

August 24, 2023

PRESENT: David Reilly, Chairman  
Ralph Neubauer  
Rocco Logozzo  
Larry Jones

Britton Bistran, Village Planner  
Ron Hill, Village Engineer

Stephen Angel, Esq., Village Attorney

Maeghan Mackie, Board Secretary

Brad Hammond, Building & Zoning Administrator

ABSENT: Michael Schermeyer

Mr. Reilly called the meeting to order at 5:00 p.m. and asked everyone to please rise for the pledge of allegiance.

**DECISIONS:**

1. NONE

**PUBLIC HEARING AGENDA:**

**SITE PLAN REVIEW:**

1. **THE GABLES OF WESTHAMPTON, LTD (FORMER WH EQUITY GROUP, LLC)  
12,22,80 MONTAUK HWY & OLD RIVERHEAD ROAD**  
Continued work session on Site Plan SWPPP and appraisal / park fee

James N. Hulme, Esq., appeared on behalf of the application. As it relates to the SWPPP he believes there were comments with the Engineer and they should reply to them shortly and that should be complete. The other important issue is the appraisal, and we submitted a map that shows what we think to be the areas that qualify as recreational areas and a spreadsheet indicating what we believe based on the appraisal the park fee and that is just shy of half of a million dollars. I think an option in the Code is that once the fee is established there can be agreements on how payments received and we believe the Code provides the possibility of not paying it upfront but tied to progress in the construction and that's something we can work out with this Board. I think the first bit of feedback we're hoping to get is based on the sufficiency of what's been submitted.

Mr. Angel said he is not sure he would have chosen the appraiser but the basic information is acceptable and the next question is regarding the credit area for the reduction.

Mr. Hulme said we calculated it south of 50,000 square feet.

Mr. Neubauer asked if they are using the Montauk Highway curb area?

Mr. Hulme said it's a sitting area with benches and a walking area.

Ms. Bistran said in looking at it, there is no useful recreational purpose, could you make it a loop to transverse the site and make it a walking loop or trail and more believable to be a recreational area and you may reduce and be used as opposed to sitting on the side of Old Riverhead Road on a park bench. And if some of the sidewalks is used just something to transverse the whole site and it would be a good mile. You can't use all of the sidewalks but you could bridge between areas and it would be a vast improvement and less fee.

Mr. Angel asked the area that abuts Old Riverhead Road.

Mr. Hulme said we're preserving the Historic trees as requested by the Town Historian.

Mr. Hill asked about the frontage on Montauk Highway; the sidewalks don't come out on to Montauk Highway, they seem to have a vegetated barrier between the inside and out and I thought there was a gateway and it looks like the sidewalks end and not out to Montauk Highway and that's a question about recreational area if people can't get to it, it's questionable.

Mr. Hulme said they will look at it.

August 24, 2023

Mr. Hill asked if the intent is to bring it to the sidewalk on Montauk Highway? The County will want a sidewalk and it's on the plan.

Mr. Hulme said we will make the connection.

Mr. Hill said they may not want it but you can exclude that and question whether it can be part of the recreational area. I think that was part of the original plans and I think it was supposed to be a gate to Montauk Highway.

Mr. Hulme said we will look back at it.

Mr. Hill said I think you should connect the sidewalk, if it's a privacy issue you can remove some sidewalk.

Mr. Hulme said there are arbors at the end of the internal sidewalk with seating, but I don't know if we had a plan to connect it and I don't know if we want access in to the site.

Mr. Hill asked for details on the arbor.

Mr. Jones said the print is small, can we get a note on the Historic trees?

Mr. Hulme said yes.

Mr. Hill said they should be identified individually and protected as part of the SWPPP which means you have to take the fence around the canopy.

Mr. Hulme said I believe we want people to be able to walk into that area.

Mr. Hill said he meant as part of the SWPPP fencing.

Mr. Hulme said they'll work on the map. He had another question, and Mr. Hammond has reviewed the plans and the SWPPP is far enough we would like to know if we can do site work.

Mr. Hammond said there is a tremendous amount of clearing and they have a lot of clean up and no clearing can start without SWPPP and that will be done before the next meeting, they are not building out the site they will clear the site with no construction and they can preserve the Historic trees.

Mr. Reilly has no objection to the site work commencing.

Mr. Hulme thanked the Board.

Mr. Neubauer made a motion to permit the building department to allow the applicant to proceed with the site clearing within the restrictions of his SWPPP; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

#### **FILL APPLICATION REVIEW: NONE**

#### **WORK SESSION AGENDA:**

1. BARTELS BIRK, 112 POTUNK LANE SCTM # 905-12-1-31
  - Initial work session to discuss Modification of Site Plan

Bart Birk appeared on behalf of the application, together with Leif Neubauer. They are here to modify from dry retail to a seafood market and limited raw bar facility.

Mr. Reilly said Mr. Hammond prepared a memo August 17 and there are certain aspects of the site plan to address.

Mr. Hammond said yes, this is from 1970s and it became a bicycle retail store, it was a sport dog food retail store and this conversion started as a market and now its evolving to more stuff on site and outside which sent it to this Board. This is modification because it had site plan approval but that is not very robust. The inside has not changed as far as retail, but the use of the decks outside and some things are changing but typically an area with a patio this Board looks at it in terms of screening, lighting, storage and because it's seafood there is equipment outside. The site has a "U" shaped driveway and no delineation and it's a modification with no change, it falls on

August 24, 2023

this Board on how much you'd like to see about making it compliant. If it was brand new it would be a lot more but that's why we're here to discuss it and then you have to decide whether it has to be noticed for a public hearing and it falls in the recommendation portion of the new process. But this is a good time to look at the site plan and come back.

Mr. Reilly said it is more intense, but I don't see a big change in the operation. The additions are the cooler out front and a few tables out back and I don't see it becoming very intense.

Mr. Hill said the issue isn't the car, but can it accommodate the parking because people stay on site longer and waitstaff. It is preexisting non-conforming and the 1970 approval doesn't show any parking, I don't know if there were standards then. Now there are standards and that would dictate six spaces and I don't know if that will fit. It is preexisting and a question whether the new operation will generate more need for parking and the site doesn't have drainage and lighting. We don't know the standards in 1970 to know what it should be but the parking was much more required than it is now for this site.

Mr. Neubauer said for the record he would recuse himself from any vote because his son is involved with the operation, but he will ask questions.

Mr. Reilly said it's a smaller capacity operation and when it was the bicycle retail I think it will be similar operation to that.

Mr. Logozzo said he thinks it was probably busier as the bicycle retail shop.

Mr. Reilly said if it does better and gets busier they will have to come back to this Board and expand and we will have a track record to assess it and its impacts. I personally would like to see the site get up and running legally.

Mr. Logozzo said I agree with Mr. Reilly.

Mr. Jones said he agrees with him as well.

Mr. Hammond asked if we need to do a public hearing?

Mr. Reilly said we don't need to.

Mr. Hammond said as far as the outdoor seating, would you like that to go to the Trustees only?

Mr. Reilly said yes, there are no changes to the site and their trend is to minimize the red tape and inefficiencies to Village businesses and I think that if this gets to the point where they need to expand, I would like to see them get off the ground.

Ms. Bistran asked if we should do a waiver and route the tables and chairs to the Board of Trustees?

Mr. Reilly said yes.

Mr. Hammond said it will require Health Department but with the new Code you can condition your approval on that.

Motion was made by Mr. Logozzo to grant the waiver of site plan of **Bartels Birk, 112 Potunk Lane (905-12-1-31)** with a condition that they have to obtain outdoor dining approval and the Board of Health approval prior to obtaining the Certificate of Occupancy; seconded by Mr. Jones and unanimously carried 3 ayes, 0 nays, 1 absent, 1 recused.

#### **TRUSTEE REFERRAL:**

##### **1. Sunset West, LLC., 61 Main Street (905-11-2-2.6) Brunetti Pizza**

No one appeared on behalf of the application. Mr. Hammond said he will draft something strongly worded that the Board is not happy with the conditions of the back of the property and we will refer it back to the Trustees.

Mr. Neubauer said he has to clean it up.

Mr. Hammond said we issued violations, and he has to satisfy them.

August 24, 2023

Mr. Reilly said the seating in the front looks fine.

**SUBDIVISION REVIEW: NONE**  
**SITE PLAN REVIEW: NONE**  
**FILL APPLICATION REVIEW: NONE**

**MINUTES:**

1. JUNE 22, 2023 (Full Board)

Motion was made by Mr. Neubauer to adopt the minutes of the June 22, 2023 minutes as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

2. JULY 13, 2023 (Absent: Michael Schermeyer)

Motion was made by Mr. Neubauer to adopt the minutes of the July 13, 2023 minutes as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

3. July 27, 2023 (Full Board)

Motion was made by Mr. Neubauer to adopt the minutes of the July 27, 2023 minutes as written; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

**HOLDOVERS:**

1. 85 & 105 MONTAUK LLC- 85 &105 MONTAUK HWY SCTM#905-5-1-12, 53.1 &52.2
2. ROGER'S AVENUE ASSOCIATES- ROGER'S AVENUE SCTM#905-3-1-7.1-7.7)
3. PRIME STORAGE- 98 DEPOT ROAD SCTM#905-2-1-19.1
4. 55 OLD RIVERHEAD ROAD LLC- 55 &59 OLD RIVERHEAD ROAD SCTM#905-4-1-7, 9.2, 9.3
5. FIRST DUNES DEVELOPMENT 496 LLC- 496 DUNE ROAD SCTM#905-16-1-19
6. 10 MITCHELL OWNER LLC- 10 MITCHELL ROAD SCTM#905-11-2-3
7. DRL IRREVOCABLE TRUST & CAROL SCHECTER- 12 PONTUNK LANE & 42 STEVEN'S LANE SCTM#905-11-1-3.2 & 7
8. BMB ENTERPRISES INC.- 145 MAIN STREET SCTM#905-11-2-29
9. ROBERT SCHOENTHAL- 22 BAYFIELD LANE SCTM#905-10-6-2
10. WESTHAMPTON COUNTRY CLUB- 35 POTUNK LANE SCTM#905-9-3-23.1
11. WESTHAMPTON INN, LLC, 43 MAIN STREET SCTM#905-11-1-15
12. RICHARD OLIVO-72 SOUTH ROAD SCTM#905-8-1-27
13. SUNSET WEST LLC, 87 SUNSET AVENUE SCTM#905-12-1-49.1
14. WH EQUITY GROUP, LLC 12,22,80 MONTAUK HWY & OLD RIVERHEAD ROAD
15. WESTHAMPTON PROPERTY MANAGEMENT LLC-141 MONTAUK HWY SCTM#905-5-2-6.1
16. 161 MONTAUK HWY LLC-161 MONTAUK HWY SCTM#905-5-2-12.1
17. 32 MILL LLC-32 MILL ROAD SCTM#905-12-4-50

**FUTURE MEETINGS:**

1. **THURSDAY, SEPTEMBER 14, 2023**
2. **THURSDAY, SEPTEMBER 28, 2023**

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