

PORT JEFFERSON VILLAGE PLANNING BOARD

MINUTES of January 25, 2005

PRESENT M. Brosnan
P. Schiavone
J. Sigler

ABSENT J. Burke
R. Coughlan

The meeting was called to order at 7:00 p.m.

MINUTES

On a motion by Jennifer Sigler, seconded by Phil Schiavone, the minutes of December 14, 2004 were approved as amended.

PUBLIC HEARING

017.00 05.00 006.000

JOHN A. GRILLO

MAIN STREET – MIXED USE IN R-0 DISTRICT

The applicant represented himself at this hearing. He explained that he has received relief from Zoning Board on August 12, 2004. Mr. Grillo read the sections of the code that applied to this proposed change of use. He no longer has the landscape architect for a tenant; the proposed use will now be an office with residential space on the second floor.

There were no comments from the public. On a motion by Mark Brosnan, seconded by Jennifer Sigler, the hearing was closed. The show-of-hands vote was 3-0.

011.00 06.00 020.000, 021.000

JOHN SCOGLIO

BEACH STREET / SHELDRAKE AVENUE – REVIEW SITE PLAN CONDITIONS

Bill Jaeger, Engineer, Hawkins, Webb and Jaeger, presented the matter to the Board. The proof of mailing was given to the secretary. Mr. Jaeger explained that the applicant is requesting the renewal of the special use permit. The applicant was granted a conditional use permit on August 12, 2003, and Mr. Jaeger stated that the applicant met all of the conditions set forth by the Planning Board with two exceptions that violated the conditions of approval: an incident whereby a forklift was used (which was fully licensed) to transport boats on Beach Street, and, also, the hanging of a banner. The employees which permitted this to happen are no longer employed by Islander Boats. Since then, management has changed, and all conditions of approval have been followed.

The conditions of the original Planning Board approval were read to the Board by Mr. Jaeger. He stated that although there was an unintentional breach of the conditions, there has never been a citation for violation of the conditional use permit.

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Mr. Jaeger further stated that all of the other permitted and conditional uses permitted in the M-W zone have more of an intensive impact than that of boat storage use. These permitted uses do not require conditional use approval but are more offensive than Islander Boat's use of the property. The board questioned the status of site improvements approved in the site plan to date.

The planting areas were discussed. Mr. Scoglio stated that a lot of the plantings have not been completed. The bulkhead repair was also discussed, and Mr. Scoglio informed the Board that the DEC permits for the bulkhead are in place. He is waiting for lease of the bay bottom from the Town of Brookhaven. The cost of the bulkhead improvement is approximately \$170,000. The Town of Brookhaven has issued a temporary permit for the floating docks, but not yet approved the lease of the bay bottom. DEC permits are in place. the fencing is complete.

PUBLIC INPUT

Molly Mason 111 Beach Street stated that all of the residents are very aware that the forklift has been used on a regular basis to move boats. She asked if it is legal to use a forklift with the driver riding backwards, and informed the Board that this occurs every Saturday. She stated that Mr. Jaeger did not give correct information that this is not an unintentional use of the forklift. The forklift use was intentional. If there are no citations, I have to ask why? What are the political reasons? We have many documents about traffic issues, congestion, and the street being overburdened. We do not want the Planning Board to do any more harm to our street. She asked for the cessation of the type of businesses that occur on Beach Street. Beach Street is the most congested and most polluted street in the village.

Mr. Scoglio attested that this is not true.

Mr. Jaeger questioned where the forklift has been operating.

The Board will ask for clarification for the use of a forklift on a public street from code enforcement

Brigitte Demes at 205 Beach Street claimed that she not receive notification of this hearing, and also wrote letters of opposition to this application. We already have a lot of traffic on Beach Street. She counted 75 cars within an hour at rush hour and that included trucks. They are concerned about adding more traffic to this situation. She testified that boats are transported on Saturdays. After having weekdays of heavy traffic, the residents must still listen to the forklift on the weekend. Mr. Scoglio has violated the current conditions of approval; she does not want this to continue if approval is granted. Copies of her 2004 letter to the planning board and tallies of morning traffic on Beach Street were submitted to the Board.

Eric Santiago of 119 Beach Street stated that the forklift speeds down Beach Street at 35 mph.

Mr. Scoglio invited the people of Beach Street to contact him to discuss this problem.

Michael Mart of 205 Bayview Terrace stated that a renewal of a conditional use is usually routine and this hearing is not Performa. However, on numerous occasions he saw the forklift being used. Beach Street is a very narrow street, impacted by more industrial traffic than any other street in the Village. He stated that Mr. Scoglio has gone before the Town of Brookhaven to get an underwater lease to use the property at a

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later date for a more intensified use. The water-boat lot use would be equivalent to a used car lot in the water whereby prospective buyers test-drive boats. If this use were granted, potential boat owners would drive down Beach Street and take a boat for a test drive AND thus create more traffic on Beach Street. There is admission and testimony to show that the applicant has not complied with the conditions set forth by the Planning Board. In the applicant's file, there is mention of another lot that is being used on Brook Road.

The Board stated it is aware of this problem.

Mr. Mart continued stating that only the ZBA can grant relief for boat storage on Brook Road. He went on to say that the boat operation does not make for a good neighbor. He asked the Board not to renew these conditions.

Charles Kenny of 2 Frances Lane is aware of the site approval process at both locations – Brook Road and West Broadway. Even though the sites are separate, they should be considered in their totality. Mr. Kenny would like the Board to consider denying the application for the continuation of this use due to the noncompliance of the conditions set forth on July 24, 2003. Mr. Scoglio is in compliance with only one of the six conditions. Mr. Scoglio agreed to certain conditions, the site was finally in compliance, and the site plan was approved. Later on, the parking area was blocked with the display of boats; these display boats were also blocking vision of the traffic. Mr. Kenny then submitted the approved site plan and conditions to the Board. He once more read the conditions of that site plan. Mr. Kenny pointed out that the applicant was not in compliance with the boat display area on the east side. Mr. Scoglio never provided the five promised parking spaces in front of the building. The sign that was to read "additional parking in the rear" was never placed on the property. Customer's cars moving toward the rear of the site, first must go into the street and go back into the gravel driveway. Mr. Scoglio was only in full compliance a short time at the East Broadway site. There has been a continuous noncompliance of the conditions. Mr. Kenny would like the Board to deny this conditional use due to the seriousness of noncompliance at all sites.

The Planning Board noted that there was an additional letter favoring this application from Father Frank Pizzarelli that will become part of the record.

Mary Bernero on the corner of Sheldrake and Beach Street stated that the yard pick-up truck pulling a trailer comes down the street with boats. It travels at a reasonable speed with the boats, but the return trip is much faster. She stated that she must be careful crossing the street due to this yard truck.

Mr. Carl Wunderlick of Beach Street questioned the use of the floating dock and asked when was it installed and what is the use. He was told that the bulkhead is in the Town of Brookhaven. It is not in the Village's jurisdiction. Then, Mr. Scoglio explained the use of floating docks is temporarily permitted at the Town of Brookhaven.

Ms. Virginia Capon of Overton Avenue explained that she visits Beach Street often and the traffic from the boat operation has had a negative impact on Beach Street. She is opposed to the application and stated that the truck mentioned adds to the traffic impact, and that there is weekend boat transport.

Brian Kelly of 105 Beach Street opposes this application. He stated that he wished Mr. Scoglio was a friendlier neighbor. He questioned why Mr. Scoglio needed water at this particular site.

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He also stated the boats are transported on Saturdays and Sundays.

Gale Bolin of 117 Beach Street agreed that she's witnessed excessive speeds from Mr. Scoglio's truck going up and down the block. The street cannot handle any more traffic. There was a patrol car which was visible but not effective. She was told that at 7:00 a.m. when there is a problem, the police are changing shifts and an officer cannot be there; therefore, nothing will be done to rectify this situation.

Molly Mason questioned the notification of the neighbors, and she stated that some of the neighbors were not informed and that the posted signs listed the public hearing on the 27th of January not the 25th.

Bridgette Demes asked what the public could do since there were no official citations written for these violations. Should the police be called?

John Scoglio addressed the Board and stated that he has been in the boat business for 25 years and was a police officer prior to that. He stated that if the police are called enough, they will put a car out there and issue summonses. There are other types of trucks and trailer that use Beach Street. The service manager is present tonight, and he can tell you exactly what occurs on Beach Street. Most of your problems are with the other trucks and trailers, the problem is not with my trucks. The residents do not know me; I did do my part for the Village. As far as the parking on West Broadway, it is clearly marked, and there are two signs that say "additional parking in the rear."

He went onto say, as far as the parking by the Carolyn Ave Park, he voluntarily created a parking lot for the baseball season. He put up a fence, and people stated that it was public property; it is not, it is private property.

Michael Mart stated that he has been to countless meetings and has never seen what just went on. He doesn't want the residents put in the position to call the police or Mr. Scoglio.

On a motion by Mark Brosnan, seconded by Jennifer Sigler, the hearing was closed. The show-of-hands vote was 3-0.

APPOINTMENTS / PRESUBMISSION CONFERENCES

017.00 02.00 014.001

RICHARD NELIN – JEFFERSON HOLLOW

HIGH STREET – SUBDIVISION OF PROPERTY - SEQRA REVIEW RB-2

Mr. Nelin was present for this application. The SEQR application was reviewed and discussed by the Board. The Board suggested a reduction in the number of lots. Mrs. Neil stated that he had already reduced the unit count from seven to six. There are severe concerns regarding the retaining walls required to develop the proposed site. Clustering would minimize the amount of retaining walls required, however, the site falls short of the required five-acre minimum for the Planning Board to grant permission to cluster.

Mr. Nelin stated that he keeps returning to the Board, and he asked how to get from A to B. He said that he has been willing to work with the Board, but he keeps going around and around.

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A reduction in the front and side yard setbacks required for the proposed units would minimize the extent of retaining walls required for the development.

The Planning Board would send a letter of supporting this approach to the ZBA as the applicant has shown the willingness to relocate the building envelopes in an effort to minimize the negative impact and damage to the sloped portions of the site

On a motion by Phil Schiavone, seconded by Jennifer Sigler, the Board approved the SEQR application including the Part III amendment. The show-of-hands vote was 3-0.

On a motion by Phil Schiavone, seconded by Jennifer Sigler, the Board approved the Negative Declaration based on the mitigating measures outlined in Part III of the environmental impact statement. The show-of-hands vote 3-0

On a motion by Phil Schiavone, seconded by Jennifer Sigler, the Board gave preliminary approval to the subdivision map dated April 28, 2004. Final approval is subject to the engineering review by the village and related agencies. The show-of-hands vote was 3-0.

003.00 02.00 002.000 003.000

OLD HOMESTEAD ROAD

MINORSUBDIVISION OF TWO PARCELS – r-a

Bill Jaeger, engineer, Hawkins, Webb and Jaeger presented this application. Dr. Ed Moylan, stepson of owner of property, who will reside at this property was also present.

The following was discussed:

- The property is a total of one acre. The proposed lots will conform with properties in the immediate neighborhood. Each proposed lot will be well in excess of most of the lots in the area.
- Even though the parcel is zoned R-A (one acre),this proposal will conform to the lot areas of the surrounding properties.
- The grade of the property is relatively flat.
- A variance from the Zoning Board is required..

ACTION TAKEN

021.00 05.00 027.000

100 OAKLAND AVENUE REALITY

OAKLAND AVENUE – MASSAGE THERAPY - C-2

The final site plan dated August 2004 was reviewed and stamped “approved.”

022.00 04.00 266.001

HIGHLANDS SUBDIVISION

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COLUMBIA STREET – EXTENSION OF SUBDIVISION APPROVAL – I-2

On a motion by Jennifer Sigler, seconded by Mark Brosnan, the Board granted a six-month extension of the subdivision approval. The applicant is awaiting Health Department approval on this site. The show-of-hands vote was 3-0.

DISCUSSION

016.00 08.00 008.001, 008.002 etc.

LIBERTY MEADOWS

LIBERTY AVENUE – LMAJOR SUBDIVISION

Chick Voorhis of Nelson and Pope, and Charles Russo, Attorney, were present for this application.

The letter dated December 17, 2004 from William Rau, Village Planner, to Nelson and Pope was discussed. After much discussion, the Board suggested that a yield of 25 building lots would better fit this property. However, since Jim Burke and Robert Coughlin were absent, the Board would like to discuss this further with their input.

Chick Voorhis maintains that the plan with 33 lots conforms. He stated that at the last meeting, three of the lots with extremely steep slopes had been omitted. The Board reviewed a draft letter dated December 17th which was never sent supporting a yield of 25 lots. Mr. Voorhis and Mr. Russo stated that this is the first time they are seeing this letter from Mr. Rau which considers only 25 building lots. Mr. Voorhis further stated that he would not like to do any more engineering on this site.

The Planning Board would like to review the size of the recharge basin, and determine the number of parking spaces. These two items can affect the yield. He stated that the reason for clustering is to preserve the slopes. Mr. Russo stated that the Board surprised him with the 25 sites. The applicant had 30 sites in mind.

The applicant was informed that the yield is the option of the Planning Board, not the applicant. The Planning Board discussed the possibility of a range in lieu of a single number of lots for yield approval as the applicant intends to cluster a portion of the units. A 25-30 lot range was discussed. The Planning Board questioned Charles Russo, Attorney, as to whether this approach is permitted. The Planning Board will also seek legal counsel from the Village Attorney.

The applicant stated that further engineering is counterproductive.

012.00 07.00 039.000

HARBOR SQUARE MALL / BLUEBERRY FARMS, LLC

MAIN STREET – INSTALLATION OF FENCE – C-1

The applicant wishes to install a fence around the property. A letter will be sent to the applicant stating that site plan approval is required in order to install a fence on his property.

NEW BUSINESS

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CODE CHANGES

250-10 SITE DEVELOPMENT

The Board had no objections or modifications.

CLEARING AND GRADING

The Planning Board already sent comments to the Trustees on this proposal.

CUT AND FILL FEES

The Board had no objections or modifications.

EATING AND DRINKING ESTABLISHMENTS

William Rau will send recommendations to the Trustees for consideration.

HOUSE TRAILERS

The Planning Board did not agree with this proposed code change.

OLD BUSINESS

N/A

GENERAL BUSINESS

TRUSTEE REPORT

Trustee Ransome was not present for the meeting.

Trustee Faulkner was present.

The meeting was closed at 11:00 p.m.

Reviewed Approved _____

Jean Jackson, Planning Board Secretary