



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

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Chair  
James Burke  
  
Members  
Phil Schiavone  
Jennifer Sigler  
Mark Brosnan  
Ray DiBiase  
  
Secretary  
Cindy Suarez

**MINUTES of June 28, 2005**

**GENERAL BUSINESS**

*Adopt Minutes from April 26th, 2005 and May 28<sup>th</sup>, 2005 Meetings*

The minutes were not adopted.

**PUBLIC HEARING**

*MILL CREEK ROAD PROJECT - PASTA PRONTO - (#039-05) Public Hearing for Conditional Use/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 .17 acre parcel 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, Michael Shanley, and Robert Shanley, President of Pasta Pronto, were present for this matter.

The proposal is for 1600 sq. ft area of the building to be used for retail food. Presently, this area is now two units of approximately 800 sq. ft. each. One of the units has already been approved for retail food; the other area has been approved for retail. The applicant is requesting permission to allow the retail food use to take up the entire space.

Mr. Robert Shanley explained how the business will operate. The owner of the building has already invested money for garbage receptacles. The food will be packaged in custom-made bags; there will be pre-prepared meals, and lots of imported food goods for sale.

Fran Campani, Architect, designed the building and the applicants interior space. She was questioned by Kevin Reilly as to the preparation of the food, and the size of the pasta making equipment, thereby showing the Board that the size of the area requested is necessary. This proposed retail food site will be in harmony with the surrounding buildings. He said that there will be no adverse effect to the neighborhood.

**PUBLIC INPUT**

Mr. Granville Fairchild of 114 Jones Street stated that Mill Creek Rd is a very narrow street. There is no place to park. There are already three other pizza places in the village. He was told by the applicants reps that all of the parking has been provided, including money paid for this purpose. Mr.

Shanley explained that this retail food establishment was not a destination, nor is it a place to sit down to eat.

Judy Fischer asked if the take out containers will be recyclable. Mr. Stanley will look into that.

Dominick Scotto thinks that this is a great idea since it is a sophisticated eatery and will be a welcome addition to the Village.

Mark Brosnan asked if the signage will be changed, and noted that a permit will be required.

Phil Schiavone asked if this idea has been done before, and he was told that the chef is a veteran of the business.

Jennifer Sigler asked the hours of operation and was told that they would be between 10 a.m. to 10 p.m. She also asked if the exhaust fans will be noisy? She was told that they would not be. The applicant stated that no liquor will be served.

On a motion by Phil Schiavone, seconded by Jennifer Sigler, the hearing was closed. The show-of-hands vote was 5-0.

## **APPOINTMENTS**

*PORT JEFF LLC - (#040-05) - discuss wall constructed outside the retail food use on west side of property, 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, Site Manager, was present for this matter. He stated it was a safety issue. Pedestrian circulation was discussed. The Board accepted modification to the existing site plan, subject to the drawing title stating that states that this is an amendment to the approved site plan dated \_\_\_\_\_.

On a motion by Jennifer Sigler, seconded by Mark Brosnan, the Board approved the site plan. The show-of-hands vote was 4-0 (Jim Burke was not present at this time).

## **RESOLUTION**

RESOLVED, that the Planning Board hereby approves of the constructed three and half foot brick wall adjacent to the parking lot on the western portion of the Chandler Square site as drawn on plans entitled "Penne Lane" Café Renovation, prepared by MJCL Architects LLP, dated June 6<sup>th</sup>, 2005 subject to the following condition:

Submission of four (4) copies of the plan with "amendment to original site plan" included in the title block for signature of the Chair of the Planning Board

*BILLIE PHILLIPS 109 Main Street - (#036-05) - discuss proposed demolition of existing building and reconstruction with an eating and drinking establishment and three (3) retail uses plus a 2nd and 3rd floor consisting of 16 residential apartments. The subject property is approximately .18 acres and is located in the Village's C-1 District on the east side of Main Street. (SCTM # 206-012-02-006.000 & 007.000)*

Fran Campani, Architect for the applicant was present for this matter. She explained that there is an error on the chart and that it should read .07%. Currently, there are three commercial uses within the building. The proposal is for retail including a restaurant on the ground floor, plus access to stairs and elevators to apartments above.

Phil Schiavone would like the calculations for each space made clearer. He also questioned the use of the second floor because there is nothing stated on the Certificate of Existing Use. He stated that the right-of-way was abandoned in exchange for enclosing outdoor dining space. The agreement must be reviewed legally in order to determine the credit for parking for the second floor. There is the possibility that the applicant might have to go to the ZBA to confirm existing uses.

Kevin Reilly discussed Sections 250-27 and 250-9 of the code regarding floor area. Mr. Schiavone stated that there is no use for the second floor. Kevin Reilly stated that the second floor is being used as an accessory to the business. Mr. Schiavone stated that once the use is determined, then the parking could be determined.

Fran Campani stated that when she elaborates on the parking there has to be an agreement on the status of the second floor. She was told that an approved site plan must be provided for the uses of the second floor.

Will Rau explained that this is not a simple expansion, the building is being torn down, and the amount of parking credit is a stretch.

Mark Brosnan discussed the credit; Barry Warren must interpret the R.O.W. agreement.

Billie Phillips explained that the right-of-way transfer was requested by the Village. The Village wanted the abandonment of the right-of-way. This occurred in 1999. There is a building permit stamped by the building inspector showing the second floor. The Certificate of Occupancy does not state the use. The bathrooms were always there. It was definitely an accessory use.

Will Rau went over all of the paperwork in the file. He stated he needs the Planning Board to make a decision.

Billie Phillips explained that the second floor has always been there. There was much discussion regarding the use of the second floor.

Fran Campani thought that storage was included in the parking calculation provided it was not in the basement.

This matter must go to the Zoning Board of Appeals in order that they make an interpretation before this can become a complete application. The applicant is expanding a nonconforming parking building.

The applicant must provide a new site plan showing the existing space, as well as why the applicant feels the credit applies.

This matter will be referred to Barry Warren, Village Attorney.

## **ACTION TO BE TAKEN**

*INVESCO AFFILIATES, LTD (#005-04) Review comments from Suffolk County Planning Commission, assume lead agency status and review EAF 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 in the Central Commercial C-1 District on the south side of West Broadway. (SCTM # 206-012-06-004.001)*

There was a conditional use hearing on this matter. Referrals were sent out. The Suffolk County Planning Commission commented, and a packet was given to the Board members. This is not a complete application. SEQRA coordination letters were sent. No other responses have been received, only the Suffolk County Planning Commission which was fairly negative. The Planning Board can override their comments with a majority plus one.

The application needs to be deemed incomplete. The Zoning Board Chairman did not think this is a matter for the Zoning Board.

Charlie Russo would like to see the Board override the Suffolk County Planning Commission comments. He stated that this is a good project.

Letters from the DOT and DEC are forthcoming. The applicant must confirm approval for sewer district.

On a motion by Phil Schiavone, seconded by Jennifer Sigler, having no requests from other agencies, the Board granted a thirty-day extension of SEQRA. The show-of-hands vote was 5-0.

## **RESOLUTION**

WHEREAS, a site plan/conditional use permit application for **Invesco Affiliates LTD**, has been received by the Planning Board to consider a proposal to construct 53 residential units and 4,200 sq. ft. of office space with associated site improvements, on

3.7 acres situate in the Central Commercial C-1 District, on the south side of West Broadway (S.R. 25A), approximately 65 feet west of Barnum Avenue; and

WHEREAS, the project meets the criteria for classification as a Type I Action, pursuant to Chapter 129 Environmental Quality Review of the Port Jefferson Village Code; and

WHEREAS, the Planning Board has identified Suffolk County Department of Health Services, Suffolk County Department Public Works, New York State Department of Transportation and New York State Department of Environmental Conservation as involved agencies; and

WHEREAS, in accordance with the provisions of SEQR, thirty calendar days for any of the above listed agencies to assume lead agency status or provide comments to this Board has expired; and now therefore be it

RESOLVED, that the Planning Board assumes lead agency status for the site plan/conditional use permit application for **Invesco Affiliates LTD.**

*PJ OAKLAND PARTNERS LLC (#029-04) Assume lead agency status for a site plan/change-of-use/conditional use permit/area variance application to convert existing nursing home to medical-office use. Property is 2.0 acres and located in the Village's Professional-Office P-O District on the east side of Oakland Avenue. (SCTM # 206-021-06-014.002)*

Eric Nicosia, Architect, was present for this matter. He noted that this applicant is also before the Zoning Board of Appeals. This has been classified as a Type I action. The Planning Board hopefully will accept lead agency.

On a motion by Mark Brosnan, seconded by Jim Burke, the Board voted to assume lead agency. The show-of-hands vote was 5-0.

The EAF Part I is complete, and Part II will be completed by the Planning Board. Mr. Rau's concerns were the traffic impacts, sewer district letter stating the sewer requirements, and the paving of the large parking area. He is also concerned by the precedent that could be set by this project.

Will Rau did a traffic study on his own. He also noted that 635 Belle Terre Road has only half of the spaces required by code.

Eric Nicosia explained that this existing building was different from some of the surrounding sites.

Traffic study was discussed and the intersection of North Country and Oakland, and it was noted that the traffic lights are running against each

other. A recommendation might be made that the state intersection should queue up with the light on Oakland Avenue. The Board discussed the traffic study at length.

## RESOLUTION

RESOLVED, that the Planning Board assumes lead agency status for the site plan/conditional use permit/area variance application for **PJ Oakland Partners** (PB application # 029-04 and ZBA Appeal # 329-05) to renovate an existing 36,000 square foot nursing home into a medical arts suite on a two acre parcel in the Professional Office P-O District, east side of Oakland Avenue; and be it further

RESOLVED, the Planning Board postpones making an determination of significance with the consent of the applicant until July 26<sup>th</sup>, 2005, the next scheduled Planning Board meeting.

*JEFFERSON HOLLOW - (#005-03) discuss staff comments and consider preliminary approval for a proposed 6-lot major subdivision application in the Single-Family Residence RB-2 District 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)*

There are 62 days to approve the preliminary plat. Will Rau gave a complete report of the sequence of this application. The concerns of the Board were also reviewed.

The approval could be granted with conditions stated in Will Rau's report

It was recommended that the applicant meet with Jim Clay, Highway Supervisor, and Kevin Koubek, Village Engineer, regarding the slopes, and drainage onto High Street.

On a motion by Phil Schiavone, seconded by Jennifer Sigler, the Board granted an additional thirty-day extension.

*SAVONA - 324 MAIN ST. (#043-05) consider proposed use change from Dry Cleaners to personal service - Nail Spa & Tanning in a building located in the Central Commercial C-1 District on the west side of Main Street approximately 70 feet north of Maple Place. (SCTM # 206-012-07-024.006)*

Margaret Savona was present for this application.

There is a Certificate of Existing Use for a dry cleaner. This Personal Service use has the same parking requirement as the previous use.

It was suggested that the Board approve this personal service use conditioned upon a new Certificate of Occupancy being issued for the site. The applicant will obtain an awning permit from the Building Department.

On a motion by Jennifer Sigler, seconded by Jim Burke, the Board approved this change of use subject to conditions outlined by staff. The show-of-hands vote was 5-0.

## RESOLUTION

RESOLVED, that the Change-of-Use application (#043-05) for **Margaret Savona** located at 324 Main Street for the change from dry cleaner store to personal service nail spa and tanning is **APPROVED** subject to the following conditions:

1. As per § 250-45 A. (1) the applicant shall apply and obtain a Certificate of Occupancy for the change of use to personal service.
2. Any proposed new signage or awnings would be referred to the Architectural Review Committee for comments before a permit will be issued by the Building Department.
3. Return a copy of this resolution signed by applicant and returned to the Building Department with forty-five (45) days of the date of this resolution.

## FOR DISCUSSION

*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)*

The applicant was not present.

*GRAY HOUSE/BARNUM AVE. - discuss site plan for the relocation of the gray house to the .27-acre parcel owned by the Incorporated Village of Port Jefferson located in the Central Commercial C-1 District at the intersection of Barnum Avenue and West Broadway (NYS Route 25A). (SCTM # 206-012-06-005.000)*

The site plan for this site was reviewed by the Board. It was noted that the following is not shown on the plan: the setbacks, the height of the building, landscaping, or the proposed larger driveway.

On a motion by Mark Brosnan, seconded by Phil Schiavone, the Board approved this site plan with the above comments. The show[-of-hands vote was 5-0.

*Chandlery Building - discuss proposed entrance.*

Barbara Ransome discussed the changes with the Board. The doorway's historical value was discussed. Fran Campani commented on the doorway.

On a motion by Jennifer Sigler, seconded by Phil Schiavone, the Board is in agreement to the proposed first floor changed for the Chandlery Building for the Children's Maritime Museum. The show-of-hands vote was 5-0.

*100 OAKLAND AVENUE (#025-04) discuss proposed modifications to approved site plan for a medical office and business office in an existing 4,400 sq. ft. building in the General Commercial C-2 District, west side of Oakland Avenue. (SCTM # 206-021-05-027.000)*

Kevin Reilly, Attorney, discussed all of the changes to the site plan. Bill Jaeger, Engineer, was also present for this matter.

The Board requested a letter stating the neighbor has no objection to the proposed fencing. An open picket fence is proposed.

A revised drawing based on the comments by the Board is required.

On a motion by Phil Schiavone, seconded by Jennifer Sigler, the Board approved the revision to the original approved uses from one large medical 1783 sq to medical spaces of equal 966 for one unit and 790 for the second unit. The show-of-hands vote was 5-0.

## **RESOLUTION**

WHEREAS, on December 14<sup>th</sup>, 2004 the Planning Board approved the site plan application for 100 Oakland Avenue Realty Inc. subject to conditions; and

WHEREAS, the subject property is a 16,180 square foot parcel with a 4,400 square foot brick building situate in the General Commercial C-2 District, on the west side of Oakland Avenue, south of Elm Street; and

WHEREAS, the applicant respectively requested that the Planning Board consider amending the approval with regard to condition # 1, which read:

“Only two uses are permitted within the building”; and

WHEREAS, the Planning Board finds that the request does not increase the degree of noncompliance; and

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

RESOLVED, that the Planning Board hereby approves the request to permit the split of the medical office into two (2) units of 966 square feet and 790 square feet respectively subject to the following original conditions:

1. Remove floodlights from building and replace with lighting that will be in accordance with § 250-37.
2. Remove bollards from rear of building.
3. Existing nonconforming sign will be removed.
4. All newly proposed signage will be referred to the ARC for review and approval prior to the issuance of a sign permit by the Building Department.
5. Amend plan to indicate within 200' of municipal lot and if not pay for parking (five spaces) if not within 200' feet or obtain ZBA variance.
6. Prior to any vegetation being removed or planted the applicant will submit a landscape plan for review and approval by the Planning Board. Additional plantings and screening will be provided along Elm Street and Oakland Avenue and around the dumpster enclosure.
7. As per § 250-45 A. (1) the applicant shall apply and obtain a Certificate of Occupancy for the change of use to indicate the approved use for the premises.
8. Revise drainage calculations to be based on a 3" rainfall event and install necessary catch basins.
9. Submission of revised site plan for signature of the Chair of the Planning Board with the above conditions addressed with ninety-days (90-days) of this decision.
10. Copy of the decision with conditions signed by the owner and notarized copied onto the site plan submitted for signature.

*LIBERTY MEADOWS LLC - (#027-04) Consider sketch plan for a proposed major subdivision on 18.5 acres in the R-B2 District located on the east side of Liberty Ave. (SCTM # 206-016.00 08.00 008.001, 008.002, 009.000 018.000 024.000)*

Charles Russo, attorney, Jim Tsunis, developer, and Fran Campani were present for this application.

The zoning application that was made to the Board of Trustees was suspended. The following was discussed:

- 43 units on 18 ½ acres is presently proposed.
- In calculating yield, the slopes are not excluded from the calculations.]
- The new project preserves 14 acres.
- It is a new application because the area increased.
- Two units will fit into one single family home.
- Minimizing the areas of retaining walls.
- The preservation of trees.
- There are 23 structures for 43 units; one building is 3600 which is two units.

On a motion by Jennifer Sigler, seconded by Phil Schiavone, the Board approved the sketch plan yield map dated June 23, 2005, drawn by Nelson and Pope, showing 43 units within 23 separate clustered structures. The show-of-hands vote was 5-0.

## **RESOLUTION**

RESOLVED, that the Planning Board hereby approves a maximum yield of 43 units within 22 building “foot prints” as shown on map entitled Village Vistas prepared by Nelson & Pope dated June 23<sup>rd</sup>, 2005 subject to the following conditions:

1. Submission of the \$75.00 Sketch Plan Review Fee,
2. Submission of a Preliminary Subdivision Application within 12-months of this approval.

## **VILLAGE BOARD OF TRUSTEES**

*Review referral for proposed revisions regarding clearing.*

Comments will be made by the Planning Board regarding the proposed signage change.

## **TRUSTEE REPORT**

BARBARA RANSOME reported

- There will be a meeting on August 17<sup>th</sup> to demonstrate software for tracking building permits, etc. Will Rau, Kevin Koubek, and Robert Juliano will be present. The cost of the software is \$45,000, which includes maintenance.
- The new mayor does not seem to be making any staff changes. All of the previous administration’s plans will stay in place.
- There will be an appreciation dinner for Jeanne Garant in July.
- The new mayor, Michael Lee, will be sworn in on July 4<sup>th</sup> by Gordon Thompsen. Beer and chips will be served at the firehouse.