



**PLANNING BOARD OF THE  
INCORPORATED VILLAGE OF PORT JEFFERSON**

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Telephone: (631) 473-4744 Fax: 473-2049

**MINUTES OF MAY 18, 2005**

**GENERAL BUSINESS**

*Adopt Minutes from April 26th, 2005 Meeting*

The minutes of April 26<sup>th</sup>, 2005 were not reviewed by the Board.

**PUBLIC HEARINGS**

*JEFFERSON HOLLOW - (#005-03) preliminary hearing for a proposed 6-lot major subdivision application in the RB-2 districts on the eastern side of High Street, approximately 130' n/o the intersection of Maiden Lane and High Street. (SCTM # 206-017-02-014.001)*

Angelo Nicosia, Architect, and John Schnurr were present for this proposed subdivision.

The following was discussed:

- The applicant plans to consolidate the homes in order to preserve some of the trees.
- The applicant will need relief for side and front yards.
- There is enough property to meet the code if needed.
- Phil Schiavone questioned the material that will be used for the retaining walls.

#### PUBLIC INPUT

*Harris Fischer* of High Street was concerned why he wasn't notified prior to this, and he was told that when the application comes in it is reviewed by the board first, and then there is a public hearing. He stated that he cannot determine where this subdivision is located exactly. He questioned if the environmental studies were done yet. He also questioned the clustering and if that would preserve some of the woods. He was told that that the reason for the clustering of the homes was to preserve the woods. He mentioned that Canyon Creek had a problem with drainage, and he would like to be assured that this will not happen at this site. He was assured that the Highway Superintendent and the Village Engineer have not yet reviewed this subdivision plan, and the drainage would be done properly.

*Jacqueline Lewis* of 834 High Street asked what the relief from the grading profile means. Mr. Nicosia explained that there are specifications that the road has to meet. A two percent grade is required and there is currently a 2.8 percent grade. The road grade is also higher (11 percent) and the requirement is 8 percent. The retaining walls were also questioned. She questioned the height of the homes, and was told that it would be less than 35 feet. Could there be businesses permitted in the homes, the leaching pools, and the traffic impact were further questions she had.

*Judith Fischer* asked does the clustering increase the overall density, and were the steep slopes included in the yield. In her opinion, even though you cannot build on the slopes, it is included in the lot area. She suggests that the steep slopes not be included in the yield. She also commented on Canyon Creek, and that there were many other mistakes made in other subdivisions. She questioned the tree ordinance, and she was told that this will conform to the code. She questioned the house that is being taken down; she thought it might have historical value.

*Ray Calabrese* of Myrtle Avenue he questioned the EIS, and was told it was discussed previously. He, too, mentioned Canyon Creek, and he hoped an erosion plan would be looked at. Also, Christie Court was not a name he preferred.

*Barbara Sabatino* of Westview Drive knows it this a rather steep slope. She questioned that if the technology ever be developed so that something could be built on the slope, she would like any approval to read “no further subdivision of property.”

*Marge Riggio* of 615 High Street. How much acreage is each of these homes going to be on? She was told that it varies. She is sure there will be a problem with the drainage. She mentioned that the curve in the road is also dangerous. She wanted to know how long will this project take to complete.

*Mr. Nelin* stated that the price of each house will be approximately \$800,000. The project will take approximately one year to build. The proposed egress is the only possible access into the site. The property was purchased to build this subdivision. That is the reason he bought the property. It meets the zoning code.

*Marge McCuen* questioned the size of the property for each home, and she felt that the size being less than it should be will be a problem. 15,000 sq. ft. is the requirement. She stated that the property is not oversized if it's not useable (i.e., slopes). She, too, mentioned Canyon Creek.

*Mr. Schiavone* stated that the proposed drainage will contain the water on this property. The code now states the storage of rainwater is greater than it was years ago.

*Ms. McCuen* wanted to see the topo map, and *Mr. Nicosia*.

*Sandra Swenk* questioned the existing home. It is on 19,000 sq. ft., and she asked if that will that become a two-family home. *Mr. Nelin* stated that that has not been planned for yet, and *Mrs. Swenk* thought that that should be part of this plan. She questioned the garage. The slopes should not be considered part of the yield.

*Mr. Fischer and Ms. Lewis* were concerned with the drainage plan. SEQRA requires that if there is controversy, that there has to be a full EIS.

*Mr. Nicosia* stated that *Mr. Fischer's* home will not be affected by this development. He is not located where there could be a problem.

*Ms. Lewis* stated that Boards seem to feel that they have to give developers a full return on their development. Their plan is accepted, and the public has to deal with the result. The Board's job is to protect the residents, not the developer.

*Mr. Kunz* was concerned with the water problem. He sees the water come down the property all the time. This project is going to be three more degrees than it should be. How can the water go into the drains if it is coming down that fast? Where will the water go that is coming off the houses? The drainage must be considered.

*Marge McCuen* questioned the fact that there isn't a court reporter at this meeting, and thought that this was too important to have a secretary just taking notes.

The Board stated that there is no requirement that this application has to go to the Zoning Board.

*Ray Calabrese* stated that this is a legal board, and he claimed that a court stenographer should have been present.

*Marge Ehrinson* stated that she has property that has been damaged by a builder who ripped out her bushes and trees. She doesn't want this to happen again at this site. She would like to see enforcement.

*Sandra Swenk* asked what other boards and committees will review this subdivision.

Mr. Schiavone explained the process of the hearings as per the code, and the code does not require a second hearing. There could be another hearing in the future. That will be determined by the Board.

On a motion by Mark Bronson, seconded by Phil Schiavone, the hearing was closed.

*INVESCO AFFILIATES, LTD (#005-04) conditional use hearing for a site plan/conditional use permit application for the proposal to construct 53 residential units and 4,200 sq. ft. of commercial/office space. The subject property is located the Central Commercial C-1 District on the south side of West Broadway. (SCTM # 206-012-06-004.001)*

Fran Campani and Michael Schwarting, Architects were present. The proposed plan and a model of the site were presented to the public. Mr. Schwarting described the proposed residential, the site itself, and the proposed parking. There are 81 residential parking spaces, which is more than required. The Fire Marshal will review this plan. Chick Voorhis has discussed this with the New York State DOT, and this would be the best egress / ingress. The amount of traffic will increase, and that must be reviewed with the traffic studies.

The placement of the small house might become part of this site as a children's museum. There were several views of the site presented to the Board.

Mark Brosnan commented on the access to the property and whether or not there would be a left turn permitted.

PUBLIC INPUT

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*Jackie Lewis* 834 High Street asked if these are rentals and if they were handicap accessible.

*Virginia Capon* had concerns regarding making a left turn onto Broadway.

*Chick Voorhis* stated that this will be reviewed by the DOT.

*Ma. Capon* stated that 53 units could have up to 100 cars. This could be a major traffic problem. She was reassured by Mr. Voorhis that there would be a traffic study.

*Ray Calabrese* discussed the traffic flow as well.

*Fred Levine* of Bleeker Street doesn't see this as a good site for commercial property.

Mr. Schwarting explained that this is a commercial (C-1) zone. The space will actually be office space and some retail space. There is only 4,200 sq. ft. of office space. The conditional use is to request the apartments.

*Charlie Kenny* of 2 Francis Lane questioned the number of stories. He was told that it is three stories high, but it appears to be 2 ½ stories because each duplex has a tall living room space. He thinks this is a good use, and he is pleased the look of the site with the way the building is set back.

*Regina Stanton* asked how long the project will take to build, and she was told approximately 1 ½ years. She stated that this is a very good use for the site.

*Michael Mart* of Bayview Terrace he is concerned with traffic. However, although the traffic will increase, it will be a better use because the residents will drive differently than the people who used it when it was a motel. This project is a major plus for the community. He is also pleased that this will not be commercial. At present, the site is being used for parking for Danfords.

*Fred Levine* would like to see the plan changed not to have commercial use, but the Board explained that it cannot be strictly a residential use.

*Jane Jurich* asked where the Danfords parking will once the new building is built. She was told that the owner of the property made an arrangement with Danfords for them to park temporarily, now Danfords will have to make other arrangements.

*Niamo Solo* stated that the placement of the curb cut was considered a long time ago.

*Doug Norton* feels this is a real plus for the community. He is concerned with the commercial part of the project. He asked if the applicant could go

for a change of zone at this site, and would the Planning Board go along with the request.

*Charlie Kenny* would like to see the commercial use eliminated as well, or limit the use to professional office. He thinks the project would work better if it could be limited to residential.

*Ray Calabrese* stated that this use could be changed at a later date to all residential.

On a motion by Mark Brosnan, seconded by Jennifer Sigler, the hearing was closed.

## **APPOINTMENTS**

***ISLANDER BOAT CENTER (#031-04) meet with owner to discuss conditional use permit for the storage of boats 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 (S.R. 25A) and west of Port Jefferson Harbor (SCTM No. 206-007-01-005).***

Mr. Scoglio is requesting the renewal of his conditional approval. The Town of Brookhaven, the DEC, and the Army Corp of Engineers permits have been

submitted. The repair of the bulkhead will be done by Mr. Scoglio. He is awaiting the underwater lease. He has a five-year option. He must do the improvements to the bulkhead. Mr. Scoglio took care of his violations with the Village. He might change the use for the property in question to “temporary staging” area. He is trying very hard not to use the forklift. He will purchase a forklift and keep it on the site.

Will Rau requested the applicant receive the renewal of the conditional use permit. There is a possibility that in the future, the zoning could get changed from M-W to residential on the controversial piece.

The boat storage on the RB-2 parcel must be dealt with. Mr. Scoglio must receive a lease from the Village regarding this property. There is no written agreement with the Village that the owner permits parking during the baseball season to the residents.

On a motion by Phil Schiavone, seconded by Jennifer Sigler, the Board voted to renew this conditional use reinstating the original conditions set forth dated August 12<sup>th</sup> 2003 that the site plan improvements, specifically the repair of the bulkhead, the installation of the travel ram and waterside improvements commence as permits permit. The show-of-hands vote was 4-0.

*320 MAIN STREET (#037-05) meet applicant's architect to discuss proposed changes to the entry of storefront on Main Street (S.R. 25 A) located in the Village's Central Commercial C-1 District. (SCTM # 206-012-07-025.006)*

John May, Architect, provided an amended site plan to the Board. He described the use and size of the building, as well as the parking requirements. There are nine parking spaces. He discussed everything that was on the site plan with the Board. The request is to modify the front entry of the building. The plan shows the proposed change. No additional parking is required.

The ARC comments dated 05-18-05 in reference to the 04-05-05 comments were read to the Board.

Mr. May advised the Board that those comments did not apply because they reflect a later drawing, and he is now going back to the original proposal, therefore, the comments do not apply.

Mr. May read a recommendation from the ARC which did not apply since there is no application for a sign permit, and the façade change must take place. Mr. May explained to Jennifer Sigler that he is providing what has been requested.

Jennifer Sigler suggested the alcove be designed differently.

Mr. May explained that the owner preferred this proposed plan. This plan does not require parking.

The Board was not in favor of either plan presented.

***MILL CREEK ROAD PROJECT - PASTA PRONTO - (#039-05) Discuss with attorney for applicant to discuss proposed change of use application to convert two units from retail and retail food to one unit of 1,600 sq. ft. for retail food on a property in the Central Commercial C-1 District on the south side of Mill Creek Road and west of Main Street (SCTM # 206-012-07-045.000).***

Kevin Reilly, Attorney, represented the applicant. The Planning Board has taken the position that this is a nonconforming use.

Mr. Reilly stated that Section 250-38 outlines four specific criteria that a use must meet. Mr. Reilly stated that the applicant only meets one of the criteria since this property is in within 150 feet of other establishments. Because of this criteria, it is considered a nonconforming use. Since he doesn't meet all four criteria, Mr. Reilly states that this is not a nonconforming use.

Mr. Reilly is stating that this is not a nonconforming use, so it can actually be enlarged. This is an approved conditional use, not a nonconforming use.

Mr. Reilly explained how to look at a written law to interpret its meaning. Therefore, all four of the criteria must be met, not just one.

Section 250-18 states that the business cannot be within 150 feet of another establishment. The code allows the business to increase its size. The property lines do not change at all.

To expand a conditional use, there needs to be a conditional hearing. Retail food is a conditional use, and this will require a conditional use hearing.

This use is permitted in this building, and the use is just becoming larger.

On a motion by Jim Burke, seconded by Jennifer Sigler, the Board will hold a public hearing at the June meeting. The matter will also be referred to Barry Warren.

#### **ACTION TO BE TAKEN**

*RESOLVED*, that a public hearing is hereby scheduled for 7:30 p.m. at Port Jefferson Village Hall, on **June 28<sup>th</sup>, 2005** for the Change of Use/Conditional Use Permit application for proposal to convert two units from retail and retail food to one unit of 1,600 sq. ft. for retail food on a .16 acre parcel in the Central Commercial C-1 District on the south side of Mill Creek Road and west of Main Street.

*C & C AUTO COLLISION - (042-05) Consider completeness of a site plan application for a proposed 1,120 square foot one-story addition to an existing auto body repair facility on a .317 acre parcel in the General Commercial C-2*

*District, west side of Texaco Avenue, approximately 205 feet south of Sheep Pasture Road (SCTM No. 206-021-04-008.002).*

William Rau discussed the proposed site plan with the Board. The application is complete. The requested additional space will be used to work on the cars. Elevations were presented. The sign was discussed.

On a motion by Jim Burke, seconded by Phil Schiavone, the Board voted to approve the site plan as presented to include screening north side, relocation of the dumpster further west of Texaco Avenue, and the appropriate sign permit. The show-of-hands vote was 4-0.

**RESOLUTION:**

*WHEREAS*, a site plan application for Charles Dassaro was received by the Planning Board on May 3<sup>rd</sup>, 2005, and was found to satisfy the site plan submission requirements; and

*WHEREAS*, the application is for a proposed 1,120 square foot one-story addition to an existing auto body repair facility on a .317 acre parcel in the General Commercial C-2 District, west side of Texaco Avenue, approximately 205 feet south of Sheep Pasture Road; and

*WHEREAS*, the use is a permitted use within the District and the expansion does not create any noncompliance with regard to the regulations of said District, and

*WHEREAS*, said application meets the criteria for classification as a Type II ACTION pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental Conservation Law; and now therefore be it

*RESOLVED*, that the site plan application for Charles Dassaro is hereby deemed complete as of **May 18<sup>th</sup>, 2005**; and therefore be it further

*RESOLVED*, the site plan application for Charles Dassaro for the proposed 1,120 square foot one-story addition to an existing auto body repair facility as shown on the site plan prepared by James V. Delucca, dated September 14<sup>th</sup>, 2004 is hereby approved subject to the following conditions:

1. Provide additional screening along the northern property line to adequately screen the existing outdoor storage area from the residential use to the north.

2. Relocate the dumpster and properly enclose as per the requirements of § 151-21
3. Relocation of the sign will require that a new sign be constructed that conforms to the provisions of the Village's sign ordinance. Backlit signage is prohibited.
4. Submit four (4) copies of a revised site plan with these conditions addressed and copied onto the site plan and signed by the owner of said property for approval and signature of the Chair.

Pursuant to Section 250-52 (E and F) of the Port Jefferson Village Zoning Ordinances, unless construction is commenced and diligently pursued within nine (9) months of the date of the granting of a variance, this approval shall become null and void. This approval will expire **February 18<sup>th</sup>, 2006**. You may apply for a one-time only extension of six months, which mu

***PORT JEFF LLC - (#040-05) - Review proposed plan to renovate and add doors to the Village Way Restaurant, located in the Central Commercial C-1 District on the west side of Main Street, approximately 100' from the corner of Main Street and West Broadway. (SCTM # 206-012-07-047.011)***

Alan Wachner was present for this matter. The proposed site plan was reviewed by the Board. It was agreed that the existing counter would be cut back away from the windows.

The applicant will amend the approved site plan to show the new wall.

On a motion by Phil Schiavone, seconded by Jim Burke, the Board approved the site plan as per the submitted drawings dated May 4<sup>th</sup>, 2005. The show-of-hands vote was 4-0.

**RESOLUTION:**

*WHEREAS*, the Planning Board has received a proposed plan to renovate and add doors to the Village Way Restaurant, located in the Central Commercial C-1 District

on the west side of Main Street, approximately 100' from the corner of Main Street and West Broadway; and

*WHEREAS*, the Planning Board has classified the proposed renovation as a Type II Action pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental Conservation Law; and now therefore be it

*RESOLVED*, that the proposed renovation to the Village Way Restaurant as shown on the Plan prepared by MJCL Architects, LLP, dated May 4<sup>th</sup>, 2005 is hereby approved subject to the following condition:

1. A building permit is filed and received from the Village's Building Department prior to the commencement of any work on site.

### **VILLAGE BOARD REFERRAL - LIBERTY MEADOWS**

*Review referral from the Village of Board of Trustees regarding a change of zone petition for 18.45 acres currently zoned Single-Family Residence R-B2 and Residence-Office R-O. The request is to rezone to Moderate-Density Residence R-M.*

Chick Voorhis presented a new proposal for this site. The new proposal will not require a change of zone. An acre of property has been added to the site. This is in the RB-3 zone. The Board discussed this proposal at length. A model of the existing grade was presented, as was the proposed placement of the dwellings.

The preservation of land was discussed. Fran Campani and Michael Schwarting, architects, presented a colored sketch plan if this new proposal.

The Board is pleased with this proposal and thinks it is a good use of the land.

#### **TRUSTEE REPORT**

Barbara Ransome did not give a report at this meeting.