

January 31, 2008

**PLANNING BOARD MINUTES**

**PRESENT:**

James Burke, Chairman  
Phil Schiavone  
Ray DiBiase  
Jennifer Sigler  
Mark Brosnan  
Will Rau, Village Planner  
Cindy Suarez, Secretary  
Virginia Capon, Trustee

The Planning Board meeting is held on the 2nd floor of Village Hall in the courtroom, 121 West Broadway, Port Jefferson, NY 11777. Applications are scheduled to begin at 7:30 p.m., or shortly thereafter. The Planning Board may add or remove applications from the agenda without further notice. Applications may not be heard in the order as they appear on this agenda.

**General Business:**

On a motion made by Jennifer Sigler, seconded by Phil Schiavone, the Board adopted the minutes  
from November 11/19/07.

The Board discussed the proposed Steep Slope Conservation Law. Will Rau reviewed the changes that were made to the code. Virginia Capon stated that those opposed to the new law liken it to a taking. The Village Attorney has researched the code and determined that the limits dictated by slope are no different than a setback requirement.

The Board discussed the proposed Marina-Waterfront M-W District recommendations. Will requested the Board members review the recommendations and submit comments as soon as possible.

Ms. Capon gave the following Trustee Report:

- The L.I. Music Hall of Fame is looking to go into the Brookhaven Tax Building on the corner of East Main Street and Main Street.
- Brian Harty is working with Will Rau on the historic national overlay district.
- There is a serious interest in turning the ARC from a committee to a Board.
- Brian Harty spoke about the Village being interested in purchasing the SCWA building owned by George Wallace.
- The Village is hosting a workshop at The Village Center on Thursday 4/3/08 by the L.I. Housing Partnership. The Zoning Board of Appeals, the Planning Board and the ARC are invited.
- Brian Harty has reached out to a wireless tech office at SBU to get assistance on the Village's cell tower gaps.

**PRE-SUBMISSION CONFERENCE/WORKSESSION:**

**Longacre Court (# 127-07) Sec. 11 Blk. 1 Lot 24**

Discuss proposed two-lot minor subdivision of a 40,650 sq. ft. parcel in the Single-Family Residence R-B2 District located on the southeast corner of Longacre Court and North Country Road (SR 25A).

Bill Jaeger, engineer from Hawkins, Webb & Jaeger was present. He reviewed the map of the proposed site plan. He explained that the plan was fully conforming and that the existing garage location had been revised. The public sewer was discussed. The Board members requested a tree clearing and grading plan.

Mr. Brosnan made a motion to schedule a public hearing for 2/21/08 for the minor subdivision, seconded by Mr. DiBiase, all members were in favor.

**Jefferson Homes (#131-08) Sec. 17 Blk. 2 Lots: 13.1 & 14.1**

Discuss proposed 6-lot clustered major subdivision on 3.05 acres in the Single-Family Residence R-B2 District located on the east side of High Street approximately 130' n/o the intersection of Maiden Lane and High Street.

Mr. Nelin, property owner discussed the proposed site plan for single family homes which would be approximately 2800 square feet in size on a private road. Items of discussion were; drainage, clustering, roads, tree clearing and grading plan, retaining walls, and residences with lower level garages and elevators.

Mr. Rau stated that under the new clustering code, this application needs authorization from the Board of Trustees to proceed with a public hearing.

Mr. Schiavone made a motion to notify the mayor and the Trustees that the Planning Board supports clustering on this site. Ms. Sigler seconded the motion, all members were in favor.

**Parillo Sec. 12 Blk. 7 Lots 34 & 35**

Discuss a proposal for the placement of a fence around a parking lot located in the Central Commercial C-1 District on the west side of Main Street, approximately 566 feet south of West Broadway.

Mr. Dominick Parillo, property owner was present. He showed a current survey of the property and reviewed the proposed fence plan. Mr. Parillo explained that delivery trucks for different establishments are parking for long periods of time in his lot adjacent to his building and blocking the property's walk ways, entrances and dumpsters. He showed a copy of a 2001 lease agreement between the Village and himself regarding sharing the parking lot. The proposed fence may potentially impact the use and maintenance of the lot. The Board believes the underlying issue to be enforcement.

The Board has requested that the lease agreement be referred to the Village's attorney for review. They have also requested a more detailed site plan.

**DEVELOPMENT ACTIONS:**

**Tsunis & Gasparis (# 120-07)**

**Sec. 21 Blk. 3 Lot 15.2**

Consider action on a proposed minor subdivision of a .61-acre parcel into two lots. The property is within the R-B2 District on the southwest side of Overton Road approximately 350' north of Sheep Pasture Road. The property also has the benefit of relief from several area requirements of the district by ZBA decision (Appeal No. 366-07) dated May 30, 2007.

Mr. Tsunis, attorney for the applicant was present. He reviewed staff's memo and responded to the Board's requests. He requested that there not be any site disturbance plan until the building permit is issued. The Board agreed but it must include a landscape plan.

Mr. Rau stated that 1/17/08 was the action deadline and Mr. Tsunis has agreed to an extension.

Mr. Schiavone made a motion to approve the application with the conditions stated, seconded by Ms. Sigler, all members in favor.

**RESOLUTION:**

Motion made by Phil Schiavone, second by Jennifer Sigler and with all five (5) members voting in favor.

WHEREAS, on September 10, 2007 the Planning Board has received an application for a minor subdivision entitled Map of Overton Road, consisting of the creation of two lots; Lot 1 totals 13,488 sq. ft. and Lot 2 totals of 13,267 sq. ft.; and

WHEREAS, subdivision is located in the Single-Family Residence R-B2 District on the south west side of Overton Avenue, approximately 350 feet north of Sheep Pasture Road; and

WHEREAS, by decision (# 366-07) dated May 30, 2007 the Zoning Board of Appeals granted the necessary relief to enable the proposed subdivision; and

WHEREAS, the project meets the criteria for classification as an Unlisted Action, pursuant to 6 NYCRR Part 617 State Environmental Quality Review; and

WHEREAS, the Planning Board finds that there is not going to be any large environmental impacts as a result of this application; and

WHEREAS, on November 29, 2007 the Planning Board held a public hearing pursuant to § 220-8 C. of the Code and all comments have been duly considered by the board; and  
NOW THEREFORE BE IT

RESOLVED, that the Planning Board hereby makes a determination of non-significance and adopts a negative declaration; and BE IT FURTHER

RESOLVED, that the Planning Board hereby approves the minor subdivision entitled Map of Overton Road, consisting of two lots; Lot 1 consisting of 13,488 sq. ft. and Lot 2 consisting of 13,267 sq. ft.; shown a the map prepared by T. Eason Land Surveyor, PC dated April 16, 2003 and last revised August 9, 2007 subject to the following conditions:

Submission of a site disturbance plan that will include:  
Topography @ 2 ft. intervals  
Proposed building footprint

Existing vegetation  
Vegetation to be removed,  
Erosion control measures,  
Cut and fill analysis,  
Drainage calculations and necessary structures, and  
Landscaping

Said plan shall be submitted to the Planning Board pursuant to § 220-26 G., along with the required \$200.00 inspection fee prior to the application for a building permit on proposed Lot 2.

Remove or relocate existing structure to the north of the existing home labeled "wood shed".

Submission of the \$ 1,500 park fee.

Suffolk County Health Department approval must be provided on the map prior to the Chair's signature.

Indicate the following on plat:

Postal district in which subdivision is located

Fire district in which subdivision is located

School district in which subdivision is located

Show survey monuments at each corner of the subdivision boundary and at each change in direction of the boundary.

The following note shall be placed on plat:

Compliance with zoning (except as modified by the ZBA):

This is to certify that all lots and parcels shown on this plat comply with the requirements of the Village of Port Jefferson Zoning Ordinance except as modified by the Board of Appeals decision # \_\_\_\_\_, Dated \_\_\_\_\_.

Date of Signature:                      Signature of Surveyor

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Approved by Resolution of the Planning Board of the Village of Port Jefferson, New York; on the \_\_\_ day of \_\_\_\_\_, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this Plat, as approved, shall void this approval signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008,

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Chairman

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Secretary

Submission of four (4) mylar prints and two (2) paper prints for chairman's signature prior to filing with the County Clerks Office.

File in the County Clerk's office within 62-days of the Chair's signature of approved map.

**Spiliotis (# 125-07)**

**Sec. 18 Blk. 1 Lot 11**

Consider SEQR decision for a proposed six lot major subdivision of approximately 3.5 acres and located in the Single-Family Residence R-B2 District on the north side of Pine Hill Road.

Mark Lyon, expeditor was present for the application. He reviewed the proposed site plan. Items of discussion were; making the road narrower, retaining walls, setbacks and the radius of the cul-de-sac. It was agreed that the road width can be reduced to 26 feet, and the cul-de-sac radius to 34 feet and the front yard setback to 20 feet.

Comments from the Village's Engineer, Kevin Koubek and the Highway department's superintendent, Steve Gallagher were discussed.

Mr. DiBiase suggested that the offset distance between the centerline of the proposed roadway and the centerline of Edgewood Avenue be reduced by 50%.

Mr. Rau explained that there is a deadline for action and that the Board needs to consider SEQRA and preliminary approval.

Mr. Schiavone has requested a SEQRA long form be completed.

**Invesco Affiliates (# 005-04) Sec. 12 Blk. 6 Lots: 3, 4., 6.2 & 10**

Consider 6-month extension for the approved site plan for a proposal to construct 53 residential units and 3,300 sq. ft. of commercial/office space located in the Central Commercial C-1 District on the south side of West Broadway.

**RESOLUTION:**

Motion made by Mark Brosnan, second by Ray DiBiase, all five (5) members voting in favor.

RESOLVED, that the Planning Board hereby grants a nine month extension of the site development approval for the applicant Invesco Affiliates Ltd., a proposal to construct 53 residential units and 4,200 square feet of office space with associated site improvements on 3.0 acres located in the Central Commercial C-1 District, on the south side of West Broadway (SR 25A), approximately 65 feet west of Barnum Avenue as requested by the applicant's architect by letter dated December 21, 2007; and BE IT FURTHER

RESOLVED, that pursuant to § 250-52 F, this extension shall constitute the only permitted extension of the site development plan which will expire on October 26, 2008; and BE IT FURTHER

RESOLVED, the applicant shall submit the required one hundred dollar (\$100) fee for said extension.

**Lipowski/Pumo (# 097-06) Sec. 9 Blk. 6 Lot 12.6**

Consider action to re-approve expired lot line modification. Proposal consists of a 600 sf land transfer between two parcels identified as lots #2 & #3 of the Map of Corcella located in the Single-Family Residence R-B2 District on the west side of James Way, approximately 115' north of Thompson Street.

**RESOLUTION:**

Motion made by Jennifer Sigler, second by Mark Brosnan all five (5) members voting in favor.

WHEREAS, the Planning Board approved an application for a minor subdivision, consisting of the transfer of 601 square feet from lot 2 to lot 3 of the filed (# 9996) Map of Corcella on November 28, 2006; and

WHEREAS, the approval expired on May 28, 2007; and

WHEREAS, the Board has received a request to consider granting a new approval of the same proposal and waive the fee and public hearing requirements; and

WHEREAS, the properties are located in the Village's Single-Family Residence R-B2 District on the west side of James Way, approximately 116 feet north of Thompson Street; and

WHEREAS, the subject action conforms with the regulations of said district; and

WHEREAS, the Planning Board found that there would not be any large adverse impacts as result of this application and made a determination of non-significance and adopted a negative declaration form on October 24, 2006; and

WHEREAS, on November 28, 2006 a public hearing was held on the application and all public comments have been duly considered by the Planning Board; and

WHEREAS, the Planning Board finds that it is appropriate to waive the requirements stated based upon the established record and the nature of the application, no physical changes will result from this action; and NOW, THEREFORE BE IT

RESOLVED, that the Planning Board hereby waives the requirements for the submission of the fee and the requirement to hold a public hearing pursuant to § 7-730 of Village Law; and BE IT FURTHER

RESOLVED, that the Planning Board approves of the minor subdivision application for Thomas & susanna Pumo entitled Boundary Line Amendment Between Lots 2 & 3 for a land transfer of 601 square feet from Lot 2 to Lot 3 as indicated on the map prepared by Hawkins, Webb, Jaeger PLLC on September 2006 subject to the following modifications and conditions:

Submission of four (4) Mylar prints and two (2) paper prints for chair's signature prior to filing with the County Clerks Office.

File plat with the Suffolk County Clerk's Office within 45-days of Chair's signature.

**Gerard Constanzo (#110-07)**

**Sec. 12 Blk. 7 Lot 2**

The chairman signed the approved site plan for an application for two residential apartments on the 2nd story of an existing building located in the Central Commercial C-1 District on the east side of Barnum Avenue, approximately 200 feet south of West Broadway.

**Duke/Carrozza (#128-07)**

**Sec. 12 Blk. 11 Lot 11**

Consider proposal for a mixed use (residence with an office) in an existing building on a lot with an area of 6,843 square feet The subject property is located in the Village's Residence-Office R-O District on the corner of Tuthill Street and Main Street.

John Ciarelli, attorney was present for the applicant. He explained that this is a corner lot and is undersized for the proposed use. Ms. Carozza, attorney was present and explained that she would like to put her practice downstairs and rent the upstairs. Her practice has no staff and she hasn't established any clients yet.

The Board reiterated it's preference for keeping the large Locust tree on the northeast corner of the property, that it not be cut down for retaining wall construction nor for parking spaces. The Board believes this provision will help preserve the residential character of the area.

Mr. Rau recommends that the applicant go to the ZBA for parking and front yard requirements.

**Novara (# 129-07) Sec. 12 Blk. 7 Lot 25.6**

Consider proposal to add a doorway entry to the north elevation at 320 Main Street. Subject premises is located in the Village's Central Commercial C-1 District on the southwest corner of Main Street (SR 25A) and Wynne Lane.

Tom Vulpis, architect, was present for the applicant. He explained that the Certificate of Occupancy is for three retail uses. There is only one tenant at the present time. The middle retail space is not ADA compliant. This may become an issue when it becomes an occupied retail area.

The Board discussed the possibility of installing an exterior lift at the entrance to accommodate ADA laws should the space become an independent retail entity.

The Board members would like the application to be reviewed by the ARC.

Mr. Brosnan made a motion to approve the proposal subject to ARC approval. Ms. Sigler seconded the motion, all members were in favor.

**Derman (# 009-03) Sec. 5 Blk. 2 Lot 9**

Applicant requests an extension of the conditional use permit for professional office in her residence, which expires 02/24/08. Property is located in the R-B2 District on the east side of Landing Lane, 105 feet north of Cove Lane.

**RESOLUTION:**

Motion made by Jennifer Sigler, second by Phil Schiavone, all five (5) members voting in favor.

RESOLVED, that the conditional use permit issued to Ms. Derman for a professional office in the single-family residence located at 33 Landing Lane, situate in the Village's Single-Family Residence R-B2 District on the east side of Landing Lane, 105 feet north of Cove Lane is hereby extended SUBJECT TO THE FOLLOWING CONDITIONS:

No more than two (2) non-resident assistants.

No treating of patients or service to clients between the hours of 9:00 p.m. and 9:00 a.m.

No display of advertising and no signs shall be permitted except the name of the professional person and letters or abbreviations indicating the nature of his or her profession.

Said permit is valid until transfer of title.

Said property shall have only one (1) professional office/studio use.

Kalin (# 130-07)      Sec. 11 Blk. 3 Lot 20.2

Review and set hearing date for a conditional use application. Applicant proposes to change to use and commence the interior alteration of 2,070 square feet of an existing restaurant and 645 square feet of a retail unit to create a new 2,715 sq. ft. unit for a marine related retail use. Subject location is on the north side of West Broadway and east of Beach Street and within the Marina-Waterfront M-W District.

RESOLUTION:

Motion made by Mark Brosnan, second by Jen Sigler, all five (5) members voting in favor.

WHEREAS, the Planning Board has received an application for a conditional use permit for the Three Village Bennett Agency on December 14th, 2007, which consists of the conversion of 2,715 square feet of vacant restaurant and retail space to the proposed insurance agency; and

WHEREAS, the subject location is on a 16,780 square foot parcel situate in the Village's Marina-Waterfront M-W District on the north side of West Broadway and east of Beach Street; and

WHEREAS, the Village's Zoning Board of Appeals by interpretation (# 379-07) dated November 26th, 2007 found that the insurance agency, specializing in marine insurance is a permitted conditional use in the district, meeting the definition of retail sales, selling a marine related product; and

WHEREAS, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the proposal is classified as a Type II Action and the submission of an environmental assessment form is not required; and NOW THEREFORE BE IT

RESOLVED, that the submission for the proposed conditional use permit is hereby deemed complete and a conditional use hearing is scheduled for 7:30 p.m. at Port Jefferson Village Hall on February 21st, 2008.

The meeting ended at approximately 10:00PM.

Respectively Submitted,

Cindy Suarez, Secretary.