

March 26, 2009

PLANNING BOARD MINUTES

PRESENT:

Jennifer Sigler, Chairman
Mark Brosnan
Phil Schiavone
Ray DiBiase
Cindy Suarez, Secretary
Carmine Dell Aquila, Trustee
Kevin Koubek, Village Engineer

ABSENT:

Will Rau, Senior Planner
Virginia Capon, Trustee

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

DEVELOPMENT ACTION:

**Application #156-08RD
Sec 17, Block 3, Lot 3.2
John T. Mather Hospital
75 North Country Road**

Chairman, Jennifer Sigler signed the approved site plan application requesting to add an additional 32 parking spaces to an existing parking field in the hospital's east parking lot.

**Application #160-08PS
Sec 21, Block 4, Lot 37
Kevin Reilly, Atty. for Anamary Restaurant c/o Hector Marmol
1614-1616 Main Street**

Discuss proposal for a conditional use permit and change of use approval as part of a proposed eating and drinking use expansion for a retail food establishment at 1614 Main Street, in the General Commercial C-2 District on the west side of Main Street, approximately 120' south of Linden Place.

Mr. Kevin Reilly, Attorney for the applicant was present. He stated that the application is for a conditional use and a change of use request. He explained that the northern property premises are presently vacant.

The owner is looking to make two storefronts into one large restaurant.

The applicant currently has a building permit dated 10/18/07 which expires on 4/18/09 before the next Planning Board meeting. An extension on the permit was discussed with Kevin Koubek. He stated that there is a 6 month extension available for \$25.00. The permit is to renovate the bathrooms, make the wall opening and the addition of interior doors. Most of the work is completed. The applicant is currently working with the Health department.

Mr. Reilly disagreed with the fact that the applicant needed to reapply for a conditional use permit and hold a public hearing. He explained that once a conditional use was granted that it became a conforming use. Mr. Reilly read excerpts from New York case law based on court opinions regarding the time frame between approvals.

Mr. Schiavone explained to Mr. Reilly that the most expeditious way to move forward with this application is to keep the request as it reads and have the public hearing that is required. Mr. Schiavone requested that the drawings be updated.

Mr. Schiavone made a motion to schedule a public hearing for this application for a conditional use for retail space to eating and drinking establishment on 4/23/09, Ms. Sigler seconded the motion, all in favor the vote was 4-0.

OLD BUSINESS:

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

Discuss Planning's Board's letter to the applicant requesting an extension for the decision deadline. Discuss completeness of file and outstanding submissions (SEQRA determination letter and Highway Department letter). Application is for a 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. Mike Nelin, property owner was present and submitted new site plans with minor changes.

The Board reviewed and discussed the draft SEQRA letter and requested that the following documents be attached to the SEQRA document; long EAF parts I, II and III, the R&W Engineering report, the DPW's letter with a summary of the drainage report and the Board of trustees cluster approval letter/memo.

Mr. Schiavone made a motion to approve the draft SEQRA letter based on the above documents being added. Mr. Brosnan seconded the motion, all in favor the vote was 4-0.

The Board referred Mr. Nelin to the next ARC meeting which is held at 7PM in the Village Hall conference room on 4/7/09. He will pick up an ARC guideline book at the building department.

Mr. Koubek will review the new submitted site plans and supply a letter that summarizes the meeting between himself and Mr. Steve Gallagher, Highway Superintendent before the 4/23/09 Planning Board meeting.

TREE CLEARING & GRADING APPLICATIONS:

**Application #168-08PS
Section 9, Block 7, Lot 5
Jeffrey Jensen c/o North Shore Tree & Landscaping for Axel Drees
324 Thompson Street**

Consider application to remove trees and approximately 65% of natural vegetation in the rear yard.

Ms. Sigler recused herself from this application.

The applicant was not present for this application.

The Board reviewed the submitted plan and the drawings of the removals being requested. The key was coded with blue, pink and green showing areas of removal, pruning and replanting.

Mr. Schiavone requested that Mr. Koubek have an inspector do a site visit and walk the property with the applicant to mark the subject trees, etc... To be removed.

**Application 169-09PS
Section 22, Block 2, Lot 11
John McNulty c/o Landscaping by John McNulty, Inc. for Demetri Skopes
15 Woodside Avenue**

Consider application to remove dead and overgrown trees on the property site. Mr. John McNulty was present for the application. Mr. McNulty received a notice from the Village and that is what provoked him to obtain a permit He stated that the trees were already removed and that he was not aware of the Tree Clearing and Grading code in the Village. The trees that were removed were over 9” in diameter and he considered the trees hazardous and dangerous. He was hired to renovate and cleaning up the property. He stated that there will not be any further removals and that the stumps that were left there will be cut to the ground.

Mr. Brosnan made a motion to approve the application for a TC & G permit, Mr. Schiavone seconded the motion, all in favor the vote was 3-0.

GENERAL BUSINESS:

On a motion made by Ms. Sigler, seconded by Mr. Brosnan, the Board approved the minutes from 1/22/09, the vote being 3-0 (Mr. Schiavone was absent 1/22/09).

On a motion made by Mr. Schiavone, seconded by Ms. Sigler the Board voted to approve the minutes from 2/26/09, the vote being 3-0 (Mr. DiBiase was absent 2/26/09).

TRUSTEE REPORT:

Trustee Carmine Dell Aquila informed the Planning Board members that the Special Attorney, Mr. Levin is reviewing new procedures for the applicants to follow prior to the pre-submission conferences with the Planning Board. The Planning Board was not aware of this and indicated it may be outside the open meeting law and that it appeared to be in conflict with the pre-submission conference.

The meeting ended at 9:30PM.

Respectively submitted,

Cindy Suarez, Secretary to the Planning Board