

QUOGUE VILLAGE PLANNING BOARD
MINUTES OF PUBLIC HEARING
FRIDAY, JANUARY 27, 2023

Pursuant to §103-a of the New York State Public Officer's Law and Local Law No. 3 of 2022, the meeting of the Planning Board and aforementioned public hearing was held in as a hybrid meeting in a combination of both in-person and videoconference (i.e. ZOOM).

Members Physically Present: Chairman Stephen Farrell, Lynn Lomas, Richmond Gardner

Members Absent: Clarke Lewis, Paul Mejean

Members Present via Videoconference: Robert Levy

Others Physically Present: Village Building Inspector William Nowak, Village Engineer Vincent Gaudiello, Deputy Village Clerk Denise Michalowski, Hilma Balcarcel, Dan Schmidt, Ron Fisher, Pamela Glazer

Others Present via Videoconference: Village Attorney Wayne Bruyn, Andrew Oliverio, Kittrick Motz, Patricia Dornan

1. Mr. Farrell called the meeting to order, and appointed Alternate Member Richmond Gardner as a Voting Member, substituting for Clarke Lewis. Mr. Lewis was unable to attend the meeting. Mr. Farrell next asked for a motion to approve the minutes of the December 2, 2022 meeting. Mr. Gardner made the motion, Mr. Lomas seconded the motion, and the motion was unanimously carried.

2. The first matter on the agenda was the change of tenant and sign approval request from the **Quogue Flower Shop & Gardens at 2 Midland Street [SCTM# 902-8-1-1]**. Business owner Hilma Balcarcel was present for the application. Mr. Farrell asked if anyone had any questions. Mr. Levy asked the size of the sign. Mr. Farrell said the sign was 21.5 by 41 inches. No one had any further questions, so Mr. Farrell made a motion to approve the change of tenant and the sign. Mr. Lomas seconded the motion. The motion was unanimously carried.

3. The next matter on the agenda was the change of tenant and sign approval for **Schmidt's Country Market at 148 Jessup Avenue [SCTM# 902-8-1-8.2]**. Business owner Dan Schmidt and sign maker Ron Fisher were present for the application. Mr. Farrell asked when the Market is scheduled to open. Mr. Schmidt said they were aiming to open in March. Mr. Gardner asked what new equipment was being installed. Mr. Schmidt said they will be putting in a salad bar and a hot "grab and go" area to reduce the time that customers would have to wait in line. Mr. Farrell asked if they would be applying for a License from Agriculture and Markets and if the Planning Board could get a copy when it is issued. Mr. Schmidt said they had applied and would furnish a copy when it is received. Mr. Farrell asked if Mr. Schmidt could consult with the

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Building Inspector on the proposed signage. Mr. Fisher said the proposed name sign is smaller than the existing sign in order to conform with the Village code, and the 'Fresh Produce' sign is the same size as the existing signage. Mr. Lomas asked if the word Quogue could be added to the sign, and Mr. Schmidt said he did not think they could fit anything additional on the sign. Mr. Farrell made a motion to approve the change of tenant and to approve the signage conditionally upon the Building Inspector confirming that the proposed signage is grandfathered or otherwise conforming to the Village Code. Mr. Gardner seconded the motion and the motion was unanimously carried. Mr. Farrell noted that deliveries are not permitted on Jessup Avenue south of Village Lane and that large trucks would have to access the lot behind the building.

4. The next matter to be discussed was the fire hydrant issue at the subdivision of **125 Montauk Highway [SCTM# 902-4-1-84.1-5]**. Mr. Farrell explained that the Village had received some communication from the Fire Department that the number and location of fire hydrants in that area may not be sufficient. Mr. Farrell further explained that as the subdivision had been approved in 2015, he did not know if the Planning Board has any role in this matter at this time. Mr. Farrell said he thought it would be a good idea in the future to involve the Southampton Town Fire Marshall, the Village Fire Department and possibly the Fire District in future subdivision applications. Mr. Gaudiello noted that other Municipalities have it in their Code requiring these referrals. Mr. Nowak noted that the Village has a new Part Time Fire Marshall who will be handling field inspections. Mr. Gaudiello asked if this issue has been addressed with the current homeowners. Mr. Nowak said he has discussed the fire hydrant issue with the developer. Mr. Gaudiello said if a hydrant was to be installed on Montauk Highway it would reduce the home owners' insurance costs. Mr. Farrell asked if Mr. Bruyn could advise the Board on this matter.

5. The next matter that was discussed was the enforcement of compliance of new tenant filings and sign approval in the Village. Mr. Farrell noted that there are a number of new businesses in the Light Industrial area that have not filed change of tenant applications with the Planning Board. He further noted that Code Enforcement Officer Chris Osborne has sent out letters to the businesses in the past to promote compliance with tenant changes and sign approval regulations. Mr. Farrell asked if there was something that could be put in the Village Code to put the onus on the property owner to comply with the tenant changes and sign approval. Mr. Nowak said he has been speaking with Mr. Bruyn about this matter. Mr. Farrell said he will speak with the Village Trustees about this issue.

6. The next matter on the agenda was **Minor Subdivision Application of Apre Howell LLC at 3 Howell Lane (SCTM# 902-11-2-13.1)**. Mr. Farrell noted that a submission was received yesterday and the application would be adjourned so the Board can review the submission.

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7. The next matter on the agenda was the application of **Jonathan T. & Natalie P. Silverstein 37 Bay Road SCTM# 902-6-1-18.11** for an interpretation of the Declaration of Covenants and Restrictions, dated July 24, 2018, and recorded in the Suffolk County Clerk's office in Liber 12970, page 963, which Declaration was imposed by the Planning Board as a condition of approval of the Subdivision Map of Picheny Property, filed in the Suffolk County Clerk's Office on March 26, 2019 as Map File No. 12158. Specifically, applicants seek to confirm that the provisions of said Declaration do not preclude the construction of an elevated catwalk/wetland access walkway that extends over a portion of NYSDEC designated wetlands in the center of the property to access the property's frontage on Shinnecock Bay. The applicants' property is shown as Lot 6 on said filed subdivision map and is located on the southerly side of Bay Road, approximately 2,623' easterly of Montauk Highway (SR 27) in the A-8 Residence District.

Mr. Farrell noted that this application has been withdrawn.

8. The next matter to be discussed was the clearing restrictions at **8 Midhampton Avenue [SCTM# 902-2-1-7.1]**. Mr. Nowak said there is a potential new owner for this property. Mr. Farrell said that Pine Barren restrictions are applicable in this area, and that this property appears to have been cleared back in the 1970s. He explained that this clearing will not meet current standards set by both the Village Code and the Pine Barrens Commission. Mr. Bruyn said that Section 196-15(i) of the Quogue Village Code was amended in 1996 to comply with the Comprehensive Pine Barrens Plan. He further explained that this portion of the Village which is zoned LI 1 & 2, is within the compatible growth area of the Central Pine Barrens. The Pine Barrens Plan indicates that there is a certain percentage of the property that cannot be cleared. Pre-existing clearing conditions can remain, as long as there are no changes in the property. Once there are any changes on the property, such as development or change of use, these clearing restrictions will not be grandfathered in, and the property would have to be revegetated to comply with the clearing standard percentages. Any relief would have to be granted by the Pine Barrens Commission and then by the Village. Mr. Farrell asked Mr. Nowak to speak with the potential owner and make them aware of these issues.

9. The next matter to be discussed was **Andrew Oliverio at 164 Jessup Avenue (SCTM# 902-8-1-10)**. Architect Pamela Glazer was present at the meeting, and property owner Andrew Oliverio was present by ZOOM. Ms. Glazer wanted the Board to know that they have put a lot of effort into designing the project keeping with the character of Quogue and following the Village Code. Mr. Farrell noted that there are real parking and traffic flow considerations with this project. Ms. Glazer asked if they would be grandfathered with the existing building in regard to parking spots. She explained that if this were two different sites, they would only have to comply with parking spots for the new building. Mr. Bruyn said he will research the Village Code in regard to the parking issue, but the issue for the Planning Board is if the parking will be adequate for both the proposed and existing uses of the property. Mr. Oliverio noted that the existing building currently has four offsite parking spots, and all four spots have never been utilized at the same time. Mr. Farrell said that if they are considering restricting the usage to no retail tenants because of traffic conditions, then the Planning Board would consider that an

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enforceable condition. Mr. Gaudiello said that from both an Engineering and safety position, the parallel spots and the truck loading area do not work. The issues of truck loading areas and garbage truck access was discussed. Mr. Gaudiello said he would like an existing conditions map submitted, with the current curb cuts represented. He further noted that this is the opportunity that the Planning Board has to look at the schematic of the property, as they do not see them during the Building permit process. Ms. Glazer asked about the handicap and Electric Vehicle area comments in the report, as there are no current standards regarding Electric Vehicle charging stations. Mr. Gaudiello asked if the EV spaces would be designated for EV vehicles only. Mr. Gaudiello asked if there were any conditions in the Village Code regarding land bank parking. Mr. Bruyn said there currently are no conditions. Mr. Gaudiello explained that land bank parking is an area set aside for parking if the need for that parking arises. Mr. Bruyn said this area needs to be shown on the site plan, and would have to be capable of being improved. A covenant would be set in place that if the Village observed the need for the parking spaces in the future, that they could direct the owner to develop the area accordingly. Ms. Glazer said the 12 foot right of way is shown on the deed. Mr. Gaudiello said the right of way is intended to serve as access to the other parcel, and is likely shown as 12 feet because that was the size of the curb cut. Mr. Bruyn said the papers show the access at 12 feet, but the space is being physically widened. Mr. Bruyn explained that they would more or less be granting the neighbor access over areas that they legally might not be, and that should be addressed between the two parties. Mr. Bruyn said that the issue for the Planning Board is that the driveway is being located to the rear where there is only a 12 foot opening, and is that adequate for site distance and maneuvering? Ms. Glazer said there are two very mature trees which they would like to save. Mr. Bruyn said those trees should be listed on the plans. The issue of the fence and plantings along the fence were discussed. Mr. Nowak said once they have the plans, they should be referred to the Design Review Board. The issue of the traffic on Jessup Ave in the summer and the no loading from this area was addressed next. Mr. Oliverio said that the current tenants do not receive deliveries and he is not anticipating that the new tenants would either. Mr. Farrell asked if there would be they type of retail tenants that would need deliveries, and if it was restricted then it would be enforced. Mr. Levy asked why this many parking spaces are required. Mr. Bruyn said that the Village Code sets the calculation for off street parking spots based on square footage, and that new development is required to comply. Mr. Oliverio said that he thought that land banking would be a solution for this issue. Mr. Oliverio thought the appropriate parking would be an additional ten spots. Mr. Gaudiello said the requirement for the land bank would be two thirds or 19/20 spaces. Mr. Gaudiello said he thought that the space to the south of the existing building would probably be a good spot for the land bank. Mr. Bruyn said that prohibiting tenants with delivery needs would create an enforcement issue in the future, and a loading area should be planned for. Mr. Bruyn said that for the land banking, they would have to demonstrate that there is not a present need for all of the parking. He suggested that the land bank area be shown on the plans. Mr. Oliverio asked how it could be determined that the additional parking needs were coming from their building and not from, for example, the parking demand for Schmidt's Market? Mr. Bruyn said that could be an issue, and that a Traffic Engineer would have to demonstrate that there isn't a present need to construct all of the spaces initially. Mr. Farrell asked if the Village would have to make a provision for land banking in the Code? Mr. Bruyn said he will research this, and the grandfathering of the spaces issue as well. Mr. Farrell though

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that this might also have to go before the Zoning Board as well. Mr. Bruyn said that the Zoning Board has the ability to waive the parking requirements. Mr. Farrell said that at some point these plans should be submitted to the Town of Southampton Fire Marshall. Mr. Gaudiello said once we are closer in the design process the Village can refer the plans to the Fire Marshall. Ms. Glazer asked if it was ok to use the Architectural scale for the site plan, and set the survey in Engineering scale. Mr. Gaudiello said he will see what the Code requires and let her know. Mr. Farrell asked if there were any further questions. There were none, and this matter was adjourned to the next meeting.

10. Mr. Farrell set the date of the next meeting to Friday, February 24, 2023 at 9:30am.

There being no more business, Mr. Farrell made a motion to adjourn the meeting. Mr. Lomas seconded the motion, and motion was unanimously carried.