

February 21, 2008

PLANNING BOARD MINUTES

PRESENT:

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

ABSENT:

Mark Brosnan

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 Ray DiBiase, the Board adopted the minutes as amended from January 31, 2008.

The Board members discussed the proposed Marina-Waterfront M-W District recommendations. The members will review and send comments to Will Rau to draft a memorandum to the Board of Trustees.

Virginia Capon gave the Trustee report:

- The Village has selected a golf professional. His name is Bill MacKedon and he will relocate here from Connecticut.
- Barbara Ransome attended a meeting in Brookhaven regarding a planning effort to look at 2003 and noticed that most Villages were not included. This issue will be addressed.
- The proposed cell tower is a continuing concern. Discussions will continue until a final decision is made.
- The Board of Trustees for the uptown revitalization program will be forming a committee of 4 or 5 people. The committee will read the RFQ's for consideration.
- The Roe house has been considered not safe for entering and exiting.

PUBLIC HEARINGS:

Mr. Schiavone stood in as chairman. Mr. Burke will be attending later in the evening.

Mr. Schiavone announced that application #127-07 has been postponed by the applicant until further notice.

Mr. Schiavone read the following public notice into the record:

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

Conditional use permit hearing for application 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.

Eric Nicosia, Architect and John Kalin, owner, were present. Mr. Nicosia handed in the certified mailings and a petition signed by residents dated 10/25/07 in favor of the application. He explained that this application would require a lighter parking requirement for approximately six employees, reduction of sanitary flow, and the hours of operation would be weekdays daytime hours only.

Mr. Schiavone opened up the floor to the public for comments. Mr. Brian Kelly #105 Beach Street spoke in favor of the proposed application.

The ADA requirements were discussed. Mr. Schiavone explained that there are two approvals necessary, the conditional use and the site plan approval. The purpose of the hearing is for the conditional use. Only one at a time can be addressed.

Mr. Nicosia and Mr. Kalin explained that there is an urgency for the approvals to be completed ASAP because the proposed tenants are on a time frame. Mr. Nicosia stated that the building permit plans are ready to be submitted.

Ms. Sigler made a motion to close the hearing, seconded by Mr. DiBiase, all in favor the vote was 3-0. Ms. Sigler made a motion to approve the conditional use permit for marine related retail use. Mr. Schiavone seconded the motion all in favor the vote was 3-0.

The Board addressed the site plan for review. Mr. Rau stated his concerns with the site plan and the following items were discussed; ADA requirements, landscaping, in particular evergreen buffer to screen site from adjacent residential district, dumpsters, existing fence, rear deck, signage, and flood lights. The applicant also agreed to provide the Board with specifications for proposed exterior lighting.

Mr. Kalin agreed to provide landscaping along the western property line with Arborvitae trees and remove the stockade fence when the trees mature.

Because a portion of the rear deck is on Town of Brookhaven property, the plans will be referred to the building and planning department of Brookhaven.

Mr. Schiavone made a motion to approve the proposed site plan subject to the conditions outlined in Mr. Rau's report. Ms. Sigler seconded the motion, all in favor the vote was 3-0.

RESOLUTION:

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, the site is noncomplying with regard to off-street parking requirements and the proposed change does not increase the degree of noncompliance; 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

WHEREAS, a conditional use hearing was held on the evening of February 21, 2008 and all public comments were duly considered by the Planning Board; and

WHEREAS, in accordance with § 239-m of General Municipal Law the matter was referred to the Suffolk County Planning Commission who deemed the matter for local determination; and

WHEREAS, in accordance with § 239-nn of General Municipal Law the matter was referred to the Commissioner of the Department of Planning, Environment and Land Management of the Town of Brookhaven who deemed the application a matter for local determination; and NOW THEREFORE BE IT

RESOLVED, that the Planning Board hereby approves the application for a conditional use permit for the Three Village Bennett Agency, that will consist of the conversion of 2,715 square feet of vacant restaurant and retail space to the proposed insurance agency; and BE IT FURTHER

RESOLVED, that the Planning Board hereby approves the site plan for the Three Village Bennett Agency prepared by Eric Nicosia, R.A. dated December 12, 2007 subject to the following conditions:

1. Provide evergreen landscaping along the northern and western property lines to adequately screen parking from residential properties to the west.
2. Relocating the ADA parking stall closer to the ramp and indicate on the plan.
3. All signage on the property shall conform to the current sign regulations and be referred to the ARC.
4. The deck on the east side of the building is encroaching upon property owned by the Town of Brookhaven. Confirmation from the Town shall be provided indicating that the deck is permitted to remain.
5. There are several floodlights on the building that should be replaced with a more architecturally appealing fixture and be dark sky compliant.
6. Submit four (4) revised plans for chair's signature within ninety days.

PRESUBMISSION CONFERENCE:

Gaul Sec. 12 Blk. 8 Lot 15

Mr. Ken Gaul, property owner was present. He presented his application for a tree clearing and grading proposal for 107 Caroline Avenue. He showed photographs of the property site and proposed trees to be removed. His main concern is the area between the house and the barn and the existing slope of the property site. Regrading will be necessary.

Mr. Rau requested that the trees to be removed be flagged for his review before approval.

Mr. Schiavone made a motion to approve the application subject to Mr. Rau's inspection. Ms. Schiavone seconded the motion, all in favor the vote was 3-0.

Mr. Burke, chairman arrived for the following applications

DEVELOPMENT ACTIONS:

Dassaro (# 132-08)

Sec. 21 Blk. 4 Lot 8.2

Consider application a proposed 1,999 square foot one-story addition to an existing auto body repair facility on a .32 acre parcel in the General Commercial C-2 District, west side of Texaco Avenue, approximately 205 feet south of Sheep Pasture Road

Architect, Jim Delucca was present. The proposed plans and photographs were reviewed. He explained that the cars would be able to be kept inside with the proposed three bay garages as

opposed to outside as they are now. The signage would remain the same. Mr. Deluca stated that there is a verbal parking agreement with the neighbor on the other side of Texaco Avenue.

Mr. Rau stated that the previous plans were approved.

Mr. Schiavone stated concern with the side yard setback. He would like to see the dumpster and drains on the proposed plan. The members request a notarized agreement from both property owners regarding the parking agreement.

The application has been sent to the ARC for comments. This application will be on the 3/27/08 Planning Board agenda.

Spiliotis (# 125-07) Sec. 18 Blk. 1 Lot 11

Mark Lyon of Jefferson Consultants was present along with architect, Angelo Nicosia. They reviewed the preliminary site plan dated 1/30/08 and discussed grading and retaining wall issues.

The Board reviewed the full environmental assessment form and revised layout for the 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.

**North Shore Prof. Realty, LLC (# 029-04) Sec. 17 Blk. 7 Lot 2
Sec. 21 Blk. 6 Lot 14.1
Sec. 21 Blk. 6 Lot 14.2**

The Board discussed land-banking parking on the upper deck and accessory uses (food service) on the approved site plan to convert former nursing home to medical-offices and bank, on 9.67 acres in the P-O District on the east side of Oakland Avenue and south of North Country Road.

The project manager, Frank Toner was present. Items discussed were; retaining walls, structure designs, columns, beams, footings, concrete deck, concrete wall, sidewalks, paving, and parking. Mr. Toner stated that several prospective tenants have approached him.

Mr. Schiavone requested that the parking spaces along the top of the proposed retaining wall that are part of phase III, be landbanked at this time

Mr. Schiavone made a motion to proceed with the amendment to the site plan, seconded by Mr. Burke, all in favor the vote was 4-0.

RESOLUTION:

RESOLVED, that the Planning Board hereby approves the request by Frank Toner, Executive Vice President, North Shore Professional Realty, LP to land bank the proposed parking deck shown on the site plan prepared by Nelson & Pope dated June 21, 2007 and indicated for the third phase of development.

Conte (# 133-08) Sec. 14 Blk. 5 Lot 18.3

Consider tree clearing and grading application for 4 Jefferson Landing Circle. Property is .57 acre, located in the Single-Family Residence R-B1 District.

Joseph LaRosa, owner of Design Built Company was present for the applicant. He reviewed the proposed site plan and topo. He explained that the applicant is trying to make a usable yard for

their children to play. Right now there are many slopes to deal with. There is no long range plan. The homeowner would just like to clear, grade and hydro seed to establish a flat ground.

Mr. Rau stated that the property is already over cleared from the previous owner. He also informed Mr. LaRosa that the Village has a fee of \$4.00 per yard for soil removal. Mr. Rau recommends the application be sent to the CAC for comments.

Mr. Schiavone requested that the proposed site plan show some erosion control (hay bails, etc). He also requested that Mr. Rau should walk the site before approval is considered.

Mr. LaRosa stated that he would be away for ten days. He will submit a better plan as soon as possible.

Martirano (# 134-08)

Sec. 11 Blk. 5 Lot 7

Consider tree clearing and grading application for 105 California Avenue. Property is .35 acres and located in the Single-Family Residence R-B2 District.

Mrs. Martriano, homeowner was present. She presented photographs of the property. She is requesting to remove 9 trees and stated that all big trees around the edges of the property would remain. Relocating the catch basin was discussed as a possibility.

Mr. Burke made a motion to approve the application as requested, seconded by Ms. Sigler, all in favor the vote was 4-0.

The meeting ended at 10:30PM.