

APRIL 29, 2010

PLANNING BOARD MINUTES

PRESENT:

Phil Schiavone (PS)
Jennifer Sigler (JS)
Ray DiBiase (RD)
Tom Vulpis (TV)

Alexis Spyrou (AS)
Cindy Suarez, Secretary (CS)
Mayor Margot Garant, Liaison (MG)
Denise Harrington, EEA (DH)

(ABSENT: Gladys Gentile, Chair)

The Planning Board meeting was held at 121 West Broadway, Port Jefferson, NY 11777
The Board convened at 7:00 pm in the first floor conference room.

TRUSTEE REPORT (MG, Liaison):

- Cameron Engineering Consultants have met with members of the Master Plan Committee. The first charrette is planned for a Friday night and Saturday in June.
- CPC meets 5/5/10
- Cold Storage Maintenance Barn's soil testing started today and will be asking the Planning Board to assume lead agency.
- Liberty Meadows application will have an oral debate between attorneys this week.
- EPA will be cleaning the Barnum Avenue culvert via dredging next week. The dredging will encompass 30' from east side of Mill Creek, underneath the creek and to the pond. These actions will result in the closure of Barnum Ave.
- Barry Warren is looking at the language in the building permit releasing liability to the village regarding development in areas associated with the "plume" superfund site.
- DEC permit is pending for East Beach.

GENERAL BUSINESS:

JS moved to approve the minutes of 3/25/10 as amended. All members in favor.

WORK SESSION:

1. John T. Mather Memorial Hospital

Action: Status Update: Site development plan amendment

Location: 75 North Country Road

Zoning: P-O

Applicant: John T. Mather Memorial Hospital c/o Hawkins, Webb, Jaeger LLC

SCTM: Sec. 17, Blk 3, Lot 3.2

Application: #185-09RD

Present: None

Proposed parking lot & recharge basin expansion, substantial tree clearing.

The applicant was not present. The members reviewed the 2/9/10 erosion and sediment control site plan. The visual impact is severe. Part III EIS may be necessary. Landscaping will take out many trees.

PS to take photos and provide notes and locations for photo simulation submissions..

(See certified minutes: JS moved to adjourn to 5/27/10, all in favor.)

2. Water's Edge Conditional Use & Site Plan & Variances Application

Action: Status Update: Conditional use & site plan application for 3-story mixed use development involving 4305 sf office use and parking on first floor, 32,000 sf of 52 luxury rental apartments on the second and third floors. Variances for height and parking in a residential district are required.

Location: 1.84-acre parcel on northeast corner of West Broadway and Brook Road, Situated above or near groundwater plume associated with the Federal Superfund Lawrence Aviation Industries

Zoning: C-1 and RB-2

Applicant: John Scoglio

SCTM: Sec.1, 1, Blk. 6, Lot 18, 19, 20, 21.1, 22.1, 23.1, 24.1 & 25

Application: 422-09MV (ZBA) & 177-10PS (PB) granted 7/16/09.

Present: None

DH: The application has been sent out for consultant review of environmental data.

MG: In June, the New York State Legislature is considering an application for the alienation of Village parkland near the proposed Water's Edge development to enable the Lawrence Aviation groundwater pump and treat system to be sited on Village parkland. Consequently, the EPA will likely not need to approach the applicant for approval to site the system on his property.

PUBLIC HEARINGS 8:00PM

3. Map of Pine Hill Woods

Action: Application for extension of time.

Location: North side of the intersection of Pine Hill Rd. & Edgewood Ave.

Zoning: RB-2

Applicant: Spiliotis

SCTM: Sec 18, Blk 1, Lot 11

Application: 125-07 (Minor subdivision)

Present: None

(See certified minutes: PS moved to grant extension of time, all moved. PS moved to close the hearing, all moved.)

4. John T. Mather Memorial Hospital

Action: Status Update: Site development plan amendment

Location: 75 North Country Road

Zoning: P-O

Applicant: John T. Mather Memorial Hospital c/o Hawkins, Webb, Jaeger LLC

SCTM: Sec. 17, Blk 3, Lot 3.2

Application: #185-09RD

Present: None

(See certified minutes: JS moved to adjourn to 5/27/10, all in favor.)

5. Tsunis & Gasparis, LLP for Kinga Koreh

Action: Assumption of lead agency status.

Location: 32 Overton Ave.

Zoning: RB-2

Applicant: Kinga Koreh & Joan Rubenstein

SCTM: Sec. 21, Blk. 3, Lot 15.2

Application: 183-09GG (PB) & 415-09RG (ZBA)

Present: None

(See certified minutes)

JS moved to assume lead agency all moved.
JS moved to adopt a negative declaration of significance as per the 4/29/10 document prepared by the Planning department, all moved.
JS moved to adjourn the hearing to 6/17/10, all moved.)

The ZBA requested that the Board take action – so done.
SCPC requested by letter to be kept informed.

MISCELLANEOUS MATTERS

6. 644 Main Street

Action: Conditional Use & Site Plan

Location: 644 Main St (across from Infant Jesus Church)

Zoning: R-O

Applicant: William & Dorothy Court c/o John Andrews

SCTM: Sec 16, Blk 8, Lot 30

Application: 188-10JS (Existing one family residence)

Present: John Andrews(JA), Attorney, Mark Lyon (ML), Consultant & Mr. & Mrs. Court, applicant.

Recused: Tom Vulpis

ML presented 9/12/84 original survey by Harold Tranchon.

Dorothy Court (DC) stated that the bathroom and kitchen have been removed on the third floor. There is no back door and the basement is storage and there is a side door.

DH read 4/20/10 staff memo and presented photos and site plan for review. Recommendation of front yard landscaping agreed by Village Engineer to have a 10' semi circle in the front.

ML stated that Village Code section 250-16 (B) (1) (a) states off street parking for a minimum of four vehicles shall be provided but not in the front yard. He stated that there is a discrepancy in the code and only 3 spaces are required. This 3 space requirement is more current and therefore should supersede the 4 space requirement.

Discussion on parking conditions. JA stated that there is a CO from 1983 with parking conditions for six spaces. Applicant requested that the Board consider the application with 4 parking spaces and not 3spaces.

Discussion ensued regarding the front yard landscaping recommendation. ML stated that the corner of Stony Hill and Main Street has a completely paved front lot. Board agreed that in order to enhance the aesthetic and visual character of the area, staff's proposal for additional landscaping in the front yard should be adopted.

Discussion ensued regarding the impact of any side parking space to the existing side door.

DH & JS to meet applicant's attorney on site to measure the parking area.

PS moved to approve the conditional use as a two family residence, all moved.

JS moved to approve the site plan as per conditions to follow; all moved.

- Revised site plan to show retaining walls, existing curb cuts and catch basin and delete proposed planter.
- Access to basement within.
- Certificate of Occupancy for renovations to be held until final site plan is submitted and approved.

7. 12 Walnut Street

Action: Change of Use Pre-existing Non-Conforming to Permitted.

Location: 12 Walnut Street c/o Charles Kenny

Zoning: C-2

Applicant: Matt Covati

SCTM: Sec 21, Blk 5, Lot 14

Application: 158-08JS

Present: Charles Kenny, Attorney

Recused: Tom Vulpis

Residential to professional (accounting) office.

DH: Read 4/28/10 staff memo.

JS moved to approve change of use from residential to permitted non-medical professional office, all moved.

JS moved to approve 3/9/10 site plan subject to staff recommendations and conditions of approval as follows, all moved.

- A. Additional landscaping of shade tolerant plantings and vegetative groundcover shall be planted on the north side of the building to enhance the character of the area and ensure vegetative cover of the site.
- B. The Village Engineer shall inspect the existing retaining wall belonging to the adjacent property owner and shall address the wall's stability in light of the proposed tree removal. All Village Engineer recommendations must be resolved prior to tree removal.
- C. Steel edging or other suitable curbing be installed between the mulch groundcover proposed in the rear and yard and the porous surface parking area.
- D. An orange construction fence be installed along the western border of the property to ensure construction and debris are retained onsite and do not impact adjacent lots 3-5.
- E. Notes should read "All interconnecting pipes between drywell and roof leaders to be 6" diameter PVC SDR 35."
- F. A sign permit is required for any proposed signs and any application will be subject to Building Department approval.

8. The Way Back, Inc.

Action: Site Plan Review

Location: 1401 Main Street

Zoning: R-O

Applicant: The Way Back, Inc. c/o Francis Burke, Exec Director

SCTM: Sec 21, Blk 3, Lot 26

Application: 186-09PS

Present: none

JS moved to approve the application with conditions:

- Open wood white painted fence to keep within residential character.

- Decorative all – season vegetative ground cover in front of the proposed fence.

TREE CLEARING AND GRADING

9. 714 Main Street

Action: TC&G

Location: 714 Main Street

Zoning: R-O

Applicant: Karl Bocker c/o Eastwind Tree & Landscaping

SCTM: Sec 21, Blk 3, Lot 20.2

Application: 190-10PS

Present: None

Staff inspected the site (Tony Bertolotti, inspector & Andrew Smith, Engineering Aide). Staff report was read.

Application incomplete and more information is needed to review the proposed project.

Trees proposed to be cut should be flagged.

PS will do site inspection with DH.

10. 7 Old Post Road

Action: TC&G

Location: C/O Puritan Path

Zoning: RB-2

Applicant: Gregory VanOstrand c/o Villagescapes Landscaping, Inc.

SCTM: Sec 9, Blk 3, Lot 36

Application: 192-10GG

Present: Gregg Vanostran (GV), Landscaper

GV stated a 3' wall was removed to rebuild a small wall and grade out.

DH would like an existing and proposed grade plan along with a landscape design, existing topography survey and location of the existing electrical pole. DH referred applicant to code as to the required elements of the Tree Clearing & Grading application. Currently, more information is needed to adequately review the project.

PRESUBMISSION

11. Belle Terre Medical Center

Action: Site Plan Application

Location: 635 Belle Terre Rd

Zoning: P-O

Applicant: c/o RMS Engineering c/o Gregg Schiavone, PE

SCTM: Sec17, Blk 3, Lot 1

Application: 187-10GG

Present: John J. Breslin, Jr. Attorney

6/15/09 Site plan was reviewed. "Office Building" should read "Medical Office Building" on site plan.

Staff will check property file for CO or CEU for building and scan to members.

4/22/10 staff memo was read.

RD would like a parking inventory during peak hours.

PS requested a design of the proposed retaining wall.

JS brought up the fact that the proposed action, which requires an area variance (residence district setback), increases the building's non-compliance which is not permitted in Village Code. Debate ensued regarding whether or not the action would increase the existing non-compliances (parking) as well. The applicant may avoid the ZBA by decreasing footprint of proposed addition. Applicant will consider their next steps.

DH: Stated that the proposed action is a Type I action as per SEQRA and Lead Agency must be designated before the applicant would be heard by the ZBA.

12. Terrence Scarlatos c/o Kuddage Inc., d/b/a TOAST

Action: Expansion of Existing Use & Change of Use.

Location: 242 East Main St.

Zoning: C-1

SCTM: Sec12, Blk 3, Lot 8

Application: 189-10RD

Present: Charles Kenny(CK), Attorney and Terrence Scarlatos, Business Owner

4/29/10 staff memo read presenting application as change of use from retail food establishment to restaurant and an expansion of restaurant by expanding into a former retail floral shop retail use. The applicant was advised that a ZBA variance would be required for citing a restaurant within 200 feet of a R-O district.

CK: Mr. Kenny made the following statements: The applicant is not seeking the above route. He argued that the existing use is not a restaurant but retail food establishment. The current CO reads for a retail food establishment. The applicant is seeking to expand this retail food establishment and is not seeking a change of use. As a retail food establishment, CK argued that the application would not expand or increase the non-compliance.

The Board questioned whether the CO was issued before the R-O district was created.

Non-compliant building Village code section 250-40.

JS questioned whether the building may have been occupied by a continuous restaurant use before the incorporation of the village. Although the chain of restaurant use was broken when florist opened, the use below (in the same building) on ground level may have been continued as restaurant use. Restaurant use may be grandfathered in with no increase of non compliance.

DH requested that CK submit a letter to the Planning Board summarizing the applicant's position. DH recommended that the Planning Board present this position to Village counsel to determine how to best proceed with the proposed application. Planning Board members agreed.

JS moved to adjourn the meeting at 12:00AM.

Respectfully submitted,

Cindy Suarez, Secretary