Road they could go to the train from that point.

Mr. Neubauer said we had that conversation with the 7-11 and just eliminating the Jitney traffic and having traffic from and to the station might be a stretch, but perhaps getting the Jitney off Depot Road is something we did discuss extensively during that application. The applicant is enthusiastic about it.

Mr. Scates said he thinks it would be beneficial to the business too.

Mr. Hulme said his client loves the idea, but it's against his control.

Mr. Scates said part of the Village infrastructure it makes more sense for people to flow up Old Riverhead Road and go the train station that way.

Ms. Smalley said she spoke with the developer of the 7-11 and I asked the Board of Trustees if there was going to be a plan to pave that dirt road and the Board of Trustees bypassed the question, saying we don't own it the MTA and LIRR own it and they did not comment further. Mr. Krasnow would like a street put in and my concern is that it may cause a cut through.

Mr. Neubauer said not allowing busses on Depot Road may be an idea.

Ms. Smalley said if it's a cut through we would be concerned.

Motion was made by Mr. Neubauer to holdover the application of **WH Equity Group, LLC., 12, 22, & 80 Montauk Highway & 11 Old Riverhead Road (905-4-1-22.1 – 23, 26.3, and 30.1)** to July 14, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

11. 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 July 14, 2022*

ARB: *Needed*

BOT: *Needed*

ZBA: *N/A*

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Local Determination Received*

12. 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.

Status: *HELDOVER UNTIL September 8, 2022*

ARB: *Needed*

BOT: *Needed*

ZBA: *Granted, May 19, 2022*

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Local Determination Received*

FILL APPLICATION:

13. 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 letter requesting to holdover the application to August 25, 2022.

Motion was made by Mr. Neubauer to holdover the application of **213 Dune Road, LLC., 213 Dune Road (905-20-2-5)** to August 25, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to adjourn the public hearing at **6:14 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.