

September 22, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on September 22, 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
Britton Bistran, Village Planner

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 T. Hafeli, Esq., submitted a written request to holdover the application to October 13, 2022.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** to October 13, 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.

Nicholas A. Vero, Architect submitted a written request to holdover the application to October 27, 2022.

Motion was made by Mr. Neubauer to holdover the application of **85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St, (905-005-01-012, -053.01 & -052.02)** to October 27, 2022; seconded by Mr. Jones 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 October 27, 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.

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Status: **HELDOVER UNTIL October 13, 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 October 13, 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 October 27, 2022**

ARB: **N/A**
BOT: **N/A**

SEQRA: Adopted on September 8, 2022
SCDHS: Needed

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

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.

James N. Hulme, Esq., submitted a written request to holdover the application to October 13, 2022.

Motion was made by Mr. Neubauer to holdover the application of **WHB Development Partners LLC, 107 Old Riverhead Road (905-002-01-019.05)** to October 27, 2022; seconded by Mr. Schermeyer 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.

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Frank Lombardo, Architect submitted a written request to holdover the application to October 13, 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 October 27, 2022; seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 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, together with Bryan Grogan. Mr. Hulme said that they received SEQRA and subsequent to that they submitted a new site plan which has 45 Units, 5 Affordable Units and the entrance removed from Old Riverhead Road; and they are looking at the location and spaces for the affordable and the parking for the guests but they are at a standstill until they can appear before the BOT to determine the number of Units and then they will return to this Board an deal with the remaining issues. We received a memorandum from the Building Inspector, and number three acknowledges that they need to go to BOT.

Mr. Pasca asked how many units are affordable?

Mr. Grogan said 45 Units, and 7 are affordable.

Mr. Pasca asked if that's the correct calculation?

Mr. Hammond said yes.

Mr. Hulme said they'd like to go to the BOT.

Mr. Reilly asked if they could walk through the site plan.

Mr. Reilly said you knock 4 units out, and get to 41 and you have 5 affordable units and you achieve both.

Mr. Hulme said I don't know if the economics work for that.

Mr. Neubauer said you can reduce the park fee by making an effort that was the driveway.

Mr. Hulme said I'm not sure, the reason why we can't use that for purposes of density and that's because of its zoning and I'm not sure we can put an accessory use on that other parcel.

Mr. Pasca said the economics is complicated, we saw that with Rogers Avenue and once the affordable units were conditioned that they had to be the same size and the density was voluntarily and it reduced the park fee and the STP costs may go down and it's a very complicated thing.

Mr. Hulme said that's what is in play, if you want lower density you lose the affordability and that's a positive thing in the Code.

Mr. Reilly said correct me if I'm wrong, the magic number for the affordables is 31; they'd have to reduce it to 31 to eliminate the affordable.

Mr. Hulme said they could be larger units. I understand the concerns and interests, but the Code is the Code and if you don't like the result the Code produces, the density is in the hands of the Special Exception permit.

Mr. Reilly said our thoughts on the subject is this.

Mr. Neubauer said the Trustees may have an interest in it.

Mr. Hulme said you'll decide what to do in this preliminary approval.

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Mr. Pasca said we will do what we did with Rogers Avenue, and whether is this meeting or next to give a conceptual preliminary site plan approval the referral is separate and will be part of the special permit and I don't want to combine the two to keep the roles clear.

MR. Hulme asked what else they would need to get to the point of the Trustee Referral.

Mr. Reilly said we covered a lot in SEQRA and the major issues and in terms of the referral not the site plan referral but the special exception referral, I think density is the major issue. I think we worked out most of the issues with the SEQRA. I think our referral will be relative brief and that's been a source of concern with the inception of the new project.

Mr. Hulme said okay.

Mr. Reilly said we'd have to mull it over.

Mr. Neubauer said he suggests holding it over to the next meeting and give opportunity to reflect on the conversations today and at the next meeting try to form a consensus on the path to take on the referral back to the Board of Trustees.

Mr. Hulme said if you have come up with one, can you do something that night to allow us to go to the Board of Trustees, or do we have to wait on a written resolution?

Mr. Reilly said he'd like to see if we could reach that consensus tonight. Does the Board feel they are in that position.

Mr. Pasca said we have to draft a referral and a decision, is there a consensus that the site plan is ready for a conceptual approval, and whether there's a majority on dealing with the referral and make comment back that there are three Board Members or more.

Mr. Reilly said regarding the site plan; the engineering aspects from a conceptual point of view that is ready to go.

All of the Members agreed.

Mr. Pasca said we can have that regardless; and there's no hearing scheduled by the Board of Trustees and they can schedule a hearing, and at this point you may be able to get on for November and that would be your goal. That would give you another meeting to discuss the referral.

Mr. Reilly asked if we need a formal resolution of the site plan?

Mr. Logozzo said he has a small request, he would like to see the revisions in the title bar? So when I look through the plans I can see the revision dates.

Mr. Grogan said that's not a problem.

Mr. Reilly said there is someone from the public who would wish to speak.

Anne Smalley, Patio Villas said in reference to the parking and garages; every Patio Villa has a garage and a driveway and I would say 85% of them have driveways that fit two cars as long as they are big SUB's and we also have 34 extra parking spaces and there are parking problems especially when contractors come in and during the Winter when the construction on Units are done. I'm curious where vehicles will park for these units when those go on and it seems the interior roadways are very narrow and we have cul de sacs with turn arounds and they have extra room. Also I would like a count of how many Patio Gardens Units are going to have garages. I could not tell from the site plan I have because it's reduced in size.

Mr. Hulme said there is a full-size set of plans in the Village Office, and there are 20 units with garages.

Ms. Smalley said regarding Amazon there were 50 Amazon vans; and five larger trucks and there is still a problem with them getting gas on Montauk Highway and Depot Road with the gas station with two pumps. They are spacing the visits out.

Mr. Reilly said both of those are outside of the Village jurisdiction. We can't tell them where to get gas.

Mr. Hulme said I do have a project before this Board providing 16 pumps at the Northern border of the Village that will solve this problem.

Mr. Reilly said the parking questions are great for the Board of Trustees.

Ms. Smalley asked what STP means? Sewage Treatment Plant? Will there be ingress by there, or Montauk Highway only?

Ms. Bistran asked them to make revisions and list it as WH Equity and Patio Gardens III to match the SEQRA.

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 October 13, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

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

ARB: *Needed*

BOT: *Needed*

ZBA: *N/A*

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Local Determination Received*

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 January 26, 2023**

ARB: *Needed*

BOT: *Needed*

ZBA: *Granted, May 19, 2022*

SEQRA: *Granted, on May 19, 2022, ZBA, Type II*

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 they are before the ZBA and they do not have a strong issue with the variances to create the lots but the discussions are regarding the building

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envelope sizes and variances and we have submitted a housing design to deal with that and neighborhood analysis information for them to review. I think we should hold this over to October 27, 2022.

Motion was made by Mr. Neubauer to holdover the application of **First Dunes Development 496 LLC, 496 Dune Road (905-016-01-019)** to October 27, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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 October 13, 2022.

Motion was made by Mr. Neubauer to holdover the application of **10 Mitchell Owner LLC, 10 Mitchell Road (905-011-02-003)** to October 13, 2022; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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. Mr. Isler said they appeared before the ARB on Tuesday, and they have to return on October 18, 2022 to complete the process and we are revising the intersection outside of the complex on Rogers Avenue and if there are questions we can answer them.

Mr. Grogan said we added a new design sheet for the intersection with the offsite drainage, and I think Mr. Hill reviewed it and it is satisfactory to him with the alignment and drainage. I know we have to tweak the photometric plan and I think we're otherwise in decent shape and we have to add a few stop signs and I think that's all that is left with the site plan.

Mr. Neubauer asked if there's a consensus on the landscaping?

Mr. Reilly thought they were waiting on the engineering.

Mr. Grogan said we added landscaping, and additional screening on the inside of the scenic easement on Rogers Avenue and the Eastern side and I think there are no issues with the landscaping eastern.

Mr. Neubauer asked about the visibility.

Mr. Hammond said along Rogers the BOT wanted 5" caliper and it should look like a lot of trees and I have no other comments.

Mr. Grogan said it's noted on the plans as per the BOT resolution.

Mr. Neubauer asked if there's another rendition of the plan?

Mr. Grogan said yes, to add the stop signs and the photometric plan. The rest will remain the same.

Mr. Pasca said we're still discussing the park fee and that's something we have to tackle and they are analyzing the Code, so probably by the next meeting we should have an idea of their proposal. You're going to propose the analysis of the park fee to get credit for on site and whether they want to do an appraisal or argue something else.

Mr. Isler said Mr. Pasca and I have had several discussions and our concept is the recreational area on the North and I provided that square footage and a map and we're looking at the question of valuation and I was discussing that the last meeting and if it's a recent sale, if its arms length you can value the use and it's a strong indication of the current value and we're reviewing that because it's a big number.

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Mr. Neubauer asked how far they'll be by October 27?

Mr. Pasca said they have to make a proposal first, so that depends on their proposal and how far it'll go as far as an appraisal and if this Board accepts it they don't need an appraisal; ultimately you are the arbitrator. In Avidor you did not accept the appraisal and we hired a new one, and I don't see this going that way but you are the arbitor.

Mr. Neubauer said we look forward to honest cooperation.

Mr. Isler said once it's accepted it's a mathematical equation.

Mr. Reilly asked if by October 27, we should have at least the engineering and lighting and the ARB?

Mr. Isler said yes, and hopefully we have a proposal too.

Mr. Pasca asked if there are garages in this complex? We also need to start discussing covenants at the next meeting and we should discuss them and the garages. If they are counting toward the parking.

Mr. Hill said Rogers Avenue has a lot of parking.

Mr. Grogan said I don't know if we have them; I have to look and there's more than sufficient parking. We are over parked on Rogers Avenue.

Mr. Isler said we were receiving comments of too much parking.

Mr. Pasca said think of the covenants you think will be appropriate and we should discuss that and we have not done a MF in a long time, and the Code has changed since Timber Ridge.

Mr. Hammond said there are covenants about finishing basements, garages, and adding bedrooms.

Mr. Pasca said the recreational facilities and community center need to be covenants. Timber Ridge predated the Code.

Mr. Hammond said some of the conditions were adopted. The only three conditions are the garages cannot be converted, and there are others but I can't remember them all.

Mr. Pasca said you may want to go through SEQRA because there were a lot of promises made during that too and those should be part of the conditions.

Mr. Isler said I will try to submit something to review.

Motion was made by Mr. Neubauer to holdover the application of **Rogers Ave Associates, North Side of Rogers Avenue (905-3-1-7.1 through 7.7)** to October 27, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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 and they are looking to move 11,225 square feet to 42 Stevens Lane and it doesn't create an undersized lot and makes 42 Stevens a little less and we have to go to the Department of Health and one question was whether all of the structures were removed from 12 Potunk and the lot is vacant and they pulled the sanitary system out of the ground as well. I think we should hold it over to October 27, 2022.

REQUEST FOR EXTENSION:

17. 104 Westhampton LLC., 104 Main Street (905-12-4-32) Applicant requests an extension of their October 8, 2020 Planning Board resolution

Mr. Hulme said that the period of time expired, and it was in 2020 and his client acquired the property in April, 2022 and we realized the maps were filed in the County Clerk's office; and what he's looking to do is add an apartment and the Code limits two per lot and there are two and if we can re-establish the

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approval we would like to. There was a ZBA approval as well. The conditions were not fully met. We're looking to get a reapproval.

Mr. Pasca asked when it expired?

Mr. Hammond said yes.

Mr. Hulme said a condition was to hook up to the sewer.

Mr. Pasca suggested to file a new application with the new owners name, and ask the Board to waive the procedural steps and give a new name and a new starting point. And that will give a new application. The map has to be stamped by the Board of Health.

Mr. Hulme said will we do the same for the ZBA or can they extend it?

Mr. Pasca said to go through the Planning Board first then ask for an extension through Zoning.

Mr. Hulme said okay.

Motion was made to adjourn the public hearing at **5:55 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.