

July 14, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on July 14, 2022, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: Ralph Neubauer, Acting Chairman  
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

ABSENT: David Reilly, Chairman

**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 July 28, 2022**

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

*18*

*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.

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

*Status:* **HELDOVER UNTIL August 25, 2022**

*ZBA:* **NEEDED**

*ARB:* *Referred to ARB at January 23, 2020 Meeting;  
Referred for revisions at March 10, 2022 Meeting;*

*SEQRA:* *Planning Board Deemed Lead Agent;*

*SCDHS:* **NEEDED**

*SCDPW:* *N/A*

*SCPC:* *Received SCPC, 2/14/2020 – No objection*

**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. Ted Galante, Architect submitted a request to hold the application over to August 11, 2022 as they are awaiting approval from Department of Health.

Motion was made by Mr. Schermeyer to holdover the application of **Prime Storage, 98 Depot Road (905-2-1-19.1)** to August 11, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 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 written request to holdover the application to August 11, 2022.

Motion was made by Mr. Schermeyer to holdover the application of **55 Old Riverhead Road LLC, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03)** to August 11, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 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 August 11, 2022**

*ARB:* **N/A**

*BOT:* **N/A**

*SEQRA:* *Needed*

*SCDHS:* *Needed*

*SCDPW:* **N/A**

*SCPC:* **N/A**

**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.

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James N. Hulme, Esq., appeared on behalf of the application. We are still waiting for the Board of Health and we're finished with this Board and we're requesting to hold it over to August 11, 2022.

Motion was made by Mr. Jones to holdover the application of **WHB Development Partners, LLC., 107 Old Riverhead Road (905-2-1-19.5)** to August 11, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 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 submitted a request to holdover the application of **Hampton Synagogue Parrish House, 13/15 Brook Road & 161 Sunset Avenue (905-12-1-39, 40 and 43.1)** to August 11, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 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.

No one appeared on behalf of the application.

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 July 28, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 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 and he believes they are waiting to hear from this Board.

Mr. Neubauer said we did the open meetings we requested; this Board considers this a new application, and regardless we will need SEQRA and plans that reflect that. Regarding SEQRA the Board has come to the point where we are inclined not to Positive Declaration this, and without a Chairman or Village Planner we are reluctant to move forward because we need information regarding a Negative Declaration and Conditional Negative Declaration.

Mr. Hulme asked if we can put it over to July 28?

Mr. Neubauer said yes, that's fine.

Anne Smalley asked what the Acting Chairman just said.

Ms. Mackie explained that they are still deciding on the SEQRA and that there is no more public comment to that effect at this time, and the public hearing will resume once a SEQRA determination is made.

Ms. Smalley said okay.

Motion was made by Mr. Neubauer to holdover the application of **WH Equity Group, LLC., 12, 22, and 80 Montauk Highway & 11 Old Riverhead Road (905-4-1-22.1, 23, 26.3 and 30.1)** to July 28, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 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.

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Heather A. Wright, Esq. submitted a request to hold over the application to August 11, 2022.

Motion was made by Mr. Neubauer to holdover the application of **George Vickers, 25 & 27 Hazelwood Ave (905-004-02-020 & -019)** to August 11, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

**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 an email request to holdover the application to October 13, 2022.

Motion was made by Mr. Neubauer to holdover the application of **213 Dune Road, LLC., 213 Dune Road (905-20-2-5)** to October 13, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

**NEW APPLICATIONS:**

**14. Oneck GC LLC, 3 Fiske Avenue (905-009-02-035.03)** Applicant seeks modification of the site plan approval for fill within the floodplain of 285 Oneck LLC, originally approved April 8, 2021, specifically for fill associated with the development of the single-family dwelling property "Lot 3," a 1.31-acre parcel in the R-1 zoning district.

Paulina Giampietro, Esq., Beechwood Homes appeared on behalf of the application. They are proposing a fill permit to modify an existing application, on the parcel 285 Oneck Lane now 3 Fiske Avenue which is a 3-lot subdivision.

Mr. Hammond said we started with the fill permit for the original subdivision and we've been augmenting it and all the fill was within the wall, and recently the applicants have also proposed fill outside of the wall which affects the right of way and they have added drainage and we have to cut in the DPW Superintendent for comments with improving the right of way.

Mr. Hill said there's a French Drain against the road, and the plan with the drainage is okay, and then there is runoff and there has to be erosion control included in the plan; but other than that they are providing adequate drainage. Most of the fill will be in the road way right of way so Mr. Smith has to review it and signed off on it.

Mr. Neubauer asked if it has been presented to the DPW?

Mr. Hammond said no.

Mr. Neubauer said we will wait for that and if you have comments can you submit that in writing?

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Mr. Hill said the drainage is fine, its more how it'll be constructed and the erosion and sediment control because we're outside of the original SWPP.

Chris Robbins, Engineer. The fill is going to lift the lawn and lift it to the foundation line to make it appear shorter, the slope is very gentle but we'll work with Mr. Hill and we will do a French drain on the pavement and take care of the runoff.

Mr. Neubauer said okay.

Motion was made by Mr. Neubauer to holdover the application of **Oneck GC, LLC., 3 Fiske Avenue (905-9-2-35.3)** to July 28, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

**15. First Dunes Development 496 LLC, 496 Dune Road (905-016-01-019)** Applicant seeks approval to subdivide a 28,234 SF parcel in the R-3 zoning district into two lots for single-family dwelling use of 13,211 & 15,022 SF, thereby abandoning the preexisting nonconforming use of eight seasonal cottages for rent.

James N. Hulme, Esq., appeared on behalf of the application, together with Harvey Gessin. Mr. Hulme said this is a 30,000 square foot lot on the Bay side of Dune Road and it contains 8 cottages and we're proposing to eliminate those uses and subdivide the property and construct two houses. We need approvals from the Planning Board, but it also entails variances as well that we'll need from the ZBA. The variances as outlined in the Building Inspector Memo there are two areas of relief related to the lots themselves, but since we're creating the lots we want to ultimately have an approved building envelope so we know we can build two houses on them. I know that the PB doesn't want to approve maps with building envelopes, and we're happy to let the ZBA approve that separately.

Mr. Neubauer said they might be sad to see the cottages go.

Mr. Hulme said five years ago it was a complete disaster for the Village and they were eager to be rid of them, and my client purchased them and made them nicer and this was the comment I was concerned about. The end result is coverage and we are well under the flow for the two houses for the BOH and we think it will be a nice improvement for the Village.

Mr. Neubauer asked if you need anything to go to the ZBA.

Mr. Hammond said it's unlisted, so do we want to do Lead Agency and Coordinate it or not?

Mr. Pasca said I don't have a preference. I think you should wait for them to go to the ZBA and that will drive a lot of this application.

Mr. Hulme agreed with Mr. Pasca.

Mr. Pasca said you can make a report to the ZBA.

Mr. Neubauer said we aren't inclined to and I think they'll do a fine review.

Dick Richardson, 504 Dune Road. He said on Frida he got the registered mail that they are going to subdivide what we call the "dimples" they are the shacks and tear them down and subdivide it into two lots. I strongly oppose it and I'm three house West of these and I'm not familiar with Westhampton Beach and in Brookhaven Town you get 30 days and I've had five days to research this and I had Diane Herold, who is an Architect that I called. The proposed subdivision is consistent with he size and width located in this section, and the proposed development exceeds the Codes. NYS DEC does not indicate the current shoreline; only the North line is drawn, it may be necessary to file a variance with the DEC. The BOH survey shows a test hole 3.8' to ground water and the sanitary system will probably require a retaining wall for parts of its system and a concrete footing which enlarges the footprint. The survey shows a 5' setback with the width of the retaining wall this will be reduced and not conform to the 5' setback to the tank and property line. The Village of Westhampton Beach floodzone AE 7, the survey should be revised to show the LIMWA line and is required the first floor elevation and the flood zone to the property. Hunting and Fishing exists in Moriches Bay and 200 yards North of this is Pond Point and I have a designated hunting spot from Town of Southampton for duck hunting and that's done in that area. Page 8 the square footage should be revised to 1,440 square feet for two stories; page 9 the relocation of the project and sanitary system; page 8 and page 9 the proposed treatment indicates that

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there are six bedrooms plus a bonus room and the Village Code requires two parking spaces for three bedrooms and one additional per bedroom; five spaces would be required for 6 bedrooms. Page 8 states total height is 32 feet no variance should be granted. Zoning the property is being subdivided to a non-conforming lot and should not be used to calculate setbacks and the minimum lot size is 20,000 square feet and these are smaller proposed. The minimum width is 100' and the proposed is smaller. The survey shows the location of the cars in the driveway and they do not provide the space to park the cars and enough space to walk past the cars to the house. The above suggestions are proposed exceeds the allowable development and no variance should be granted. If two big houses go in there you will be like in the Westhampton Dunes and that property should be one nice home.

Mr. Neubauer said I would point out that your reading of this is a good rehearsal for what you have to do for the Zoning Board of Appeals.

Cybil Cohen, 492 Dune Road immediately adjacent to this property. My objection is the side yards between the two houses; there are 10' for each house. It has to be modified and there is a precedent at 512 Dune Road.

Mr. Neubauer thanked Ms. Cohen and he suggested she appear before the ZBA.

Motion was made by Mr. Neubauer to holdover the application of **First Dunes Development 496, LLC., 496 Dune Road (905-16-1-19)** to August 25, 2022; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

**16. SKL Realty Holdings LLC, 115 Main Street (905-011-02-022)** Applicant seeks modification of site plan approval (originally approved on 11/14/19 & modified on 4/22/21) to utilize sanitary enclosure for seasonal seating patio and maintain two storage sheds for the mixed-use building upon a 6,840 SF parcel in the B-1 zoning district.

No one appeared on behalf of the application.

Motion was made by Mr. Logozzo to holdover the application of **SKL Realty Holdings, LLC., 115 Main Street (905-11-2-22)** to July 28, 2022; seconded by Mr. Neubauer and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **5:25 p.m.**; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.