

April 26, 2023

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

Brad Hammond, Building & Zoning Administrator

Maeghan Mackie, Board Secretary

DECISION:

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.

DECISION OF THE PLANNING BOARD
VILLAGE OF WESTHAMPTON BEACH
DATED: April 26, 2023

IN RE:
SKL Realty Holdings, LLC.
115 Main Street, Westhampton Beach, New York 11978
Suffolk County Tax Map Number 905-11-2-22

I. The Application for Modification of Site Plan Approval

SKL Realty Holdings, LLC., is the owner of real property located at 115 Main Street, Westhampton Beach, New York 11978, which is designated on the Suffolk County Tax Map as 905-11-2-22, Jason Ormond, Architect (hereinafter, the “applicant”), has submitted an application to the Planning Board of the Village of Westhampton Beach (hereinafter the “Board”), for modification of site plan approval dated November 14, 2019 and modified on April 21, 2021, to convert existing raised sanitary system area to a raised patio area for seasonal dining and to retain two metal storage sheds at the rear of the building.

The Board reviewed the application, site plan, supporting materials, and revisions to the site plan beginning with their March 23, 2023 meeting. The modification of site plan is proposed to be implemented in conjunction with the newly completed sewer system serving the downtown area of Westhampton Beach. Under §141-7 of the Village Code, the applicant is required to connect to the new sewer system, and a separate sewer site plan process is processed administratively under §141-6 and §195-63.S of the Village Code, through which the Building and Zoning Administrator may approve certain site changes associated with the sewer connection, including improvements designed to maximize stormwater retention on each parcel

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(hereinafter, the “sewer/drainage improvements”). The scope of this application involves the conversion of the raised septic field to a patio and seasonal dining area due to the implementation of the sewer system.

The majority of the Board felt that the addition of the patio area was in keeping with the Village but that the proliferation of storage sheds in the rear of Main Street was not in keeping with the aesthetic of the Village and requested their removal from the site and permit scope. The Applicant agreed to this alteration. The Village’s engineer and planner also reviewed the application and site plan and provided comments thereon during the review process relating to the patio surface material, reusing the abandoned septic system for drainage and the visual impact of the sheds all of which was integrated into the revised site plan. During the brief course of the Planning Board review, no one appeared in opposition to the application.

The final version of the site plan for which applicant seeks approval is the site plan prepared by Jason M. Ormond, Architect last dated June 6, 2022, and updated on March 24, 2023 date stamped received by the Village consisting of pages S01 and A01, dated March 24, 2023 (hereinafter referred to collectively as the “Final Site Plan”). The subject modification of use is consistent with the original SEQRA determination and thus requires no further environmental review.

II. Findings and Conclusions

A. As of the Board’s April 13, 2023 meeting, the modification of site plan application is complete and contains all of the site plan elements 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 III below, the proposed modification of 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 Board does not approve nor make guarantee for the future use of the proposed patio beyond as provided for by a Seasonal Outdoor Dining/Seating permit, duly issued by the Village Board of Trustees.

D. The Planning Board approves, subject to the conditions set forth in section III below, the modification of the site plan as depicted on the Final Site Plan (i.e., the site plan prepared by Jason M. Ormond, Architect last dated June 6, 2022, and updated on March 24, 2023 date stamped received by the Village consisting of pages S01 and A01, dated March 24,

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2023), which Final Site Plan documents are hereinafter collectively referred to as the “Approved Plans”.

III. Conditions

All conditions of the original site plan approval, dated November 14, 2019, are incorporated herein by reference and shall continue in full force and effect except to the extent that the Approved Plans herein shall supersede any prior, inconsistent plans approved in the November 14, 2019 determination and the April 21, 2021 Modification of Site Plan.

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Village of Westhampton Beach
Planning Board

Motion was made by Mr. Logozzo to adopt the determination of **SKL Realty Holdings, LLC., 115 Main Street (905-11-2-22)** as written; seconded by Mr. Jones and unanimously carried 3 ayes, 0 nays, 2 absent.

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.

Nicholas A. Vero, Architect appeared on behalf of the application. They are before the Department of Health and the Public Works and their comments.

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).**; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

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.

Richard T. Hafeli, Esq., appeared on behalf of the application. He said that they have to revise the plans and would like to holdover the application.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Inn, LLC., 43 Main Street (905-11-1-15)** seconded by Mr. Logozzo and unanimously approved 4 ayes, 0 nays, 1 absent.

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 expansion of an existing storage facility operation. The 3.657-acre property is located on the east side of Depot Road, in the I-1 zoning district.

No one appeared on behalf of the application. They requested to hold the application over to May 25, 2023.

Motion was made by Mr. Neubauer to holdover the application of **Prime Storage, 98 Depot Road (905-002-01-019.10).** to May 25, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

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

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(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., appeared and said her client was still working on his plans, and she'd like to hold the application over to May 25, 2023.

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 May 25, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

5. 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. They received Department of Health approval, this is lot line modification to take two existing lots and make them equal in size; and they are both going to be 13,000 square feet each.

Ms. Bistran said they reviewed the file; and they feel it is ready for a determination on May 11, 2023.

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

6. 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 May 18, 2023**

ARB: *Needed*

BOT: *Needed*

ZBA: *Granted, May 19, 2022*

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

SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Local Determination Received*

7. 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 May 25, 2023**

ARB: *Needed*

BOT: *Needed*

ZBA: *Received, November 17, 2022*

SEQRA: *Needed*

SCDHS: *Needed*

SCDPW: *Needed*

SCPC: *Needed*

8. 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.

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Heather A. Wright, Esq., appeared on behalf of the application. She requested to hold the application over to May 25, 2023.

Motion was made by Mr. Neubauer to holdover the application of **10 Mitchell Owner, LLC., 10 Mitchell Road (905-11-2-3)** to May 25, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

9. 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.

No one appeared on behalf of the application; Frank A. Isler, Esq., requested to hold the application over to May 11, 2023 as they are waiting on approval from the Department of Health Services.

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 May 11, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

10. 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 “” of land from 12 Potunk Lane to 42 Stevens Lane.

No one appeared on behalf of the application.

Motion was made by Mr. Neubauer to holdover the application of **DRL Irrevocable Trust & Carol Schecter, 12 Potunk Lane & 42 Stevens Lane (905-011-01-003.02 & -007)** to June 8, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

11. 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.

Nicholas A. Vero Architect appeared on behalf of the application. He said that they submitted a revised plan and the Board discussed the same.

The Board requested as a condition of this approval that the applicant clean up the site in the back as it is unkept and they'd like to see no debris, wood piles, etc outside anymore.

Motion was made by Mr. Neubauer to close the hearing of **Michael Brunetti, 65 Main Street, Unit 5 (905-11.2-2-5)** for a decision at the May 11, 2023 meeting; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

12. 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.

John J. Bennett, Esq., appeared on behalf of the application, together with Joe Guerra Citarella. Mr. Bennett said he submitted a letter today in response to the comments from Ron Hill and he did send the same to Ms. Mackie and Mr. Pasca. He said he would like to discuss threshold issues on the matter and as a preliminary comment the site plan, as you know is four separate parcels that are the parking and the building to be converted are. There have been discussions with the Building Inspector and there are three parcels to the West and we agree to merge them; they may have been merged by operation. As it relates to the fourth parcel to the East we discussed subject to the landlords consent, we covenant that parcel if anyone wants to develop it other than parking it would be required to have a review coordinated with the applicants parcel as well. The easterly tax parcel is parking and will remain with minimal alterations proposed. I want to focus on two items, comments about changes to the entrance and sidewalks and cross access. The business has three locations in NYC and one in Southampton, one in Bridgehampton, one in East Hampton and one in Greenwich, CT and has a lot of practical experience with parking and circulation and how to run the stores. We looked at Mr. Hill's comments from

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4/25/2023 and I want to address comment five; we aren't intending to file an application with the DPW and the 2009 site plan approval allowed a refurbishment of this area and did not require changes to the ingress and egress and that doesn't make sense. We will use the existing access and as a result we are proposing to maintain the curbcut, and we don't find an over reaching need to change it because we're not going to the County and not installing curbing or sidewalks in the right of way. I don't know how the County forces people to and they do it rather than fight the County and I have caselaw for the review of this Board saying it is illegal attempt to require off site improvements, but its moot because we don't intend on going to the County, we feel the curb cut is satisfactory as it is. In 2009 there was a waiver to redo the parking and did not change the curbcuts or access at all. We think some of the stuff in the County right of way and the sidewalks is illegal, but again we don't need the curbcut. The other thing when they discuss coordinated access all lawyers go to a 1980Case and that didn't say that the coordinated access that the PB had approved it, in a necessary and appropriate case you could require it and we don't think it is in this case. We have a case from 1981 to allow the public access to your property and that's coordinated access and as it relates to the Department of Health, we are not sure we have to go there either, as you can see from the design flow we're well within the design flow and we don't see anything that requires to move from a restaurant to a retail store. Those are the issues I'd like to discuss and the other issues of the location of the sanitary system, we will show that on a site plan and yes, that's needed. I think for now, to know the course for all of us in terms of the path this application will take those items are very important. We have no intention of going to the County DPW, and we don't think changes are necessary and we don't think cross access is appropriate and we think the sanitary design is fine and we're willing to merge the parcels and covenant the parcel too. He thinks its important for Mr. Guerra to explain to the Board about the parking. The cross access takes away a lot of parking and that will have a detrimental effect on the patrons.

Mr. Gerra said he is hoping that we can establish themselves here, he purchased the lease for the parking lot and he only purchased this for the parking lot. I am very sensitive and I know how important parking is and because of that is why I purchased this and in the back where they want cross access from Oak Street, that will be my dumpster and my truck loading. And we will apply for a variance for an extension and that will be where I work, and to have cross access to come through there is dangerous and doesn't make sense. The cross access on the east property, I purchased this and I'm aware of what will happen during the season and parking is a must and to lose 6 parking spaces for cross access doesn't make sense. I don't want the liability and losing parking which we assume it will be fairly active. We make less grease than a restaurant.

Mr. Reilly said my initial comments are for Mr. Bennett; regarding your legal arguments we'll defer to our Village Attorney. And you do correctly identify the main issue; I will address cross access first, it has been a policy of this Board since I've been on it for two decades, it is not new and it is something we have insisted upon for years and other property owners between Oak and Sunset were required to do this, but this is something that we as a Board have been working to establish all over this Village. There is nothing new here.

Mr. Neubauer said the parcel next door has cross access.

Mr. Reilly said it is important to this Board. With regard to the shared access, the ingress and egress on to Montauk Highway, this is a new site plan and what we did in 2009 may not be relevant, to what has happened along Montauk Highway since 2009 changes. We have before us, at the end of May for the immediate East parcel and they will be developed at the same time and it's an opportune time to coordinate the development. We have a long standing policy to limit the access and curbs on to Montauk Highway, less curbcuts on to Montauk Highway. From my perspective the cross access is important and the coordinated access point on Montauk Highway is desirable. A shared access point with the driveway to the East. These are things we have insisted on for a very long period of time, to change what we have been doing for one parcel is not something I am looking to do.

Mr. Bennett said what you have to do, and I don't know if they made these arguments, most of the time they give it up immediately but you should look at the caselaw, I don't think in this instance you have the authority to do it regardless of what you've done in the past. It doesn't mean its appropriate extraction. There is one case in New York that deals with it and it went back to the Planning Board and it could be that you insist on it.

Mr. Neubauer asked if he needs a variance?

Mr. Bennett said they are two separate issues.

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Mr. Neubauer said I disagree.

Mr. Bennett said the variance will go through the five part test and whether you will require someone to let the uninvited public to use his parcel. You have to see if you can make a finding whether this piece would stand the scrutiny and in the second point, I think its incumbent on the Board to demonstrate how in this piece is not working fine. What we'd like to do is be able to conclude on those issues before we proceed. The other technical stuff is fine.

Mr. Guerra said the landscaping and paving is fine.

Mr. Reilly said we appreciate what you're trying to do, but this is something that we have done for a long time and we'll defer to our attorney for the legal arguments.

Mr. Bennett said from a planning point of view, I get it. Often times in the past you do give it and I don't think it makes sense in this case.

Mr. Reilly said I get why, you can't use the property as fully as you would like to.

Mr. Guerra said there is a danger to it.

Mr. Reilly said we have had cross access on CR31 for a long time, there isn't any issues we know of and our Engineer would look at it too and decide whether its too dangerous or not.

Mr. Bennett said the site issue is one, and the over arching legal issue. The applicant wants to be a resource to the Village but the site has to work.

Mr. Reilly said I said my peace, if anyone else wants to comment this is the time.

Mr. Logozzo said I would like to see the cross access on the Westerly lot.

Mr. Neubauer said it accesses the site from the SW corner and cuts into a proposed variance that will be requested for a freezer box.

Mr. Reilly said to describe how it will work.

Mr. Bennett said presumably the parcel on Oak Street that is a "L" and on the South West part of the site plan for the proposed site it does not work to have cross access there.

Mr. Pasca said the way to do this is to have it shown on the site plan, show where it is on the adjacent parcels.

Mr. Bennett said I told him to take it off.

Mr. Pasca said it's an existing condition, you can take that position but its an existing condition it needs to be shown on the plan.

Mr. Bennett said okay, I will have that put on the survey.

Mr. Pasca said there are existing covenants on the two parcels, it's a condition and it will end at the property line because it does not exist on your property, but they do exist on the other properties and they are recorded C&R's and they exist today.

Mr. Bennett said I will have that added.

Mr. Reilly said Mr. Pasca has to weigh in on the letter.

Ms. Bistran asked if they received her memorandum and Mr. Hammonds?

Mr. Bennett said yes I think I did.

Mr. Pasca said I'm having a hard time looking at Montauk Highway, you're not asking for curb cuts how do they analyze it without detail.

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Mr. Bennett said we're showing as built conditions. It's just pavement that ends. There is no delineation and its pavement to pavement.

Mr. Reilly said there is no apron.

Mr. Pasca asked what the line on the survey is? He will leave that for Mr. Hill to review.

Mr. Hammond said per GML we have to refer it to the DPW and I cannot issue a permit without sending it to them, and that agency whether you are building existing and proposed they have the ability to weigh in on work within the right of way.

Mr. Bennett said my understanding is not that.

Mr. Hammond said in 2013 the Legislature passed a law and we have to send it to them.

Mr. Pasca said whether you want to propose a change that or not, it may be that this Board is not willing to approve it without that. I'm not talking about off site, if it doesn't work and they say it doesn't work you can say we're not willing to do anything and that's your choice but this Board can determine whether it works or not.

Mr. Reilly said aside from the physical way, in general what is the Boards thoughts about cross access.

Mr. Neubauer said I don't think we should deviate the policy that we've had, my position is that regardless of what I've heard, I'm not willing to deviate from the cross access and I'm disturbed by the lack of sidewalk and consideration for the property next door but I'm sure the county will comment.

Mr. Logozzo said I like the idea of cross access and I want to look at the area but I'm not sure if it's a good idea. In general, the way its configured I don't know if it'll work.

Mr. Jones and I agree with Mr. Logozzo I wonder if there's not a way to mitigate it by cross access and having it closer to the South where there is planting. It still is goofy how you have to make a right to go across to accommodate something in other projects, I think it's a good idea and works in other places but it's convoluted I'm not sure we need it across the rear.

Mr. Reilly said two members want to see cross access; the other two are reserving judgment subject to Engineering aspects of it. It is something we want to see if we can make it happen, if you can prove its not a good idea we can revisit it and the same will apply to Montauk Highway. But from our perspective we would like to see less access on Montauk Highway and if you can demonstrate why it won't work we will like to hear it. I don't think because it works for your proposal is what we're looking for, everyone wants things their way.

Mr. Bennett said I understand there is a referral requirement. One thing that the Holmes case says is that it has to also be a benefit to the subject parcel and I don't see it. It says the only way you can get around it.

Mr. Neubauer said we have to rely on the Village Engineer.

Mr. Bennett said one thing it says to get around the constitutional requirement is that it's a benefit where its imposed so it can't be a negative, there is no benefit to this parcel.

Mr. Reilly said we'll defer to the attorney on this.

Mr. Bennett said I would prefer to find a way for this property that it doesn't work.

Mr. Pasca said it's necessary to deal with both at the same time. The Chairman posed to talk in concept and then decide, and I don't think that works for the reason just mentioned, you say there's no benefit and the only way to know that is to see it on paper. It's a disadvantage to the site not the client, and if you can make the case the site won't benefit from cross access and his patrons won't be able to cross access to other parcels, and if you can make the case there is no reciprocity then there's no purpose to cross access.

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Mr. Reilly said my purpose is to reinforce the Board has always favored cross access not as an absolute, if you can show the reason it won't work on this parcel or for the reasons Mr. Pasca stated we will deal with it, but I want to reinforce that its very important to this Board.

Mr. Neubauer said sometimes its been limited ,there is cross access it wasn't necessarily for constant traffic.

Mr. Pasca said residential properties, you may treat commercial site plans differently than residential properties and they take on different meaning for privacy where your ability to have a private home or homes is different with a public site that you invite the public there every day. This is not private, you want the public to come in so there may be a different analysis for a site that invites the public on it as opposed to a residence in some of the cases cited.

Mr. Bennett said you're skinning the onion, you're giving them a temporary license legally to be on your property.

Mr. Pasca said you're getting the reciprocity as well. For Mr. Hill to do the analysis you have to show the points and we need the Engineer to review it and if they are right, if it's not appropriate we don't have to reach the question about the policy.

Mr. Bennett asked if the parcel to the East and West have designated areas?

Mr. Hammond said the parcel to the West only, the parcel to the East is vacant and there is a pending application.

Mr. Reilly said it's vacant and the applicant has indicated that his parcel to the East has cross access to his vacant site and he's proposing cross access to this site too; this will be the only site in this stretch without cross access which defeats the intention of it.

Mr. Bennett said there is no cross access to the East.

Mr. Reilly said that property owner has indicated and one of his concerns was cross access.

Mr. Pasca said these are the last two parcels to close the cross access from Oak To sunset?

Mr. Hammond said yes.

Mr. Jones said there is a lot of trucks at your locations, and it seems like the rear parcel is the best place for it. Do you load into the refrigerator?

Mr. Guerra said yes. And the compactor isn't on there, it won't be a dumpster it's a compactor.

Mr. Bennett said they are trucks but not 18 wheelers.

Mr. Jones said in Southampton there is a lot of new concrete work on the East.

Mr. Guerra said I replaced all the cesspools in Southampton and what happened they asphalted them and they sunk; we had a lot of issues and I put 8" of reinforced concrete.

Mr. Jones said that location the trucks back in and don't take over the parking lot and that's a case where you have cross access of sorts to Main Street and it goes behind the stores there.

Mr. Guerra said that area you are referring to, the piece in the back is the pad.

Mr. Reilly said in addition to cross access we want Mr. Hill to comment on the Montauk Highway curbcuts I know our former planner would prefer to limit them, and I believe Mr. Hill will say the same as will the County. There is an Ambulance facility immediately across the street as well, how many cars do we want making turns on and off of Montauk Highway in the same location.

Ms. Bistran said I need more information about the function of the site, and how you progress through the site and I think it's key to get that.

Mr. Guerra asked if you can imagine how Sunset Avenue will back up with this?

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Mr. Reilly said the concern I have the in and out on Montauk, a left turn to go West will cause issues; you can make it so there is only a right turn out. I want to discuss that with the Engineer. He believes Mr. Hill would want it to align with Hazelwood, I just see a huge traffic problem and that's why we push cross access.

Mr. Bennett said presumably Mr. Stinchi will do it on his parcel, that eliminates a curb cut.

Mr. Reilly thinks he needs to show cross access.

Ms. Bistran said to review the memo.

Mr. Reilly said we need more information and it has to be received 10 days before the next meeting.

Mr. Bennett said okay, he conferred with his client, and they requested to hold the application over to May 25.

Motion was made by Mr. Neubauer to holdover the application of **Westhampton Property Management, LLC., 141 Montauk Highway (905-5-2-6.1)** to May 25, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

13. 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. He said he received Mr. Hill's memorandum.

Mr. Reilly said you have to address his comments.

Mr. Hulme said he will get in touch with Mr. Hill so they return and can discuss it. He did have a question about SEQRA. There was a question about Summer camp, and there has been in the past and there will not be a camp this Summer. In the past the number of students is less than what attends during the school year and we indicated 100 students, and I think 80 or 90 and it only runs from 9am – 12pm and only for 8 weeks so any analysis relative to parking and the school year will more than adequately be satisfactory. We appeared before the ZBA and there was discussion about not coordinating and for you to do SEQRA and if that's the case I'm wondering what we have to do. We are pending before the Department of Health waiting for SEQRA, and this is a modification of a site plan.

Mr. Hammond said it's Unlisted.

Ms. Bistran said I don't think we have enough information to make a SEQRA determination at this juncture. I think the occupancy and how the site functions hasn't been sufficiently answered.

Mr. Hulme what hasn't been answered?

Ms. Bistran said if you segregate the day care, there is 25 teachers, and 28 parking spots this is not drop off the parents are parking and we don't have parking for 100 kid and there are 28 spaces and we need to know how the circulation will work.

Mr. Hulme asked if they can meet?

Ms. Bistran said yes, and she'd like Mr. Hill to come too.

Motion was made to holdover the application of **New York Cancer & Blood Specialists, 40 Main Street (905-12-3-15)** to May 11, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

14. 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

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and associated site improvements upon an 8-acre assemblage of parcels in the HD & B-2 zoning districts.

Status: *HELDOVER UNTIL May 11, 2023*

ARB: *Referred to ARB, April 13, 2023*

BOT: *Received*

ZBA: *N/A*

SEQRA: *Granted*

SCDHS: *Needed*

SCDPW: *Referred to SCDPW April 4, 2023*

SCPC: *Referred to SCPC April 4, 2023*

TOWN OF SOUTHAMPTON: *Referred to Southampton Town April 4, 2023*

15. 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.

Status: *HELDOVER UNTIL May 11, 2023*

ARB: *Needed*

BOT: *N/A*

ZBA: *N/A*

SEQRA: *Unlisted Action*

SCDHS: *Needed*

SCDPW: *N/A*

SCPC: *N/A*

NEW APPLICATION:

16. BMB Enterprises Inc, 145 Main Street (905-011-02-029) Applicant seeks modification of site plan approval to convert attic space for two-bedroom apartment on the second story of the existing mixed-use building upon a 8,653 SF parcel in the B-1 zoning district.

Nicholas A. Vero, Architect appeared on behalf of the application together with Barry Bernstein. Mr. Vero said they are looking to modify the site plan to allow an apartment on the second floor.

Mr. Reilly asked if the approval was conditioned on the apartment? I thought it was that we could not use it as an apartment.

Mr. Vero said he has to look; we are going to hook up to the sewers and with a variance and approval from the Trustees we're looking to add a two bedroom apartment and that was the encouragement of improving Main Street. There are certain steps we have to take.

Mr. Neubauer asked if there are two apartments?

Mr. Vero said no, an office and two bedroom apartment.

Mr. Hammond said it's a special exception.

Mr. Vero said we need relief from zoning for parking.

Mr. Hammond asked if you are shrinking it to 850 square feet?

Mr. Vero said no, I will go for a variance.

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Mr. Neubauer said our opposition is when you're done with ZBA come back.

Mr. Hammond said he needs two parking spaces and they may ask for PB input. It's Type II but we are going to see more parking variance requests and not many have parking on site.

Mr. Reilly said I don't think there's a problem with the apartment and office. I appreciate what Brad is saying so the space is there and there's no problem with the concept, you do need a parking variance. We have no objection to the proposal.

Mr. Vero said okay.

Mr. Neubauer asked if there are any changes?

Mr. Vero said to exterior, no.

Mr. Hammond said you have to go to the ZBA and in the interim you can apply to the Board of Trustees

Motion was made by Mr. Neubauer to holdover the application of **BMB Enterprises, Inc., 145 Main Street (905-11-2-29)** to August 10, 2023; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

Justin's Chop Shop, 71 Sunset Avenue (905-12-1-51.1) Applicant is seeking 16 seats and 4 tables with outdoor music.

Mr. DeMarco said he's looking to put four picnic style tables with 16 seats on his front porch

Mr. Hammond said I'm not familiar with the final version, is there music too?

Mr. DeMarco said I have speakers, maybe an acoustic guitar player.

Mr. Reilly said we are only concerned about the residential neighbor, and whether they will be bothered by the music.

Mr. DeMarco said he'd only have it while he's open, he isn't open past 8:00 p.m.

Ms. Bistran said is it 7:00p.m. or 8:00 p.m.

Mr. DeMarco said it will not be later than 8:00 p.m.

Mr. Reilly said he doesn't have any opposition to it.

Motion was made by Mr. Neubauer to refer the application for **Justin's Chop Shop, 71 Sunset Avenue (905-12-1-51.1)** with no objection; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

Motion was made by Mr. Neubauer to adjourn the meeting at **6:15 p.m.**; seconded by Mr. Logozzo and unanimously 4 ayes, 0 nays, 1 absent.