



INCORPORATED VILLAGE OF PORT JEFFERSON

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PLANNING BOARD

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Phil Schiavone
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Ray DiBiase
Mark Brosnan

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Cindy Suarez

MINUTES OF JULY 14TH 2005

PRESENT:

J. Burke

P. Schiavone

M. Brosnan

J. Sigler

R. DiBiase

Trustee Barbara Ransome

PJ OAKLAND PARTNERS LLC (#029-04) Consider SEQR 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)

Will Rau: Handed out Part I and his version Part II. He asked if the Board feels there will be any impacts? The size of the building and the amount of parking spaces is the issue. Paving for 50 or more cars is a large impact.

Ray DiBiase: Paving is an easily accomplished construction item. There are no retaining walls, etc. The amount of cars is the real issue here.

Will Rau: Zoning Board issue. Lot line has no buffers besides cars and traffic. Clearing and going lot line to line.

Mark Brosnan: Zoning Board asked for a buffer

Ray DiBiase: Zoning Board is preliminary. Look at ultimate 160 additional cars.

Will Rau: There will be no impact study for energy, noise, public health.

Jennifer Sigler: It is an existing building. Are there other nursing homes? Adjacent lot on other side is a restaurant.

Phil Schiavone: Based on the chart the lowest ratio is 1 per 150 cars. The worst situation is 100% occupied at 3:00PM. One per two hundred. One per one hundred is quite astringent.

Will Rau: Mr. Schneider is in the audience if anyone has questions

Ray DiBiase: Comments made to Zoning Board regarding Belle Terre Rd and Oakland intersection should be addressed.

Jennifer Sigler: If you change signal on North Country Road and Belle Terre Road it won't make a difference.

Ray DiBiase: Difficult to connect signals. Safety issue is train crossing.

Mark Brosnan: Belletaire Road going south, the traffic gets so backed up at 3:30pm. I would like the State to address this matter.

Ray DiBiase: It's difficult to connect.

Jennifer Sigler: I think we are making a tense situation worse.

Ray DiBiase: The revised study was not done. More people will come Route 25A to cut thru.

Phil Schiavone: I would like a letter from the county sewer department saying that there will be a reduction of liquid flow.

Jennifer Sigler: Point out on plan tree landscaping and woods and homes on one side.

Phil Schiavone: Make a summary.

Mark Brosnan: Waste: small to moderate, esthetics: potentially large, traffic = old signal upgrade

Ray DiBiase: Different conditions at different time of day

Jim Burke: I'd like to call up the traffic experts

Steven Schneider of Schneider Engineering 356 Middle Country Road, Coram

Ray DiBiase: What about the memos?

Steve S.: I already submitted my reply in June responding to comments. An ice cream stand or hotel has no obligations. The site next door can change to a different use. If it were an application for an ice cream shop or a hotel there would be no obligations. The site next door can change at anytime to a different use.

Ray DiBiase: Proposing for information purposes, what would happen if vacant property to the south was developed?

Steven S: Quick sketch of many uses, worst, best and in-between.

Ray DiBiase: Pick a couple.

Steven S.: Worst are medical offices.

Ray DiBiase: Site design work needs to be explained and Belle Terre Road intersection redesigned.

1. **MILL CREEK ROAD PROJECT - PASTA PRONTO** - (#039-05) Consider 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)

Will Rau: This action is legal non-conforming. The code is 150 ft away from property line. Cannot enlarge it. 800 square feet currently exists. I think it is before the wrong board. It should be a ZBA issue. Grand fathered.

Phil Schiavone: Why wouldn't you say this was non-complying?

Will Rau: The code outlines 150 feet. The point was not too many retail food stores. It is 6 small units going to 5 units then to 4 units. I don't think that this is what the code envisioned.

Phil Schiavone: What does Barry Warren say?

Jim Burke: I raised Will's issue and said he may have a point. He came at the tail end of the initial approval.

Jennifer Sigler: Continue the lease.

Will Rau: Not 3600 feet worth.

Phil Schiavone: Not retail, not adding multiples.

Will Rau: You want to be consistent.

Phil Schiavone: Nonconforming would be a gas station, noncomplying is my opinion.

Will Rau: Three months ago I said that this is not for this board to decide.

Kevin Reilly: It is a contradiction to say non-conforming use. Statute lays out four elements, three are time, and one doesn't go to code. Despised by municipality I suggest that when the use was in effect prior to current code the trustees permit to meet nonconforming. The area issue 150 feet is not a use issue. The spirit of the code is as few uses as possible. Not by principals of law a nonconforming use. Area issue. It cannot be both uses. Prohibition against expansion doesn't apply. The building is within 150 feet of the other retail food establishments. The code is noncomplying buildings can be expanded as long as not increased. Measured from property lines, not changing property lines by one inch. Not increasing the degree of non-compliance.

Phil Schiavone: I need a legal definition from our attorney, not the applicants.

Mark Brosnan: Six units to 4 units change the original approval.

Jim Burke: We agreed to grandfather previous uses. The spirit of the application has changed based on the tenants returning that were asked to leave. If it were a brand new building then no permit would be issued.

Kevin Reilly: It seems everybody has expressed favor of the application. If we approve it then they can be gone tomorrow. It was approve for two, we're not looking for three or four. The site plans show that we need more room for the kitchen.

Phil Schiavone: Any current retail establishment can buy the store next door. One successful place expands and it is good.

Jim Burke: The code is vague.

Kevin Reilly: Less is more. The less numbers of establishments equals more benefit to the village, which means being able to serve the residents.

Mark Brosnan: It is contradicting the village planner.

Phil Schiavone: The village attorney should give us an answer.

James Burke: Will makes his point.

Kevin Reilly: Pull the trigger and this can go thru. If another 800 sq foot establishment is going to be bigger, we want to make the building better. The court of appeals said that distance separation area issue, not a use issue.

Jim Burke: Typically the ZBA interprets.

Will Rau: Second floor, can we do that? Tommy's Place doesn't meet 200-foot requirement.

Jennifer Sigler: Noncom plying.

Will Rau: Meet requirement to get non-conditional use.

Kevin Reilly: Area related, not use related

Jim Burke: Approve?

Will Rau: Do you have health department approval? You still need a building permit.

Kevin Reilly: OK.

Jim Burke: Put it back to Barry Warren. Base the decision on confirmation that use does not violate code.

Will Rau: What if Barry doesn't confer?

Mark Brosnan: Go to ZBA

Jim Burke: We've approved the change application as presented. Subject to clarification from the village attorney.

Phil Schiavone: Permitted conditional use previously approved.

Jim Burke: Motion to go to village attorney

Jennifer Sigler: 2nd

Vote was 5 - 0

RESOLUTION:

WHEREAS, on March 23rd, 2005, the Planning Board received a Change-of-Use application for PASTA PRONTO, INC. to convert an 800 square foot unit approved for a retail use to a retail food establishment; and

WHEREAS, the premises is located in the Central Commercial C-1 District, on the south side of Mill Creek Road, west side of Main Street (S. R. 25A), approximately 180 feet south of West Broadway; and

WHEREAS, the Planning Board has classified the proposed change of use application as a Type II Action pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental Conservation Law; and

WHEREAS, as per § 250-18 B. (9) of the Code the proposed use is a conditionally permitted use within the District; and

WHEREAS, on the evening of June 28th, 2005 a conditional use hearing was held in accordance with § 250-51 of the Code of the Village of Port Jefferson; and now therefore be it

RESOLVED, that the Planning Board hereby approves the Change-of-Use application for PASTA PRONTO, INC. 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 subject to the following:

1. Confirmation from the Village Attorney that the use does not violate the Code of the Village of Port Jefferson.
2. **INVESCO AFFILIATES, LTD (#005-04)** 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)

Will Rau: Assumed lead agency did 30 day extension. Not sure that we should be discussing this yet. Received letters from DEC and DOT. They liked the curb cut.

More than 100 feet from wet lands no permit necessary. Note has to be removed from survey.

Phil Schiavone: Apartments allowed in C1 zone. Use not allowed on first floor. Spoke to Mike Verruto.

Francis Campani: Twenty-one efficiency units existing on ground floor, current plan kept it twenty-one.

Phil Schiavone: Suffolk County tried to come up with a yield, wrong. We can go against their recommendations.

Jim Burke: There is a gray area with the application.

Phil Schiavone: Three things: Zone change (tuff), Get use variance (difficult), code change for height. You don't want first floor, people will be looking in windows.

Will Rau: Planning Board has to come up with language.

Jim Burke: Planning Board grants apartments in cluster.

Michael Schwarting: Based on the notion that there are twenty-one units; The Suffolk County Planning Commission doesn't address existing units.

Fran Campani: Turning point, not to send to ZBA.

Phil Schiavone: After reading the letter I do not recognize efficiency existing.

Jennifer Sigler: How long has it been there?

Michael Schwarting: Forty years

Will Rau: Harbor Square Mall is a large parcel. They can take that down and build apartments.

Phil Schiavone: There is a decent landscape buffer. No apartments in streetscape fashion.

Michael Schwarting: Situation where not viable.

Phil Schiavone: Ask for an extension on SEQRA. Need clarification on Suffolk County letter.

3. **JEFFERSON HOLLOW** - (#005-03) Consider preliminary approval (deadline for decision is **08/18/05**) 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)

Will Rau: Jim Clay is on vacation and could not go over drainage.

Board: There is an August 18th deadline. We wanted comments from Jim Clay.

Jennifer Sigler: Ask Kevin about the high stonewall. Get more maps showing large trees that will be saved in the clearing line. Find visibility going in and out.

Will Rau: Recommend on conditions on preliminary approval. Can go to 12.

Phil Schiavone: Approve lot line.

Will Rau: Deadline going on since 2003

Mark Brosnan: Based on Kevin's opinion and Jim Clay 's opinion and the advisory 's opinion.

Will Rau: Look at resolution before vote. Regular slopes = conservation easements or restricted covenant. Submission: - clearing grading plan for each plot.

Jennifer Sigler: Push clusters closer. The road takes up the whole site.

Will Rau: CEU is for three family. Meet conditions before we sign map

There will be no vote until September. Preliminary hearing to meet conditions. Come back with final application.

Jackie Lewis from High Street: It is very busy, there are numerous buses. It is used as a by pass. Is an environmental study being done? I am happy to see that you are saving the trees. The slope is permitted at 12%?

Phil Schiavone: Yes, we are waiting for the highway department.

Kuntz: Changing three family houses to a single family is a condition

Linda Trakowsk: Remember the Canyon Creek flooding problem?

Jackie Lewis: I would like more notice of when the meetings are.

4. **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)

Phil Schiavone: Approve plan as received 7/14/05. Stubbed up deep alcove. Changed floor layout. Vote 5 - 0

RESOLUTION:

RESOLVED, that the Planning Board hereby approves of the entry renovation for the premises located at 320 Main Street as shown on plans prepared by J. Sergent May & Associates, LLC dated May 18th, 2005 and stamped "Received" by the Planning Board on July 14th, 2005.

FOR DISCUSSION:

5. **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)

Will Rau: Kevin Reilly is getting letter about the fence.

Jennifer Sigler: Repair or replace existing fence. Clean up weed trees. No stockade fence.

Will Rau: Code is common use adjacent to resident is stockade or thick hedges,

Jennifer Sigler: We should not approve a vinyl picket fence. They break and don't hold up to the sun. Curbing can be used. I'd like to see curbing and a planting strip.

Phil Schiavone: Duplicate what is there now.

Will Rau: I'd like to see some brevity screening.

Jennifer Sigler: Are they going to repave road?

Phil Schiavone: It says all new. They have to repave.

Jennifer Sigler: I saw one drain in the whole place.

Will Rau: I'll write a letter.

6. TRUSTEE REPORT

Barbara Ransome: Had a meeting with the new mayor. The room was filled with people. Discussed:

Noise

Speeding

Garbage cans being put away behind something, there will be a senior citizen code leniency. Garage height approved

The steel building is moving along; there is a drainage glitch, the ring filled to the top. Windows should be ready in about two weeks. Painting is tomorrow. The tile is done in the bathrooms.

There should be a temporary CO for August. It is going month to month right now.

Brian Harty is the new Deputy Mayor

Charles Dickens will celebrate their tenth anniversary.

New show, Prospers meet Fuzzy Wig ball

Friday there is a Community ball at the Community Center

Bring Mayor up to speed and extend moratorium six months for parking.

Public hearing for \$1 increase for Maggio.

Meeting ended 11:00PM.