

July 23, 2009

PLANNING BOARD MINUTES

PRESENT:

Gladys Gentile, Chairman (GG)  
Jennifer Sigler (JS)  
Ray DiBiase (RD)  
Mark Brosnan (MB)  
Mayor Margot Garant, (MG)Liason  
Cindy Suarez, Secretary (CS)

ABSENT:

Phil Schiavone (PS)

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*The Planning Board meeting is held on the 2nd floor of Village Hall in the courtroom, 121 West Broadway, Port Jefferson, NY 11777.*

TRUSTEE REPORT:

Mayor Garant gave the following report:

- First time attending a Planning Board meeting, will be observing.
- Looking for recommendations to add two new Planning Board members, as alternatives.
- The Board of Trustees has been moving forward working together.
- Members on holdover should prepare to take oath reinstate them.
- The current Board has the proper mix of members and their knowledge.

GENERAL BUSINESS:

GG: Discussed SEQRA regulations enabling statute – state applies to all matters; may override local rules.

Because TC&G applications could trigger environmental impacts, unlisted actions have to be "dec'd". Most applications will received negative declarations following SEQRA review.

Findings for SEQRA determinations must be discussed and listed. Short EAFS (Environmental Assessment Forms) need be signed. SEAF need be attached to PB applications.

APPOINTMENTS:

**Tree Clearing & Grading application #174-09MB (continued from 6/25/09)**

**Section 9, Blk. 1, Lot 13**

**Darren Marino**

**75 Soundview Drive (RB-2)**

**Present: Alicia Cedar, tenant, applicant; and Darren Marino, property owner.**

Application proposes removal of six trees and ground ivy to remove diseased and/or crowded, non-thriving trees; trees overhanging house, and to allow sunlight for landscaping plans in rear yard. JS did site inspection.

JS: There are many trees on site. Six trees are slated for removal. In front of house trees marked #1 & #2 on survey are not thriving. Trees #3-#6 are deciduous Oaks, two of which substantially hang over the house. The house to the west would not be affected by their removal. \*The overall health and shape of tree #4 (rear yard) is substantially better than an oak behind it designated to remain. Make a suggestion that tree #4 remain as a specimen tree in the back yard and the tree ten or so behind it which as a number of dead limbs and asymmetrical shape be removed.

Applicant is willing to amend application to remove tree #7 in lieu of tree #4. Plan revised to reflect this change.

MB: The bldg inspector's memo finds no issues.

GG: The applicant filled out page 2 EAF. All members agree on a negative dec. Clarify Alicia Cedar as applicant; owner's consent is made. Darren Marino, son-in-law and owner, provided written consent.

JS moved to adopt a Neg Dec, GG 2<sup>nd</sup> the motion, passed 4-0. Vote on application approved 4-0.

AC initialed and dated the amended the survey and application.

**Application #168-08PS (continued from 6/25/09)**

**Section 9, Block 7, Lot 5**

**North Shore Tree Co, for Alex Drees**

**324 Thompson St.**

**RB-2 Residential**

**Present: Alex Drees**

**JS recused**

**Tree Clearing and Grading application:** proposed removal of trees and clearing approximately 65% of natural vegetation.

MB & GG did site inspections.

MB: Trees to be removed are flagged. Railroad ties and stone wall are a tough grade. Issues in the rear propose tree pruning, will neighbor be notified? Slope may collapse, not sure if retaining wall is necessary, identified need to stabilize with a revegetation plan and/or other mitigation, including retaining wall. Tree removal is in a sloped area.

MB will do a Google map on internet and meet applicant on site. Need spot elevations.

GG: Do you think topo is necessary for grades? An aerial is recommended. We need more information to examine the problems that need to be identified. This application will left open.

AD: Very frustrated with the process. This was started by North Shore Tree Service c/o Jeffrey Jensen.

MB: Volunteered as lead member on this application and will do proposed findings and contact Mr. Jensen.

**WORKSESSION:**

**Application #175-09RD**

**Section 23, Block 1, Lot 8**

**Matthew Verruto**

**51 Hillcrest Avenue**

**RB-2 Residential**

**Present: Matthew Verruto, property owner & Michael Verruto, father**

**Tree Clearing and Grading application:** for removal of eight (8) trees to mitigate slope erosion.

CS: Building Inspector's memo was read.

Applicant, Matthew Verruto: Pool was installed with a permit and nothing on the slope was disturbed during construction. A serious erosion began with rain storm. It was fixed several times. There were three attempts to do non invasive stabilization. An application for retaining wall was submitted to the building department. The application was returned and I was sent to the Planning Board for a TC&G permit.

MG: Can building permit application and planning board application be submitted at the same time?

CS: Must have PB approval before a permit can be issued for TC&G.

MV: There is a court date scheduled for 7/28/09.

GG: That should be dismissed for compliance.

**Findings:** Replanting plan as executed alleviates dangers of erosion and fully mitigates likelihood of erosion. The GEO wall stabilizes the slope and meets and/or exceeds all reasonable standards for stabilization of the steep slope.

MB: Slope modification and regrading further mitigates the likelihood of further erosion. The species are indigenous. The trees that have been replanted exceed the prior number of existing trees, thus preserving and enhancing the character of the neighborhood and the view from the public street Crystal Brook Hollow Road.

MB moved to adopt the findings. MB moved, 2<sup>nd</sup> by RD, to adopt the neg dec pursuant to SEQRA, carried 4-0.

MB moved to approve the application, 2<sup>nd</sup> by RD, subject to submission of a certified sealed plan, and carried 4-0.

**Application #171-09RD**

**Section 18, Block 4, Lot 33**

**Dianne Droscoski**

**20 Hillcrest Avenue**

**RB-2 Residential**

**Present:** D. Droscoski, property owner

**Tree Clearing and Grading application:** for small retaining wall to stop backyard erosion.

Applicant, Diane Droscoski: Trench footing and 3' of back fill near back of wall which is 50' long. No tree removal proposed.

JS: section 241-2(B) grade changes – 100 sq feet of grade change triggers an application.

GG: slopes, saw trenching, wall on top of trenching 3' would cause grade change. The property drops off somewhat to the neighbor's property on the east side.

MB: 3' high wall does not necessarily mean a grade change.

RD: The building inspector's memo questioned the property line and exact location of proposed wall.

MB: The surveyor that did the original survey "August Nappi" is no longer around.

**Proposed Findings:**

1. No tree removal
2. No substantial removal of vegetation.
3. Retaining wall is proposed to stabilize an eroding small slope and prevent future erosion (toward east property side line) will serve to remediate.
4. Revegetation is proposed and is required.

JS moved, 2<sup>nd</sup> by RD, to adopt the findings and approve the negative declaration, vote was 4-0.

JS moved, 2<sup>nd</sup> by RD, vote 4-0 to approve the application subject to:

1. Receipt of a certified (sealed) survey establishing the wall location.
2. Revegetation of disturbed area.

**DISCUSSION:**

**Application: 160-08RD**

**Section 16, Block 8, Lot 16**  
**Derek Wonderland c/o Hawkins, Webb, Jaeger (HWJ) PLLC**  
**606 Main Street**  
**RO Residential Office**  
**Present: Bill Jaeger, Architect**

**Proposed change of use from two residences to a proposed mixed use of building with an office on the first floor and a residence on the second floor. Discuss applicant's 7/7/09 response letter to the comments addressed in the Planning Board's 6/1/09 letter to the applicant.**

Bill Jaeger, for applicant: I'm not the person who has been following this application, coming into it in the middle. There is some confusion as to which Board (ZBA or PB) the applicant should be in front of. Looking to have some action.

CS: The applicant has already been granted a variance from the ZBA, as reflected in the property file.

6/1/09: Planning Board sent a letter to the applicant with a summary of the Village Engineer's comments on this application.

6/1/09: SCPC referral was sent for comments.

6/11/09: SCPC response received: "application is considered to be a matter for local determination."

7/7/09: Hawkins, Webb, Jaeger response letter to Planning Board.

Bill Jaeger waiting for direction from Village Engineer on drainage calculations and on how to handle the roof over porch; also need DOT to sign off on applicant's response.

***10:00PM the meeting ended before the agenda could be completed due to loss of electricity from a storm.***

Respectively Submitted,

Cindy Suarez, Secretary