

July 28, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on July 28, 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

Stephen Angel, Esq., Village Attorney

Maeghan Mackie, Board Secretary

HOLDOVERS:

1. Marios Nikolaides, 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. He said he submitted the plan.

Mr. Neubauer said he isn't sure the plans conform to their conversations.

Mr. Reilly asked the date of the most recent plans? His are dated May 19, 2022.

Mr. Hafeli said they are dated June 15, 2022 and it's a landscaping plan. They are proposing 4' to 5' high arborvitae.

Mr. Logozo asked the spacing, he said its scaled at 5 feet, and I think I saw a note at 10 foot centers? We believe that's too far apart.

Mr. Neubauer said it's not scaled that way on the plan.

Mr. Hafeli said that wasn't discussed at the meeting, and the neighbor was late and I didn't wait for them.

Mr. Reilly said the scaling looked closer than it was so we were looking for accurate scaling.

Mr. Logozzo said the plan is scaled 5' at center and the plan is 10'.

Mr. Reilly said you should have 36 on 10' on center, and this is showing more than that, double that amount and it's showing more than what will be there based on 10' on center. That's all we need is that rectified.

Mr. Hafeli asked if you want the plan to show them 10' on center?

Mr. Logozzo said no, we want them 5' on center and that to be reflected on the plan. The 4' to 5' will be 4' tall trees.

Mr. Hafeli said if you want them 5' on center, that's what we'll change it to.

Mr. Logozzo said that's what we think is reasonable.

Mr. Hafeli asked if there is anything else, if I submit a plan with that on it, can I move forward to subdivision approval?

Mr. Logozzo said yes, I'm okay with that.

Mr. Neubauer said we'd like to make sure the residents who have nothing else to add.

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Mr. Reilly said the neighbor brought this up and you left and that's the way it went.

Mr. Hafeli said I have a legal issue, you have apparently SCPC needed, but I don't think it is.

Mr. Hammond said it's within a mile of the airport so we have to send it.

Ms. Mackie said it has not been sent yet.

Mr. Hammond said its within a mile of the airport, it has to be referred to them.

Mr. Reilly said once we get the site plan agreed on we can refer it to the SCPC.

Mr. Hafeli asked if we can send it now?

Mr. Neubauer said we don't have a plan.

Mr. Reilly said I want to get the screening issue resolved so we're all on the same page. They are planting 5' to 6' height 5' on center.

Mark Coles, said yes, 5' on center and 5' to 6' in height yes; and there are proposed evergreen screening we'd like it to be Arborvitae.

Mr. Reilly said on the North side can you change that on the plan.

Mr. Hafeli said okay.

Ms. Ogieko said the drains and their capability was raised last time.

Mr. Reilly said that's for the Engineer.

Mr. Coles said the trees are 5' in the scale. He thanked the Board.

Mr. Reilly said now that the trees are taken care of, can you submit a plan with these corrections.

Mr. Hafeli said we have the map signed by the Board of Health in your office.

Mr. Reilly asked if that needs to be done to send to the SCPC? We ask the Board Secretary to refer it to the SCPC and get that done.

Ms. Mackie asked Mr. Hafeli to send it via email so she can do the referral.

Mr. Hafeli said he submitted the covenant, and he does not know if it was reviewed but it covers the access area and he has the landscaping in it and as far as its concerned it has to be 270' on the South side and the Lot 3 CO will have to have the landscaping finished, and when the CO for Lot 2 is issued, the landscaping must be complete. Before the access road is signed off on the area along side of that has to be done too before any CO's are issued.

Mr. Reilly thanked Mr. Hafeli.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaides, 36 Hazelwood Avenue (905-6-1-11.1)** to September 8, 2022; seconded by Mr. Logozzo 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.

No one appeared on behalf of the application. Nicholas A. Vero submitted a request to hold the application over to September 22, 2022.

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Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Montauk Highway LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02)** to September 22, 2022; seconded by Mr. Schermeyer 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.

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.

Status: **HELDOVER UNTIL August 11, 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 August 11, 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***

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.

Status: *HELDOVER UNTIL August 11, 2022*

ARB: *Received*
BOT: *Received*
ZBA: *Granted, March 17, 2022*

SEQRA: *Type II Action*
SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Referred on March 10, 2022*
Received Local Determination

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.

Status: *HELDOVER UNTIL August 11, 2022*

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

SEQRA: *Complete*
SCDHS: *Needed*

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

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 (905-006-02-031 & -032.01)** to August 11, 2022; seconded by Mr. Schermeyer 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)

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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.

No one appeared on behalf of the application. James N. Hulme, Esq., submitted a request to hold the application over to August 11, 2022.

Motion was made by Mr. Neubauer to holdover the application of **WH Equity Group LLC, 12, 22 & 80 Montauk Highway & 11 Old Riverhead Road (905-004-01-022.01, -023, -026.03 & -030.01)** to August 11, 2022; seconded by Mr. Jones 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 August 11, 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.

Status: **HELDOVER UNTIL October 13, 2022**

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., appeared on behalf of the application. They are discussing the fill permit and they made a few revisions to the plan and they were resubmitted to our office, and she believes they are acceptable to Mr. Hill.

Mr. Hill said yes, they are fine.

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

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There were no comments or questions.

Motion was made by Mr. Neubauer to close the application of **Oneck GC, LLC., 3 Fiske Avenue (905-9-2-35.3)** for a determination; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

Status: *HELDOVER UNTIL August 25, 2022*

ARB: *Needed*

BOT: *Needed*

ZBA: *Needed*

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Needed*

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.

Kevin Leahy, SKL Realty appeared on behalf of the application. Amanda Pierce and Dan Graf, LT Burger the tenant. Mr. Leahy said they are requesting a site plan modification to install a storage shed in the rear and the other is for two steps to the septic area and they'll be roped off and they want to split the 28 outdoor seats for the front patio and rear patio.

Mr. Reilly said the metal sheds are the storage sheds?

Mr. Leahy said yes, and the steps are on the corner of the patio right outside of the back door.

Mr. Hammond said so this Board doesn't do outdoor seasonal dining, and when this was reviewed for site plan and this was a septic field and the applicant wants to add steps to it, rail it off put gravel down on the sanitary field for a seasonal patio, but it has to remain gravel.

Mr. Reilly said it's a minor modification.

Mr. Angel said this was discussed with the Board of Trustees, wasn't there concern about the weight bearing?

Mr. Leahy said yes, and we have engineered the plan and they said its sufficient for the use.

Mr. Hill asked if a seating plan is required?

Mr. Hammond said the Board of Trustees will review that, and they did not want to act on until the Planning Board reviewed it.

Mr. Reilly asked if the area where the sheds will be, will there be a fence and is it visible from the parking lot?

Mr. Leahy said it is not.

Mr. Reilly asked if there are any questions or comments?

Mr. Hill said the drainage isn't increasing, and it's not handicap accessible and I don't know if that's an issue.

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Mr. Angel said it will be an issue for building permit.

Mr. Hammond said yes.

Mr. Leahy said the ADA seating is provided for on the front patio, and that's accessible.

Mr. Angel said it has to comply and if the Architect certifies that its up to Mr. Hammond.

Mr. Hammond said they will continue with seasonal outdoor seating, and you want to move with the modification you can make a recommendation that you don't have an objection.

Mr. Hill said the top will be gravel? I don't know how that'll work with seating, and people walking.

Mr. Leahy said we will use picnic tables like they use in beaches.

Mr. Reilly asked if that's reviewed by the Board of Trustees?

Mr. Logozzo asked if it's better than grass?

Mr. Schermeyer asked if it's similar to the tables in the front?

Mr. Leahy said yes.

Mr. Schermeyer said the seats will sink in gravel, the picnic tables should not.

Motion was made by Mr. Neubauer to refer the application of **SKL Realty Holdings, LLC., 115 Main Street (905-11-2-22)** to the Board of Trustees with no objection; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 absent.

NEW APPLICATIONS:

17. DRL Irrevocable Trust & Carol Schecter, 12 Potunk Lane & 42 Stevens Lane (905-011-01-003.02 & -007) Applicants seek to modify the lot line between adjoining parcels by conveying a 1,125 SF "triangle" of land from 12 Potunk Lane to 42 Stevens Lane.

18. 10 Mitchell Owner LLC, 10 Mitchell Road (905-011-02-003) Applicant seeks site plan approval to construct a full second-story addition for two two-bedroom apartments & convert first floor to a forty-four (44) seat restaurant with exterior walk-in & associated site improvements upon a 5,290 SF parcel in the B-1 zoning district.

Heather A. Wright, Esq., appeared on behalf of the application together with Kevin Leahy. Ms. Wright said they are proposing a renovation to an existing one story building, they are proposing a second story with two apartments and a restaurant or retail on the first floor.

Mr. Leahy said there is an existing building they are going to renovate and add a one story addition with two apartments, and that entrance will be in the rear of the building. We are hoping to have a restaurant on the first floor and two residential apartments on the second floor.

Mr. Neubauer asked if there are zoning restrictions

Ms. Wright said we need relief for the sizes of the apartments, 980 for one and 1025 for the other. We will need parking variances, and that's a discussion we need to have as to what currently exists, what is grandfathered and what we need relief from. The older files in the Village and their plans back to 1956 there was not too much in terms of existing site plan showing what is there. The dance studio had ten parking spaces associated with it and I have to talk to Mr. Hammond about the parking. There is a question, and I wanted clarity on it whether relief for the dumpster would be needed.

Mr. Neubauer asked about covenants?

Mr. Hammond said the dumpster can be located wherever the PB deems fit.

Mr. Reilly said we should review this backwards; I like it and its very nice. I would like to see what the ARB has to say, if they say no way this conversation will be different. You have to go to the ZBA and the

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look won't affect them but I'm not overly confident that the ARB will look at it very favorably and it would behoove you to know what you're getting in to.

Mr. Leahy said we expect a referral.

Mr. Reilly said this is a nice design and I'm not sure how they'll feel about it, and I would prefer to have their input early.

Mr. Hammond said there is a major issue on this, because we have a zero side yard setback and the original building is located on the property next door and we shouldn't solicit any approvals before we do this.

Mr. Reilly said I'm looking for an Advisory report.

Mr. Hammond said we should have something from the Northerly property owner.

Ms. Wright said there is a boundary line agreement recorded on both properties and it allows it to stay in its location, and we're not looking to demolish it and I would argue that all of these put the neighboring homeowner on notice so I don't believe its within the purview of the municipality to get involved with a private agreement.

Mr. Reilly asked if it would hurt to have them sign something?

Mr. Neubauer asked if there's been any contact?

Mr. Hammond asked if they are going to step it back so it's entirely on your property. If there is a covenant saying you can maintain it, but does it say you can add a second story.

Mr. Hill said the parking has to be accessed from the adjacent property to the South and a narrative and that agreement needs to be submitted.

Mr. Angel said we don't look at private covenants, but they are interested in improving property that you own.

Ms. Wright said there's an agreement with the lot to the South regarding the parking.

Mr. Hill said we need to solidify the parking, what is grandfathered and needed.

Ms. Wright said she agrees with that, it's an issue.

Mr. Hill said we have had the attorney give a narrative that goes through all of that. At some point we have to do a site plan and its premature to get in to that detail, it's conceptual.

Mr. Hammond said it will govern the proposed use on the first floor because that's changing.

Mr. Reilly said you need to get the boundary line agreement with the Northerly property, and the boundary line agreement with the Southerly lot. I would do an Advisory Referral to the ARB and we want them to review this.

Mr. Neubauer said its very consistent with what we're seeing on Main Street.

Motion was made by Mr. Neubauer to holdover the application of **10 Mitchell Owner, LLC., 10 Mitchell Road (905-11-2-3)** to August 11, 2022; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

19. Rogers Ave Associates, North Side of Rogers Ave (905-003-01-007.01 through -007.07)
Applicant seeks final site plan approval to construct 48 dwelling units in 12 buildings (11 townhouse groupings & 1 two-family dwelling) with private community center, pool & pickleball courts for multifamily development with on-site sewage treatment plant upon a 9.355-acre assemblage of parcels in the MF-20 zoning district.

Frank A. Isler, Esq., appeared on behalf of the application, together with Bryan Grogan PW Grosser. Mr. Isler said they appeared before the Board of Trustees and they rendered a resolution that reduced the density by four units and included some requirements in terms of size for the affordable and market units

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and we're in ongoing discussions on those requirements but we wanted to come back to this Board and renote the hearing to get before this Board on the site plan issues and suggested by the Board of Trustees and as a result of the scenic easement area on the Western side.

Mr. Reilly asked if he received the memorandum from Brad Hammond.

Mr. Isler said it's not in the Board resolution and the Trustees met and rendered that we discussed with the Board at that time, and the issue of the size of the units and they were offered an opportunity to revisit that and make a proposal and they are ongoing.

Mr. Reilly said the Board of Trustees don't dictate our process.

Mr. Isler said we want to discuss the landscaping on the new map and that was changed, and because of the changes that were resulted from the Board of Trustees.

Mr. Reilly asked if the submission is compliant?

Mr. Hammond said it is not.

Mr. Grogan said they resubmitted a full set.

Mr. Reilly said we are starting over and we don't have compliant plans.

Mr. Neubauer said we haven't seen what the Board of Trustees approved.

Mr. Reilly said I don't have a new submission. He asked them to resubmit the plans, and we have a full compliant set of plans and maybe there are certain aspects that we can discuss.

Mr. Isler said that's what we're asking you to consider.

Mr. Reilly asked if there is anyone from the public that would like to speak, although we haven't looked at anything. The questions would be more procedural.

Patricia Olmond, 71 Rogers Avenue. When the submission and site plan comes in is it available for the public?

Mr. Reilly said yes.

Motion was made by Mr. Reilly to holdover the application of **Rogers Ave Associates, North Side of Rogers Ave (905-003-01-007.01 through -007.07)** to August 11, 2022; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to adjourn the public hearing at **5:45 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.