

Eric Nicosia explained that there would be improvements to the signal at the intersection of Belle Terre, Oakland and North Country Roads in terms of timing, etc.

Jim Burke asked the Board members if there were any other comments before closing the hearing

Phil Schiavone questioned whether the terms "financial office" and "bank" were synonymous. Banks are neither permitted or conditional uses in PO zone.

No further comments from the public or Will Rau, Village Planner.

Eric Nicosia, Architect, asked the Planning Board members for some feedback and direction before he does the engineering plan and architectural submission.

Phil Schiavone made a motion to adjourn the hearing based on the clarification of the term "bank". Jim Burke seconded the motion. All in favor 5-0.

WORKSESSION:

3. D. Lily Sec. 022 Blk. 4 Lot 266.1

Discuss possible change of zone application to consider proposal to construct professional office building on an one-acre parcel currently zoned Light Industrial I-2 located on the west side of Columbia approximately 400' south of North Country Road.

Tom Kramer, Environmental Consultant discussed the application with the Planning Board members. The zoning was discussed along with the existing 21 parking stalls. It is now approved for outdoor storage. He would like to change to office space and feels this would be good for the area.

Phil Schiavone recommended creating a zone change, I2 & RO conversion to C2.

No other comments from the Board members.

DEVELOPMENT ACTIONS:

Land divisions:

4. Lisa Jaeger Sec. 014 Blk. 5 Lot 57.6

Discuss conditions of an approval (expired April 26th, 2005) for a lot line modification of two (2) lots, Lot 1 having an area of 30,193 sq. ft. (.69 acres) and Lot 2 having an area of 34,711 sq. ft. (.80 acres), located in the Single Family Residence R-B1 District on the south side of the intersection of Jefferson Landing Circle and Old Post Road.

The applicant was not present. Matthew Crane, surveyor of Hawkins, Webb, Jaeger, represented the applicant. He explained that the applicant did not follow thru and let the approval elapse. The applicant would like to move forward. The plans have since not changed.

Will Rau, Village Planner, stated that a new application needs to be filed for new approval process with another fee. The same map can be used.

No other comments from the board members.

5. Old Homestead Road (# 035-04)

Sec. 3 Blk. 2 Lots 2 & 3

Consider final conditional approval (deadline for decision May 8th, 2006) for the 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.

Mr. & Mrs. Moylan, property owners were present, represented by Matt Crane, surveyor of Hawkins, Webb, and Jaeger. This application was deemed incomplete one year ago.

Mr. Moylan stated that he received a proposal from LIPA to move their pole. The Board members requested a letter from LIPA to that effect.

Phil Schiavone made a motion to approve the plan subject to conditions as per staff's amended report. Jen Sigler seconded the motion.

RESOLUTION:

WHEREAS, a minor subdivision application for Oliver Schepers entitled Land Division Map for Old Homestead Road was submitted to the Planning Board on December 20th, 2004 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 in the Single-Family Residence R-A (43,560 sq. ft. min.) District, located on the north side of Old Homestead Road, at the intersection of Old Homestead Road and Landing Lane; 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, on December 6th, 2005 the Planning Board received a site disturbance plan for tax lot 3-2-3 pursuant to the provision of Chapter 241 of the Code of the Village of Port Jefferson; 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 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 February 9th, 2006; and

WHEREAS, on March 9th, 2006 a public hearing was held on the application and all public comments have been duly considered by the Planning Board; and NOW THEREFORE BE IT

RESOLVED, that the Planning Board hereby approves of the site disturbance plan prepared for Tax lot 3-2-3 prepared by Hawkins Webb Jaeger PLLC, dated December 2005; and BE IT FURTHER

RESOLVED, that the Planning Board hereby approves of the minor subdivision application for Oliver Schepers entitled Land Division Map for Old Homestead Road 2004 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 in the Single-Family Residence R-A (43,560 sq. ft. min.) District, located on the north side of Old Homestead Road prepared by Hawkins Webb Associates PC on March 2004, last revised on September 28th, 2005 and stamped "received" by the Planning Board on December 6th, 2005 is hereby approved 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. Notify and schedule an inspection with Building Department staff at least 48-hours prior to tree removal to ensure that all barriers/devices of the site disturbance plan have been installed.
4. Show and install survey monuments at each corner of the subdivision boundary.
5. Submission or indicate on plan LIPA utility pole relocation plan.
6. Revise site disturbance plan and final subdivision map to reflect final proposed building footprint and indicate setbacks.
7. Indicate any additional plantings on the site disturbance plan for screening and protection from the golf course.
8. 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

9. 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"

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

6. Liberty Meadows LLC (# 027-04) Sec. 16 Blk. 8 Lot 8.1, 8.2 +

Consider preliminary (deadline for decision May 8th, 2006) approval for the 43-unit cluster subdivision located on 18.5 acres in the R-B2 District on the east side of Liberty Ave.

Jim Burke abstained from comments on this application due to conflicts of interest concerns.

Will Rau recommends varying building types to avoid monotony (as per code), no two houses of the same style next to each other, grade changes, stone fronts

Phil Schiavone made a motion to rescind the prior application based on staff's report and submission of the new design. Mark Brosnan seconded the motion.

An application will go out to SCPW and NYDEC.

Jennifer Sigler made a motion to grant preliminary site plan approval based on staff's conditions. Ray DiBiase seconded the motion. All in favor 4-0. Mark Brosnan made a motion to schedule a public hearing on 4/25/06. Ray DiBiase seconded the motion. All in favor 4 -0.

RESOLUTION:

WHEREAS, on August 5th, 2005 the Planning Board received an application from Liberty Meadows, LLC for the preliminary review of the subdivision map Village Vistas; and

WHEREAS, the application consists of a clustered attached multi-family housing community consisting of twenty-one (21) 2-unit buildings and one (1) single-unit building and the construction of a new road, Theresa Lane and Kewpie Circle, a separate recreation building and a pool are also proposed; and

WHEREAS, the property totals 18.45 acres and is currently improved with a single family home, a guesthouse, several barns, horse paddocks, located in the Village's Single Family Residence R-B2 District (15,000 sq. ft. min.) on the east side of Liberty Avenue; and

WHEREAS, the subject property has been identified in the Village of Port Jefferson's Open Space Plan for clustering of residential development on the most suitable land; and

WHEREAS, on October 14th, 2004 the Planning Board requested authorization from the Village Board of Trustees to consider a cluster housing development on subject site and on October 25th, 2004, the Board of Trustees by resolution gave authorization to the Planning Board to consider a cluster housing development pursuant to § 7-738 of Village Law; and

WHEREAS, on October 25th 2005 a public hearing was held on the preliminary map and all public comments have been duly considered by the Planning Board; and

WHEREAS, the preliminary map has been classified as a Type 1 Action, pursuant to Chapter 129 *Environmental Quality Review* of the Port Jefferson Village Code; and

WHEREAS, On October 25th, 2005 the Planning Board assumed lead agency status for the preparation of an Environmental Assessment Form (EAF), Part 2 and Part 3 and on March 9th, 2006 made a finding of “non-significance” and issued a negative declaration pursuant to SEQRA; and

WHEREAS, a referral was sent to the Suffolk County Planning Commission and by letter dated November 10th, 2005 the Commission provided the following comments:

“Pursuant to the requirements of Section A-14-24, Article XIV of the Suffolk County Administrative Code, the above captioned proposal final plat that 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 an approval or disapproval.’

“The Planning Board should require a yield map in accordance with the zoning classification of the property and any other ordinances that the property is subject to (i.e. slopes, grading, and land clearing), that would indicate the potential number of units that would be allowed prior to clustering.” and **NOW THEREFORE BE IT**

RESOLVED, that the application from Liberty Meadows, LLC for the preliminary review of the subdivision map Village Vistas, prepared by Nelson & Pope on July 25th, 2005 last revised February 9th, 2006 and stamped “received” by the Planning Board on March 6th, 2006 consisting of the following sheets:

Sheet 1 of 8 - Overall Site Plan,
Sheet 2 of 8 - Grading Plan,
Sheet 3 of 8 - Drainage and Utility Plan,
Sheet 4 of 8 - Erosion Control Plan,
Sheet 5 of 8 - Site Disturbance Plan,
Sheet 6 of 8 - Road Profile - Theresa North & Kewpie Circle,
Sheet 7 of 8 - Road Profile - Theresa South & Liberty Avenue,
Sheet 8 of 8 - Detail Sheet, for a clustered attached multi-family housing community consisting twenty-one (21) 2-unit buildings and one (1) single-unit building and the construction of a new road, Theresa Lane and Kewpie Circle is hereby APPROVED SUBJECT TO THE FOLLOWING CONDITIONS AND MODIFICATIONS:

1. Proof of submission of the Condominium Offering Plan.
2. Approval from the Suffolk County Department of Health Services and Suffolk County Department of Public Works.
3. Final site plan in accordance with § 250-52 of the Village Code.
4. Letters from the following agencies, as applicable:
 - I. Electric power provider (assuring provision of necessary services)
 - II. Water service provider (assuring provision of necessary services)
 - III. SC DPW (approving proposed construction on associated rights-of-way)
 - IV. School District (acknowledging receipt of the subdivision plans)
5. Proposed covenant to be filed that will restrict the age of owners to 55 an older.

6. Offers of dedication for all properties, drainage easements, drainage structures, etc., to be conveyed to the Village of Port Jefferson.
7. Provide additional drainage easement on the bend of Liberty Avenue.
8. The final road and drainage with profiles.
9. Show & label areas being offered for dedication for drainage (with bearings and dimensions) on plans.
10. Show and label (with bearings and dimensions) those areas proposed for restrictive easements or buffers.
11. Bond estimates received from the Village Engineer for:
 - i. Roads and drainage
 - ii. Removal of buildings and debris
 - iii. Landscaping and street lighting
12. Show and label existing and proposed water mains by location and size.
13. Show and label existing and proposed fire hydrants, fire wells and fire cisterns by size and location as recommended by local Fire Commissioners.
14. Provide a bond equal to half the cost for the design and installation of a traffic signal at Liberty Avenue and Main Street, to be used for traffic control improvements in the vicinity of that intersection.
15. Establish all-way stop control for the intersection of Old Post Road and Liberty Avenue.
16. Provide necessary legal documents for Village Attorney review and approval.
17. Final submission within six-months of preliminary approval. The submission will be subject to a final hearing as well as referrals to all the above agencies.

BONDS:

7. Invesco Affiliates Ltd. (# 005-04) Sec. 12 Blk. 6 Lot 4.1 +

Set performance bond for 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.

Will Rau, Village Planner handed out Kevin Koubek, Village Engineer's memo to set performance bond.

Jim Burke Made a motion to approve performance bond, seconded by Phil Schiavone. Reservations concerning issuing permits in areas designated as potentially contaminated were raised.

Francis Campani, Architect expressed her concerns with respect to contamination plume identified by the EPA & DEC, which passes through the site. The Village must develop a procedure in conjunction with relevant agencies to advise applicants who wish to build within the plume.

The applicants discussed the possibilities of town homes instead of apartments.

The board requested a new amended application.

RESOLUTION:

RESOLVED, that the amount of the performance bond in connection with the onsite improvements for the site development plan/conditional use permit for Invesco Affiliates Ltd. is hereby set at **\$365,615.00**, as recommended in a memorandum dated March 9th, 2006 prepared by the Village Engineer; and BE IT FURTHER

RESOLVED, that the full amount of the inspection fee is hereby set at **\$29,249.00** (8% of the Performance Bond Cost Estimate), which shall be paid prior to the issuance of a Building Permit.

BOARD of TRUSTEES

8. Discuss the following proposed code revisions:

- § 250-11 B. *Conditional uses in residential districts*
- § 250-250-31 *Signs*
- § 250-37 *Lighting*

The Board made a motion to approve the revisions as amended and schedule a Public Hearing.

9. Trustee report

Barbara Ransome, Trustee, gave discussed the following issues:

- The budget meeting was productive
- The Planning Dept will be expanding for more space
- The GPS unit was approved at \$7,000
- The integrated software system is approved at \$10,000
- Village Attorney, Fred Johs, has expressed that he does not want the job anymore.
- There will be a posting for a new attorney with land use experience.
- The ice rink is closed for the season.
- The Village center room rates will go up as of 4/1/06.
- A coordinator for The Charles Dickens festival 2006 has been hired.
- There is a meeting scheduled with Lombardi's to discuss discrepancies in the contract.
- The sign went up for the Children's Maritime Museum.

The meeting was adjourned at 10:45PM.