



# Incorporated Village of Port Jefferson Planning Board

**AUGUST 17, 2006  
MINUTES**

The Planning Board meeting is held on the 2<sup>nd</sup> floor of Village Hall in the courtroom, 121 West Broadway, Port Jefferson, NY 11777. Applications are scheduled to begin at 7:30 p.m., or shortly thereafter.

**PRESENT:** James Burke, Chairman  
Jennifer Sigler  
Ray DiBiase  
Mark Brosnan  
Phil Schiavone  
Will Rau, Village Planner  
Brian Harty, Trustee

## **GENERAL BUSINESS:**

On a motion made by Jennifer Sigler, seconded by Phil Schiavone, the Board adopted the minutes as amended from 7/13/06 The vote was 5 - 0.

## **TRUSTEE REPORT:**

Brian Harty gave the following updates:

- The Village has retained a new attorney exclusively for planning and zoning issues, her name is Annette Eadesto.
- The trustees are considering limiting parking on Main Street to one hour daily.
- The Meadow parking lot is due to bid in early September 2006. There will be 40 spaces added to the existing parking.
- The village is considering solar parking meters at a fee of 50 cents an hour. There will be a validation to the merchants.
- A landscape crew has been hired for public spaces and parking lots in the Village. The BID and the Village are sharing the expense.
- The COC has applied for a \$50,000 grant for garbage cans, lids for old cans, benches and a gum buster to clean up the sidewalks and streets.

## **DEVELOPMENT ACTIONS**

**P.I. Oakland Partners** (# 029-04)  
Sec. 17 Blk. 7 Lot 2 Sec. 21 Blk 6 Lots 14.1 & 14.2

Consider site plan application to convert former nursing homes to medical-office, construct an additional 61,380 square feet of medical office space and 3,500 square foot bank with drive thru located on three separate tax parcels

totaling 9.67 acres in the P-O District on the east side of Oakland Avenue and south of North Country Road.

Present were:

Enrico Scarda (owner), Ken Ghaul (owner), Arthur Herman (owner), Hrvoje Marnika (engineer from Nelson & Pope), Mark Lyon (applicant's advocate), and Eric Nicosia (architect)

The proposed construction-phasing plan was reviewed. There will be construction fences surrounding the area during all phases of construction.

Eric Nicosia, architect displayed colored renderings of the front elevations (before and after) for two of the structures. Mr. Nicosia stated that his designs are based on ARC guidelines. The bronze color will be tied in to match on all buildings.

Ray DiBiase recommends that the signaling work at the Belle Terre Road/ North Country Road intersection during phase I of the project.

Mr. DiBiase questioned how much less clearing would be involved due to the parking deck. Mr. Marnika explained that the clearing remains the same, the onsite landscaping would increase.

The parking deck will be built in phase III of the project.

Final paving lift for the entire project (wearing surface) will be done once the third phase is built out.

There were key design changes made to the project. A parking deck with stalls on two levels was added.

The Oakland Avenue access was revised.

The curb cuts were discussed, adding green space and benches for a park like theme.

Jennifer Sigler expressed concerns with what she feels is still an excessive amount of asphalt. She suggested landbanking more spaces in order to provide a wider landscape buffer along Oakland Avenue.

Phil Schiavone read the letter from the Suffolk County Planning Commission, Thomas Isles, director of planning.

There is no objection from the Board members to start interior demolition on Arthur Hermann's building, phase I.

Jim Burke made a motion to approve the revised site plan dated 8/15/06 as presented with changes and conditions discussed, seconded by Mark Brosnan, all in favor the vote was 5 - 0.

**RESOLUTION:**

**GRANTING CONDITIONAL SITE DEVELOPMENT APPROVAL FOR THE APPLICANT NORTH SHORE PRO, LLC.**

**WHEREAS**, a site development/conditional use application for P.J. Oakland Partners, L.L.C. was submitted to the Planning Board on November 21<sup>st</sup>, 2005 for consideration of converting the former nursing home uses to office buildings for business and professional use including administrative, medical and financial (bank) uses; and

**WHEREAS**, the subject site is three separate tax parcels totaling 9.67 acres in the Professional Office P-O District on the east side of Oakland Avenue and south of North Country Road; and

**WHEREAS**, the site is mostly improved with the exception of the southernmost parcel, tax lot 21-6-14.1 is 4.23 acres wooded with some areas of steep slopes, tax parcel 17-7-02 is approximately 3.4 acres has a single story 36,000 sq. ft. nursing home with 52 bedrooms, 52 off-street parking spaces, is mostly cleared and flat with landscaping in the front yard, tax parcel 21-6-14.2 is also improved with a 36,000 square foot nursing home but with three stories and 37 on-site parking spaces, also mostly flat and cleared; and

**WHEREAS**, the nursing home use is conforming however the building and site are non-complying with regard to the current code requirements; specifically tax parcel 17-7-02 exceeds permitted lot coverage (20%) and necessary on-site parking (1/400 sq. ft. or 90 spaces) and tax parcel 21-6-14.2 does not meet the necessary on site parking (1/400 or 90 spaces), required lot frontage (250') and overall lot area (100,000 sq. ft); and

**WHEREAS**, the application meets the criteria for classification as a Type I Action, pursuant to Chapter 129 *Environmental Quality Review* of the Village Code and by resolution dated December 13, 2005 the Planning Board made a determination of non-significance and issued a negative declaration; and

**WHEREAS**, in accordance with § 250-51 C. of the Code and § 239-m of Article 12-B of General Municipal Law a referral was made to the Suffolk County Planning Commission; and

**WHEREAS**, by letter dated December 7, 2005 the Suffolk County Planning Commission determined that the application was a matter for local determination as there appears to be no significant county-wide or inter-community impact(s); and

**WHEREAS**, the Zoning Board of Appeals (Appeal No. 345-05) granted the following area variances:

- 1.) Lot area variance for tax parcel 21-6-14.2 from 100,000 sq. ft. required to 87,120 sq. ft. proposed.
- 2.) Lot frontage variance from 175 ft. required to 165 ft. existing.
- 3.) Parking ratio variance from requirement of 1 parking space per 100 sq. ft. of medical office building area to 1 parking space per 150 sq. ft. of medical office building area.
- 4.) Parking setback permitted within required 100 ft. of R-M Zone along the easterly property line immediately adjacent to the Village of Port Jefferson Highway Department property.

- 5.) Parking setback variance granted along the westerly property line immediately adjacent to Oakland Avenue, reducing the setback from 50 ft. required along the to boundary of the c-2 zone (centerline of Oakland Avenue) approved to 45 ft. required.
- 6.) Parking setback variance granted along the northerly 205.85' property line separating the center lot from the adjacent lot to the north, not part of this application, reducing the setback from 50 ft. required along the boundary of the C-2 zone to 20 ft. required.
- 7.) Parking setback variance granted along the westerly 444.91' property line separating the northerly parcel from the adjacent lot to the west, reducing the setback from 50 ft. required along the boundary of C-2 zone to 10 ft. required.
- 8.) Parking setback variance granted from 50 ft. required to boundary of C-2 along south property line to 29.5 ft. required; and

**WHEREAS**, on March 28, 2006 a public hearing was held on the conditional use permit and adjourned to April 25<sup>th</sup>, 2006; and

**WHEREAS**, the Planning Board sought clarification from the Village Building Inspector and the Village Attorney as to whether the proposed bank use qualifies as a financial use under § 250-17 B (2) of the Code; and

**WHEREAS**, the Building Inspector and Village Attorney agreed that the proposed bank use could be permitted upon Planning Board approval; and

**WHEREAS**, the conditional use permit application was closed the evening of April 25, 2006 and all public comments have been duly considered by the Planning Board; and

**WHEREAS**, on April 25<sup>th</sup>, 2006 the Planning Board approved a conditional use permit for PJ Oakland LLC. for the conversion of the former nursing home uses to office buildings for business and professional use including administrative, medical and financial (bank), subject to obtaining final site plan approval within one years time; and

**WHEREAS**, on April 25<sup>th</sup>, 2006 the Planning Board reviewed staff memos from the Village Engineer and Village Planner, which outlined a number of outstanding items; and

**WHEREAS**, the Planning Board deemed the site plan incomplete; and

**WHEREAS**, on May 11<sup>th</sup>, 2006 the applicant made another presentation to the Planning Board with a revised layout which addressed outstanding items that staff raised; and

**WHEREAS**, on May 11<sup>th</sup>, 2006 the Planning Board deemed the site plan complete with the conditions that ten sets of all proposed plans be submitted to staff for final referrals; and

**WHEREAS**, on May 23<sup>rd</sup> 2006 the Board received all the necessary items and staff sent final referrals to the following: Architectural Review Committee; Public Safety Advisory Board; Village Engineer; Village Highway Supervisor; Suffolk County Department of Health Services; and the Suffolk County Planning Commission; and

**WHEREAS**, comments received from the above listed where outlined in the Staff Report dated July 10<sup>th</sup>, 2006; and

**WHEREAS**, by letter dated July 5<sup>th</sup>, 2006, the Suffolk County Planning Commission indicated that after due study and deliberation resolved to disapprove the site plan for the following reasons:

“The proposal is approaching an over-intensification of the use of the parcel. This is evident by the land banked parking scheme. Medical office use should have a high ratio of available parking stalls to building square footage. Should the Village in the future determine that the full compliment of parking is required; the resulting physical parking layout would be rather unsafe. Land banked stalls tend to be landscaped travel aisle boundaries and stalls in difficult to access locations. The total building square footage should be reduced until the Village Codified parking ratio is achieved. Moreover, parking arrangements at the west side of the proposed bank with drive thru is problematic in that during peak banking times these parking stalls may become blocked and thus, unusable. The main access aisle is a straightaway and is some 400 feet long and would tend to promote speeding in the parking lot causing unsafe conditions. Other aisles are 500 to 700 feet long and generate the same concerns.

The western access point to the proposed development is indicated in an unsafe area of the property. Northbound traffic from Highland Boulevard combining with north bound turn movements from the Village parking lot and turn movements from Perry Street and would make ingress/egress movements from the site problematic. The curb cut to Oakland Avenue should be moved north to allow for greater site distance to points south.”

**WHEREAS**, on July 13<sup>th</sup>, 2006 the Board reviewed the Staff Report dated July 10, 2006; and

**WHEREAS**, by verbal consent the applicant agreed to a postponement of the action deadline to August 17<sup>th</sup>, 2006 in order to address comments; and

**WHEREAS**, a work session was held on August 1<sup>st</sup>, 2006 with the applicant, Village Planner and Mr. Schiavone and Ms. Sigler of the Board in which a revised layout was discussed that addressed some of the comments raised in the Staff Report and comments from the Suffolk County Planning Commission; and

**WHEREAS**, by letter dated August 11<sup>th</sup>, 2006, Enrico Scarda, a principal in the application requested that the name of the applicant be changed from PJ Oakland Partners, LLC to North Shore Pro, LLC; and

**WHEREAS**, on August 17<sup>th</sup>, 2006 the Planning Board reviewed all the changes to the plan and made the following findings with regard to the July 5<sup>th</sup>, 2006 disapproval letter from the Suffolk County Planning Commission:

1. The initial referral to the Suffolk County Planning Commission, which was actually for a more intense project, was deemed by the Planning Commission to be a matter for local determination.
2. In the opinion of the Board, should the full compliment of parking stalls be required, the land banked stalls would be quite accessible. The largest concentration of stalls is to the south. 35 stalls are indicated here and could easily be installed and a 24' access lane provided. Remaining land

banking is located randomly throughout the site as landscape islands, which if needed is already inline with existing parking.

3. The Village codified parking requirement does not have to be satisfied as a result of the variances obtained by decision of the Village's Zoning Board of Appeals.
4. Parking arrangements in the vicinity of the proposed bank that may be problematic as a result of queuing for the drive thru during peak banking hours will be dedicated parking for staff thus eliminating the possibility of customers being blocked in. Staff parking only signs for these spaces shall be provided.
5. The main access aisle is 400 feet long, however, the Board respectively disagrees with the Planning Commission and finds their statement about the particular length promoting speeding and being unsafe to be unfounded. Most large commercial (100,000 sq. ft.) development in the area (along NYS Rte. 347 NYS Rte. 112 and CR 25A) has access lanes of similar if not longer lengths. Even the Village controlled West Meadow lot has a main access lane in excess of 400 feet. There are a number of stop signs proposed throughout the site which should minimize potential speeding, there are areas indicated for pedestrians to walk and should speeding become a problem the applicant could install speed bumps or similar type controls.
6. To prevent queuing and/or blocking of parking stall on site, the western access point to the proposed development has been revised to permit ingress only and the size of the entrance has been reduced. A new curb cut will be provided along Highland Boulevard for ingress/egress, which should eliminate a large percentage of traffic utilizing the western entrance.

**NOW THEREFOE BE IT RESOLVED** that the Planning Board hereby approves the site development plan for the **Oakland Medical Arts Center** for the applicant **North Shore Pro, LLC** as shown on plans prepared by Nelson & Pope consisting of: Phase I, the change of use of the existing three-story 36,000 sq. ft. building from nursing home to medical office; the demolition of the one-story 36,000 sq. ft. nursing home; the construction of a 3,500 sq. ft. bank and all associated off-site improvements to the Belle Terre/Oakland Avenue/North Country Road Intersection; Phase II will include the construction of a 35,000 sq. ft. professional office building and Phase III includes the construction of 25,380 sq. ft. professional office building **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Health Department approval prior to filing for building permit.
2. Submission and approval of the "Traffic Signal Plan" for N. Country/Belle Terre/Oakland Ave. intersection, which shall also include a landscape plan for proposed island (low height, low maintenance and salt tolerant).
3. Submission of revised phasing plan to indicate that N. Country/Belle Terre/Oakland Ave. intersection improvements will be completed during Phase I.
4. Revise Phasing Plan to note the following: During Phase I, construction access shall be via Oakland and not North Country Road because of potential safety problems with construction vehicles trying to turn left onto N. Country Road leaving the site; During Phase 2, the Oakland access will be for the public so the applicant shall construct the Highland access and use for construction vehicles.
5. Land banked parking spaces: failure to install improvements.

- a) In the event the applicant/owner fails to install land banked parking spaces within 60 days' written notice, the Building Inspector may order that a written notice be served upon the applicant/owner of the property.
  - b) Content of notice. The written notice shall contain a general description of the number and location of the parking spaces to be installed on site, and an order requiring that the parking spaces be installed. The notice shall specify a time, not less than 30 days after the service thereof, within which the applicant/owner served with such notice shall complete the installation of parking spaces as specified in the notice. The notice shall further state that, in the event that the parking spaces as required by the notice are not installed within the time specified, the Village shall undertake, if necessary, to complete such parking improvements and assess the cost of the parking improvements against the property.
  - c) Service of notice. The notice shall be served by certified or registered mail, addressed to the last known address of the applicant/owner as the same may appear on the site plan application and/or the records of the Receiver of Taxes of the Village.
  - d) Failure to comply: In the event that the applicant/owner fails to comply with the written notice, the Village Board, after a public hearing on 10 days' notice to the applicant/owner, may adopt a resolution authorizing the Building Inspector to retain a licensed contractor to install the required parking improvements specified in the notice.
  - e) Assessment of costs and expenses. All costs and expenses incurred by the Village of Port Jefferson in connection with the installation of the required parking improvement shall be assessed against the property on which said parking spaces are located. The amount of such cost and expense shall be determined by the Village Board and shall be reported to the Assessor of the Village as an amount to be levied and assessed against said property as an assessment for an improvement to be included in the next succeeding assessment roll of the Village of Port Jefferson to be thereafter prepared.
6. Submission of a site disturbance plan in conformance with Chapter 241 of the Village Code and landscape plan. Landscape plan should reflect size, numbers and species of all plantings and all contours/grading of proposed berming.
  7. Update all sheets (Grading and drainage, utility; landscaping, lighting, etc.) to reflect latest alignment plan.
  8. Submission of proposed 12' wide access easement along the eastern boundary to adjoin the Village owned properties.
  9. Submission of cross-access easements between each parcel for Village Attorney review and approval.
  10. File all legal documents with the S.C. Clerk's Office within ninety-days (90 days) of Chairman's signature of plans.
  11. Submission of cost estimates for on-site and off-site improvements.
  12. Submission of performance bond for all required on-site and off-site improvements. Bond shall be submitted prior to issuance of a building permit.
  13. Subject to final review and approval of the Village Engineer prior to Chair's signature of all plans.
  14. Proposed curb cut on North Country Road shall have right turn only egress with raised channelization installed with signage.
  15. File a permit with the Village Highway Department for all proposed curb cuts and improvements to the N. Country/Belle Terre/Oakland Ave. intersection.

16. Provide directional signs ("To/South/NY 112") to direct traffic from Highland to 112, in Phase 3.
17. Provide signage for "employee only" parking for the four (4) spaces west of the bank location immediately south of the ADA compliant space.
18. Grading and Drainage Plan (Sheet 4 of 10) shall be revised to indicate the amount of material being removed and added.
19. Submission of a cut and fill fee (based on grading plan). The Code requires \$4 per cubic yard removed and \$2 per cubic yard added.
20. Parking deck plans and elevations, all building plans and elevations and landscape plan are subject to referral to the ARC. Their comments/recommendations shall be reviewed by the Planning Board and incorporated into the final plans/designs prior to Planning Board's signature.
21. Submission of Notice of Intent filed with the NYS DEC prior to filing for a building/demolition permit.
22. Revise parking configuration by relocating a portion of the land banked spaces on the southern most part of the site with the parking proposed along Oakland Avenue so to increase green space along Oakland Avenue.
23. All outdoor lighting shall project downward and light sources shall not be visible to adjacent properties or roadways.
24. The Planning Board shall not permit the installation and/or use of dusk to dawn lighting fixtures without prior approval. Fixture type(s) and locations shall be indicated. (Provide catalog cuts for all proposed fixtures, mounting info, indicate building fixtures and path lighting)
25. The location and design of all signage shall be subject to Planning Board approval and comments from the ARC.
26. Submission of a current title certification.
27. Submission of a mortgage consent (for easements) if applicable.
28. The current landowner(s) shall file a notarized affidavit indicating compliance with the conditions of the site development plan approval, as set forth herein. Any deviation shall require review and approval of the Planning Board.
29. Four (4) complete sets of all plans shall be submitted for Planning Board signature with conditions of the ZBA approval and these affixed to the cover sheet of the plans and signed by the applicant. Said plans must be submitted within ninety-days (90 days) of the date of the aforementioned resolution, otherwise said resolution shall be deemed null and void.

**St. Charles Hospital** Sec. 13 Blk. 1 Lot 11.2

Consider issuing a letter of no objection to the Building Inspector for the proposed convent renovations.

This is a single family residence in a PO district. There were no objections from the Board.

In addition, consider application (#086-06) for a proposed 4,500 s.f. one-story addition for three (3) operating rooms.

Ed Kasper, architect was present on behalf of the applicant.

The following topics were discussed:

- Parking
- Entrances and exits
- Facade
- Small food delivery trucks only
- Height warning signs for trucks
- Oxygen, electrical, gas and storm water lines
- No street view of the building
- Filed with the State 4/1/06, there are no comments to date.

The Board members will not refer this application to the ARC as the addition is a windowless space, built underneath an existing structure. There is no street view and the facades will be faced in brick to match the existing brick of the hospital.

Phil Schiavone asked that the land banked parking be located and shown on the site plan.

The pre-submission application was approved.

**Grillo** (#084-06) Sec. 17 Blk. 5 Lot. 7 & 8

Consider site plan for an 870 s.f. Addition to an existing 1<sup>st</sup> floor office in the R-O District, east side of Main Street, approximately 206' north of Stony Hill Road.

John Grillo, architect and Barbara Grillo, owner, were present.

Will Rau reviewed the application. There is a CEU for residence on file. The use conforms to the Code, the lot is non-complying. The expansion needs Planning board approval. The applicant needs to provide additional parking of 8 spaces and additional landscaping.

There is an existing 78-year-old 19' x 17' storage shed on the property that will not withstand being moved to accommodate additional parking. A new shed can be constructed in a different location if this one is demolished. The parking could be added and landscaping could be preserved.

Jennifer Sigler made a motion to schedule a public hearing on 9/26/06, seconded by Mark Brosnan, all in favor the vote was 5 - 0.

**RESOLUTION:**

**RESOLVED**, that pursuant to § 250-51 of the Code of the Village of Port Jefferson a conditional use hearing is hereby scheduled for 7:30 p.m. at Port Jefferson Village Hall, on **September 26<sup>th</sup>, 2006** for the proposal to construct a 870 square foot extension to an existing 1<sup>st</sup> floor office in the R-O District, east side of Main Street, approximately 206' north of Stony Hill Road at 7:30 P.M. at Village Hall, 121 West Broadway, Port Jefferson, NY 11777.