

January 22, 2009

**PLANNING BOARD MINUTES**

**PRESENT:**

Ray DiBiase  
Mark Brosnan  
Jennifer Sigler  
Phil Schiavone  
Cindy Suarez, Secretary  
Virginia Capon, Trustee

**ABSENT:**

Will Rau, Senior Planner

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The Planning Board meeting is held at 7:00PM on the 2<sup>nd</sup> floor of Village Hall in the courtroom, 121 West Broadway, Port Jefferson, NY 11777.

**GENERAL BUSINESS:**

On a motion made by Ms. Sigler, seconded by Mr. Schiavone, the members approved the minutes as amended from the meetings of 10/2/08, 10/20/08 & 11/20/08. All in favor the vote was 4-0.

Trustee Capon gave the following Trustee report:

- The Board of Trustees hearing on the moratorium that was scheduled for 1/5/09 has been rescheduled for 2/2/09 at the Port Jefferson High school due to attendance overload.
- A new public notice for the moratorium has been posted and a mailer sent to all Village residents that corrects an anonymous letter that was mailed to residents of the Village. The mailer explains that the proposed moratorium excludes residential single and two family properties.
- The Village is moving forward with a comprehensive plan for the Village. The Trustees will be forming a steering committee by next week.
- At the 1/5/09 Trustee meeting the Village announced that Northville reinstated oil tanker shipments in the harbor. There has not been a tanker there since 1993 and there was concern by the public. Northville will be asked to attend a Trustees meeting to present their plan to the public sometime in March 2009.
- The Trustees are planning a volunteer reception night sometime in March 2009.

**DISCUSSION:**

- Ms. Sigler questioned the mechanism for retaining a temporary consultant to assist the Planning Board with project review. Trustee Capon advised that the Board should work with Kevin Koubek to get assistance.
- Trustee Capon stated that Village interns were prepared to go to the DA's office to make copies of the building department files in the DA's procession and were turned away at the last minute.
- Board member, Ms. Sigler requested Ms. Capon to look into the Village Administrator's & Trustee's process of tracking Planning Board member's terms and swearing in dates.
- Francis Campani, Architect for Lou Passarelli requested that Trustee Capon look into the status of a pending presubmission application for Lou Passarelli c/o Harbor Square Mall.
- The Planning Board members stated an interest in reviewing the memo received by Kevin Koubek to the Board members regarding the pre-submission process.
- In response to an inquiry from acting chairman, Mark Brosnan, Trustee Capon stated that no decision has been reached on the appointment of the fifth member of the Planning Board.

**PUBLIC HEARINGS:**

**Application #131-08 Section 17 Blk. 2 Lot 13 & 14**  
**Richard Nelin c/o Jefferson Hollow Inc. 647 & 649 High Street Broadway**

*(Continuation of public hearing held on October 30, 2008)*

A continuation of the public hearing to discuss proposed six-lot major clustered subdivision of a 3.05 acre parcel in the Single-Family residence R-B2 district located on the east side of High Street approximately 130 ft north of the intersection of Maiden Lane and High Street.

Mr. Brosnan, acting chairman, opened the hearing. He announced that due to legal issue unrelated to the application, this public hearing was held over from 10/30/08.

Linda Margolin, Attorney and Michael Williams, Engineer from #131 E. Main St., Bayshore were present along with the applicants Rick and Mike Nelin. The architect was not present.

Mr. Williams stated that at a previous Planning Board meeting the Board members requested an amended plan that would minimize the site disturbance on the subject property. He presented a new rendering of a plan that showed that there would be less than half an acre of additional clearing on the property site. Mr. Williams explained that the garage retaining walls were softened by regrading and that the exposed foundations would be faced with cultured stone. He also stated that the applicant met with the Highway Superintendent to review the drainage plan. He concluded that the drains would be on the subdivision roadway and not on the public street. Ms. Sigler requested a letter from DPW with a summary of the review. She also reminded the applicant that the plan must be reviewed by the ARC for comments.

Mr. Brosnan opened the floor up to the public for comments.

Judy Fisher #621 High Street questioned the maximum height from the bottom of the garage door to the peak (ridge) of the homes and the height of the retaining walls. Mr. Williams answered that the highest of the homes would be 32.1 feet and the maximum wall height would be 10 feet.

Ms. Fisher also stated her concern with new homes being built and remaining vacant in the current economic downturn. Ms. Margolin stated that the Board members cannot consider the economics; they can only make sure the code is followed. The homes will be built on spec and not all at once to avoid vacancies.

Ms. Fisher questioned if it was legal the way the clustering code reads. She also asked if an EAF or an EIS was done during the SEQRA process. She also commented that in her opinion, the proposed homes are out of character compared with other homes in the area.

Ms. Margolin stated that the decision to cluster took place two years ago and that any appeals to the code change would have had to been within four months of the change to the Board of Trustees.

Mr. Harris Fisher #621 High Street spoke and questioned the process for the visual impact evaluation and as to whether or not a negative declaration was done. He also stated that the builder may have to look at the cumulative impact and the segmentation issue using Canyon Creek development as an example.

Barbara Sabatino #2 Westview spoke and questioned if the proposed easterly home that will sit the highest will obstruct her view. She was told it would not.

Mr. Schiavone made a motion to close the hearing, Mr. Brosnan seconded the motion, all in favor, and the vote was 4-0.

**Application #136-08 Section 21, Block 4, Lot 13**  
**Khosrow Resvani 1500 Main Street**

A conditional use public hearing to discuss conversion of existing second floor office to a residential apartment for the premises located at 1500 Main Street. Property is within the General Commercial C-2 District on the southwest corner of Main Street (SR 25A) and Sheep Pasture Road.

Mr. Rezvani, applicant and owner was present. Mr. Brosnan opened up the meeting by stating that this hearing is for the Conditional Use issue only. There are other issues to be addressed regarding the parking and the site plan that will not be related to this hearing. Mr. Brosnan asked if there

would be any structural changes to the site. Mr. Rezvani responded that there would not be any changes to the structure.

Mr. Brosnan opened up the floor to the public for comments.

Ms. Sabatino stated that she can attest to the fact that the second floor apartment predates the Village. She also stated that it conforms to the area where there are several second floor apartments. She also expressed her support for the conditional use.

Ms. Sigler made a motion to close the hearing. Mr. Schiavone seconded the motion, all in favor the vote was 4-0.

**DEVELOPMENT ACTION:**

**40 North Country Road Associates          Section 21, Block 5, Lot 22**

Acknowledge Chair's signature of approved floor plan for a change of use from medical to professional office. The building is located in the Central Commercial C-2 District on the southwest corner of North Country Road and Oakland Avenue.

Mr. Schiavone as acting chairman signed the 11/12/1997 approved site plan for the property file. The Planning Board had approved the change of use in 1997 but there was never a signature on the final approved plan so that the building department could issue a change of use Certificate of Occupancy from medical to office.

**WORKSESSION:**

The members and Mr. Rezvani reviewed an unapproved site plan dated 9/24/96. The property lines of the site were reviewed by the members as part of the discussion regarding onsite parking. Mr. Schiavone made a motion to release Mr. Koubek's 12/23/08 memo written to the Planning Board outlining his comments for the Board's review. Ms. Sigler seconded the motion, all in favor the vote was 4-0.

The following items were discussed:

- Dedicated tenant spaces for parking.
- Recalculating square footage for office space and as impact on parking requirements.
- Need written acknowledgment and agreement from neighbor regarding shared parking and access.
- Previous & future uses.
- Parking ratios and requirements.
- Driveway
- The multiple entrances to the site.

Mr. Schiavone made a motion to approve the conditional use subject to a completed updated site plan that addresses the items listed in Mr. Koubek's memo as well as additional concerns discussed by the Board to be outlined and provided to the applicant. Ms. Sigler seconded the motion, all in favor the vote was 4-0.

The meeting ended at 10:00PM.

Respectively submitted,

Cindy Suarez, Secretary to the Planning Board