

August 25, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on August 25, 2022, at 5:00 P.M. in the Municipal Building, 165 Mill Road, Westhampton Beach.

PRESENT: David Reilly, Chairman
Ralph Neubauer
Larry Jones
Michael Schermeyer

Brad Hammond, Building & Zoning Administrator

Ron Hill, Village Engineer

Stephen Angel, Village Attorney

Maeghan Mackie, Board Secretary

ABSENT: Rocco Logozzo

DECISION:

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.

Ms. Mackie said that the determination was not available and would be ready on September 8, 2022.

Motion was made by Mr. Neubauer holdover the application of **PGJG Holding Corp., 214 & 238 Montauk Highway (905-6-2-31 and 32.1)**; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

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 and he said that he submitted the covenant to Mr. Pasca and he believes the drawings he submitted are correct.

Mr. Reilly said the trees are not in the correct location and that needs to be revised.

Mr. Hafeli will submit a revised set of drawings.

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

Status: **HELDOVER UNTIL September 22, 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 believes his client is working on the site plan and he'd like to hold it over to the second meeting in October.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Inn LLC, 43 Main Street (905-11-1-15)** to October 27, 2022; seconded by Mr. Jones 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.

No one appeared on behalf of the application.

The applicants architect requested to hold the application over to September 8, 2022.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road (905-002-01-019.10)**. to September 8, 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 request to holdover the application to September 8, 2022.

Motion was made by Mr. Neubauer to hold over the application of **55 Old Riverhead Road LLC, 55 & 59 Old Riverhead Rd (905-004-01-007, -009.02 & -009.03)** to September 8, 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.

Richard T. Haefeli, Esq., appeared on behalf of the application. He said they held it over to receive a SEQRA determination to submit to the Department of Health.

Mr. Reilly stated the SEQRA determination was not ready and they would adopt the SEQRA at the September 8, 2022 meeting.

Motion was made by Mr. Neubauer to holdover the application for purposes of issuing a SEQRA determination on September 8, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made to holdover the public hearing of **Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017)** to October 27, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 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.

Status: *HELDOVER UNTIL September 22, 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.

Frank Lombardo, Architect submitted a written request to holdover the application to September 8, 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 September 8, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

9. 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 subsequent to the last hearing, they've reduced the number of units to 45, 40 market units and 5 affordable units. They are reviewing the Rogers Avenue Trustee determination and the size of their affordable units and they are hoping to go to the Board of Trustees.

Mr. Reilly asked where they stand in terms of SEQRA they have kicked things back and forth and now that there is a plan, which may or may not be the final plan. We did discuss this and we made suggestions that you look at the Trustees resolution.

Mr. Hulme said we are hoping there's enough information to do SEQRA and it won't get more dense.

Mr. Reilly said that's not the only thing we're concerned about; there's traffic, character of the community and the waste disposal.

Mr. Hulme said it is going to be better than what they proposed in the past.

Mr. Neubauer said we want to discuss the entry off of Old Riverhead Road.

Mr. Reilly aid in terms on SEQRA, I think prospect of a positive declaration is still in the air but I don't think its gaining traction. We think the issues were discussed and covered to this Board's satisfaction and it as to work for the process.

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Mr. Hulme said what was suggested is that we're considering a negative declaration and a negative declaration with conditions.

Ms. Bistran said she reviewed the paperwork and this is the first time she's met the Board; I've written what I think is a draft SEQRA determination and the papers don't really serve the purpose and I want to make sure I recognize the Board's thoughts; the traffic was a main issue with the application 12 years ago; and density and character of the community. I think the density has been reduced, the affordable housing is similar to the market rate housing; the traffic was the main issue of SEQRA originally with one point of ingress and egress and character of the community and how do you see it fitting in. If each member can give me their input on these issues.

Mr. Neubauer said we mitigated the traffic in as much as they made an effort to make vast improvements on Depot Road that will help the neighborhood. The one point of contention is the entrance on Old Riverhead Road and I'm not in favor of it.

Ms. Bistran asked if it's from a traffic standpoint?

MR. Neubauer said people will cut through it, and I know people don't think so but it's just my opinion they will I don't think there's a necessity to have that.

Ms. Bistran said mitigating that with a one way doesn't alleviate your concerns?

Mr. Neubauer said it won't be a controlled entrance?

Ms. Bistran asked if we can put a gate fob in there?

Mr. Grogan said yes, we raised that.

Mr. Hammond said we have a Code that doesn't allow for a gate.

Mr. Hulme said we offered it. I would like to point out that the SEQRA in 2007 was a conditional negative declaration and it was conditioned on adding this entrance.

Mr. Neubauer said that was 14 years ago.

Mr. Hill said there's another study and the volume of traffic it will take is not huge in comparison to the project and whether it's there or not I would say, traffic wise is up to the Board's preference.

Mr. Grogan said we can eliminate that if it's a point of contention. We can offer it, if we can't install a gate and that may not be aligned with the Board, we have no objection to closing it it will allow more parking on the site and that piece of property is what led to the unit reduction and it doesn't hurt us to eliminate it.

Mr. Neubauer said I understand there are projects similar in nature, some 40 years old would we be in favor of Patio Villas today, no we'd look for reduction there as well. I don't believe these projects keep in character with a Seaside Village, and my vision is probably different and this density of this and the density permitted in that area is not something I look to perpetuate.

Mr. Hulme said the density issue is for the Board of Trustees.

Mr. Reilly said it's part of SEQRA.

Mr. Hulme said we're building something that is permitted or a use that is a permitted use in the Zone, it's MF. We need a Special Exception from the BOT but to suggest it's out of character when we're directly next door to a MF property.

Mr. Neubauer said I didn't say it was.

Mr. Reilly said you can have the character of the community today or what it will be and unfortunately most of the time when Villages find themselves it's a failure to get in front of the problem. This Village has more than its favor.

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Mr. Hulme said it's a vision of the Village's.

Mr. Reilly said we're talking SEQRA and that's an environmental issue and this Village, has for a very long time more than its MF housing on the east end.

Mr. Hulme said it's not a surprise, because this is what the Code and the plan provided for.

Mr. Reilly said in terms of this process, I think you'll find most of the members want to make a specific numerical recommendation and mine is less than what you're proposing. As far as the traffic I agree with Mr. Neubauer and it's going to be a cut through; people use the TD Bank and the Gas station why wouldn't they use that?

Mr. Hulme said the professionals advised otherwise.

Mr. Reilly said they are consultants and have no vote.

Mr. Hulme said I want to add, I think speculating what the Village will look like is beyond the scope of this Board and application.

Mr. Reilly said he did not agree.

Mr. Hulme said the vision for that is the Board of Trustees not the Planning Board.

Mr. Reilly said we are here to make a SEQRA determination.

Mr. Hulme said we'd like to get to the next step to have those conversations.

Mr. Schermeyer said on Rogers Avenue we lost the workforce housing and that was very important, we need reasonable housing and to push these down past a number we'll end up with a reduction in that again. It would be pliable to build them, I would like to see what the Trustees have to say and they pushed the number down so they didn't do workforce housing and we lose that and its important to this Village. We have to have people living here and being able to make it to the fire department and ambulance in time and we pushed it and I think the Trustees pushed it hard too. I agree with Mr. Neubauer about Old Riverhead Road and without signage and a zig zag and you indicated you'll take that out, and the traffic has been brutal lately, and Old Riverhead Road is always backed up and going down Montauk Highway its backed up in both directions and we're not dealing with school.

Mr. Hulme said as we discussed in the past, what impact will this have on the traffic?

Mr. Neubauer said that's not our only burden.

Mr. Hulme said the improvements will compensate for the traffic.

Mr. Schermeyer said the work on Depot Road will change the game.

Mr. Hulme said it will mitigate the impact of our traffic.

Mr. Reilly said the in and out on Montauk Highway is there acceleration or a turn only?

Mr. Grogan said there's a deceleration lane on Depot Road.

Mr. Jones said he likes the site plan; the turn off Old Riverhead Road is fine with me and I think the density, to me if you lost a few its not bad but there are a lot of room for landscaping to reduce the visual appearance of the road of the density. I think the parking and the way the roads run through it.

Mr. Hulme said the landscaping is more than a commitment and that's an analysis for when we return from the BOT.

Mr. Reilly said Timber Ridge turned out a lot better than expected and it looked sparse but now it's not.

Mr. Hulme said the landscaping makes it look pretty invisible.

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Mr. Neubauer said we'd like to see it that way from Montauk Highway.

Mr. Hulme said there is no issue with that.

Mr. Reilly said I give them credit for taking the public comment early on, and that short circuited the positive declaration and that helped a lot. It may have gone on longer and in the long run it helped a lot.

Anne Smalley, Patio Villas. She said a number of residents in Patio Villas do not want the project called Patio Gardens because of the confusion. The other thing, the landscaping to make it invisible from Montauk Highway they want the landscaping foliage between Patio Villas and the new project and right now to the North the trees were taken down and I know the Red Cedar Trees along the fence line are dead or dying and in no comparison to the foliage that will be stripped away when this if it goes forward.

Mr. Reilly said he assures her that there will be various discussions about landscaping.

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 September 8, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

10. 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.

Heather Wright, Esq., submitted a written request to holdover the application to September 8, 2022.

Motion was made by Mr. Neubauer to holdover the application of **George Vickers, 25 & 27 Hazelwood Ave (905-004-02-020 & -019)** to September 8, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

11. 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:

12. 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**

13. 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. He said that they are still before the Zoning Board of Appeals and would like to hold the matter over.

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Motion was made by Mr. Neubauer to holdover the application of **First Dunes Development 496, LLC, 496 Dune Road (905-16-1-19)** to September 22, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

14. 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., submitted a written request to holdover the application to September 8, 2022.

Motion was made by Mr. Neubauer to holdover the application of **10 Mitchell Owner LLC, 10 Mitchell Road (905-011-02-003)** to September 8, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

15. 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 received the Suffolk County Planning Commission today, and since the last meeting they revised the plans and submitted them and they are here to discuss the revisions.

Mr. Grogan said the plans were revised to address the prior shift to the 37 units and we are working on the additional surveys for the Rogers Avenue the grades and edge of pavements for the intersection detail, and everything else was addressed and the light poles were revised and the turning radius off the alleys into the driveways and they are now wider and common so the wheel aligns remain. The turning radius for the larger vehicles were addressed; the notes for the trash pick up was added; the club house will have a dumpster and that's shown on the site plan and we worked on maintaining the sidewalk through the scenic easement on Rogers Avenue and there was no good way to do it on the other side of the property to cross the driveway twice to get back out. Other than that I think that is the main changes that were done with respect to the stie plan. We are working on the park fee calculation.

Mr. Hammond said with the approval to the Trustees there was a SE; the new plan conforms to those conditions; they need the ARB; the park fee; and there is a SWPPP and this Board does it with this Board I'm not opposed to it with the Building Permit. I'm in a good place with the plan.

Mr. Hill said once I get the intersection design I'm fine. They've addressed everything I've asked for.

Mr. Hammond said there's an appraisal also.

Mr. Angel said he agrees with Mr. Isler about the purchase price but you can talk to Mr. Pasca.

Mr. Isler said we were going to get copies of the appraisal for Timber Ridge and the 22 lot subdivision done and we would present it. We were discussing this recent sale and that may be a good market value measure and supplying the board with a broker's affidavit.

Mr. Angel said usually it's not set in stone, the best value is a recent sale in an open market and there's a recent purchase and they were discussing using that in lieu of a formal appraisal. Would we accept the recent sale as the indication of value,

Mr. Isler said it was purchased with a MF use so the dollars reflect the value of the land.

Mr. Angel agreed with Mr. Isler.

Mr. Isler said we hope to be able to at our next meeting discuss the park fee.

Mr. Angel said Mr. Pasca is prepared to deal with that and there has been discussions about it.

Mr. Neubauer asked if there's precedent.

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Mr. Hammond said it's done by appraisal.

Mr. Reilly said in my time here, generally we have done an appraisal and it only became an issue that it was not done correctly.

Mr. Isler said we would back up the sale, and I've discussed this with Mr. Pasca and a recent sale is acceptable to the court and in our discussions there's an openness to look at it.

Mr. Reilly said it may be a thing to do a hybrid approach, a sort of appraisal to compare it to what else is out there and that will give us some context.

Mr. Isler said he will discuss it with Mr. Pasca.

Mr. Hammond said they can only reduce the number 50% and there's back up square footage calculations.

Mr. Isler said he's discussed the credit with Mr. Pasca and we hope to get them from the Village, and I think we can before the next meeting have a joint presentation.

Mr. Neubauer asked if they could discuss the phasing.

Mr. Grogan said we will discuss that. Originally it was going to be two phases.

Mr. Hill said there was an elaborate phasing plan.

Motion was made by Mr. Neubauer to refer the application of **Rogers Ave Associates, North Side of Rogers Avenue (905-3-1-7.1 through 7.7)** to the ARB; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to holdover the public hearing of **Rogers Ave Associates, North Side of Rogers Avenue (905-3-1-7.1 through 7.7)** to September 8, 2022; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

16. 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.

James N. Hulme, Esq., appeared on behalf of the application. He asked to hold the application over to September 22, 2022.

Motion was made by Mr. Neubauer to holdover the application of **DRL Irrevocable Trust & Carol Schecter, 12 Potunk Lane & 42 Stevens Lane (905-011-01-003.02 & -007)** to September 22, 2022; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the public hearing at **5:45 p.m.**; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.