

Waldbaum's - minutes of 1-22-09 Planning Board work session:

10. **Waldbaum's - Spa 77, NLP, 70 Sunset Avenue, (905-12-4-20.5) Applicant requests a waiver of site plan review to install a new HVAC unit on the roof of the existing building, as provided for in Chapter 197-63.I.(1)(e)(4). The property is located in the B-1 Zoning District.**

Jaret Weber, Esq. appeared for the applicant.

Mr. Neubauer asked Mr. Weber if he was aware that the applicant has three outstanding building permits.

Mr. Weber confirmed that he knew about the outstanding permits and said they are in the process of closing out the expired permits. Mr. Weber summarized that back in 2004, Waldbaum's received site plan approval for a massive renovation of the site. However, in 2005, Waldbaum's merged with Pathmark, and due to budget constraints, they were unable to move forward with the required work. At this point in time, applicant just wants to relocate and replace the HVAC units, which would be encased and covered on the roof of the building, as indicated on the elevation drawing.

Mr. Neubauer asked whether Waldbaum's intended to move forward with any of the elements of the approved site plan.

Mr. Weber explained that due to the economy, there is no plan to go forward at this time.

Mr. Neubauer noted that the Waldbaum's in Southampton was recently totally renovated, and he wondered why they had money for that store but not for the Waldbaum's store in Westhampton Beach.

Mr. Weber said he was unfamiliar with any other store.

Mr. Weber acknowledged that replacement of the HVAC units was part of the prior site plan approval and he thought Waldbaum's might be in a position to proceed with the other items on the site plan at a later date.

Mr. Neubauer recalled discussions applicant's representatives had with the Architectural Review Board when the prior site plan was approved to the effect that the HVAC units would be adequately screened from view.

Mr. Weber stated that applicant would be willing to provide whatever type of screening the ARB requires.

Mr. Bishop asked if this would be a replacement in kind or a larger unit.

Mr. Weber said he believed it to be a replacement in kind, but wasn't willing to make that part of the record until he had an opportunity to confirm it with the applicant. Mr. Weber submitted a mechanicals package for the HVAC units.

Mr. Hill recalled that the HVAC units were to be completely covered or screened from view.

Mr. Weber indicated that there would be a metal cover over the unit and that it wouldn't be visible from the front of the store, but he added that whatever type encasement wall the ARB wants, applicant would have no problem installing.

In the meantime, Mr. Neubauer said he would check the files to ascertain the type of screening that was part of the site plan approval.

Discussions will continue at the next regular monthly Board meeting on February 12<sup>th</sup>, 2009 at 7:00 P.M.