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THE STATE OF NEW YORK
VILLAGE OF PORT JEFFERSON
----- X

In the Matter of the

PLANNING BOARD
Public Hearings and
Miscellaneous Matters

----- X

121 West Broadway
Port Jefferson, New York

January 21, 2010
8:00 PM

B E F O R E: Gladys Gentile, Chair

Jennifer Campbell
Certified Court Reporter
(631)848-4231

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A P P E A R A N C E S :

- Alex Spyrou
- Tom Vulpis
- Philip Schiavone
- Jennifer Sigler

Also Present :

- Cindy Suarez, Secretary
- Margot Garant

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THE CHAIR: Good evening.

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Welcome to the Planning Board of the

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Village of Port Jefferson. Sorry we

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are five minutes late, but we are

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working hard getting the schedule

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together.

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I will tell you quickly the

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procedure. We begin the public

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hearings and all hearings are with

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the public and we let the applicant

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make their presentation, then the

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public has an absolute right to

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comment and the applicant can

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respond to the comments and the

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Board reserves the right to limit

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the time people speak on a matter in

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interest of getting everything done

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in an orderly fashion. We do ask

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that people from the public speaking

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be sworn because we are keeping a

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verbatim record and the only people

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we don't swear are attorneys and

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persons of the cloth, shall we say,

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and there are different reasons we

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won't get into.

Everybody ready? Okay. We'll start with the final subdivision Map of Jefferson Hollow. Proposed 6-lot cluster detached single family homes, bond amount \$734,899. It's on a three acre parcel on High Street and basically we have completed our review and our public hearing on this, but we wanted to have a record for the applicant. That's the matter before us at the moment. Is the applicant present or representative? Would anybody like to make a presentation of any kind? Seeing none, does anyone in the public wish to make any comments? Of course, it's a continuation of a number of hearings on this map over the course of time. Barbara, would you like to speak?

MS. SABATINO: Barbara Sabatino, 2 Westview Avenue, Port Jefferson. Jefferson Hollow is on High Street

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below some property I own off of
Westview Avenue.

THE CHAIR: I know where your
property is.

MS. SABATINO: Downstairs in the
work session you were discussing
parkland and I guess it's a couple
of years ago we had discussed at a
public hearing about Jefferson
Hollow not being allowed to build up
on the hill.

THE CHAIR: Correct.

MS. SABATINO: I would like to
know if they are not required to
donate parkland?

THE CHAIR: No. They are not
required to. I will explain it to
you. They have a cluster approval.
They get the units that have been
approved and no more. The
development rights are all used up
on the entire parcel. Do you know
that? What that means is you can't
do any other development on the

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parcel. It's going to be dedicated
3 as it's forever wild and that would
4 be required on the map to that
5 extent and it's very clear the
6 development rights are all used up
7 on the entire parcel. It's not at
8 risk for further development, at
9 least in the foreseeable several
10 centuries.

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MS. SABATINO: I wanted to make
12 sure.

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THE CHAIR: It's a very fairly
14 asked question. Do you understand
15 clearly?

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MS. SABATINO: Yes, Ma'am.

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THE CHAIR: Thank you, very much.
18 Are there any other questions or
19 comments from the public? I see
20 none.

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Now, they have a bond amount
22 which we can impose provided by our
23 staff with the help of the
24 consultant's expertise of 734,899
25 dollars. Does anyone on the Board

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have any question about that?

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Agreed? Then I would look for a

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motion to close the hearing.

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MR. SCHIAVONE: One

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clarification; the bond amount,

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their figure is subject to our

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review?

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THE CHAIR: Our figures developed

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by our consultant, commissioner,

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engineer, everything guy; am I

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correct?

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MR. KOUBEK: Yes. They submitted

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their first draft. At the

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applicant's request, we subbed it

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out to expedite it and that's the

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amount.

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MR. SCHIAVONE: Okay. I will

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make a motion to close the hearing.

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THE CHAIR: All in favor?

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MS. SIGLER: I.

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MR. VULPIS: I.

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THE CHAIR: You can vote on

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closing the hearing because you

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looked at the record. The review is

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basically over.

MR. SPYROU: Thank you.

THE CHAIR: Next is the amended site plan for Mather Hospital proposed parking lot expansion and I'm sure the applicant will make the presentation through their --

(Whereupon, the witness was sworn in by a Notary Public of the State of New York.)

MR. JAEGER: For the record, Bill Jaeger with the firm of Hawkins, Webb, Jaeger, PLLC. Our firm has been engaged by Mather Hospital to do the engineering aspect of a parking lot addition to Mather Hospital as it shows on sheet C-1 A prepared by Cannon Design and with me this evening is George Restivo from Cannon Design and anything I can't answer he will be able to answer.

In any case, we are seeking to build a net increase of 65 parking

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stalls. Actuality, we will be approximating with 71. We are losing several stalls for access into the parking area.

THE CHAIR: Do you have extra copies of that with you?

MR. JAEGER: I was told 12 copies were to be put -- I would recommend you look at the second sheet. That shows the area we are talking to. The area that is shaded shows the proposed 65 stall addition and it also shows the stalls we would be eliminating for the purpose of accessing the area, the actual constructed parking area. We are here showing you a concept. We will be going ahead and doing the engineering on it and we do not have topography as of yet, but, in walking the site, I will say the area we are going to be constructing is about 10 feet higher than the existing parking area. It is

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proposed we will regrade that down

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to the current parking level,

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parking field height or level, if

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you will. The reason for this is

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that it is expected that an

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additional building or addition to

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the building will be constructed and

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additional parking will be required

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a feasible use. We will ultimately

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be constructing a second level of

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parking. We are bringing this down

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and will access from the top and put

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on a second deck of parking at some

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point way in the future. This is

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not immediate and that's not what's

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before the Board. I am explaining

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the reasoning why we will excavate

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the soil and distribute it over the

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land to the north.

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MR. SCHIAVONE: Is that land

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cleared?

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MR. JAEGER: It's sort of a

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grassy field and that would be the

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area it would go on. That may

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change as we get into the topography and do the actual engineering, we will kind of resolve where we spread the soil.

Additionally, I have concerns with regard to the drainage. There has not been, that I am aware of, an evaluation of the recharge basin on this site in a very long time and a different addition had been added and the water has been discharged into that recharge basin. We will be doing topography of the construction area and soil borings in the recharge basin. Those of you that have been on the site are aware the recharge basin is currently holding water. I have not seen it in a dry condition. It may become dry. For the most part, it seems to be holding water. We want to evaluate what the soil conditions are and then do an overall of the contributory areas and also evaluate

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whether or not there is a potential for an overflow within the recharge basin. Under normal design ability the eight inch storage, if there is, there's no potential overflow capability, or five inch storage if there is. We will evaluate that and I would have discussions with Kevin as to what better methods we will use and basically that's where we are. I think what they are here for is to tell you where we want to go and see if you have any additional thoughts you would find important and relative to the site and we will attempt to incorporate them. I have one copy, an aerial photograph, that shows the existing parking and you can see this is the existing parking and we are proposing to put the additional parking here.

(Indicating)

(Whereupon, the witness was sworn in by a Notary Public of the

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State of New York.)

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MR. RESTIVO: One thing though, the hill is 10 feet on the west part of it, but as you go down toward the east, it does graduate down to about six. It's not all 10 across, so it kind of does this. (Indicating)

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MR. SCHIAVONE: You are anticipating when you move into the hill to push the soil back, but at some point if you were to make a deck over it, you would have a retaining wall?

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MR. JAEGER: We would need a retaining wall. We will stabilize and vegetate it. That may change. Ultimately, yes. If we were to bring the deck in, we would do a structural retaining wall.

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MS. SIGLER: You plan on adding on to the main building?

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MR. JAEGER: Adding on to the main building, but that's --

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MR. SCHIAVONE: Can I ask, is

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that something before the State
right now, the hill?

MR. RESTIVO: Yes.

MR. SCHIAVONE: Has it been
granted?

MR. RESTIVO: Not yet. It's
going to be amended. The hospital
delayed it and they will amend it.
It will be some time.

THE CHAIR: So you are seeking
from the Board at this juncture a
comment?

MR. JAEGER: Any guidance the
Board would like to give. We have
not done the survey work. If the
Board or the Village Engineer has
any things they would like to see us
incorporate in the survey -- let me
say, for the Board and Kevin
particularly, we are doing the
topographic survey of the area to
the development and recharge basin.
We are also running cross section
elevations on the roads that would

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contribute up to the point where

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they hit the vertical or high point

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of the road so we can determine how

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much storm water is coming in. We

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will also evaluate the drainage

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systems, to the extent they exist,

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to Belle Terre Road and it's our

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belief that the storm water from

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Pine Hill and a portion of North

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Country Road is being discharged

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into that recharge basin, so we want

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to take a look at that there for a

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number of things that are

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attributing elements.

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MR. SCHIAVONE: I know there is

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one residence off of that narrow

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street, but do you have an

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approximate distance to the other

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nearby residence?

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MR. RESTIVO: On the east side?

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MR. SCHIAVONE: North and east, I

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guess.

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MR. RESTIVO: The north is the

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closest house. North is up beyond

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this property line. There is a road up here. I know there are houses up here. (Indicating)

MR. SCHIAVONE: What would that be in distance?

MR. RESTIVO: Pretty far up the hill.

MR. JAEGER: If you look, almost six hundred feet we are showing.

MS. SIGLER: Is that near ambulatory surgery?

MR. RESTIVO: Way passed that.

MR. JAEGER: The old Legend Woods and the other piece is north.

MR. RESTIVO: On the east side there is that small road. I think there are two houses.

THE CHAIR: It would be safe to say you are here for a preliminary site plan amendment?

MR. JAEGER: We will be moving into engineering drawing as soon as we have any guidance. Unless I hear something, we will start the

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topographic work and we would like to know if there is something more we should be doing.

THE CHAIR: I would like to see if anyone in the public would like to make a comment.

(Whereupon, the witness was sworn in by a Notary Public of the State of New York.)

MS. SABATINO: Barbara Sabatino. I'm a great believer, you don't move next to the airport, then complain about the noise. Our group of homes have been there for decades and the piece of property that contains these parking lots and surgical units were heavy woods and we didn't move next to Mather, Mather is growing up and encompassing outside. Having said that, even though this new addition to the parking lot is on the east side and Westview and my neighbor and he is on Belle Terre Road directly across to the entrance

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to the surgical unit on Belle Terre

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Road, we have a nine hundred car

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parking lot emptying out directly

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toward our homes. I had talked to

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Trustee Delquila (phonetic) and all

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the trustees about rather large

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signage Mather recently erected,

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"This is a nonsmoking campus", and

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they are directly at the entrances

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and when you look out to your yard

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and when you see those, it's

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disconcerting. They were kind

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enough to move one of them a little

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bit further back and it helped.

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What I would like to see, and I took

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a look at the plans, they are adding

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trees, but they are not evergreens

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on the new area.

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THE CHAIR: In relation to this

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parking lot --

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MR. JAEGER: It shows on there.

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MS. SABATINO: And they are not

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evergreens and during the winter

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when all the leaves are off the

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trees, the visual is really quite a distance, so it would be nice if they added evergreens.

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In addition to, and what I would like to make a plea for attempt, is the ruling in the code is 20 feet of buffer between commercial, or the hospital, and the residential and I believe at this time buffer can mean 20 feet of grass and not be any kind of screening.

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THE CHAIR: I don't know that.

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MS. SABATINO: I would like to see if they have any money left over in their budget because they are adding parking and it may go two tiers which may lead to an actual garage, so I ask for evergreen buffering between the parking lots and the homes on Belle Terre Road because right now when you look across the street you see a sea of cars.

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THE CHAIR: I will let the

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applicant's representative speak to that. Thank you, very much. Anyone else who would like to speak?

(Whereupon, the witness was sworn in by a Notary Public of the State of New York.)

MR. IANNETTI: Gerard Iannetti, 15 Wilmont Road, Port Jefferson. I have not had a chance to see the plans.

THE CHAIR: You are welcome to look at them.

MR. IANNETTI: This is the existing one that is there?

(Indicating)

MR. JAEGER: This is the existing. This is what is proposed. I think if you look at this, you can see looking down on it this is North Country Road. (Indicating)

MR. IANNETTI: I am located on the small road just to the east of the hospital. I'm one of the two houses that's on Wilmont Road. My

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concern with parking lots are

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although you expanded once already,

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and they are doing a good job, is

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the lighting because my house faces

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that area. If they have very tall

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lighting and it's pointed toward the

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east it comes in through our

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windows. Also, there is a concern

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with buffering from the drawing. We

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have 32 acres of land behind the

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property. There are deer running on

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that property, constant deer running

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up and down between them, so my

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concerns are you are not encroaching

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too far up to the road and there are

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going to be some type of evergreen

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buffer and the lighting will be kept

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at an angle either to the west or a

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downward slope.

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MR. SCHIAVONE: You are showing a

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row of trees; is that what they are?

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THE CHAIR: Did you wish to say

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anything else, Mr. Iannetti?

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MR. IANNETTI: No. That's about

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it, unless my wife has something to say.

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MR. JAEGER: There are trees here. (Indicating)

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MR. RESTIVO: I believe the last time I thought they mixed evergreens with these, but what they did the last time, this was planted from here to here (Indicating) and the lighting was directed away if I remember right.

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MR. SCHIAVONE: These trees are existing or proposed?

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MR. RESTIVO: Existing.

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MR. SCHIAVONE: Where it says eight?

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MR. RESTIVO: Yes. I will add more.

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MR. IANNETTI: The existing treeline they put up when they originally expanded the parking lot stops at about where the end of my road is.

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MR. SCHIAVONE: You are going to

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extend that?

MR. JAEGER: That's right.

THE CHAIR: Is your proposal to enrich as much of the residues treeline with substantial evergreen planting?

MR. JAEGER: I think we understand the message and we will propose something and the Board can review it. As far as lighting, we will sheath it so it won't radiate to the east.

THE CHAIR: With no splaying to the residential neighborhood?

MR. JAEGER: I am not familiar with the area with the plantings along there. I will address that with the hospital and see if enhancements can be brought about. We have to be aware of the fact we maintain site distance coming out of there. That's a significant issue.

THE CHAIR: Yes, because it dips in.

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MR. JAEGER: One other thing I will point to as far as the one party goes, this is part of the lower field. For the most part I think the discharge will be out on North Country Road, so I don't see particularly Belle Terre Road -- I think the main impact will be out on North Country.

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THE CHAIR: We can expect you to address the concerns addressed?

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MR. JAEGER: Yes. And the other thing with the trees, we are about to do the survey. In doing that, we will pick up the existing trees and try to replicate that pattern and bring it further to the north as we bring in the parking field.

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THE CHAIR: Do you think your client will understand a point well taken, having a four season screening?

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MR. VULPIS: Bill, you're looking for 65 increased cars and the site

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plan is showing 71.

MR. JAEGER: We are losing six stalls when we connect into the lot. We are losing stalls here to bring the access in, so it's not of 65, although, theoretically, it's 71.

MR. VULPIS: This detailed berm at the parking is left, then we go up 10 feet at the top of the berm, what happens beyond that?

MR. JAEGER: It's almost flat. That's what they are doing the topographic work for and we have to play with that. We may stay a little less steep.

MR. VULPIS: It doesn't drop back down?

MR. JAEGER: No.

MR. RESTIVO: Then it goes up again.

THE CHAIR: Any other questions of the Board, comments? Anyone else in the public like to tell us anything? Hearing none, I guess we

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will not close it because it's not
time to close it, but we will put it
over. Do you have a time when you
think you would like to be back?

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MR. JAEGER: I would say a month
from now might be close, so I think
if we could contact the Board, we
will let you know. Tentatively, we
can put it over for a month.

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THE CHAIR: You know this is a
public hearing. Rather than to
re-advertise, if we set it on the
record today, how about two months;
would that work, being realistic?

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THE CHAIR: Okay. What do you
want to do, adjourn it for one
month?

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MR. JAEGER: Let's adjourn it for

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one month. I think the hospital --

THE CHAIR: Is the Board amending it to the February meeting?

MR. SCHIAVONE: You are saying he doesn't have to advertise?

THE CHAIR: Correct. If on the record you set forth the next time it will be heard, you do not have to re-advertise.

SECRETARY: February 25th is the next hearing.

THE CHAIR: Do I have a motion to adjourn this to the February 25th meeting?

MR. VULPIS: Motion.

THE CHAIR: All in favor?

MR. SPYROU: I.

MR. SCHIAVONE: I.

MS. SIGLER: I.

MR. JAEGER: Thank you.

MR. RESTIVO: Thank you.

THE CHAIR: The next matter is a miscellaneous matter to change the use at 402 Main Street, change of

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use from retail to office, all of which are permitted. Is the applicant here to make a presentation to 402 Main Street? Please step forward.

(Whereupon, the witness was sworn in by a Notary Public of the State of New York.)

MR. O'BRIEN: Patrick O'Brien.

THE CHAIR: Good evening, Mr. O'Brien. Step up and tell us what you want to do.

MR. O'BRIEN: I rent a retail store. I have refurbished it to open an insurance office there looking for a professional--

MR. SCHIAVONE: Tell us the store.

MR. O'BRIEN: Chairs and Wares. It's a small office. I'm a Nationwide franchised agent for the past 32 years. I have been in the area, I guess, for the past 30 somewhat years and we represent

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different insurance companies. It's a small office, only three of us there and we are looking to conduct business there with the high visibility that it warrants. As I say, the motif will be keeping in the area. It will be in good taste. I invite you all to take a look at what we are doing. We made marked improvements in the area.

THE CHAIR: You are not going to change the facade in any major way?

MR. O'BRIEN: No.

THE CHAIR: Or the look of the building?

MR. O'BRIEN: None.

THE CHAIR: Any person like to ask any questions?

MS. SIGLER: To go from retail to office, the parking requirement, you are intensifying, deintensifying your parking and my understanding you don't have -- you have been grandfathered in.

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MR. KOUBEK: It's a one-way trip.

MS. SIGLER: You can never return to retail?

MR. SCHIAVONE: You are the owner or tenant?

MR. O'BRIEN: Tenant. The owner signed off on the documents.

MR. SCHIAVONE: The owner should be aware when he or she deintensifies the use, that five or 10 years from now you can't automatically go back to retail.

MR. O'BRIEN: I have a long-term lease with an option to buy it, which I would like to do. I have family coming in.

THE CHAIR: Very good.

MR. SCHIAVONE: Do you have an architect or engineer preparing a site plan?

MR. O'BRIEN: No, sir. There was not one needed. I had an electrician come in and do upgrades. We had to upgrade the service. It

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was antiquated.

MR. SCHIAVONE: If the landlord has an existing site plan and that site plan says retail, it really should be submitted in the change of use, parking calculations showing the deintensification and that becomes the latest site plan and it's for your and our protection.

THE CHAIR: Does the site have any off street parking?

MR. O'BRIEN: Yes, it does. Right behind the location there is parking for four or five vehicles, which I would only need two.

THE CHAIR: You might need more. It's contemplated. Site parking would not only be for employees but also customers. Kevin, would we need a site plan on this?

MR. KOUBEK: Technically, Phil and Jennifer are correct. It should reflect the change of use.

MR. SCHIAVONE: You have to have

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it in the file.

THE CHAIR: We didn't get one?

MR. KOUBEK: No.

THE CHAIR: You will have to address that before we can proceed further on this application.

MR. SCHIAVONE: It's the landlord thing.

MR. O'BRIEN: Would that delay the process?

THE CHAIR: It would delay it in the sense you delay providing it. We can't act on it before we get --

MR. O'BRIEN: I was never made aware I needed that. I lost the place I was at because I gave it out.

THE CHAIR: You submitted your application?

MR. O'BRIEN: Yes, Ma'am. I would have had all this in advance. I was not made aware of it.

THE CHAIR: Unfortunately, in the world it's your burden to understand

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and staff should have tried to help you if you were not clear about it, but we have been in a transition where we didn't have a planner to help us and apparently it was missed, or do we have a site plan?

MR. KOUBEK: We have it.

MR. SCHIAVONE: You have a permit for the electric?

MR. O'BRIEN: Yes.

MR. SCHIAVONE: You can still continue?

MR. KOUBEK: Yes.

MR. SCHIAVONE: If there is an existing drawing the landlord has --

MR. O'BRIEN: The building is done. I'm ready, with your blessing, to move in this weekend. I'm done with everything.

THE CHAIR: If we have a site plan on file, then it seems to me that there isn't an issue.

MR. SCHIAVONE: It has to be updated to change the use.

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MS. SIGLER: It has to reflect the change of use.

MR. SCHIAVONE: Because the use is a lower parking requirement.

THE CHAIR: To what extent does it have to be updated? I'm just asking.

MR. SCHIAVONE: Mainly because of the parking. Once he lowers the parking needs, he can't go back.

THE CHAIR: Does that have to be reflected?

MS. SIGLER: Yes. The use determines the parking.

THE CHAIR: Either/or. Zoning could be either retail or office?

MS. SIGLER: They are both permitted uses.

THE CHAIR: Supposing the site plan shows more than adequate parking?

MS. SIGLER: It doesn't. It's grandfathered in.

THE CHAIR: It's all the existing

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nonconforming use?

MS. SIGLER: Yes, noncompliant.

The use is conforming.

THE CHAIR: No nonconforming.

MR. SCHIAVONE: The site plan doesn't comply with the code. The office use will make it more compliant, but it still won't comply with the code. Do you know the square footage?

MR. O'BRIEN: A little over a thousand feet.

MR. SCHIAVONE: That would require 10 cars. If it was retail, it has four to three. The building would now --

MS. SIGLER: You need four spaces, one per three hundred feet for office.

THE CHAIR: Okay.

MR. KOUBEK: There is a survey on file. It's not a formal site plan, that is parking is incorporated as part of the parcel, nothing in the

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way of parking calculation for the use which has as existing use dated back in 1977 for first floor retail, second floor office.

THE CHAIR: Okay. So --

MR. KOUBEK: We have nothing on file formally for the site, for the existing site, as it is primarily because it was a preexisting use that predated our incorporation.

MR. SCHIAVONE: You said '77.

MR. KOUBEK: CEU is dated 1977.

THE CHAIR: There is no survey?

MR. KOUBEK: Just survey, no site plan.

THE CHAIR: So what would you suggest, we ask him to provide a site plan at his earliest convenience?

MR. KOUBEK: At this point, it should be something that reflects what the proposal is now, which would be a site plan showing the parking calculation.

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MR. SCHIAVONE: Is there any violation if he moves in this weekend?

MR. KOUBEK: No. Technically, it's a change of existing use. It's a permitted use.

THE CHAIR: It's not fair to ask -- I would say either we're going to grant the permitted use on the record before you or not. If you feel it's a missing document that is essential, he can't act.

MR. SCHIAVONE: Off the record.
(Whereupon, a discussion was held off the record.)

THE CHAIR: I'm recommending we close the hearing.

MR. SCHIAVONE: Any comments from the public?

THE CHAIR: We could do that first. It's not required on this kind of application. Anybody here want to comment? Seeing none, that's done.

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MR. SCHIAVONE: I think we have all the facts. I will make a motion to close the hearing.

MS. SIGLER: Second.

THE CHAIR: All in favor?

MR. SPYROU: I.

MR. VULPIS: I.

MR. SCHIAVONE: I.

THE CHAIR: Thank you, very much. We will try to help you. We will advise you of what we need from you. I would not particularly -- okay. You know we will need a site plan from you in order for you to get your certificate of existing use which is a form, Certificate of Occupancy, which you are required to have.

MR. O'BRIEN: I will provide that.

THE CHAIR: As the applicant in the first instance, it's your obligation to provide us with what we need and with respect with the

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landlord, it is you work it out.
Since you're the one applying, you
have to wheedle it out.

MR. O'BRIEN: You will let me
know?

THE CHAIR: We will send you a
letter and you can call our office
or you can stay tonight if you want.

MR. O'BRIEN: I would rather
stay.

THE CHAIR: It's closed. Do we
have any other matters we have to
hear tonight? 606 Main, are they
here today? There are proposed
technical amendments. Bill was
here. I'm surprised he didn't stay.
Maybe, Kevin, could you complain to
the Board?

MR. KOUBEK: The applicant has
made a request to amend the site
plan they previously submitted to
the Board.

THE CHAIR: And approved?

MR. KOUBEK: Approved the amended

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2 reflected changes from an asphalt
3 nonpervious surface to a pervious
4 surface and reduce an associated
5 drainage structure. I reviewed what
6 they are proposing between the
7 changes in numerical portions of the
8 drainage requirements. It's inline
9 without code requirements and I see
10 everything is in place.

11 MS. SIGLER: They're proposing
12 one, six foot or two, three feet of
13 structure?

14 MR. KOUBEK: Correct.

15 MS. SIGLER: What's the water
16 table?

17 MR. KOUBEK: It was close. We
18 got borings. I believe they are
19 above or even. With four foot
20 rings, they were above it.

21 THE CHAIR: Either one, six foot
22 or two, three foot rings?

23 MR. SCHIAVONE: They are
24 independent, you are talking about
25 two, three foot wells?

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MR. KOUBEK: Yes. Correct.

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THE CHAIR: Do you see a problem?

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MR. SCHIAVONE: No.

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THE CHAIR: They are obviously
changing the surface material. They
can reduce the structures, right?

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MR. SCHIAVONE: Yes.

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THE CHAIR: Anybody have any
questions?

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MR. SCHIAVONE: He's not reducing
the capacity, just spreading it out?

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THE CHAIR: Retaining the
capacity. Anyone else? Motion.

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MS. SIGLER: I will make a motion
we --

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THE CHAIR: Approve?

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MS. SIGLER: Yes.

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THE CHAIR: So moved. All in
favor?

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MR. SCHIAVONE: I.

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MR. VULPIS: I.

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MR. SPYROU: I.

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THE CHAIR: Approved

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unanimously. And that's the end of

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our hearing.

(Time Noted: 9:10 p.m.)

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CERTIFICATION

I, JENNIFER CAMPBELL, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my
stenographic notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 1st day of
February 2010.


JENNIFER CAMPBELL