INCORPORATED
VILLAGE OF PORT JEFFERSON
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PLANNING BOARD

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James Burke

Members
Phil Schiavone
Jennifer Sigler
Mark Brosnan
Ray DiBiase

Village Planner
William Rau

Secretary
Cindy Suarez

# MINUTES

April 25, 2006 at 7:00 p.m.

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. Applications may not be heard in the order as they appear on this agenda.

**PRESENT:** James Burke
Phil Schiavone
Jennifer Sigler
Mark Brosnan
Will Rau
Barbara Ransome
**ABSENT** Ray DiBiase

**PUBLIC HEARINGS:**

1. **P.J. Oakland Partners (# 029-04)** **Sec. 17 Blk. 7 Lot 2**
**Sec. 21 Blk 6 Lots 14.1 & 4.2**

Conditional use hearing adjourned from March 28th, 2006.

Mark Brosnan stood in for Chairman Jim Burke. The public notice was read.

Thomas Costa, attorney for the applicant spoke. There were no comments from the Board or the public.

***RESOLUTION #1:***

**WHEREAS**, a site development plan application for P.J. Oakland Partners L.L.C. entitled Oakland Medical Arts Center was submitted to the Planning Board to consider a proposal to convert the vacant three-story, 36,000 square foot nursing home to medical-office space, construct an additional 61,380 square feet of medical office space and a 3,500 square foot bank with drive thru; and

**WHEREAS**, the subject site is located on three separate tax parcels totaling 9.67 acres in the Village's P-O District on the east side of Oakland Avenue and south of North Country Road; and

**WHEREAS**, the applicant has not submitted all necessary materials to fulfill the application submission requirements of **§ 250-52** of the Port Jefferson Village Code, as outlined in the Site Plan Application Checklist dated **April 21, 2006**, and the

memorandum dated April 20, 2006 prepared by Building, Planning & Zoning Department staff; and NOW THEREFORE BE IT

**RESOLVED**, that the site development plan application for P.J. Oakland Partners L.L.C. entitled Oakland Medical Arts Center 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.

***RESOLUTION #2:***

**WHEREAS**, a conditional use permit application for P.J. Oakland Partners L.L.C. was submitted to the Planning Board for consideration of converting the former nursing home uses to office buildings for business and professional use including administrative, medical and financial (bank) uses; and

**WHEREAS**, the subject site is 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; and

**WHEREAS**, the application meets the criteria for classification as a Type I Action, pursuant to Chapter 129 *Environmental Quality Review* of the Village Code and by resolution dated December 13, 2005 the Planning Board made a determination of non-significance and issued a negative declaration; and

**WHEREAS**, in accordance with § 250-51 C. of the Code and § 239-m of Article 12-B of General Municipal Law a referral was made to the Suffolk County Planning Commission; and

**WHEREAS**, by letter dated December 7, 2005 the Suffolk County Planning Commission determined that the application was a matter for local determination as there appears to be no significant county-wide or inter-community impact(s); and

**WHEREAS**, the Zoning Board of Appeals (Appeal No. 345-05) granted the following area variances:

1.) Lot area variance from 100,000 sq. ft. required to 87,120 sq. ft. proposed.
2.) Lot frontage variance from 175 ft. required to 165 ft. existing.
3.) Parking ratio variance from requirement of 1 parking space per 100 sq. ft. of medical office building area to 1 parking space per 150 sq. ft. of medical office building area.
4.) Parking setback permitted within required 100 ft. of R-M Zone along the easterly property line immediately adjacent to the Village of Port Jefferson Highway Department property.
5.) Parking setback variance granted along the westerly property line immediately adjacent to Oakland Avenue, reducing the setback from 50 ft. required along the to boundary of the c-2 zone (centerline of Oakland Avenue) approved to 45 ft. required.
6.) Parking setback variance granted along the northerly 205.85' property line separating the center lot from the adjacent lot to the north, not part of this application, reducing the setback from 50 ft. required along the boundary of the C-2 zone to 20 ft. required.

7.) Parking setback variance granted along the westerly 444.91' property line separating the northerly parcel from the adjacent lot to the west, reducing the setback from 50 ft. required along the boundary of C-2 zone to 10 ft. required.
8.) Parking setback variance granted from 50 ft. required to boundary of C-2 along south property line to 29.5 ft. required; and

**WHEREAS**, on March 28, 2006 a public hearing was held on the conditional use permit application and adjourned to April 25, 2006; and

**WHEREAS**, the Planning Board required clarification from the Village Building Inspector and the Village Attorney as to whether the proposed bank use qualifies as a financial use under § 250-17 B (2) of the Code; and

**WHEREAS**, no response was received from the Village Attorney, however the Building Inspector stated that the proposed bank use could be permitted upon Planning Board approval; and

**WHEREAS**, the conditional use permit application was closed the evening of April 25, 2006 and all public comments have been duly considered by the Planning Board; and NOW THEREFORE BE IT

**RESOLVED**, that the conditional use permit application for P.J. Oakland Partners L.L.C. for consideration of converting the former nursing home uses to office buildings for business and professional use including administrative, medical and financial (bank) uses is hereby approved subject to the following condition:

1. Final site plan approval within one-year of the date of this resolution.

Jennifer Sigler made a motion to grant conditional use permit as drafted by staff.

Jim Burke seconded the motion, all in favor 4-0

Phil Schiavone made a motion to notify the applicant in writing that the current application is deemed incomplete. Jim Burke seconded the motion, all in favor, 4 – 0.

Phil Schiavone made a motion to close the hearing, seconded by Jennifer Sigler.

**2. <u>Liberty Meadows LLC</u> (# 027-04) Sec. 16 Blk. 8 Lot 8.1, 8.2 +**

Public hearing for the proposed 43-unit cluster subdivision located on 18.5 acres in the R-B2 District on the east side of Liberty Ave.

James Burke, chairman recused himself because of a conflict of interest. Mark Brosnan stood as Chairman of the Board and read the public notice.

Charles Russo, Attorney for the applicant summarized the history of the application.

Also presenting the application were, Chic Voorhis, Engineer from Nelson, Pope, and Voorhis, Michael Schwarting & Francis Campani, architects from Campani & Schwarting Architects, Enrico Scarta, Developer.

Michael Schwarting reviewed the site model display.

Francis Campani, architect, reviewed the diagram showing the slopes, and wooded areas, disturbed areas, area to be cleared and the proposed placement of the clusters. She also reviewed the types of units, access, garages, views, walls, and the proposed use of various colors. She explained the plan to plant new trees to the south side and along Liberty Avenue.

Chic Voorhis spoke about the environmental impact analysis. Of the 9.2 acres of existing forest, 67 % will remain. He reviewed drainage, engineering plans, landscaping, detailed erosion plan, recreation area, walking paths though the natural landscaping, and the traffic impact study. It will not be a gated community. An age restriction off 55 and older is being considered.

The cubic yardage of fill to be removed is 40,000 cubic yards.

He explained that this is an as of right project and that there would not be any zoning issues. There will also be tax revenue benefits from this project.

Legal transcript will show questions from Phil Schiavone and Jennifer Sigler.

Public comments:

- Barbara Hagel #14 Princess Tree Ct., read a letter in reference to the EIS.
- Steve Fiore Rosenfeld, Brookhaven Town Concilman of the first district
- Katherine Ball, Willoughby Ave.
- Robert Walker, President of the Board of managers of Harbor view Condominiums, in favor.
- Mary Durnbach, 115 Liberty Ave., spoke of yield concerns, EIS for 1 acre, not 18 acres, rescind neg dec.
- Jack O'Donnell #9 Deerfield Ct., read a letter from Wayne Rogers, in favor.
- Linda Wicks commented
- Helen Ward, in favor.
- Diane DaRosa from E. Setauket, in favor.
- Joanne Cornell, realtor, in favor.
- Eric Jordane, Liberty Ave., opposed due to traffic concerns.
- Sylvia Cone, demands EIS. She read a letter dated 3/24/04 written by John Turner to Mr. Wunderlich, which made an offer to purchase his property for open space conservation purposes.
- Gary Vigilante, in favor
- Michael Mart would like every calculation possible to be done.
- Frank Capello, opposed to Brookhaven purchasing the property.
- Ken Bohem, in favor
- Louise Harrison represents Conservation & Natural areas planning to save Cedar Hill.
- Rick Isenberg, Attorney for the conservation
- Dr Wunderlich commends the Planning Board and their crew for trying to accomplish this project.
- Phil Griffith, in doubt of project, would like to demand an EIS.
- Mr. Stein
- Michele Lennon, in favor.
- Mary Rosner, in favor
- Tim Moran, opposed
- Ron Cohen

On a motion made by Phil Schiavone, seconded by Jennifer Sigler, the meeting was adjourned until the final site plan is filed. All in favor 4 – 0.

10:00PM Mark Brosnan excused himself for the evening

**DEVELOPMENT ACTIONS:**

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

   Consider resolution to suspend site plan approval for proposal to construct 53 residential units and 3,300 sq. ft. of commercial/office space until the effect of the TCE plume is established. The property is located in the Central Commercial C-1 District on the south side of West Broadway.

   Will Rau read the draft resolution. He would like to stop the clock on the Planning Board approval. The applicant needs more time and is not on a time line.

   No action was taken at this time.

4. **Pasta Pronto (# 039-05)** **Sec. 12 Blk. 7 Lot 45**

   Consider six-month extension for change of use approval to convert two units from retail and retail food to one unit of 1,600 sq. ft. for retail food on a .17-acre parcel in the Central Commercial C-1 District on the south side of Mill Creek Road and west of Main Street.

   The Planning Board acknowledged a delay due to Health department approval.

   Phil Schiavone made a motion to extend the application the application for six months, Jim Burke seconded the motion.

   ***RESOLUTION:***

**RESOLVED**, that the change-of-use application for **Pasta Pronto Inc.** for the conversion of an 800 square foot retail unit to a retail food establishment located on south side of Mill Creek Road, as shown on plans prepared by Campani and Schwarting Architects dated February 25th, 2005 and stamped "Received" by the Planning Board on March 22nd, 2005 is hereby extended until **November 14th, 2006**, at the request of the applicant by letter dated April 3rd, 2006.

5. **Islander Boat Center (# 031-04)** **Sec. 7 Blk. 1 Lot 5**

   Consider granting a six-month extension for the conditional use permit for outdoor boat storage on a .73 acre parcel located in the MW District on the east side of Beach Street, approximately 1,100 feet north of West Broadway.

   John Scoglio, owner requested a six-month extension for his conditional use permit. He has all necessary permits and has retained services of Dieter Lund to repair bulkhead. He submitted copies of permits & contracts.

He also informed the Board that he has "adopted" Beach Street and will be buying his own street sweeper.

***Resolution:***

**RESOLVED**, that the site plan/conditional use permit application for **Islander Boat Center** for the use of boat storage on a .73 acre parcel in the Marina Waterfront MW District on the east side of Beach Street, approximately 1,100 feet north of West Broadway is hereby extended until **November 18th, 2006**, at the request of the applicant by letter dated April 7th, 2006 subject to the following conditions:

1. Reconstruction of damage bulkhead and installation of travel lift.
2. Reconstruction of wood pier and floating dock as per approved plans.
3. Submission of a final survey showing all required improvements.
4. Limit the transporting of boats to and from the site to Monday through Friday between the hours of 7:00 a.m. to 4:00 p.m. No boat moving on public streets during weekends.
5. No forklifts to be used on public streets; boats must be trailored by licensed trucks.
6. No prep work at the site, approval is for storage only.
7. No flammable or toxic material stored on site.
8. No banners or seasonal display sign; permanent signs subject to separate permit and code approval.
9. Conditional use permit to be reviewed in one (1) year from date of this decision.

**6. Palmblad (# 067-06) Sec. 21 Blk. 5 Lot 15**

Consider site plan application for a .25-acre parcel in the General Commercial C-2 District situate at the corner of North Country Road and Walnut Street currently occupied as a medical office.

Linda and Carl Palmblad were present. Linda explained to the Board the concerns and issues that they have. Some of those are, the bar crowd that leaves bottles and trash on the property and the walking through the property.

Phil Schiavone made a motion to approve the application as submitted on 4/4/06, seconded by Jennifer Sigler, all in favor 4- 0.

***RESOLUTION:***

RESOLVED, that the Planning Board hereby approves of the proposed site improvements as detailed on the survey "received" on April 4th, 2006 that includes the following:

a) Installation of a dumpster enclosure on the western property line pursuant to Chapter 151 of the Village Code;
b) 3' high split rail fence along the north and eastern property lines;
c) Wood fence to the south fence and gate in the southwest corner;
d) Planter box on the south face of the building;
e) Proposed shrubs along the western property line and dumpster location;
f) Installation of 25' flagpole with lighting;
g) Five (5) off-street gravel parking spaces on southern portion of the site;

h) 10' X 15' asphalt driveway apron;

Situated on a .25 acre parcel improved with a 1,250 sq. ft. one-story dental office in the General Commercial C-2 District on the corner of North Country Road and Walnut Street SUBJECT TO THE FOLLOWING CONDITIONS:

1. File a street opening permit application with the Village's Highway Department prior to work on the 10' x' 15' asphalt apron.

**WORKSESSION:**

7. **Professional Office P-O District**

   Staff to distribute proposed code revision for Planning Board's consideration.

**TRUSTEE REPORT:**

Barbara Ransome, Trustee spoke about the following issues:

- The next election will be held 6/20/06
- There was a public hearing on 4/24/06 for the budget, the deadline is 5/1/06
- The Village Center debt will take approx 3 – 10 years to pay off
- Approval has been made to extend Main Street parking from 1 to 2 hours.
- Barbara has filled the liaison position for the Dickens Festival
- Grant update – environmental protection fund for Mill Creek & Grey house exterior renovation.
- The Zoning Board is allowed to get their own attorney for ongoing Article 78 cases. Mike Verruto has recommended two.
- The bidding of the first phase of the park is going to be rebid. Waiting for the grant for the windows and doors.

The meeting was closed at 11:30PM.