

September 28, 2023

Incorporated Village of Westhampton Beach held its Planning Board meeting on Thursday, September 28, 2023 at 5:00 p.m. in the Municipal Building, located at 165 Mill Road, Westhampton Beach, New York.

PRESENT: Ralph Neubauer, Acting Chairman
 Larry Jones
 Michael Schermeyer

 Ron Hill, Village Engineer

 Anthony C. Pasca, Esq., Village Attorney

 Maeghan Mackie, Board Secretary

ABSENT: David Reilly, Chairman
 Rocco Logozzo

Motion was made by Mr. Neubauer to open the meeting and asked for everyone to please stand to salute the flag.

DECISIONS: **NONE**

PUBLIC HEARING AGENDA:

SITE PLAN REVIEW:

1. 32 MILL LLC-32 MILL ROAD SCTM#905-12-4-50
 - o Continued work session on Modification of Site Plan approval to convert a second floor office to luncheonette seating

Erin Finley appeared on behalf of the application, together with her attorney, Andrew Perel, Esq. he said this is their fourth time before this Board and I think in an effort to expedite this, there is a memorandum dated September 27, 2023 from Ms. Bistran. I reviewed the memorandum and there are three open items; the first is she would like to have the plans to be bubbled to indicate the existing door will be removed and replaced with a wall and I have the authority to do so. To that end, I had Ms. Finley produce a current proposed and the existing and one reflects the door and the wall to replace that door and we can initial it and have the bubble added. The second one was the dating and this is dated. And lastly, if the resolution could include from 15 seats to 16 seats we would prefer that. Can we put the resolution on the record today?

Mr. Pasca said the BOH is waiting for a document from us to proceed and we can wait to hear what the Board has to say and we can do a resolution to authorize the staff to send that letter to the BOH and that's the only resolution up for discussion today. After the public has an opportunity to be heard, that's the only resolution we can render.

Mr. Neubauer asked if there were any public comments? Do we have a resolution.

Mr. Pasca said if the three of you are willing to move it forward in that direction, the resolution is to authorize Ms. Bistran to communicate to the BOH to advise that the site plan is ready to move forward subject to their approval.

September 28, 2023

Mr. Neubauer said we're enthusiastic to get this off of the agenda. He asked again if there are public comments.

Mr. Pasca said if the BOH returns their approval, we will put it on for a resolution with the typical conditions.

Mr. Neubauer said we're sending this back to the BOH and letting them know the plan is ready for their decision.

Ms. Mackie asked for a vote.

Mr. Perel thanked the Board and asked for instruction on what should be on the plan.

Mr. Hill said you need to change the parking to reflect the 16 seats.

Mr. Pasca said since you are coming back to this Board after the BOH and you have time to get it right. We have to approve a final plan so if you want to take a few days to get a clean copy. It's not conditionally approved, its being approved for purposes to return it back to the BOH and then when we receive their approval and we can issue a conditional approval and the conditions are in the site plan resolution. I don't want you to think there are no other conditions, and there will be those conditions in the site plan. You should do a resolution to hold it over until we get the BOH approval.

Ms. Bistran said we don't do that; they have to submit 10 days prior to the hearing and they will return to the agenda.

Mr. Perel asked if they are talking about WWM?

Mr. Pasca said yes.

Ms. Bistran said I will write a memo to WWM that satisfies their need for Village approval; they will issue your septic approval and that will go to Food Control and they will issue their permits and you will return that to us and the floor plan and site plan and one additional seat so change the parking and you get to our agenda, and you get a resolution and then you apply for your building permit. You have to show the removal of the second floor door to the deck, the seating count from 15 seats to 16 seats to match the Board of Health application, and the parking to reflect the seating count of 16 seats in total on the property.

Mr. Perel said okay.

2. 161 MONTAUK HIGHWAY LLC, 161 Montauk Highway SCTM#905-5-2-12.1)
 - Initial work session for Site Plan Approval to construct two 2-story mixed-use buildings with offices/retail and apartments above.
Nicholas A. Vero, Architect appeared on behalf of the application; they have shifted their building over 20' off of the West property line; they created a new access btwee their proposed building and an existing building to the East and they increased the parking. At this point, we have an application to the BOH with the revised plan and I need SEQRA so they can move forward with their review.

September 28, 2023

Ms. Bistran said we are conceptually okay with the plan, the apartments are a little too large and I made a suggestion about developing the first floor plan to show the tenants and in general from a planning perspective I am comfortable and I don't have a problem with preparing SEQRA.

Mr. Hill said it's missing the details for the dumpster and drainage area "C" piped together; in the rear yard you are showing arborvitae 5' on center and it should be shown as a double row 10' off center so they are offset and the same number of trees. It's easier to put them in a straight line. I had a question about the fence because I didn't see one and it's only a 10' buffer.

Mr. Vero said the intent is to put a fence on there.

Mr. Hill asked him to show the detail, and I would like to see more grades and you have straightened out the four spaces on the East and there are no grades and you should show grades from the opposing site to make sure the water has a place to go.

Mr. Vero said they were supposed to email me the plan for the property to the West so we can coincide with them.

Mr. Hill said I'm talking about the property to the East because that's who you are lining up with.

Mr. Vero said okay. He would just like a referral for SEQRA.

Mr. Hill said when you do the lighting plan there are tables you have to show conformance with.

Mr. Vero said he sent that to the lighting engineer.

Mr. Hill said I don't think it's possible to match 100% so we have to make sure it's close enough.

Mr. Vero said okay.

Mr. Pasca said Ron's comments do not impact SEQRA.

Ms. Bistran said we can do SEQRA on October 12, 2023.

Mr. Hammond asked if we're coordinating the review?

Mr. Pasca said we don't need to.

Mr. Vero said okay.

3. SUNSET WEST LLC, 87 Sunset Avenue SCTM#905-12-1-49.1

- Initial work session for Modification to Phase II of Site Plan Approval for change of occupancy of the approved 2-story building (6,000 sf) from retail/office to single medical office use.

James N. Hulme, Esq., appeared on behalf of the application. The building is under construction as Phase II and subsequent to that approval there was a change in the number of tenants from 3 to 1 and the change in tenancy to a

September 28, 2023

medical facility and that resulted in issues and one is that it exceeds the Village Code limitation and needs a special exception and I provided that to the Board and in addition the new proposed use increased the need for 10 parking spaces and that was achieved by the Phase III building being eliminated and that reduced the prior required parking by 6 spaces and then in addition we are proposing 7 additional spaces on the site in the location of the Phase III building which gets us to 13 spaces and 10 are required. There is a required dumpster location shown on the plan and that is on the side of the property opposite Sunset Avenue and for that to fit we are consuming a parking space reducing us to a total of 12 parking spaces and we are in excess of two spaces. We looked at the drainage and that's sufficient and the lighting as well and we're not proposing additional lighting, there is existing lighting and there are four lights in the new parking spaces and if you look across the lot there are four lights there as well.

Mr. Pasca asked if the existing lighting complies with the Code?

Mr. Hulme said I don't know.

Mr. Pasca said the new Code doesn't grandfather the lighting.

Mr. Hill said all we received was a cut sheet we need the photogrammetric drawing for the site.

Ms. Bistran said it's a typo and the parking plan was labeled lighting; so double check that you have it.

Mr. Hulme said we provided the locations and the fixtures.

Ms. Bistran said we don't have a plan, just the fixtures.

Mr. Pasca asked what the proposed operative site plan the Designworks one is not a conforming site plan signed by a professional.

Mr. Hulme said the original site plan was approved by one.

Mr. Hill said it was an outline and now you are constructing a building; there is sidewalks and driveways and the driveways have to be repaired and that has to go on the plan.

Mr. Hulme said the building under construction is being done in the location.

Mr. Hill said there were no sidewalks and handicapped ramp. You need a site plan for what you're proposing.

Mr. Hulme said this is not a new building.

Mr. Hill asked if the building existed a year ago?

Mr. Hulme said it did not. In 2016 it had the building on it.

Mr. Hill said it had no details. We need the parking and that's changing and we don't have a site plan that shows the removal of the landscape area and the parking.

Mr. Pasca said you need to submit a real site plan.

September 28, 2023

Mr. Hill said he needs his comments addressed.

Mr. Hulme said okay, what were they?

Mr. Hill said the sidewalk repairs, the driveway in front of the building that has to be removed. I also commented on the lighting and what was needed and show the sidewalks. You didn't answer about the drainage pool too close to the sanitary system and you show on the site plan how it will be dealt with.

Mr. Hammond said there are legacy things from 2016 but I think it would be most beneficial to show one plan.

Mr. Hill said show the parking lot area that's being excavated to install a sanitary system and you're removing the parking lot to get to it.

Mr. Hulme said okay.

Mr. Hill said I would assume there is landscaping to go around the building too.

Mr. Hulme said not as of yet, I don't think that was part of the original site plan.

Mr. Hill said you don't put foundation plantings in for a building that doesn't exist.

Mr. Neubauer said we need a site plan.

4. 55 OLD RIVERHEAD ROAD LLC-55&59 OLD RIVERHEAD ROAD SCTM#905-4-1-7, 9.2, 9.3
 - o Continued work session for Site Plan approval to construct a multifamily development consisting of 16 dwelling units

Heather Wright, Esq., appeared on behalf of the application. They submitted revised site plans and received a memo from Ms. Bistran and she thinks they can address her comments. The one thing they want to talk about the additional amenities; I think a walking trail may not work because of windows and privacy in the units but we're open to other ideas if you can think of them.

Mr. Neubauer said her effort was to reduce the park fee.

Ms. Bistran said you can fit another pickleball court, the fee will be larger if they don't want to do that.

Ms. Wright said the comments all make sense.

Mr. Hill said he has not looked at it and doesn't think it changed much but he has to look at the lighting plan and that again, I have to make sure it matches the tables.

Ms. Bistran said the lighting plan doesn't have a table.

Mr. Hill said there is a table in the Code and you have to fit within that and I have to have evidence that it is close and I don't think its possible to get it to 100%.

September 28, 2023

Mr. Neubauer asked if Mr. Hill will issue a memo?

Mr. Hill said yes, I will. I suspect since I was satisfied the last time it's fine.

Ms. Bistran asked about the sanitary plan?

Ms. Wright said she has to get it from the Engineer and I will submit that; we have conditional approval from the BOH and we have to finish their covenants and a line of credit but we're close.

Mr. Hammond asked if they are tying in to the property to the North?

Ms. Wright said yes.

Mr. Hammond said we opened this as a public hearing, and it was a senior community and has changed to market rate which changes their flow, should it be renoticed and does that change anything?

Mr. Neubauer said the Timber Ridge community has been vocal about it.

Ms. Wright said the number of units is not increasing and we're upgrading their sewage treatment plan.

Mr. Neubauer said they shouldn't object but they do deserve a notice; the usage is changing in lieu of it not being a senior community there could be children so they may want input.

Ms. Wright said I hear you, and we did put it on the record at the last public hearing and we said it was no longer 55 and older and I do believe they have notice, but I will do whatever the Board requires.

Mr. Pasca said it's MF to MF and that hasn't changed, and I don't know if the designation of who will live there matters.

Mr. Hammond said the sanitary is lower with the BOH; and there could be less cars with a senior community.

Mr. Pasca said I'm not sure what it has to do with us.

Mr. Hammond said the only argument is there is a perceived lesser impact from senior housing to regular housing.

Mr. Hill said we have to have another hearing, so why don't we just renotece it for the next hearing and say what it is.

Ms. Bistran said it won't add to the timeline.

Mr. Hammond said a SWPPP was submitted and we need an application fee with that.

Mr. Pasca said it's a notice or its not a notice its up to this Board.

Mr. Schermeyer said we should renotece it; Mr. Neubauer said yes too and Mr. Jones agreed.

September 28, 2023

Mr. Hammond said we'll just put it in the paper.

Ms. Wright asked for guidance on the next steps as we get closer to the approval from BOH; we need an approval from the Trustees.

Mr. Schermeyer asked if they've gone to the ARB?

Ms. Wright said not yet. We weren't there before and we're further along now with that.

Ms. Bistran said the addition of minor recreational issues and lighting don't prevent the ARB and Trustee referral.

Mr. Hammond said we can coincide with coming back from the ARB with a public notice.

Mr. Pasca said we did this for Rogers Avenue and the Patio Gardens; we give a conditional approval that lacks details and it satisfies the Code to refer it to the Board of Trustees. It doesn't have conditions, if you feel we're ready for the conditional approval we will do that on October 12.

FILL APPLICATION REVIEW:

13 Meadow Lane – Sue Wilcenseki said they were approved for drainage and in August we had a lot of rain for a week and the first one was designed for a 2" rainfall and I'm over designing this. I want to make sure they do it correctly and we have enough volume and capacity for the amount of water we've been receiving. I have to raise their tennis court and they have an old tennis court made of clay with no drainage and I will put in a synthetic tennis court and raise it to 10" and the larger leaching field covered by lawn.

Mr. Neubauer asked if there is a lot of removal to do?

Ms. Wilcenski said I will strip it and save it and I'm aware of the bog in the ground and remove that bog and bring in fill and clean RCA gravel and raise it as much as I can. I'm going out and up to increase the volume area under ground.

Mr. Jones asked if the dry well can take the water?

Ms. Wilcenski said it's better than dry wells.

Mr. Neubauer asked if Mr. Hill reviewed it?

Mr. Hammond said they expired last year because they didn't do it so we figure we can roll into a renewal with that and we think it works and Ms. Wilcenski always takes care of the sites well.

Mr. Hammond said we can close it for a resolution on October 12 and just have to change the dates and the plans but there are C&R's and I don't know if they were filed.

September 28, 2023

Ms. Wilcenski said yes, we did. We will refile it.

Mr. Neubauer said we will close it for a resolution.

WORK SESSION AGENDA: NONE

TRUSTEE REFERRAL: NONE
SUBDIVISION REVIEW: NONE
SITE PLAN REVIEW: NONE
FILL APPLICATION REVIEW: NONE

MINUTES:

1. SEPTEMBER 14, 2023

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. FIRST DUNES DEVELOPMENT 496 LLC- 496 DUNE ROAD SCTM#905-16-1-19
5. 10 MITCHELL OWNER LLC- 10 MITCHELL ROAD SCTM#905-11-2-3
6. DRL IRREVOCABLE TRUST & CAROL SCHECTER- 12 PONTUNK LANE & 42 STEVEN'S LANE SCTM#905-11-1-3.2 & 7
7. BMB ENTERPRISES INC.- 145 MAIN STREET SCTM#905-11-2-29
8. ROBERT SCHOENTHAL- 22 BAYFIELD LANE SCTM#905-10-6-2
9. WESTHAMPTON COUNTRY CLUB- 35 POTUNK LANE SCTM#905-9-3-23.1
10. WESTHAMPTON INN, LLC, 43 MAIN STREET SCTM#905-11-1-15
11. RICHARD OLIVO-72 SOUTH ROAD SCTM#905-8-1-27
12. WESTHAMPTON PROPERTY MANAGEMENT LLC-141 MONTAUK HWY SCTM#905-5-2-6.1
13. THE GABLES OF WESTHAMPTON, LTD (FORMERLY WH EQUITY GROUP, LLC) 12,22,80 MONTAUK HWY & OLD RIVERHEAD ROAD
14. STARBUCKS-193&195 MILL ROAD SCTM#905-8-2-23&24

FUTURE MEETINGS:

1. THURSDAY, OCTOBER 12, 2023
2. THURSDAY, OCTOBER 26, 2023