

September 8, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on September 8, 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

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.

RESOLUTION OF THE PLANNING BOARD
VILLAGE OF WESTHAMPTON BEACH
DATED: September 8, 2022

IN RE:

**PGJG Holding Corp.
214 Montauk Highway, Westhampton Beach, New York 11978
238 Montauk Highway, Westhampton Beach, New York 11978
Suffolk County Tax Map Number 905-6-2-31 and 905-6-2-32.1**

WHEREAS, PGJG Holding Corp., is the owner of real property located at 214 and 238 Montauk Highway which is designated on the Suffolk County Tax Map as 905-6-2-31 and 905-6-2-32.1, and

WHEREAS, the owner received Site Plan approval from this Board to allow the use for a pizzeria restaurant and parking;

WHEREAS the owner has now submitted an application to the Board for a modification of site plan to convert a portion of the site parking and access way for a seasonal dining area (100 relocatable seats) with façade changes and to install accordion doors and associated site improvements as shown on the plans drawn by Roseberry Architectural Studio, Dated April, 2022 and updated only July, 2022 and date stamped received by the Village of Westhampton Beach on August 1, 2022 (collectively referred to as the “Final Site Plan”); and

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WHEREAS, the Board has reviewed the plan and has held a public hearing at which it reviewed the plan, and multiple revisions were provided therein; and

WHEREAS, the applicant has submitted an Environmental Assessment Form Part 1 pursuant to SEQRA and this Board as lead agency determines that this is a Type II action, and no further environmental review is required, and

WHEREAS the modification of site plan application is complete and contains all of the Site Plan elements set forth in the Village Code;

IT IS THEREFORE RESOLVED that, subject to the conditions set forth below, the Final Site Plan satisfies the requirements of the Village Code with respect to design, drainage, parking, lighting, landscaping, and other requirements of the Code, and the Final Site Plan is therefore approved subject to the following conditions:

Conditions

1. Nothing herein shall be construed as authorizing an increase in the total number of seating allowed for the premises above 153 seats. Up to 100 seats, as depicted on the Final Site Plan, shall be allowed to be located outdoors, but any outdoor seats shall be deducted from the allowable total seating for purposes of determining allowable indoor seating.

2. All improvements shall be made pursuant to the Final Site Plan, including all details, specifications, notes, and conditions set forth therein. Except as provided herein, any changes shall be subject to further review and approval by the Board.

3. The landscaping for the property shall be completed and maintained pursuant to the landscaping plan included in the Final Site Plan.

4. All lighting shall be installed pursuant to the lighting plan within the Final Site Plan, subject to the final inspection of the Village Engineer and the Planning Board. All installed exterior lighting shall be zero cut off, and all lighting shall be contained on the premises.

5. The site shall be kept clean and neat at all times. Any vegetation on the property shall be mowed at least once every two weeks during the growing season, and the entire site shall conform with the New York State Property Maintenance Code.

6. The issuance of a Certificate of Occupancy shall be subject to the approval by the Board of a final "as built" survey containing all of the site plan elements set forth in the Final Site Plan. In addition, no Certificate of Occupancy may be issued by the Building Inspector until the Building Inspector has certified the completion of all the improvements and site work as shown on the Final Site Plan.

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7. The approval set forth here and shall expire unless a building permit has been issued for the construction within six (6) months of the date hereof and construction is completed within eighteen (18) months from the date hereof. The Board shall have the right to extend the time period set forth in this paragraph by a majority vote of the members present at a regular meeting wherein such vote is taken.

Dated: September 8, 2022

Motion was made by Mr. Neubauer to adopt the determination of **PGJG Holding Corp., 214 & 238 Montauk Highway (905-6-2-31 and 905-6-2-32.1)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 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.

Ms. Mackie told him that the last plan received was June 23, 2022 and the plantings were still shown at 10' on center, but they should be revised to 5' on center.

Mr. Haefeli said he submitted that.

Ms. Mackie asked the Board Members to refer to their plans.

Mr. Hafeli said he will drop them off.

The Board Members do not have the plans.

Ms. Mackie said at the last meeting you raised the C&R's you should discuss the same with Mr. Pasca.

Mr. Pasca said I don't review them until after the decision is adopted, so the C&R's are a non-issue.

Mr. Neubauer said they were 5' to 6' plantings, planted 5' on center on the North and South boundaries.

Mr. Haefeli said we have that.

Mr. Logozzo said 5' to 6' plantings.

Mr. Reilly said we can close the hearing.

Mr. Pasca said if we don't have a plan, I don't want to close the hearing; if we get the plan in soon enough, we can draft a resolution.

Mr. Reilly said we will not close the public hearing and if its submitted in enough time we can draft a resolution.

Mark Coles said they would like to see beforehand, because they haven't filed anything and we have to keep coming to the meetings and we check with Ms. Mackie, so we agree with what you say and we would like to see a plan before the meeting we would appreciate that. We don't know where this will be at the next meeting and we'd like to see a plan ahead of time.

Mr. Reilly said if there is no plan, there will be no resolution.

Mr. Pasca said it should be submitted ten days prior to the next meeting.

Mr. Reilly suggested he submit it tomorrow morning.

Mrs. Bistran requested a plan as a pdf, as well as a hard copy.

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Mr. Haefeli said yes.

Motion was made by Mr. Neubauer to holdover the application of **Marios Nikolaidis, 36 Hazelwood Avenue (905-6-1-11.1)** to September 22, 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.

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.

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.

Ted Galante Architecture submitted a request to hold the application over to October 13, 2022.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road (905-2-1-19.10)** to October 13, 2022; seconded by Mr. Logozzo 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 written request to hold the application over to October 13, 2022.

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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 October 13, 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 Hafeli, Esq., appeared on behalf of the application, and said he is here to receive a determination.

Motion was made by Mr. Neubauer to adopt the SEQRA determination as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Neubauer to holdover the application of **Firestar Holdings LLC, 14 Rogers Avenue (905-006-02-017)** to October 27, 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.

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 request to holdover the application to September 22, 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 22, 2022; seconded by Mr. Logozzo 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.

Bryan Grogan, PW Grosser appeared on behalf of the application.

Mr. Reilly said they have a condition negative declaration, SEQRA and he told the public by adopting this resolution, were not saying it's not significant and its not minor and it's a major project, but by adopting this the significance is referring to the SEQRA regulations, and we did note areas of concern and they will be or have been addressed and this will return to this Board at some point. For this evening, we will adopt the resolution, and I think you have to submit a new plan showing the access point removed.

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Motion was made by Mr. Neubauer to adopt the SEQRA determination of **WH Equity Group LLC, 12, 22 & 80 Montauk Highway & 11 Old Riverhead Road (905-004-01-022.01, -023, -026.03 & -030.01)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

Mr. Grogan asked if that has to be done before you go to the Board of Trustees?

Mr. Reilly said yes. If you return that prior to the meeting we can discuss it.

Mr. Pasca said it has to be a resolution, not a referral. It will be a preliminary determination, plus a referral back to the Board of Trustee. You have to modify the plan and the Board can consider the two at the next meeting.

Anne Smalley, Brittany Lane Patio Villas and she is not sure if the Planning Board is aware and I was at the corner of Depot Road and Montauk Highway and across from the egress to this project and it was 11:00 a.m., and there were three or four Amazon vans on the East side of Montauk Highway and they had a Amazon van on Depot Road and a young man with a vest on directing traffic trying to get around the vans, and there were three Amazon vans in the gas station and there were two that already left the gas station heading West because they couldn't turn left from the service station and I went to Amazon to find out if that's their service station of preference and they don't know because there are three third party companies in charge of the deliveries. I asked if they get gasoline on site at the Rechler Facility and they said no vehicles will be electric, so I went to the USA Gas Station and spoke with the owner and he won't tell us whether he's entered in to a contract and he did a large renovation to the property with the sign, and roof and dormer windows and painting of the building and there are only two (2) pumps and I'm curious whether they will be using the gas station to fuel there. And on June 25, 2022 that's why it was suggested that the Village, Town and County discuss the plans going on because they each impact the other. If they are going to line up on Montauk Highway and Depot Road to get gasoline there will be a problem with egress. While I was there, the Jitney tried to turn on to Depot Road and it was difficult to do so because of the Amazon vans.

Mr. Schermeyer said he saw that, and I was going to say they are going to use the 7-11 on Old Riverhead Road. But the entire road was blocked, they lined up on Montauk Highway.

Mr. Reilly said it sounds like a Police enforcement issue.

Ms. Smalley said the police buy their gas there. The other question was that Citarella thinks they are going to the old Claddagh in April so that will add to the congestion on Montauk Highway right near this intersection.

Mr. Reilly said we can't make present day decisions on rumors or what we think may happen, and this is not the end development is not going to stop so it's not like if we stop this it will solve the problems.

Ms. Smalley said as Mr. Neubauer said this is the character of the community, but this could be the future and we'll be stuck in the traffic.

Mr. Reilly said those are concerns to bring to the Board of Trustees when they consider the special exception.

Mr. Neubauer said you have to do this routine with the Board of Trustees.

Ms. Smalley said okay.

Mr. Reilly asked if there were any other comments.

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 22, 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.

Heather A. Wright, Esq., submitted a request to holdover the application to October 13, 2022.

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Motion was made by Mr. Neubauer to holdover the application of **George Vickers, 25 & 27 Hazelwood Ave (905-004-02-020 & -019)** to October 13, 2022; seconded by Mr. Jones and unanimously carried 5 ayes, 0 nays, 0 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.

Richard Hafeli, Esq., appeared on behalf of the application. He said he was waiting on SEQRA but that was granted through the ZBA, now he just needs to hold this over to January so he can work through the Department of Health.

Motion was made by Mr. Neubauer to holdover the application of **Robert Schoenthal, 22 Bayfield Lane (905-010-06-002)** to January 26, 2023; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

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.

Status: *HELDOVER UNTIL September 22, 2022*

ARB: *Needed*

BOT: *Needed*

ZBA: *Needed*

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Needed*

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.

No one appeared on behalf the application.

Louise Conway, Mitchell Road and she said she attended a meeting via Zoom for the Hotel on the corner of Main Street and Mitchell Road and the traffic from the hotel will be exiting on to Mitchell Road and it was a problem with traffic and parking and trucks coming in to the Bagel store and the café and the pedestrian traffic; it's dangerous to turn off of and on to Mitchell Road and I was worried then but now we have this application as well and this is for 44 seat restaurant directly across from the hotel exit. In the Spring someone should look at the parking because the parking lot from Mitchell Road is weird and that's the extent of it and they have to go behind the building at the edge of Main Street and Mitchell Road; the parking and the exiting on to Mitchell at that area of Main Street; it's a two way street and very difficult to get off of Mitchell Road on to Main Street in the Summer and I wonder if the impact will require a traffic study for a 44 seat restaurant and a hotel, will we look at parking? There are no sidewalks and people walk down the street.

Mr. Schermeyer said it's not the laundry mat, it's where the dance studio. It's a little further South.

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Ms. Conway said okay.

Mr. Neubauer said this application has a lot of hurdles to go through.

Mr. Reilly said there are technical issues about this application before we proceed.

Mr. Pasca said as it stands, they would need a huge parking variance and they will have a big application to make if they don't change their application. Some of the things you are raising would be appropriate to raise to the ZBA because they impact their ask to the ZBA.

Ms. Conway said it is cumulative.

Mr. Pasca said that's a primary issue for the BZA because the parking is not compliant.

Ms. Conway asked where the ZBA meeting is?

Ms. Mackie said they did not apply to the ZBA yet.

Ms. Conway asked if they look at the parking lot behind the dry cleaner?

Mr. Reilly said no. We can't look at the applications that aren't before this Board.

Motion was made by Mr. Neubauer to holdover the application of **10 Mitchell Owner LLC, 10 Mitchell Road (905-011-02-003)** to September 22, 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, PW Grosser. Mr. Isler said we are going to appear before the ARB on September 20, 2022 and I've started preliminary discussions with Mr. Pasca regarding the park fee and we'll continue the dialogue to work on that and Mr. Grogan will update the engineering piece for the entrance and intersection.

Mr. Grogan said they're working on the corner grading for Mr. Hill and other than that the site plan is good. It's just the one corner we're working on with Mr. Hill.

Mr. Hill said yes.

Mr. Reilly asked if there was any public comment?

Mr. Isler said the Board suggested the September 22, 2022 meeting.

Motion was made by Mr. Neubauer to holdover the application of **Rogers Ave Associates, North Side of Rogers Ave (905-003-01-007.01 through -007.07)** to September 22, 2022; seconded by Mr. Logozzo 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.

Status: **HELDOVER UNTIL September 22, 2022**

ARB: N/A

BOT: N/A

ZBA: N/A

SEQRA: *Needed*

SCDHS: *Needed*

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

Motion was made by Mr. Neubauer to adjourn the public hearing at **5:30 p.m.**; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.