

November 16, 2023

Incorporated Village of Westhampton Beach held its Planning Board meeting on Thursday, November 16, 2023, at 5:00 p.m. in the Municipal Building, located at 165 Mill Road, Westhampton Beach, New York.

PRESENT: David Reilly, Chairman
Larry Jones
Michael Schermeyer
Rocco LogoZZo

Britton Bistran, Village Planner

Ron Hill, Village Engineer

Brad Hammond, Building & Zoning Administrator

ABSENT: Maeghan Mackie, Board Secretary
Anthony C. Pasca, Esq., Village Attorney
Ralph Neubauer

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. DRL IRREVOCABLE TRUST & CAROL SCHECTER- 12 POTUNK LANE & 42 STEVEN'S LANE SCTM#905-11-1-3.2 & 7

Motion by Mr. LogoZZo to approve the decision of DRL Irrevocable Trust & Carol Schecter seconded by Mr. Neubauer and unanimously carried 4 ayes, 0 nays, 1 absent.

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 Temporary sanitary plan & Park Fee/recreation details

Jim Hulme spoke on behalf of the applicant. Working on getting covenant recorded for SCDHS approval. Temporary septic is a component of the future installed system. Contractor proposes to move forward with foundations first. Phasing plan shows West to East progression in 3 phases. Applicant would like to pay Park Fee in installments and have final fee paid at completion of 30th unit of 45 total units. Landscape plan was submitted with proposed Rec Area. Spreadsheet submitted previously.

Mr. Reilly said suggested that the Village could hire a consulting appraiser to review Jim Hulmes submitted a spreadsheet. Tony Pasca will need to weigh in on this.

Bryan Groghan described the walking trail on the landscape plan.

Mr. Reilly questioned the Code intent of Recreational Area.

Mr. Hill asked the material of the path. Mr. Groghan said wood chip with benches throughout and Mr. Hill suggested a cross section, details of benches, etc. Mr. Hill asked about phasing. He asked to clarify when the septic plant is completed and wants clear phasing and bonding details. He said the SWPPP requires grass over and stabilize areas that are not under construction. Mr. Hammond read Recreation Areas Code.

Mr. Hulme asked about foundation plans and getting started. He will consult with Mr. Pasca between meetings. Mr. Groghan said the 239 is done. Recreational area discussion over STP.

Board seems content with that area as it preserves the "lop tree" area. December 14th public hearing with Mr. Pasca comments and other requests of Mr. Hill.

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2. LANDMARK MILL, LLC (STARBUCKS)- 193 & 195 MILL ROAD SCTM#905-8-2-23&24
 - o Continued work session to discuss new Site Plan application for a 16-seat coffee shop.

Phillip Butler of Farrell Fritz wants to hand out additional materials. Mr. Reilly accepts the as of right use. There was a discussion on the orientation of the building; the Mill Road access was implemented and they added side entrance to rear parking lot. Roof height was lowered 1.5 feet. Dormer and gable to be used for HVAC. Chuck Dietz Architect. Mr. Logozzo said the rear of the building faces Village Hall and would like to have it dressed up. Mr. Reilly says that landscaping could enhance the rear area. BB says lighting at rear should be minimal to protect light shed on residences. Zach Chaplan gives overview of project, sf, redevelop site, 16 parking spaces and 16 seats, 2 access points off Mill Road and School Street- both one way. Pedestrian access points were important to the circle and the patio areas. Landscaping plan is pending and is important component. Lighting plans forthcoming. Mr. Reilly said he thinks there should be more tree landscaping on School Street side and he said they are ready to relay to ARB and they will address the sign issue; but you need reduce the number of them 2 from 3. Mr. Hill revised traffic letter and the parking is still based on old 30 seats so that should be revised. And the traffic generation based on 16 seats. The landscaping plan should address the residential buffer Code. Mr. Reilly said remove the outdoor seats.

Public comment:

Susan Pazera- lives at flag lot off Mill. Traffic is terrible already. Local owned businesses are supported in WHB. Too many coffee shops. Mr. Reilly said that this is a permitted use.

Marty Melzer- owns property to the West of Starbucks. Been here since 1963. Issue with the dumpster location. Will be landscaped around dumpster. Circle is being built out by Sunset development, movie theater and this Starbucks will create a nightmare. Mr. Reilly said we are making the circle more pedestrian friendly. Mr. Hill said the movie theater has a peak at 6pm. Starbucks 9am to 12pm.

John Schoen- Lives behind the Starbucks. He said he received the planning board application and cannot read but it was submitted in August. Mr. Reilly said that this is the first public hearing. Been at the property since 1979 there are a lot of changes in Town, pandemic, etc. He has a concern with noise.

Barry Bernstein- 145 Main Street, he said that WHB has changed. Do we want big corporations. He is not opposed to Starbucks but 2,300 sf is pretty big for a Starbucks. Local business village.

Motion was made by Mr. Reilly to refer the application to the ARB; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

3. BMB ENTERPRISES INC.- 145 MAIN STREET SCTM#905-11-2-29
 - o Continued work session to convert attic space for proposed two-bedroom apartment on the Second Story of the existing mixed-use building

Barry Bernstein on behalf of BMB Enterprises. Convert attic to apartment. Obtained a variance for 2 parking spaces and the size of the apartment. Received Special Exception from Trustees. Board waived waiting for SCDHS, make it a condition of the resolution. Motion to put on December 14, 2023 agenda for a resolution.

FILL APPLICATION REVIEW:

1. LEE DUBB 9 STACY DRIVE SCMT#905-10-5-30

Mr. Hammond spoke about the tennis court, drainage provided. Mr. Hill did not have a chance to review. Paulina Giampietro of Richard W Rosenberg PC. Represents Lee Dubb and gave a presentation she said that they went to ZBA and are waiting for decision. Mr. Hill says it is a straightforward application and they'll require the normal C&R's for a fill application.

Motion was made by Mr. Reilly to close the application for a determination at the December 14, 2023 meeting; seconded by Mr. Logozzo and unanimously carried 4 ayes, 0 nays, 1 absent.

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WORK SESSION AGENDA:

2. WHBH REAL ESTATE LLC 7 BEACH LANE SCTM#905-11-3-10
 - o Modification of Site Plan approval to reconfigure grading/drainage at the three-story hotel inn
 - o

Jim Hulme representing applicant. Modification to make the sump/ swale to be a lawn. Mr. Hill says it is fine drainage-wise. Landscaping can be worked out. Motion to put on for the December 14, 2023 for a resolution.

3. 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.

Steven Carro representing application. He submitted revised plans for enclosure. Mr. Logozzo does not like the appearance. TT's Montauk example. Mr. Schermeyer said more permanent panels in and out in the Spring. Mr. Reilly asked how does this interact with seasonal seating. Mr. Reilly does not like temporary structures. They will use this area December, January or February. Board concern is that they do not want a temporary appearance. Winterizing an outdoor space. Raised off sidewalk- no snow removal issue. Intent not to close in offseason. Need to maximize seating. Mr. Hammond said the temporary is defined as 6 months. Need an annual permit from the Trustees. This is expansion of the building. Mr. Reilly said the planning board is supposed to look at permanent structures. Mr. Hill said the site plans require a certain amount of parking. If it is converted to a year round use, you do not have a parking spaces for that use. Mr. Reilly said you are not entitled to the 20 seats you are adding. Long discussion ensued regarding temporary seating and permanent seating with will require septic increase and seating. Mr. Reilly suggested they meet with Mr. Hammond to assist the applicant. Parking study could alleviate issues.

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

MINUTES:

1. OCTOBER 26, 2023 Tabled to 12/14/2023

Motion to close meeting at 7pm.

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

FUTURE MEETINGS:

November 16, 2023

- 1. THURSDAY, DECEMBER 14, 2023**
- 2. THURSDAY, JANUARY 11, 2024**