

October 26, 2023

Incorporated Village of Westhampton Beach held its Planning Board meeting on Thursday, October 26, 2023, at 5:00 p.m. in the Municipal Building, located at 165 Mill Road, Westhampton Beach, New York.

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

Ron Hill, Village Engineer

Anthony C. Pasca, Esq., Village Attorney

Maeghan Mackie, Board Secretary

Motion was made by Reilly to open the meeting and asked for everyone to please stand to salute the flag and he said that in November there is only one meeting as in December.

DECISIONS:

1. WESTHAMPTON COUNTRY CLUB- 35 POTUNK LANE SCTM#905-9-3-23.1

PUBLIC HEARING AGENDA:

SITE PLAN REVIEW:

1. THE GABLES OF WESTHAMPTON, LTD (FORMERLY WH EQUITY GROUP, LLC) 12,22,80 MONTAUK HWY & OLD RIVERHEAD ROAD
 - o Continued work session on Site Plan application to review Park Fee/recreation details

James N. Hulme, Esq., appeared on behalf of the application. They submitted another attempt in response to the comments for the recreational area and there are three areas proposed, the community pool, the walk area on Montauk Highway and a trail and walkway in and amongst the trees which is a total of 41,000 square feet and that entitles us to a 50% credit and I have a spreadsheet that calculates the fee due based on that and we have an email memorandum from Ron Hill and there are a few comments on it; the Montauk Highway walkway is separate and apart from the public sidewalk and that still applies. The pathway is in response to the required 25' wide area of land with a path through it and it's on our property.

Mr. Hill said it's not on the landscape plan and there is a fence that runs through it so it is tough to meander, it has to be on the landscape plan.

Mr. Hulme said this is a conceptual plan and we'll provide a landscape plan.

Mr. Hill said it has to be shown on the landscape plan to prove it works.

Mr. Hulme said okay we will design it on the landscape plan.

Mr. Reilly said around the sanitary area, what is the plan.

Mr. Hulme said a trail or path to get to the facility and the area of the trees we preserved. The park fee has a section of the Code that allows payments over time versus one lump sum and we'd like to divide it over a period of time where we obtain the 30th Certificate of Occupancy.

Mr. Neubauer said we'll want an initial payment and a legal instrument with precedent.

Mr. Pasca said I don't know if there is a precedent.

Mr. Hulme said the Code provides the Board with that discretion.

Mr. Reilly said the plan we reviewed a long time ago may have had that but I don't know if the park fee was part of the phasing plan.

Mr. Logozzo asked if they have a schedule they'd introduce.

Mr. Hulme said I don't have one.

October 26, 2023

Ryan said if we do it over 30 units, or a pro rata basis over 30 units and then as we deliver CO's we can make payments.

Mr. Pasca said the construction phasing will have to be worked out and that could be part of that conversation and at the point you have a phasing plan and we work out when you can get CO's for the units and what needs to be done to get them we can come up with a plan for it.

Mr. Neubauer said the CO's are granted incrementally? Will there be people living at a construction site?

Mr. Pasca said that has to be worked out; if its phased properly yes; you don't want oeople using a road that's ripped up but if they phase it so that a section gets done but that's up to them.

Mr. Hill said they did submit a phasing plan and it's done in three portions; the sewer and West end gets done first; then the two Easterly pieces and working from the Montauk Highway construction entrance; and the Westerly is only for the residents and we have it and its not approved yet but it seems to be rationale.

Mr. Hulme said we'll look a it.

Ms. Bistran said my understanding that the intent of the Code is that the recreational area is different than open space and its for actual recreational and the pool meets that but I don't see the strip of land between the buildings and Montauk Highway serving the purpose for that and I suggested a 5' wide trail around the property.

Mr. Hulme said the Code speaks to a 25' wide path with a trail and that's the guidance we took. You can get to the treed area and the pool from it and we're not counting it towards the recreational area.

Mr. Hill said it might meet the definition of the Code if its on the plan.

Mr. Pasca said you need a detailed plan including the areas.

Mr. Hulme said there were conversations about the Lop Trees and we are preserving them and that could count towards the recreational fee.

Ms. Bistran said if you connect them and they do a loop that's active recreational area and put in another level of detail for us to review and a larger plan to read.

Mr. Hulme said we are on the verge of getting a temporary permit from the Health Department and they have given us the covenants to record and that's the last step before a permits issued. With the lack of meetings over the next few months and we'd like to get started on foundations for the earlier buildings and they aren't moving based on the recreational fee.

Mr. Pasca said that's a big ask without a lot of the big ticket items and we've allowed you to clear the site.

Mr. Hulme said an unintended consequence of the cleared site has upset the public with the cleared site and no work commencing.

Mr. Hammond said does the temporary approval cover all of Phase I?

Ryan said yes.

Mr. Hammond said that's Phase I?

Mr. Pasca asked what is Phase I?

Mr. Hill said it's the Westerly units and sewer plant and utilities.

Mr. Hammond said a club house, a pool, a four unit building and two unit building and they want to get the sewer treatment plant up and they are getting a temporary onsite system for the Western portion.

Mr. Hulme said I understand there is work to do, but nothing will change those features and its not as if you won't approve this.

October 26, 2023

Mr. Pasca said you create a situation where permits are approved and foundations in and now we don't want to do things you're asking us to do; we're almost being coerced to start constructing buildings before the process is done. It may be okay to start on the sewage treatment plant but I think we have to get closer to the phasing before we start on the buildings and get permits for the units.

Mr. Hulme said it's a small fraction of the overall project.

Mr. Reilly said he'd like to see them closer to the finish line.

Ryan said the temporary septic system covers the units; what variables can derail us?

Mr. Reilly said we don't want to start down a path until we have a narrative on the phasing and how it'll work and it's great you are going to get the permit but that doesn't mean we have to move out of the course of our normal procedures.

Mr. Hulme said one of the major hurdles is the Board of Health and that's almost complete.

Mr. Hammond asked if the temporary on site sanitary is in Phase I? Don't you think that should be what you're asking for?

Mr. Hulme said we can put something together and submit that.

Mr. Hammond asked what the holdup is on the package plan?

Rayn said we call every day they are reviewing it we are just waiting.

Mr. Hammond said they have to approve a temporary sanitary system and it has to be in the resolution to install it and remove it and switch to the permanent sanitary system.

Mr. Hill said we need approval of the final plan; what happens if the final plan doesn't get approved?

Mr. Hulme said in anticipation of them approval a final plan can we install foundations.

Mr. Pasca said I don't know any examples where we've gone that far. The details get worked out in the decision and you may want to ask for specific things but asking for a permit to start unit construction I don't know of any other time we've done that. Maybe utilities and roadways yes, but I've never heard this Board preceded an approval. We're months in advance you being done.

Mr. Hulme said okay.

Mr. Pasca said the appraisal is a solid number and I don't have any reason to recommend a new appraisal.

Ryan said you want to see more detail on the temporary sanitary system?

Mr. Reilly said yes, and the recreational plan and the Board of Health approval to see what they've approved.

Mr. Hammond said Phase I should be the final plan and this Board can then discuss interim approvals.

Mr. Hulme said okay we will return to discuss that.

Mr. Reilly asked if there was any public question or comment. There was no public comment or questions.

FILL APPLICATION REVIEW

Frank Calamari, 14 Stillwaters Lane, (905-10-4-22)

Joe, GP Landscaping said he resubmitted the plan for fill they want to make it turf and they have buffers of 15' 12' and 28' on the East and it wont adjust anything and extend the rear property.

Mr. Hammond said yes, this is on Stillwaters and they had a fill approval to do an addition, they have French Drains and left 100' of vegetation and this is to expand the turf 30' and keeping what was there and extending it

October 26, 2023

and this property and the drains are working fine and he's leaving 30' buffer and we don't anticipate it being a change.

Mr. Neubauer asked if Mr. Hill is okay with it? He said yes, it's surrounded by French Drains.

Mr. Hammond said the covenants won't change anything.

Motion was made by Mr. Neubauer to close the hearing for a determination. Seconded by Mr. Schermeyer and unanimously carried 5 ayes, 0 nays, 0 absent.

WORK SESSION AGENDA:

1. JAMESON PARTNERS, LLC (STARBUCKS)- 193 & 195 MILL ROAD SCTM#905-8-2-23&24
 - o Continued work session to discuss new Site Plan application for a 30-seat coffee shop

Anthony Guardino, Esq., appeared on behalf of the application. They were here in September for their first work session and I have Jordan Liebowitz and Zach Chaplin, Stonefield Engineering. Since that date in Sept We have worked with planning and the engineer to make improvements to the site; and it was pointed out that the site driveway from Mill Road was too close to the property line and we needed more room and we revised the site plan to create that room and eliminate a variance and since then we have received comments from the Village Engineer with suggested changes and we've made them; we received a memo from the Village Planner and we knew we were going to come to the meeting and I know you like it before the meeting and we received the memo yesterday but we didn't want to adjourn.

Mr. Reilly said this is still a work session so that's okay.

Mr. Guardino said he's hopeful they addressed the comments; there were four substantive and two had to do with the architecture one with regard to the height and we submitted renderings and elevations and there were comments and they thought the two story look was not appropriate. We provided a rendering and we hope that was addressed. The same is with the exterior finishes and materials and the suggestion was to incorporate wood siding and trim in white or gray and I think we addressed that and I think the stone at the bottom instead of brick is nice. Landscaping and the transitional areas, ym client is not showing outdoor seating on the plan as you can see and our understanding is that they'll want seasonal outdoor seating and that's not on this owner it'll be on the tenant. I know the original plan showed 30 seats and I believe it will only be 16 seats and that process has started with the Board of Health.

Zach Chaplin, Stonefield Engineering said we had the request from Mr. Hill to look at the site plan and change the circulation to one way with angled parking and that's what we prepared; I think both plans work and they each have their own benefits. I will say that you will lose a parking space with the new layout but we still comply. We shifted the site to make sure we have to 10' side yard buffer and we made the building smaller. The Board of Health, this is a wet use with food so it's a 16 seat limitation and we aren't doing outdoor seating and its based on the seat count and that's what we're submitting to the Board of Health.

Mr. Reilly asked about the rendering, is that facing Mill Road or the back yard? Is the Main entrance facing the traffic circle or away, is the back of the building facing the traffic circle?

Chuck architect said it is their intent they want the main entrance to be on the parking lot and we are facing the round about and all of the windows and ID are the same, there just is no door. They'd like to have graphics made in relation to Starbucks.

Mr. Reilly said to go see the True Value and look at their graphics in faux windows. It will not happen again in another site, the visible side should not be faux.

Mr. Logozzo said you could do fixed panels in the same idea as stores?

Chuck said you will see windows and trim on the outside. We don't have to have graphics.

Mr. Neubauer said I don't think these are consistent with the HC requirement.

Mr. Reilly said this looks like the 7-11 on Old Riverhead Road. It's a tough needle to thread, the problem we have for a number of years people got used to a certain style of building they like and now there are a lot of them and

10-24-23v4

October 26, 2023

we want different. We have too many of the same buildings in one spot and it is monotonous I think the brick look is not too far off. The shopping center across the street is brick.

Chuck said scheme A1 and A2 are brick and stucco and I took those from Main Street.

Mr. Neubauer said downtown Main Street is not HC.

Chuck said that's why we did this look; the wood siding; trims; and instead of brick we are proposing stone and it could be brick but between the textures and earth tones and the trim and gable roofs and similarity on all four sides of the building are all HC.

Mr. Jones said I don't think this looks bad, this is a better example.

Mr. Neubauer said this is the HC.

Mr. Reilly said my other concern is that there is a lot of mass and that parcel is not too big and it's a pie shaped lot and I'm afraid it'll look a lot bigger.

Chuck said we reduced and pulled the roof down.

Mr. Reilly said the footprint of the building; do you need 2,200 square feet for 16 seats?

Ms. Bistran said this is the first time I looked at it and its moving in to a direction of keeping with the Village; the brick is nicer than Pennsylvania field stone. The fear of it looking like the back of the building there will be a lot of foot traffic and it'll introduce foot traffic and you should consider two entrances and putting a sidewalk to the door on Mill Road.

Chuck said we do towards the Municipal building.

Ms. Bistran said it will be a nice way to address the street and won't impeded the interior circulation. The square footage is the same, but the roof is smaller? I think reducing the interior square footage and exterior seating is welcoming and people sit outside and the other Starbucks people are sitting outside and it will soften the appearance.

Chuck said it's more of a permitting issue and they all have outdoor seating but we think it's just a permitting issue with the municipality. I can guarantee they'll propose seating.

Ms. Bistran said you can do that and take off 12' off the building and make it an outdoor area and we can approve the outdoor seating and its seasonal outside of this Board; but this Board you can use it year round.

Mr. Chaplin said Board of Health has us at 16 seats only.

Mr. Reilly said if you face Mill versus the parking lot and line the sidewalk with the cross walk and they will cross straight. I don't think it needs to be down by the driveway on Mill and if it's lined up with the cross walk it will give more of a pedestrian feed.

Chuck said okay.

Mr. Reilly said the sidewalk doesn't really go anywhere. I think you'll get more people off of the corner instead of further down.

Mr. Chaplin said if we show a patio, is it preferred closer to the round about or off the side?

Mr. Neubauer said I think school street.

Ms. Bistran said the South side.

Mr. Chaplin said we can expand the hardscape.

Ms. Bistran said there is a way around the Board of Health seats and if they are on a park bench or landscape area and if there is no service we can get around it. I think with a café it could work.

October 26, 2023

Mr. Guardino said if we can do it we will propose it. We will look at it.

Mr. Hill said I prefer the one way flow; if you are coming in off of Mill and the parking is parallel its dangerous to back out of a parallel space and the one way works better so that's my preferred circulation. You have to change the parking calculations on the site plan because it still refers to 30 seats so I think you'll have plenty; regarding the traffic data that is all okay and I ask that you adjust it for 16 seats and two I want you to add linked trips; they generate a large number and a good portion is already there traffic its not new traffic and that softens the numbers and its important for the Board to see that.

Ms. Bistran said we may want to open this to public hearing sooner than later.

Mr. Gaurino said they would like to know that as well.

Mr. Hammond said the architecture is the big thing and public mitigation and community character is important and if you are not thrilled with it I don't know if you want a public hearing unless you have a concept you're okay with.

Mr. Reilly said in terms of the layout we're in a place to invite the conversation.

Mr. Neubauer asked if they'd get rid of the dormers?

Mr. Reilly said we'll open it to the public.

Mr. Pasca suggested they look at the sign code and it's a very detailed code and you have to decide whether you want variances or not.

Ms. Bistran said if you remove the two dormers you want to look at the roof height, it will be very expansive if it's not broken up.

Mr. Hill said we need a detailed site plan, photogrammetric.

2. SKL REALTY HOLDINGS, INC. (DAPHNE'S) 115 MAIN STREET SCTM#905-11-2-22
 - o Modification of Site Plan to install light-transmitting plastic glazing at front patio of westerly restaurant suite

Steve Carros, Daphnes together with Jack Clark said they are looking to install a vinyl enclosure to the front patio to extend the season and I submitted a photograph of the enclosure and I have a packet if you want to see it.

Mr. Logozzo asked if its permanent?

Mr. Carros said no it can roll up and down if we need to it controls the temperature in the off months. They want to be aesthetically pleasing because it faces Main Street. It will enclose the front 28 seats, not the walkway but everything from the diagonal on.

Mr. Reilly asked when they'll have it up?

Mr. Carros said we'd like to have it November through April if possible.

Mr. Hammond said seasonal outdoor seating ends in March; you can get an extension to December but it is not year round but this Board approves changes to the Building such as this. The seasonal outdoor season has to be 10 months and they can only approve shades or umbrellas and this is an actual change so we have to have this Board review it.

Mr. Neubauer said it looks like its permanent. The area will be enclosed no, you're not removing what you're rolling in to.

Mr. Reilly said you show a solid bottom and solid top, are they removable?

Mr. Carros said they can be rolled.

Mr. Reilly said I have to see how it works. Once we do this for you, everyone will want it.

October 26, 2023

Mr. Carros said we have a raised front patio so it won't affect the snow, no one else has a raised front patio.

Mr. Neubauer said it's hard to see what this is by a picture.

Mr. Reilly said we need more detail and a realistic explanation.

Mr. Schermeyer said the planner and building inspector have to be able to see it.

Mr. Reilly said if you can get it by next Friday. November 3 we will look at it.

3. DRL IRREVOCABLE TRUST & CAROL SCHECTER- 12 PONTUNK LANE & 42 STEVEN'S LANE SCTM#905-11-1-3.2 & 7
 - Continued work session on Subdivision application to review and accept SCDHS

James N. Hulme, Esq., appeared on behalf of the application. He said they were never subdivided by the Board of Health and we got to the point and we have approved the transfer of 1,125 square feet from 12 Potunk to 42 Stevens Lane and it has reduced it.

Mr. Hill said it's a very minor adjustment and both are using the access point

Mr. Pasca asked if we have a map ready?

Mr. Hammond said yes its been stamped by the Board of Health with metes and bounds. I would like to put this approval with the original approval.

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

MINUTES:

1. SEPTEMBER 28, 2023
2. OCTOBER 12, 2023

HOLDOVERS (last Board review):

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 (4/13/2023)
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 INN, LLC, 43 MAIN STREET SCTM#905-11-1-15 (6/8/2023)
10. RICHARD OLIVO-72 SOUTH ROAD SCTM#905-8-1-27 (6/22/2023)
11. WESTHAMPTON PROPERTY MANAGEMENT LLC-141 MONTAUK HWY SCTM#905-5-2-6.1 (7/13/2023)
12. 32 MILL LLC-32 MILL ROAD SCTM#905-12-4-50 (9/28/2023)
13. SUNSET WEST LLC, 87 SUNSET AVENUE SCTM#905-12-1-49.1(9/28/2023)
14. 55-59 OLD RIVERHEAD ROAD LLC-55&59 OLD RIVERHEAD ROAD SCTM#905-4-1-7, 9.2, 9.3(10/12/2023)
15. 161 MONTAUK HIGHWAY LLC, 161 Montauk Highway SCTM#905-5-2-12.1(10/12/2023)

FUTURE MEETINGS:

1. THURSDAY, NOVEMBER 9, 2023
2. THURSDAY, DECEMBER 14, 2023