

December 8, 2022

The Planning Board of the Incorporated Village of Westhampton Beach held its regular meeting on December 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

Ron Hill, Village Engineer  
Britton Bistran, Village Planner

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

## **DECISIONS**

**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., appeared on behalf of the application.

DECISION OF THE PLANNING BOARD  
VILLAGE OF WESTHAMPTON BEACH  
DATED: December 8, 2022

IN RE:

**WHB Development Partners, LLC  
107 Old Riverhead Road, Westhampton Beach, New York 11978  
Suffolk County Tax Map Numbers 905-2-1-19.5**

### **I. The Application for Site Plan Approval**

WHB Development Partners, LLC, are the owners of real property located at 107 Old Riverhead Road Montauk Highway, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as number 905-2-1-19.5. WHB Development Partners, LLC, (hereinafter, the “applicant”), has submitted an application to the Planning Board of the Village

December 8, 2022

of Westhampton Beach (hereinafter the “Board”), for Site Plan review to construct an automotive service station (eight pumps and a canopy) with an accessory one-story convenience store of 4,872 square feet and associated improvements. The property is located in the B-3 Zoning District.

The final version of the site plan for which applicant seeks final plat approval is set forth in the plans prepared by P.W. Grosser Consulting Engineer and Hydrogeologist, P.C., (PWGC), created 10-11-21 and last revised on 10-11-22, consisting of several sheets labeled as follows:

- “Cover Sheet” (C-101),
- “Legend & Site Information” (C-102),
- “Overall Site Plan” (C-103),
- “Overall Grading & Drainage Plan” (C-104),
- “Partial Grading & Drainage Plan” (C-105),
- “Partial Grading & Drainage Plan” (C-106),
- “Drainage Calculation & Structure Schedule” (C-107),
- “Stormwater Pollution Prevention Plan” (C-108),
- “Stormwater Pollution Prevention Plan Details” (C-109),
- “Landscape Plan” (C-110),
- “Typical Building Landscape Plans & Details” (C-111),
- “Offsite Improvements Plan” (C-112)
- “Offsite Improvements Notes & Details” (C-113)
- “Site Details” (C-114)
- “Site Details” (C-115)
- “Partial Lighting Plan” (C-116)

December 8, 2022

Additional plans for which applicant seeks approval were prepared by High Point Engineering, created 7-29-22 and approved by the Suffolk County Department of Health Services Office of Pollution Control on 10-6-22, consisting of several sheets labeled as follows:

- “Pump & Tank Site Plan” (G.01)
- “Tank Sections” (G3.0)
- “Tank Sump Details Dual Output” (G4.0)
- “Tank Sump Details” (G4.1)
- “Dispenser & Sump Details” (G5.0)
- “Remote Vent And Details” (G6.0)
- “Equipment Schedule” (G7.0)
- “NEC Classified Areas” (G9.1)
- “Fueling Specifications” (G13.0)
- “Fueling Specifications” (G14.0)
- “Fueling Specifications” (G15.0)

These plans shall collectively be referred to herein as the “Proposed Site Plan.”

## **II. Review by Planning Board and Other Agencies**

The application for Site Plan approval was properly noticed and advertised for a public hearing, which opened on July 22, 2021. The Board thereafter reviewed the application, Site Plan, supporting materials, and multiple revisions to the initial filing. The Village’s engineer and planner also reviewed the application and Site Plan and provided multiple comments thereon throughout the course of the review process.

During the Board review, comments were made by the Village planner and the public relating to the architectural style of the building and softening the appearance with further development of architectural details. All changes requested were integrated into the project scope

December 8, 2022

and drawings noted herein. One significant change made during the planning process was the overall reduction in the convenience store square footage from 4,872sf to 3,999sf.

A traffic study was undertaken by Stonefield and issued on August 12, 2021. The conclusion of that report was that the proposed development would not have a significant impact on the traffic operations of the adjacent roadway.

The applicant submitted an Environmental Assessment Form Part 1 pursuant to the State Environmental Quality Review Act (SEQRA). Once the overall square footage of the structure was reduced to 3,999sf, the application was classified as a Type II action and therefore no further review under SEQRA was required.

During the Site Plan review the matter was referred to the Village's Architectural Review Board for a site plan advisory report pursuant to Section 5-14 of the Village Code. The applicant appeared before the Architectural Review Board on May 3, 2022, and there was no opposition to the application, and the Architectural Review Board provided their report dated May 6, 2022.

The applicant obtained an approval from the Suffolk County Department of Health Services which was date stamped received by the Village of Westhampton Beach on October 26, 2022. The applicant also obtained approval from the Suffolk County Department of Public Works.

The application was subject to a Special Exception Permit from the Board of Trustees, and the Special Exception Permit was granted on May 5, 2022, subject to conditions pertaining to the use of the convenience store.

The application required variances from the Zoning Board of Appeals for the square footage of the building to be 3,999 sf where the Village Code limit in Section 197-1 is 3,000 sf

December 8, 2022

and for a rear yard setback of 41.9' feet where the table of dimensional regulations requires 50' feet. Both variances were granted on March 17, 2022.

Also relevant to this site plan are two Zoning Board decisions pertaining to signage. On July 18, 2019, the ZBA granted a variance to allow two ground signs on the subject property, one for the Metro Storage facility that is located on the adjacent lot, and one for the subject property. Then, on September 15, 2022, the ZBA granted variances with respect to the proposed signage for the subject facility.

### **III. Findings and Conclusions**

A. As of the Board's November 10, 2022 meeting, the site plan application is complete and contains all of the site plan elements as set forth in the Village Code. The procedures required for site plan review have been fulfilled as applicable to this application. The public hearing is hereby closed.

B. The Planning Board finds that, subject to the conditions set forth in Section IV below, the Proposed Site Plan satisfies the requirements of the Village Code with respect to design, drainage, parking, lighting, landscaping, and other requirements of the Code.

C. The Planning Board approves, subject to the conditions set forth in section IV below, the site plan and improvements as depicted on the Proposed Site Plan, which Proposed Site Plan documents are hereinafter collectively referred to as the "Approved Plans."

### **IV. Conditions**

1. All improvements shall be made pursuant to the Approved Plans, 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.

2. The dumpster shall be screened from the view of Old Riverhead Road/County Road 31, the Access Easement to the South, and adjacent properties, as depicted on the Approved Plans. Any

December 8, 2022

change in the location of the dumpsters shall be subject to further review by the Board as to location and screening.

3. All roof and surface water runoff will be retained and processed on-site by being piped to on-site catch basins, inlets and drywells for subsurface disposal.

4. The installation of all drainage, and grading and surfacing of the parking lot, aisles, driveways, curbs and sidewalks, shall be supervised by the Village Engineer and shall be installed pursuant to the Approved Plans. The Village Engineer shall be authorized to approve changes to the location or sizing of drainage structures if field conditions shall warrant such changes and the changes are approved in advance by the Village Engineer, however the total capacity of the modified system shall equal to or exceed what is shown on the Approved Plans.

5. The landscaping for the property shall be completed and maintained pursuant to the landscaping plan included in the Approved Plans. An underground sprinkler system, or approved alternative, shall be installed to water the improved areas of the site.

6. All lighting shall be installed pursuant to the lighting plan within the Approved Plans, 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 with a maximum lumen level of 0.1 footcandles.

7. Utility service to the building from the street shall be underground, to the extent such underground utilities are available at the front lot line as noted on the Approved Plans.

8. The drainage structures installed as part of the Approved Plans shall be periodically inspected and cleared of debris and sedimentation, if necessary, to ensure that they function as designed. The Village shall be entitled to inspect the drainage structures annually to ensure compliance with this condition. In lieu of an inspection, the owner may provide the

December 8, 2022

Village Building Inspector with a certification by a licensed, professional engineer confirming that the drainage structures have been inspected and are clear and are functioning as designed.

9. The construction and installation of all site improvements, including lighting and landscaping, shall be subject to the periodic inspection and approval of the Building Inspector and Village Engineer to ensure consistency with the Approved Plans and compliance with Chapter 149 of the Village Code.

10. 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.

11. All signage on the property, other than traffic and circulation arrows and signs as may be depicted on the Approved Plans, shall be subject to the requirements and regulations set forth in § 197-30 of the Village Code (“Signs”), any other regulations pertaining to signs, as well as the conditions of the variances granted by the ZBA on July 18, 2019 and September 15, 2022

12. Parking/Deliveries: The thirty-seven designated off-street parking spaces shall be used as parking for patrons and employees at all times. The area noted on the Approved Plans with white diagonal striping shall be used for all delivery vehicles both to and from the site with the exception of fuel deliveries which may require access to on-site fuel storage holding tanks. No delivery trucks and vehicles may be parked on any of the adjacent roads or access roads (i.e., Old Riverhead Road/County Road 31 and the access easement to South of the parcel.)

13. The use of the convenience store (a) shall be limited to the retail sale of goods allowed in a mini-market or convenience store, as defined in the Village Code, for off premises consumption only, but shall not include the sale of food prepared on site or other use that would qualify as a restaurant, as defined in the Village Code and (b) shall be operated by a single

December 8, 2022

operator, as a single business, with no separate counters for the sale of select, designated foods or drinks.

14. Covenants:

i. The applicant, at its own expense, shall prepare a "Declaration of Covenants and Restrictions" (hereinafter, "Declaration") that affects all of the property subject to this resolution and that sets forth the restrictions in Conditions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13 above.

iii. The applicants shall submit the Declaration to the Planning Board for review and approval of the form and substance of the Declaration by the Planning Board and the Planning Board's attorneys.

iii. The applicant shall simultaneously submit to the Planning Board (a) a title certification by a title company licensed to do business in the State of New York identifying the owner(s) in fee of the entirety of the subject property and identifying the names of all parties that must consent to the execution and recording in the Suffolk County Clerk's Office of a declaration of covenants and restrictions setting forth the conditions required by this determination, and (b) signed and duly acknowledged consents from all the parties that must so consent.

iv. Following approval of the form and substance of the Declaration by the Planning Board and its attorneys, the applicant shall, at its own expense, execute and record the Declaration as a conveyance affecting the property, in the Office of the Suffolk County Clerk and provide the Planning Board with proof of such recording.

v. The filing of proof of recording shall be a condition precedent to the issuance of any Certificate of Occupancy.

December 8, 2022

14. 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 Approved Plans, together with any additions set forth in this resolution. In addition, no Certificate of Occupancy may be issued by the Building Inspector until the Building Inspector has certified the completion of all of the improvements and site work as shown on the Approved Plans.

15. 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: December 8, 2022

Village of Westhampton Beach Planning Board

Motion was made by Mr. Neubauer to adopt the determination of **WHB Development Partners, LLC., 107 Old Riverhead Road (905-2-1-19.5)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**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.

Hermon J. Bishop, Esq., appeared on behalf of the application.

DECISION OF THE PLANNING BOARD  
VILLAGE OF WESTHAMPTON BEACH  
DATED: December 8, 2022

IN RE:  
**Hampton Synagogue Parish House  
13 Brook Road, 15 Brook Road & 161 Sunset Avenue  
Westhampton Beach, New York 11978**

December 8, 2022

## **Suffolk County Tax Map Numbers 905-12-1-39, 40 & 43.1**

### **III. The Application for Site Plan Approval**

Hampton Jewish Cultural Center, Inc., are the owners of real property located at 13 Brook Road, 15 Brook Road & 161 Sunset Avenue, Westhampton Beach, New York 11978, which are designated on the Suffolk County Tax Map as numbers 905-12-1-39,40 & 43.1.

Hampton Jewish Cultural Center, Inc, (hereinafter, the “applicant”), has submitted an application to the Planning Board of the Village of Westhampton Beach (hereinafter the “Board”), for Site Plan review of the Hampton Synagogue Parish House to construct a two-story parish house with one 3 bedroom, 2 bathroom residential apartment on each floor, to be used for the Sabbath and other Jewish holidays and to house the choir, cantor and other guests. The applicant also seeks to construct a swimming pool, pool house, mikveh structure (a bath house for certain ritual purifications as well as an attendant’s apartment on the second floor), sports court, gazebo, storage shed & associated site improvements on an assemblage of parcels totaling 39,926 square feet located in the HC Zoning District.

The final version of the site plan for which applicant seeks final plat approval is set forth in the plans prepared by Frank A. Lombardo Architect, created 9-8-21 and last revised on 10-26-22, consisting of several sheets labeled as follows:

- “Site Plan Building & Zoning Data” (A-101),
- “Site Plan Existing Building Demolition/Removals” (A-102),
- “Site Mobilization Plan” (A-103),
- “Site Landscape Plan Details & Notes” (A-103),
- “Site Details” (A-105),
- “Site Details” (A-106),

December 8, 2022

- “Site Plan Exterior Lighting Photometrics” (A-107),
- “Buildings Cellar & Foundation Plan & Steel Framing Plan” (A-108),
- “Building Plans First Floor- Part A” (A-109),
- “Building Plans First Floor- Part B” (A-110),
- “Building Plans Second Floor” (A-111),
- “Building Sections & Details” (A-113)
- “Building Sections & Details” (A-114)
- “Exterior Elevations” (A-115)
- “Exterior Building Elevations” (A-116)

Additional plans for which applicant seeks approval were prepared by Condon Engineering, PC created 8-17-22 and approved by the Suffolk County Department of Health Services Office of Pollution Control on 8-23-22, consisting of several sheets labeled as follows:

- “The Hampton Synagogue Parish House Pool” (P-1)
- “The Hampton Synagogue Parish House Pool” (P-2)
- “The Hampton Synagogue Parish House Pool” (P-3)
- “The Hampton Synagogue Parish House Pool” (P-4)
- “The Hampton Synagogue Parish House Pool” (P-5)

Additional plans for which applicant seeks approval were prepared by Condon Engineering, PC created 1-18-22 and approved by the Suffolk County Department of Health Services Office of Wastewater Management on 10-19-22, consisting of several sheets labeled as follows:

- “The Hampton Synagogue Parish House Sanitary Plan” (1)
- “The Hampton Synagogue Parish House Sanitary Plan” (2)

These plans shall collectively be referred to herein as the “Proposed Site Plan.”

#### **IV. Review by Planning Board and Other Agencies**

December 8, 2022

The application for Site Plan approval was properly noticed and advertised for a public hearing, which opened on October 14, 2021. The Board thereafter reviewed the application, Site Plan, supporting materials, and multiple revisions to the initial filing. The Village's engineer and planners also reviewed the application and Site Plan and provided comments thereon throughout the course of the review process.

During the review process, site plan comments and recommendations made by the Village planner, Village Engineer and Building & Zoning were integrated into the project scope and final drawings noted herein. There were no significant changes made during the planning process and no public comments were received on the application.

The applicant submitted an Environmental Assessment Form Part 1 pursuant to the State Environmental Quality Review Act (SEQRA). On February 24, 2022, the Planning Board classified the application as an Unlisted Action and adopted a Negative Declaration of significance.

During the Site Plan review the matter was referred to the Village's Architectural Review Board for a site plan advisory report pursuant to Section 5-14 of the Village Code. The applicant appeared virtually before the Architectural Review Board on January 18, 2022. There was no opposition to the application, and the Architectural Review Board provided a report dated January 21, 2022, which report was thereafter supplemented with more specific architectural comments in a February 4, 2022 letter to the Planning Board.

The application also required variances from the Zoning Board of Appeals for the square footage of the building to be 3,959.12 sf, where the Village Code limit in Section 197-16.4.C is 3,000 sf. The ZBA found that the proposed use was in keeping with the neighborhood and the character of the community and granted the variance on January 20, 2022.

December 8, 2022

The applicant obtained an approval from the Suffolk County Department of Health Services Office of Pollution Control on August 23, 2022, and approval from the Suffolk County Department of Health Services Office of Wastewater Management on October 19, 2022.

Finally, the Village referred the matter to the Suffolk County Planning Commission, which determined that the matter was one for local determination.

### **III. Findings and Conclusions**

A. As of the Board's December 8, 2022 meeting, the site plan application is complete and contains all of the site plan elements as set forth in the Village Code. The procedures required for site plan review have been fulfilled as applicable to this application. The public hearing is closed.

B. The Planning Board finds that, subject to the conditions set forth in Section IV below, the Proposed Site Plan satisfies the requirements of the Village Code with respect to design, drainage, parking, lighting, landscaping, and other requirements of the Code.

C. The Planning Board approves, subject to the conditions set forth in section IV below, the site plan and improvements as depicted on the Proposed Site Plan, which Proposed Site Plan documents are hereinafter collectively referred to hereafter as the "Approved Plans."

### **IV. Conditions**

4. All improvements shall be made pursuant to the Approved Plans, 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.

5. The dumpster shall be screened from the view of adjacent properties, as depicted on the Approved Plans. Any change in the location of the dumpster shall be subject to further review by the Board as to location and screening.

6. All roof and surface water runoff will be retained and processed on-site by being piped to on-site catch basins, inlets and drywells for subsurface disposal.

December 8, 2022

4. The installation of all drainage, and grading and surfacing of the parking lot, aisles, driveways, curbs and sidewalks, shall be supervised by the Village Engineer and shall be installed pursuant to the Approved Plans. The Village Engineer shall be authorized to approve changes to the location or sizing of drainage structures if field conditions shall warrant such changes and the changes are approved in advance by the Village Engineer, however the total capacity of the modified system shall equal to or exceed what is shown on the Approved Plans.

5. The landscape buffers and screening around the parcel as well as all of the interior site planting for the property shall be completed and maintained pursuant to the landscaping plan included in the Approved Plans. An underground sprinkler system, or approved alternative, shall be installed to water the improved areas of the site to assure plant viability.

6. All lighting shall be installed pursuant to the lighting plan within the Approved Plans, 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 with a maximum lumen level of 0.1 footcandles.

7. Utility service to the building from the street shall be underground, to the extent such underground utilities are available at the front lot line as noted on the Approved Plans.

8. The drainage structures installed as part of the Approved Plans shall be periodically inspected and cleared of debris and sedimentation, if necessary, to ensure that they function as designed. The Village shall be entitled to inspect the drainage structures annually to ensure compliance with this condition. In lieu of an inspection, the owner may provide the Village Building Inspector with a certification by a licensed, professional engineer confirming that the drainage structures have been inspected and are clear and are functioning as designed.

December 8, 2022

9. The construction and installation of all site improvements, including lighting and landscaping, shall be subject to the periodic inspection and approval of the Building Inspector and Village Engineer to ensure consistency with the Approved Plans and compliance with Chapter 149 of the Village Code.

10. 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.

11. All signage on the property, other than traffic and circulation arrows and signs as may be depicted on the Approved Plans, shall be subject to the requirements and regulations set forth in § 197-30 of the Village Code (“Signs”), any other regulations pertaining to signs.

12. Access, Circulation and Parking: Vehicular access into the site shall be from the entrance at Sunset Avenue, vehicular circulation within the site shall be one way only, and vehicular exits from the site shall be from the exit at Brook Road. The seven designated off-street parking spaces shall be used as parking for patrons and employees, and the area marked on the Approved Plans as “Drop Off Area” shall not be used for parking but shall remain available for use as the designated area for loading and unloading passengers.

13. The corner area of the property, at the intersection of Brook Road and Sunset Avenue, that is shaded and labeled on the Approved Plans as being offered to the Village of Westhampton Beach by dedication or easement, shall be set aside to be used by the Village, its departments, and any other governmental agencies or utility companies designated by the Village, for public right of way and utility purposes. The dedication/easement area shall be kept free and clear of any obstructions or encroachments created by the owners and occupants of the site.

December 8, 2022

14. Covenants:

i. The applicant, at its own expense, shall prepare a "Declaration of Covenants, Restrictions, and Easement" (hereinafter, "Declaration") that affects all of the property subject to this resolution and that sets forth the restrictions in Conditions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13 above.

iii. The applicants shall submit the Declaration to the Planning Board for review and approval of the form and substance of the Declaration by the Planning Board and the Planning Board's attorneys.

iii. The applicant shall simultaneously submit to the Planning Board (a) a title certification by a title company licensed to do business in the State of New York identifying the owner(s) in fee of the entirety of the subject property and identifying the names of all parties that must consent to the execution and recording in the Suffolk County Clerk's Office of a declaration of covenants and restrictions setting forth the conditions required by this determination, and (b) signed and duly acknowledged consents from all the parties that must so consent.

iv. Following approval of the form and substance of the Declaration by the Planning Board and its attorneys, the applicant shall, at its own expense, execute and record the Declaration as a conveyance affecting the property, in the Office of the Suffolk County Clerk and provide the Planning Board with proof of such recording.

v. The filing of proof of recording shall be a condition precedent to the issuance of any Certificate of Occupancy.

15. 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

December 8, 2022

Approved Plans, together with any additions set forth in this resolution. In addition, no Certificate of Occupancy may be issued by the Building Inspector until the Building Inspector has certified the completion of all of the improvements and site work as shown on the Approved Plans.

16. 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: December 8, 2022

Village of Westhampton Beach Planning Board

Motion was made by Mr. Neubauer to adopt the determination of **Hampton Synagogue Parrish House, 13/15 Brook Road & 161 Sunset Avenue (905-12-1-39, 40 and 43.1)** as written; seconded by Mr. Logozzo and unanimously carried 5 ayes, 0 nays, 0 absent.

**104 Westhampton LLC, 104 Main Street (905-012-04-032)** Applicant seeks waiver of site plan approval to perform façade alterations to the central two-story building, including replacement of window, doors, railings, roofing & trim, upon the 10,606 SF parcel in the B-1 zoning district.

**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., appeared on behalf of the application.

Mr. Pasca said the appraisal is done, and if you have an objection you can state that.

Mr. Hafeli said no we are okay with it.

Mr. Pasca said if the Board is okay with the appraisal we need to adopt it.

December 8, 2022

**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.

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 January 12, 2023; seconded by Mr. Logozzo 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.

James N. Hulme, Esq., appeared on behalf of the application he said that they submitted materials and received comments and they'd like to hold it over

**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 January 26, 2023**

**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 December 8, 2022**

**ZBA:** **N/A**

December 8, 2022

**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 foot 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 January 12, 2023**

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

**SEQRA:** *Adopted on September 8, 2022*  
**SCDHS:** *Needed*

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

**7. 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 December 8, 2022**

**ARB:** *Needed*  
**BOT:** *Needed*  
**ZBA:** *N/A*

**SEQRA:** *Needed*  
**SCDHS:** *Needed*

**SCDPW:** *Needed*  
**SCPC:** *Local Determination Received*

**8. 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**

December 8, 2022

**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:**

**9. 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 January 26, 2023*

**10. 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. Hylme, Esq., said the ZBA approved the variances for the lots themselves, but they did not approve the variances necessary for the homes and there was a lot coverage variance and single and total side yard variance that was denied. His clients are reviewing the proposal and contemplating asking to reopen the decision to consider a smaller house with single side yard compliance and area variances.

Mr. Pasca said you have everything you need to go forward this Board.

Mr. Hulme said we'd like to hold it over. It really needs the two houses to make it viable. They gave us the subdivision relief, but we'd like to try to get relief to build the houses.

**11. 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.

**Status:** *HELDOVER UNTIL December 8, 2022*

**ARB:** *Needed*  
**BOT:** *Needed*  
**ZBA:** *Needed*

December 8, 2022

**SEQRA:** *Needed*  
**SCDHS:** *Needed*

**SCDPW:** *Needed*  
**SCPC:** *Needed*

**12. 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.

**Status:** *HELDOVER UNTIL December 8, 2022*

**ARB:** *Referred to ARB on August 25, 2022*  
*Received October 24, 2022*

**BOT:** *Received*  
**ZBA:** *N/A*

**SEQRA:** *Complete – Positive Declaration, FEIS*  
**SCDHS:** *Needed*

**SCDPW:** *N/A*  
**SCPC:** *Received August 25, 2022*

**13. 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.

**14. Westhampton Landings, 30 Mitchell Road (905-011-04-051)** Applicant seeks modification of the site plan approval for upgrades to the landscaping, hardscaping & exterior lighting for the existing multi-family development upon the 4.26-acre parcel in the MF-20 zoning district.

Antonio Martins, Westhampton Landings appeared on behalf of the application. They presented their application, and during the application there were comments regarding lighting and plantings along the canal and they were addressed and submitted and we’re hopeful you could review them and close the hearing.

Mr. Reilly asked where they stand with the landscaping.

Ms. Bistran said her concerns have been addressed and we were discussing a SEQRA determination to be adopted and its unlisted with a Negative Declaration and it could be Type II but that’s for the Board to decide.

December 8, 2022

Mr. Pasca said it could be either way.

Mr. Neubauer said he doesn't have a problem with the negative declaration.

Mr. Reilly asked if there were any questions or comments for the Board.

Louise Conway, said this is being piece meal and you requested the filing of the sewer plan with grading and drainage and another was for the other areas being altered as they currently exist and as proposed.

Mr. Reilly said the sanitary aspect lies outside of the Planning Board.

Ms. Conway said you have jurisdiction over the entire plan.

Mr. Neubayer said the jurisdiction for the drainage is not in the purview of the planning board.

Ms. Conway said the walkways are being reconfigured and altered.

Mr. Pasca said don't call it drainage, call it hardscaping and landscaping.

Ms. Conway said you wanted to see the sewer plan and the grading and drainage. You were told about repurposing existing cess pools and you asked for those agreements and if I recall the Village Engineer expressed concern about the parking lot runoff; you wanted written agreements with the trenching and reconfigured driveways to be altered and if I recall the engineer isn't a fan of that. You requested lumens for the parking lot and walkways, so far none of these have been submitted. The new submission combines the landscaping, drainage and lacks lumen calculations, water runoff, and drains. The sewer plan and cesspools for the runoff are not depicted at all and new plans are missing. So I ask that we stop piece meal review.

Mr. Reilly said we're just discussing SEQRA tonight. Mr. Hill has to review the lighting plan.

Ms. Conway thanked the Board; she wants it reviewed as a comprehensive plan because that's the only way to get a comprehensive review. I asked that you insure there is a SWPPP or erosion control plan during the process and the property.

Mr. Neubauer thanked Ms. Conway.

Mr. Reilly asked if there were any other questions or comments. He said pending the review of the lighting plan.

Mr. Hammond said we did receive the sewer and drainage plan and available for the public to review. We want everyone to look at the drainage and the Trustees made this Code. He suggested they speak to the nature of the walkways and there are some behind the buildings and the question being the centrally walkways do they get regraded or go into the existing landscaping.

Mr. Martins said into the existing landscaping. There are numerous stairs that lead from one area to the next and eliminate ramps and recreate the walkways. The intent of the retaining walls and are to replace

December 8, 2022

the bulkhead retaining walls and they are squared off and we put concrete retaining walls in their place. There is a jog in the retaining wall that frames building one and it's squared off and there's a one foot offset to make it straight to allow the walkway to be consistent and not narrow. As I said, the pavers we're using are permeable and will drain better; the hardscapes in the parking lot are being removed and replaced with pea gravel and we've added additional drainage to prevent the water from going to the street.

Mr. Hammond said this doesn't have anything to do with the planning board, do the walkways for the BBQ's have to be removed?

Mr. Martins said some are not, the sightlines and the path of the walkway follows a more natural path to their destination. As a result there are some perimeter walkways that are offset and it's been thought out and an aide to the people walking and makes it more accessible.

Mr. Reilly said it's a redesign?

Mr. Martins said yes.

**15. WHB Parlato LLC, 6 Parlato Drive (905-011-02-043.01)** Applicant seeks waiver of site plan approval to install a gas firepit in the southeast section of front lawn for a waiting area for the existing restaurant upon the 16,898 SF parcel in the B-1 zoning district.

Ashleigh Wedell, appeared on behalf of the application.

Mr. Reilly said they received the survey are there any comments?

Mr. Hammond said it could be a waiver, or a modification of site plan and that entitles year round or you can treat it as a waiver. Modification of site plan means there's no temporary conditions, and seasonal conditions.

Mr. Pasca said waiver decisions are simple.

Ms. Wedell said it's a firepit on the lawn with no concrete.

Ms. Bistran said they voiced concerns about the use outside of the seasonal use; you may want to condition those concerns.

Mr. Reilly said we don't want service, this will be a waiting area and a barrier so it doesn't spill out; there's a post and rail fence and 15' off the property line I don't want music or anything that turns into a gathering spot. They aren't applying for seasonal, they want to use it year round.

Mr. Hammond said if there's something on a site and temporary or permanent it comes to this Board.

Mr. Reilly said they usually have to come back with seasonal and I want to make sure if we have a problem we want to pull it back and if they don't follow Enforcement we want to pull the use.

December 8, 2022

Mr. Neubauer asked if we can do that within a site plan?

Mr. Pasca said no.

Mr. Neubauer said they don't want seasonal.

Mr. Pasca said it doesn't fit within a resolution; that's what the seasonal permits do and if there are complaints they get passed on to the Trustees.

Mr. Neubauer asked the seasonal end date?

Mr. Hammond said November 15.

MR. Passca said you can do a modification and in the conditions, build in a seasonal permit use condition with an exception that they expire, but there are other conditions attached to them and the seasonal seating code and include them in the resolution. If there are violations Code Enforcement can go out.

Mr. Neubauer said the mechanism is the ability to inhibit the use?

Mr. Pasca said it goes to the Justice Court if they don't comply they issue a decision.

Mr. Reilly said the seasonals they did not have any that didn't get renewed.

Mr. Schermeyer asked how it went with Sydneys?

Mr. Reilly said he thinks it was a site plan?

Mr. Hammond said no, it was seasonal.

**16. Mohammad Rizwan Sabar, 156 Dune Road (905-020-01-023)** Applicant seeks site plan approval to install fill within the floodplain for a sanitary system in conjunction with the construction of a single-family dwelling, upon a 16,816 SF parcel in the R-3 zoning district.

**17. Thomas & Lori Schmidt, 66 Exchange Place (905-015-04-049.01)** Applicant seeks site plan approval to install fill within the floodplain for a sanitary system in conjunction with the construction of a single-family dwelling, upon a 22,653 SF parcel in the R-1 zoning district.

December 8, 2022

Graham Wellman, Landscape Architect appeared on behalf of the application.

### **NEW APPLICATIONS**

**18. 71 Sunset Ave Realty Inc, 71 Sunset Avenue (905-012-01-051.01)** Applicant seeks modification of site plan, previously approved on February 10, 2022, to install a commercial kitchen & supporting sanitary facilities at the butcher/grocery store on the 0.8-acre parcel in the B-1 zoning district.

Justin DeMarco and Val Pompeo appeared on behalf of the application. Mr. Demarco said they are seeking a modification of their February 10, 2022 site plan approval, and they didn't have Waste Water Management for the grease trap and there was a condition in that approval to obtain and return to modify the site plan to construct the kitchen and we a permit not inclusive of this boards approval. We were held up the County and we submitted everything online and the system was shut down and we sat in limbo. A copy of our approved plans are included in the application we are installing the new IA system and modify our approval and there are no other changes to the original approval. The Fire Marshal reviewed the kitchen and hood and duct plan and she and Mr. Hammond found the same to be acceptable and this is our last element and we are asking the Board to give the building inspector.

Mr. Reilly asked if Mr. Hammond is okay? Pending a written decision, we can give the Building Inspector the approval to issue a permit?

Mr. Hill said there are no changes, what's changing is the sanitary system and we don't look at that.

Mr. Hammond said it was a condition of their approval, so it has to be a modification.

Mr. Reilly asked if we can give permission to the Building Inspector to let him go ahead and work.

Mr. Hammond said the resolution is written; we are removing the one condition.

Mr. Reilly said under the unique circumstances we can make a motion to withdraw the condition of the construction of the kitchen so the applicant can proceed forward and subsittude the

**19. North Mall LLC, 74 Old Riverhead Road (905-002-02-006.03)** Applicant seeks waiver of site plan to perform changes to the storefront and occupancy for the "Sherwin Williams" paint store at Unit K, the north end of the southerly building, upon the 3.1-acre parcel in the B-2 zoning district.

### **FILL APPLICATION:**

**20. Beechwood Oneck, LLC., 1, 3, 5, Fiske Avenue (905-9-2-35.2, 905-9-2-35.3, and 905-9-2-35.4)**  
Fill application

Paulina Giamopietro, Esq., appeared on behalf of the application.

Mr. Hammond said the fills have been modified and this is the last modified for fill outside of the retaining wall, we received the paper copies today.

December 8, 2022

Mr. Hill said he is fine with the plan.