



**INCORPORATED
VILLAGE OF PORT JEFFERSON**

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PLANNING BOARD

Chair
James Burke

Members
Phil Schiavone
Jennifer Sigler
Mark Brosnan
Ray DiBiase

Village Planner
Will Rau

Secretary
Cindy Suarez

MINUTES

February 9th, 2006

Present: James Burke, Chairman
Phil Schiavone
Jennifer Sigler
Ray DiBiase
Will Rau, Village Planner

Absent: Mark Brosnan
Barbara Ransome, Trustee

GENERAL BUSINESS:

1. The board adopted the minutes from January 12th, 2006

DEVELOPMENT ACTIONS:

Land divisions:

2. Spanos (#053-05) Sec. 22 Blk. 2 Lot 22

Consider approval for a minor subdivision application for two existing lots that have merged, the property is located in the R-B2 District on the north side of Jamaica Avenue, approximately 200' east of Columbia Street.

Will had prepared a draft approval resolution for this application. The board read and discussed the draft approval resolution. They asked Will to add a condition about the back of the roof being a part of the permit application. There has already been a public hearing.

Phil Schiavone made a motion to accept the draft approval resolution as prepared by staff. Ray DiBiase seconded the motion. All in favor there was a 3 - 0 vote. (James Burke was not present for this vote)

RESOLUTION:

WHEREAS, a minor subdivision application for Maureen and Dean Spanos was submitted to the Planning Board on November 17th, 2005 for consideration of a re-subdivision of two tax parcels that have merged; and

WHEREAS, the application consists of splitting two 9,000 square foot parcels located in the Single-Family Residence R-B2 District on the north side of Jamaica Avenue, approximately 200' east of Columbia Street; and

WHEREAS, tax parcel 22 is improved with a single-family 1 ½ story block and frame building and a 12' 5" by 12' 6" detached garage and tax parcel 23 is improved with a preexisting 20' 2" by 24' 2" garage, which has a Certificate of Existing Use (# 1166-05) issued November 28th, 2005; and

WHEREAS, on October 28th, 2005 the Zoning Board of Appeals granted the necessary area variances (Appeal No. 338-05) for the said application and as a condition of approval required that the applicant obtain minor subdivision approval from the Planning Board; and

WHEREAS, the project meets the criteria for classification as an **Unlisted Action**, pursuant to 6 NYCRR Part 617 State Environmental Quality Review and pursuant to Chapter 129 *Environmental Quality Review* of the Code of the Village of Port Jefferson; and

WHEREAS, on December 13th, 2005 the Planning Board found that there was not going to be any large environmental impacts as a result of this application and made a determination of non-significance and adopted a negative declaration; and

WHEREAS, on January 24th, 2006 the Planning Board held a public hearing pursuant to § 220-8 C. of the Code and a motion was made the same evening to close the hearing; and

WHEREAS, a referral was sent to the Suffolk County Planning Commission pursuant to § 239-m of the General Municipal Law and by letter dated January 13th, 2006 the commission offered the following:

"Pursuant to the requirements of Section A14-24, Article XIV of the Suffolk County Administrative Code, the above captioned proposed final plat has been referred to the Suffolk County Planning Commission is considered to be a matter for local determination. A decision of local determination should not be construed as either approval or disapproval"; and NOW THEREFORE BE IT

RESOLVED, that the Planning Board hereby approves of the minor subdivision application for Maureen and Dean **Spanos** for the re-subdivision of two 9,000 square foot parcels in the Single-Family Residence R-B2 District on the north side of Jamaica Avenue, approximately 200' east of Columbia Street as shown the Land Division Map of Jamaica Avenue Lots prepared by Robert B. Holzman L.S. on September 29, 2005 and received by the Planning Board on November 17th, 2005 subject to the following conditions and/or modifications:

1. Suffolk County Department of Health Service approval stamped on plat before chairman signature.
2. Payment of \$ 1,500.00 park requirement fee
3. Indicate the following on plat:
 - a. Postal district in which subdivision is located
 - b. Fire district in which subdivision is located
 - c. School district in which subdivision is located
 - d. Name & address of owners and subdivider
4. Show survey monuments at each corner of the subdivision boundary.
5. 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

6. The following note shall be placed on plat:

“Approved by Resolution of the Planning Board of the Village of Port Jefferson, New York; on the 9th day of February, 2006, 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 _____, 2006,

By _____
Chairman

Secretary”

- 7. Submission of four (4) Mylar prints and two (2) paper prints for chairman’s signature prior to filing with the County Clerks Office.
- 8. File plat with the Suffolk County Clerk’s Office

3. Old Homestead Road (#035-04) Sec. 3 Blk. 2 Lots 2 & 3

Consider SEQOR and completeness, if complete schedule public hearing for a minor land division of two tax parcels totaling 1.0 acre in the Villages R-A District. The subject parcels are located on the north side of Old Homestead Road at the intersection of Old Homestead Road and Landing Lane.

Will reviewed the application with the board members. Last month the board had claimed that the application was incomplete. The site disturbance plan was discussed. The actual plat was discussed.

Will recommended a public hearing.

Larry Britt, Trustee mentioned that he thought the board of trustees had sent a recommendation to the Zoning Board or the Planning Board suggesting that there be required fencing or netting along the property to protect from golf balls.

Will recommends a negative declaration and a public hearing.

Phil Schiavone made a motion to declare application complete and to schedule public hearing for March 9, 2006. Seconded by Jennifer Sigler. All in favor 3 - 0 vote. (Jim Burke not present for this vote)

RESOLUTION:

WHEREAS, a minor subdivision application was submitted to the Planning Board for consideration of a land transfer of 3,773 sq. ft. (.09 acres) from tax lot 3-2-3 to tax lot 3-2-2 on December 20th, 2004; and

WHEREAS, the property is located on the north side of Old Homestead Road, at the intersection of Old Homestead Road and Landing Lane in the Village's Single-Family Residence R-A District; and

WHEREAS, the application was considered incomplete for not complying with the provisions of Article VII *District Bulk and Parking Regulations* of the Code of the Village of Port Jefferson; and

WHEREAS, the Board received a copy of the decision of the Zoning Board of Appeals (Appeal # 340-05) on December 6th, 2005 which granted the applicant the necessary relief for the Planning Board to consider said land division; and

WHEREAS, the project meets the criteria for classification as an **Unlisted Action**, pursuant to 6 NYCRR Part 617 State Environmental Quality Review and pursuant to Chapter 129 *Environmental Quality Review* of the Code of the Village of Port Jefferson; and

WHEREAS, the applicant has submitted an Environmental Assessment Form Part 1, and Environmental Assessment Form Part 2 has been prepared and each has been reviewed by the Planning Board; and

WHEREAS, the Planning Board finds that due to the nature of the proposed application and the existing site conditions, the **Land Division Map of Old Homestead Road** will not result in any large and important impact(s) and, therefore, will not have a significant impact on the environment; and

WHEREAS, the Planning Board and staff have reviewed the above application and find that the submission requirements, pursuant to § 220-32 of the Code have been submitted in a form satisfactory to the Planning Board in order to do an adequate review of the subject application and **NOW THEREFORE BE IT**

RESOLVED, that the Planning Board hereby adopts the negative declaration prepared for the **Land Division Map of Old Homestead Road**; and **BE IT FURTHER**

RESOLVED, that the application for the **Land Division Map of Old Homestead Road** is hereby deemed complete as of February 09th, 2006; and **BE IT FURTHER**

RESOLVED, that in accordance with the provisions of § 220-8 C of the Code a public hearing for the **Land Division Map of Old Homestead Road** is scheduled for the evening of March 9th, 2006 at 7:30 P.M. at Village Hall, 121 West Broadway, Port Jefferson, NY 11777.

4. Liberty Meadows LLC (# 027-04)

Sec. 16 Blk. 8 Lot 8.1, 8.2 +

Review revised layouts for the 43-unit cluster subdivision located on 18.5 acres in the R-B2 District on the east side of Liberty Ave.

The board looked at the revised site plan and discussed the changes made. The board was happy to see that there was a retaining wall eliminated and one wall was reduced in size. The plan showed a boulevard and a tree-lined entrance turning into the community.

Phil Schiavone asked for a letter From the Sewer Auth. on accepting connection of this development. This will be used as a mediation method for part III of SEQRA.

Phil Schiavone asked for a letter of the waste removal plan for the mediation plan for part of part III.

The board discussed the sewer investigation.

Chic Vorhis explained the CAC comments.

Larry Britt, trustee questioned what the options would be if the sewer plan was not approved.

Francis Campani, architect explained that she compromised with the road grade and retaining wall, the driveways will be 28 feet, and the tree plan was updated. They would like to go ahead with the engineering.

Site plan and conditional use permits:

5. **Invesco Affiliates Ltd.** (# 005-04)

Sec. 12 Blk. 6 Lot 4.1 +

Discuss site issues and proposed changes for a site plan application to construct 53 residential units and 4,200 sq. ft. of commercial/office space. The property is located in the Central Commercial C-1 District on the south side of West Broadway.

Francis Campani, Architect explained the design to the entrance of the parking lot. She showed the board the modified plan. She explained that the DOT was okay with the revised plan originally approved.

Will Rau mentioned that the access was a concern. Site lighting was proposed. In reference to bonding, the cost of screening and site improvements is what is required. He would like to get a copy of the State's approval and see what their bond is. Also he wants to speak to Kevin Koubek about the bond requirements. Will asked for another deadline extension to March 9, 2006 to make a decision on the bond requirements.

Suffolk County Dept of Public Works has available sewage capacity for phase I. Phase II can be accommodated in 2008.

Ray DiBiase spoke about designated parking signs for residents (not a village lot, etc.)

6. P.I. Oakland Partners (# 029-04)

Sec. 17 Blk. 7 Lot 2

Sec. 21 Blk 6 Lots 14.1 & 14.2

Review ZBA decision and discuss proposed site plan to convert former nursing home to medical-office, construct an additional 66,000 square feet of medical office space and 3,600 square foot bank with drive thru located on three separate tax parcels totaling 9.67 acres in the Village's Professional-Office P-O District on the east side of Oakland Avenue and south of North Country Road.

Eric Nicosia, architect, requested a hearing for conditional use. He showed the site plan with enhancements as per the request of the Zoning Board.

Phil Schiavone stated that he is still not comfortable with the three separate parcels with cross easements.

Eric Nicosia explained that by having three separate pieces it provides more landscaping.

The board discussed the entrances and the traffic circulation and direction.

Larry Britt, Trustee asked if the application could handle single and separate in the future.

Phil Schiavone: "Parking controls the future"

The parking spaces were discussed. Will Rau explained that the plan has to show 708 spaces, 1 per 150 as per the Zoning Board.

Jim Burke would like to see the plan show the parking that is land bank.

Will Rau stated that they do not have a complete application. He needs a complete application based on the variances that have been granted. He would like the application and plan resubmitted at the March 9, 2006 meeting, which at that time a public hearing can be scheduled for 3/28/06.

Jim Burke said it was okay for the applicant to proceed with demolition permit.

Larry Britt, Trustee would like to submit language to the Village attorney about the three parcels.

7. Good Shepard Hospice (#048-05)

Sec. 13 Blk. 1 Lot 11.2

Consider site plan application to change the use from an abandoned classroom facility into a hospice residence of 16 beds and support spaces. The structure is located with in the St. Charles Hospital complex in the Village's Professional-Office P-O District.

The applicant has already had a pre-submission conference. Jamie Machado spoke to the board about the plans. He discussed the exterior plan. They will be adding a curved wall to the entrance with two freestanding piers on each end. All the security lamps will be left. There will be a canopy for extra security.

Phil Schiavone questioned the outside plan. Jamie explained that there will be small slow growing bushes that can easily be maintained, the largest bush will be three feet. The existing courtyard will be cleaned up.

Larry Britt, Trustee questioned the turning radius for the cars.

Will Rau would like to consider the application complete. He recommends sending to the ARC and scheduling public hearing for 3/9/06.

Jennifer Sigler made a motion to accept the application as complete and to schedule the public hearing for 3/9/06. Seconded by Phil Schiavone, vote 4 - 0 all in favor.

Tree clearing & grading:

8. Zeniou (# 059-06)

Sec. 14 Blk. 5 Lot 54

Consider tree clearing and grading application to install in ground pool. Subject property is 23, 073 square feet and located in the Village's Single-Family Residence R-B1 District on the on the south side of Jefferson Landing Circle.

Cathy from Swim King Pools was present along with the applicants Mr. & Mrs. Zeniou. The board reviewed the plan. Will Rau explained that the plan does not show where the trees were that had already been removed and it does not indicate what trees are remaining. The pool does not meet the zoning code and will have to be moved.

A resolution will be made and a checklist will be included.

Jennifer Sigler made a motion to accept staff's recommendation that the tree clearing and grading application be deemed incomplete. Seconded by Phil Schiavone. Vote was 3 - 0. (Jim Burke was not present)

RESOLUTION:

WHEREAS, a tree clearing and grading application for Rosalee and Andrew **Zeniou** was submitted to the Planning Board on January 24th, 2006 for consideration of tree removal and grading activities in order to site a proposed 20' x 39' mountain lake in-ground swimming pool; and

WHEREAS, subject property is 23,073 square feet (.53 acre) and improved with a single-family residence with garage (CO #1695 issued May 26th, 1988) situate in the Single-Family Residence R-B1 District on the south east side of Jefferson Landing Circle; and

WHEREAS, the Planning Board finds that the applicant has not submitted all necessary materials to fulfill the application submission requirements of Chapter 241 of the Port Jefferson Village Code, as outlined in the Tree Clearing and Grading Checklist dated February 8th, 2006, and **NOW THEREFORE BE IT**

RESOLVED, that the Tree Clearing and Grading application for Rosalee and Andrew **Zeniou**. Is hereby deemed **INCOMPLETE**, until such time as the above-

referenced items are submitted in conformance with the Village Code, in a form satisfactory to the Planning Board.

- X Not Provided
- √ Provided
- N/A Not Applicable

Submission Requirements as per Chapter 241	
Six (6) copies of the Clearing & Grading Application Form	√
Six (6) copies of the Clearing & Grading Plan.	√
Fee	
Fee: (Based on size of lot in square feet)	
a) 0 - 15,000	\$ 50.00
b) 15,001 - 43,560	\$ 100.00
c) 43,461 - 87,120	\$ 150.00
d) 87,121 - 130,680	\$ 200.00
e) 130-681 or greater	\$ 250.00
	√
Plan Requirements	
The name and address of owner of record	√
The name and address of the person, firm or organization preparing the plan	√
Date plan(s) prepared	√
North arrow	√
Written or graphic scale	√
SCTM No.	X
An outline of existing wooded areas, naturally vegetated areas, and landscaped areas of the subject property.	X
The location of all improvements, if any, on the subject property.	√
A topographical survey (one-inch = twenty feet scale) where grading is proposed.	X
Color photographs (8" x 10") of the site clearly depicting the type of natural habitat located on the site, including but not limited to woodland, marshlands, bluff, tidal area, freshwater streams and wetlands.	√
A list of predominant plant species and natural animal habitats presently existing on site.	x
The location of existing trees that exceed nine inches in diameter as measured three feet above the base of the trunk.	x
The percentage of area to be cleared relative to the lot size.	x
A depiction of safety barriers to be erected around trees not being cleared and their habitat to prevent damage from equipment or backfilling	x
A plan for installing erosion control barriers, such as hay bales and siltation fences to control storm water runoff, and a map depicting planned locations for installation of erosion control barriers.	X

Staff comments:

A landscape plan has been provided, however this plan should reflect the location of all existing trees as well as ones removed; indicate the species; indicate the percentage of clearing trees relative to the size of the lot and indicate the size/caliper of all proposed landscaping

In addition the location of the pool shall be revised. Based on the scale of the plan the rear yard setback of the pool is only 17' where 20' is necessary for an issuance of a building permit.

