

April 13, 2023

PRESENT: Ralph Neubauer, Acting Chairman
Rocco Logozzo
Michael Schermeyer
Larry Jones

Ron Hill, Village Engineer

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

ABSENT: David Reilly, Chairman
Britton Bistran, Village Planner
Anthony C. Pasca, Esq., Village Attorney

HOLDOVERS:

1. **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 April 26, 2023**

ZBA: ***Granted, October 20, 2022***

ARB: **NEEDED**

SEQRA: ***1/23/2020 – Deemed Complete; Unlisted Action Coordinated review commenced on 1/27/2020***

Type II Action – Adopted March 23, 2023

SCDHS: **NEEDED**

SCDPW: ***Received SCDPW – No objection;***

SCPC: ***Received SCPC – No objection;***

OTHER: ***Zone Change Approved by Board of Trustees***

2. **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 April 26, 2023**

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***

3. **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

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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 April 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;

4. 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 April 26, 2023**

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

5. 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.

No one appeared on behalf of the application. Motion was made by Mr. Logozzo to adopt the determination of **Firestar Holdings, LLC., 14 Rogers Avenue (905-6-2-17)** as written; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

6. 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., appeared on behalf of the application. She gave the Board of Health approval to the Board on April 10, 2023 and would like to close the hearing for a determination.

No one appeared in opposition and the Board did not have any questions.

Motion was made to close the hearing of **George Vickers, 25 & 27 Hazelwood Ave (905-004-02-020 & -019)** for a determination; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

7. 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.

No one appeared on behalf of the application. Mr. Haefeli requested a holdover.

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Motion was made by Mr. Logozzo to holdover the application of **Robert Schoenthal, 22 Bayfield Lane (905-010-06-002)** to May 25, 2023; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

8. 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, and they provided the survey as requested by the Board and that matches their ZBA approval.

Mr. Hammond said the lots and houses are set with the ZBA; we still need the Dept. of Health and the DEC.

Mr. Hulme said okay.

The Board did not have any questions and there were no neighbors in support or opposition.

Motion was made by Mr. Logozzo to holdover the application of **First Dunes Development 496 LLC, 496 Dune Road (905-016-01-019)** to May 25, 2023; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

9. 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.

Kevin Leahy appeared on behalf of the application; they received Mr. Hill's memorandum that they'll address and resubmit everything by May 17, 2023 for the April 26, 2023 meeting.

The Board did not have any questions or comments, there were no neighbors in support or opposition.

Motion was made by Mr. Logozzo to holdover the application of **10 Mitchell Owner, LLC., 10 Mitchell Road (905-11-2-3)** to April 26, 2023; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.

10. 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., submitted a request to holdover the application to May 11, 2023.

The Board did not have any questions, and there were no neighbors in support or opposition to the application.

Motion was made by Mr. Neubauer to holdover the application of **Rogers Ave Associates., North Side of Rogers Ave (905-3-1-7.1 through 7.7)** to May 11, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

11. 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 April 26, 2023*

ARB: N/A

BOT: N/A

ZBA: N/A

SEQRA: *Needed*

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SCDHS: *Needed*

SCDPW: *N/A*

SCPC: *N/A*

12. Michael Brunetti, 65 Main Street Unit 5 (905-011.02-02-005) Applicant seeks waiver of site plan to maintain outdoor storage of firewood for the existing 16-seat pizza takeout restaurant upon a 0.59-acre parcel located at the southwest corner of Main Street & Mitchell Road in the B-1 zoning district.

No one appeared on behalf of the application. There were no questions by the Board or the neighbors.

Motion was made by Mr. Neubauer to holdover the application of **Michael Brunetti, 65 Main Street Unit 5 (905-011.02-02-005)** to April 26, 2023; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

13. Westhampton Property Management LLC, 141 Montauk Highway (905-005-02-006.01, -006.02, -007 & -009.01) Applicant seeks site plan approval Convert & Renovate Restaurant Building for Grocery Store (5,000 SF) w/ Roofed-Over Entry, One-Story Addition & Associated Site Improvements upon an 34,223 SF assemblage of parcels in the B-2 zoning district.

Status: *HELDOVER UNTIL April 13, 2023*

ARB: *Needed*

BOT: *TBD*

ZBA: *Needed*

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: *N/A*

SCPC: *N/A*

14. New York Cancer & Blood Specialists, 40 Main Street (905-012-03-015) Applicant seeks modification of site plan approval to convert the “Beinecke Building” for medical offices upon the 4.2-acre St Marks Church parcel within the R-2 zoning district.

James N. Hulme, Esq., appeared on behalf of the application.

Mr. Neubauer said this Board has demonstrated the willingness to cooperate with religious and there is interests in the parish, the school, the tenant and the people of Westhampton Beach to make sure this site is safe.

Mr. Hulme said we provided information since the last meeting. We received Mr. Hill and Ms. Bistran’s comments. We are here to seek site plan approval to change the use of the Beinecke Building; because its residentially zoned we’re before the ZBA and they are seeking feedback from this Board to see whether this will or will not work so we can continue the process with them. We provided a narrative as to the current use of the property; a proposed use and ad parking study and updated parking plan. The narrative to quickly summarize it, in the beginning it characterizes the proposed use our operation and our expectations of the operation; the hours that it will run and the patient number; there are 8 health care professionals on site. The daycare operation appears to have 100 students per day and that overlaps our time of use; with 21 employees and the staff arrives around 7:00 a.m. and 3:30 pm. We discussed the Church operation, and there are a number of things that go on that don’t compete with our time, and a few lesser uses; the bible study, the choir and other uses. The real question, I think has to do with the ability of the parking to handle the two concurrent uses; the school and our use. The majority of the Church use is outside the scope of our operations and Mr. Hill thinks the parking allocated is adequate in this plan. The other thing we submitted was the parking plan itself.

Mr. Jones said they do not end up with much playground left.

Mr. Hulme said we will disconnect the front lot to the rear lot the Village provided a driveway around the building during the construction of Main Street, but it seems that this is best used by segregating the school use and that will eliminate the roadway. We’re proposing to construct the 55 of the landbanked

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spots and that will leave us with 37 lots dedicated to the school use. There are 21 teachers and that's who does the parking in the lot. The use is drop off and pick up so that leaves 71 spaces in the front none of which will be dedicated to the use of the school and based on the size of the building that we're operating the Code requires 48 spots which are identified in purple and after you apply 48 to our use there are 23 spots to be used for over flow from our use which may or may not occur and that will accommodate the Church use and our use. We have provided snapshots of the parking today on a daily basis and I will have Herbert Israel explain that.

Herbert Israel said when it came to the question of segregating the uses from our proposed use we figured that by doing a minor parking study and we used our employees over a course of two days and that determined the drop off and pick up time and the people parking and the employee load. In the planners comments she mentioned moving it to the front rather than the back where its proposed and we don't think that's great, because the employees come in first and no one is outside playing at that time. Based on that parking study, the 25 spots in the back are good for employees and segregates them from the front use and allows an easier way for drop off and to turn around and Exit to allow for a stacking lane. For us, we feel if there are 8 employees, you will see an updated interior plan and we lowered the number of exam rooms to show we aren't going to be full it's a specialty office and we feel by picking the landbanked area and reducing the playground for the students it used up the garden and green space and it mimics the approved site plan from years ago where the landbank was. As time goes on, you have the availability to build out the landbanked parking if needed. That's why we chose that area it's employee parking not transient.

Mr. Neubauer asked the Summer schedule of the school? Should we consider that?

Mr. Hulme said they do not.

Mr. Neubauer asked to find out the camp enrollment from last year, and what they are predicting this year.

Mr. Hulme said in summary, on this plan at any given moment based on what things are happening and what's not there is mor than sufficient parking for these uses. The other point, it was taken on two different days and it looked at the parking each hour and the peak was mid day and there was 25 spaces used on both days. That parking, some of which was teachers and staff at the Church would be accommodated that was reserved in the front. That only supports the conclusion that this plan will accommodate the parking that may occur. To keep in mind, this has another 20 landbanked spaces and if we are really off base there's another safety net.

Mr. Neubauer asked if they can put that in a decision?

Mr. Hulme said that's something the Trustees will decide.

Mr. Neubauer said we may ask the attorney to put that in the decision.

Mr. Jones asked if this will be part of the new sewer system.

Mr. Hammond said no.

Mr. Hulme said we're putting in a new sanitary system.

Mr. Israsel said they need SEQRA.

Mr. Hammond said there is a Use Variance so it has to be Unlisted; typically the Planning Board is the clearing house for SEQRA.

Mr. Neubauer said he thinks that this Board can determine one.

Mr. Hammond said you have to declare lead agency from the ZBA.

Mr. Neubauer asked if we can do that tonight?

Mr. Hammond said yes, as long as you don't wish to coordinate.

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Mr. Hulme said the Planner put this determination in the Board's lap about the parking; she discussed flipping the parking with the playground and it seems like an unnecessary expense and not something we want to do.

Mr. Hill said I would like a narrative for the parking study; there is data but it's not backed up by anything. Explain how it was done, where they were positioned to do it. It should get a letter from the school stating how many students and staff. You said there's no Summer program, now there is one. I would like to see something from the school in writing. I would like to hear from the school about how they operate the drop off and pick up.

Mr. Hulme said as far as September to June use that's detailed enough.

Mr. Hill said I don't think the Summer program is greater, but we need the number.

Mr. Hulme said that was the gist of Mr. Hill's comments and he thought the 25 spaces was sufficient.

Mr. Hill said yes, but I need to see the narrative. If you look at the drop off and staff parking the number goes over 40 so I need to see what's going on more carefully. I think the parking looks like we can work it out, and if the ZBA agrees then we have to develop the site plan; there's drainage and lighting that goes along with this, and we have to look at the site because it triggers the Village Code and we may want landscaping and things this Board has to do once the ZBA is done.

Mr. Neubauer asked when we can send it to the ZBA?

Mr. Hill said once we get the narrative and the parking, yes we can.

Mr. Foley said he knows this Village well, and when NY Cancer comes to a community or Village we don't open the doors and close them we become part of the Community. Two weeks ago we opened in Brooklyn and we like to be part of the community and part of the reason I'm here is that we hear the issues with parking and we'll address all of the issues and we want to make long term changes and we pick spots from Montauk to the five boroughs to Newburgh and we feel they need more medical attention and if you go through the journey of cancer, in the past you had to go to NYC and now you can do it from home.

Mr. Hulme said he appreciates the Chairmans concern that this is not a good spot for Main Street and if we were one lot East it would be a special exception use. The only other thing I want to ask is that we're before the ZBA next week and I know we're a little bit away from an approval, but they're seeking an indication that you think this is okay and we can move forward with them.

Mr. Neubauer said we can send a memorandum to them, but we're not going further than a no objection.

Mr. Schermeyer asked about SEQRA.

Mr. Hammond said its conditional based on what they provide to Mr. Hill.

Motion was made by Mr. Logozzo to holdover the application of **New York Cancer & Blood Specialists, 40 Main Street (905-12-3-15)** to April 26, 2023; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

15. SKL Realty Holdings LLC, 115 Main Street (905-011-02-022) Applicant seeks modification of site plan approval to alter & convert sanitary retaining enclosure for seasonal patio seating & retain two metal sheds for the existing mixed-use building upon a 8,094 SF parcel in the B-1 zoning district.

Kevin Leahy appeared on behalf of the application. When we last appeared we made a few changes, and we removed the sheds and we resubmitted and in lieu of the grass we are proposing unilock pavers to match the Village sidewalks and that was submitted to Mr. Hill and this Board.

Mr. Logozzo asked about the shed?

Mr. Leahy said right now, we are not proposing a shed. If you have a minimum size and style we will be happy to discuss that, but for now we're removing that from the application.

Mr. Hill said the changes have improved the plan. The pavers will work better than gravel.

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There were no neighbors in objection or support of the application and the Board did not have any other questions.

Motion was made by Mr. Neubauer to close the hearing of **SKL Realty Holdings, LLC., 115 Main Street (905-11-2-22)** for a determination at the April 26, 2023 meeting; seconded by Mr. Jones and unanimously carried 4 ayes, 0 nays, 1 absent.

16. 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 final site plan approval to construct a multi-family residential development consisting of forty-five (45) 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; at the last meeting they needed to submit elevations, floor plans and a site plan and they submitted the same to this Board The plan has not changed since they appeared before the Board of Trustees and the two issues are the ARB referral and we think we're in place for that and the other is a conversation to have with the Village Attorney about the park fee.

Mr. Neubauer asked if we can refer them to the ARB?

Mr. Hammond said yes; we referred it to SCPC; SCDPW and the Town of Southampton. It's a good time to do the referral.

Mr. Jones asked about the trees?

Mr. Grogan said we removed everything from the area near those trees and we moved the leaching pools out of the area and left it to remain natural and they'll stay as they are now and avoid any work on our project. I refocused landscaping around that corner and we'll leave those trees and we are going to avoid that area.

Mr. Logozzo asked about the expansion field.

Mr. Grogan said they moved it.

Motion was made by Mr. Neubauer to holdover the application of **WH Equity Group, LLC., 12, 22, & 80 Montauk Highway & 11 Old Riverhead Road (905-4-1-22.1, 23, 26.3 & 30.1)** to May 11, 2023; seconded by Mr. Neubauer.

NEW APPLICATION:

17. Westhampton Country Club, 35 Potunk Lane (905-9-3-23.1) Applicant seeks modification of site plan approval to reconstruct an enlarged staff housing building with associated site improvements upon a 45-acre parcel in the R-1 zoning district.

Kittric Motz, Esq., appeared on behalf of the application together with George Vickers. They are here to request a modification of site plan to reconstruct the staff housing that was previously demolished with ZBA approval and we have applied to the ZBA as well and we appear before them next week. We're looking to relocate the housing and to move a few sports fields facilities. The previous staff housing was for 18 and this is as well; we need a variance because the building is larger and its due to code changes and ADA requirement and we need SEQRA as well.

Mr. Hammond said you will be Lead Agent regardless. The action is Unlisted.

Mr. Schermeyer said it makes the flow much nicer moving the building; the area is very tight now and this will help that a lot.

Mr. Jones asked if the building is gone?

Ms. Motz said yes, it is. The CC Is attached we received a demolition permit and CC for the removal of it.

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Mr. Jones said the newer two story house going toward pickle ball is that staff housing?

Ms. Motz said yes, 18 will go in this building and there's 51 staff members who need housing. She asked if there were any questions.

Mr. Neubauer said we have to rely on our experts.

Mr. Hill said any questions he has will be on lighting and drainage.

Mr. Hammond said it has to go to ZBA too.

Mr. Hill asked if there is separate parking facilities for it?

Ms. Motz said no new parking will be installed; there is a long parking strip where they are proposing the house.

Mr. Hill asked if its along Potunk? Is the intention to use that for staff parking?

Mr. Neubauer said we're not adding parking.

Mr. Schermeyer said they're walking over.

Mr. Hammond said the parking, with the sports court there is a canopy that should be thrown on this survey for the record. It doesn't bother anyone, but it's not on the previous site plan so we should get it on this one.

Scott Mitchell, 80 Potunk Lane said he lives on the corner of Hansen and Potunk; I don't think it will impact me too much and I have a few questions.

Ms. Motz said they are moving for athletic facilities.

Mr. Mitchell said there are pickleball and basketball courts that I missed the meetings for. He asked about the lighting.

Mr. Neubauer said they'll be dark sky complaint.

Mr. Schermeyer said it will mimic the building next to it.

Mr. Neubauer said everything we ask of the applicant they do. I think they are good neighbors.

The Board had no other questions, and there were no other neighbors with questions or comments.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Country Club, 35 Potunk Lane (905-9-3-23.1)** to May 11, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

REFERRALS FROM BOARD OF TRUSTEES:

18. LT Burger West, LLC., d/b/a Daphne's, 115 Main Street (905-11-2-22) Applicant is seeking outdoor four (4) tables, and 26 chairs with lights and sun shade and no outdoor music.

Kevin Leahy appeared on behalf of the application. There was nothing in the rear, and we have connected to the sewer system.

Mr. Hammond said there is a limit of 28 seats per use; and the area is common in the front and in the back. You have to make sure with the Board of Trustees that they are aware of the music, if you're changing it from last year you have to spell it out for the Trustees.

Mr. Hill asked how they are lighting the patio.

Mr. Leahy said it's string lights shown on the drawing, nothing is being installed.

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Mr. Hammond said you have to meet the dark sky compliance. He said that they cannot have the seats in the front for both uses, it has to shared seating. If you want the seats in the front, then they need to be assigned to a use and there is a limit of 28.

Mr. Leahy said okay, they will only use the front seats when Caffeine is open, the back area will be for LT Burger / Daphnes.

Ms. Mackie asked if they wanted music.

Mr. Leahy said yes.

Ms. Mackie said that isn't on the application and asked them to go over what they want item by item so there's no confusion like we've had in the past.

Mr. Leahy said they want music, they have a sonos speaker they want to use and they want to do live music on the weekends.

Mr. Hammond said again, you have to apply for that with the Trustees but we should have it on here too.

Mr. Leahy said they want one (1) sonos speaker in the front, it's a built in speaker and on the front patio they want to have 26 tables in total; and in the rear they want four to six picnic tables with two extra seats for a total of 26 seats in the rear.

Motion was made by Mr. Neubauer to refer the application of **LT Burger West, LLC., d/b/a Daphne's 115 Main Street (905-11-2-22)** to the Board of Trustees with no objection; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

19. 8 Grams Café, LLC., d/b/a Caffeine, 115 Main Street (905-11-2-22) Applicant is seeking nine (9) tables and 18 chairs + eight (8) stools; for a total of 26 seats; no lighting and no outdoor music.

*This application was discussed simultaneously with the application for **LT Burger West, LLC., d/b/a Daphne's 115 Main Street (905-11-2-22)** and was referred to the Board of Trustees with no objection.

Motion was made by Mr. Neubauer to adjourn the meeting at **6:00 p.m.**; seconded by Mr. Schermeyer and unanimously carried 4 ayes, 0 nays, 1 absent.