

September 24, 2009

PLANNING BOARD MINUTES

PRESENT:

Gladys Gentile, Chairman (GG)
Phil Schiavone (PS)
Mark Brosnan (MB)
Ray DiBiase (RD)

Jennifer Sigler (JS)
Mayor Margot Garant, Liaison (MG)
Cindy Suarez, Secretary (CS)

The Planning Board meeting is held at 121 West Broadway, Port Jefferson, NY 11777. The Planning Board may add or remove applications, other than public hearings, from the agenda without notice. Applications may or may not be heard in the order as they appear on this agenda. The Board will convene at 7:00PM. Applications will be heard or considered after public hearings, which begin at 8:00PM, work session will follow.

GENERAL BUSINESS:

Trustee Report:

1. Outside consulting: EEA Environmental Consultants has been retained for village land use Boards.
2. Planners for open position being interviewed tomorrow
3. Comprehensive Planning Committee is forming a questionnaire for public.
4. Request comments from the members on the revised fee structure.

Pre-Hearing Work session:

GG: Proposed to limit public comments to 5 minutes on public comment when appropriate. The Board agreed if circumstances require.

Motion by PS to approve the 8/13/09 minutes as amended, RD second, 4-0 vote (JS abstained, absent 8/13/09).

606 Main Street:

GG: The Planning Board will assume lead agency, the Board agreed.

Site plan approval may be conditioned on State DOT comments.

GG: A decision can be made on the conditional use and not site plan approval. Approval of conditional use cannot be done before a positive or negative declaration. Are there any environmental impacts? The consensus was that there are not.

Pine Hill Woods:

GG: Received proposed bond amount from applicant. We cannot take applicant's amount as final. Kevin must accept or revise and ultimately set the amount. Okay to go through public hearing process without the bond amount. There should not be a motion to close. There has been 360 days since last action.

PS requested that the applicant submit documentation requesting relief from the requirement of a 2.5% grade within 100 feet of an intersection.

#12 Walnut Street:

Kevin Koubek, Village Engineer to complete page 2 of EAF and drainage approval.

JS: Site inspection done and photographs taken.

ZBA variance states C-2 in heading and then refers to C-1 in the body of the text. Do they need further relief? ; will discuss with applicant.

PUBLIC HEARINGS:

- 1. Application #160-08RD
Section 16, Block 8, Lot 16
Derek Wonderland c/o Hawkins, Webb, Jaeger PLLC
606 Main Street
RO Residential Office
Change of Use**

Proposed conditional use; existing two offices; proposed mixed use: office on the first floor and residence on the second floor.

Present: Stenographer, Chris Labate, Architect and Bill Jaeger, Engineer c/o Hawkins, Webb, Jaeger PLLC.

RD motioned to close hearing on conditional use, PS second, vote unanimous.

- 2. Application #125-07
Section 18, Block 1, Lot 11
Jerry Spiliotis c/o Gerasimos, Inc.
Pine Hill Woods
RB-2 Single Family Residence
Final conditional approval**

Proposed six-lot subdivision of 3.5 acres (+/-); north side of intersection Pine Hill Road/ Edgewood Avenue.

Present: Stenographer, Mark Lyon c/o Jefferson Consultants.

GG: We do not have a final bond figure, we must reserve our decision.

PS moved to close the hearing, seconded by JS, vote 5-0.

A PPLICATIONS:

**3. Application #027-04
Section 16 Block 8 Lots 8.1, 8.2 +
Liberty Meadows LLC
Liberty Avenue
RB-2 Residential
Proposed Model Home**

Present: Linda Margolin, Attorney, Jim Tsunis, owner, Tom Dixon, Engineer c/o Nelson and Pope and stenographer.

LM: Village code #220-34 C indicates applicant may seek building permit for model home. 2/09 application submitted, 4/09 application rejected by Village Engineer. Applicant appealed with the ZBA and the Board ruled in favor of the applicant. ZBA refers applicant back to Planning Board whether they wish to impose any conditions in addition to those described in the Code.

9/24/09 3:00PM the Building Department received a hand delivered letter from Mr. Eisenbud, Attorney for Coalition to save Cedar Hill.

Response to items addressed in letter is;

- SEQRA review documents in file. No further review necessary at this time. This application is in conformance with prior approved plan. Therefore, no new environmental issues involved.
- Site work in connection with model; clearing and site disturbance for model is less than the final approved plan.
- Temporary septic system will have to be satisfactory to, and approved by Suffolk County Health Department. Applicant is waiting for signed SCHD letter of declaration of covenant and approval.

MB: were additional borings requested by SCHD for temporary sanitary?

LM: No

TD: Full bond amount (proposed by applicant) submitted to Kevin Koubek 9/14/09.

Members reviewed proposed model site plan.

Items of discussion with Mr. Dixon were:

- One building for model = two units #11 and #12
- Roads
- Parking
- Driveway
- Drainage
- Leaching pools
- Septic system under roadway
- Water main (tap off existing)
- Limits of disturbance
- Final landscape plan around model and temporary landscaping around parking stalls.
- Electric

LM: The ZBA interpretation is that this board gets to decide if they want to impose any conditions on the model home permit.

JS: requested copy of ZBA decision regarding the model and correspondences from Mr. Eisenbud.

Mary Dernbach, resident #115 Liberty Avenue concerned with interested parties accessing the property via the easement near her driveway. Mr. Tsunis will address that situation and limit access to the proposed ingress at the top of Liberty Avenue.

JS moved to close discussion, PS second, vote 5-0.

4. Application #176-09P
Section 12, Block 7, Lot 47.3
Anthony Ivanditto
30 Chandler Square
C-1 Commercial
Site plan amendment

Proposed installation of entryway screening to enclose/screen existing electrical boxes.

Present: no one

The Board agreed there is no need for site plan amendment, building department issue. The footprint of the building remains the same, the application calls for enclosing an unconditioned space for aesthetic reasons.

5. Application #158-08JS
Section 21, Block 5, Lot 14
Matt Covati & Karl Janhsen
12 Walnut Street
C-2 Commercial
Change of Use

Residential to professional (accounting) office. Side yard setback variance granted 7/16/09.

Present: Matt Covati & Karl Janhsen, Applicants
Charles Kenny, Attorney

Mr. Kenny stated that the applicant began their process with the building department last year. In March 2009 proposed site plan submitted to building department, July 2009 a side yard variance was granted.

JS: Review of application brought the following issues up:

- Did not have access to floor plans.
- A 98 ft lot depth exists, where the minimum for C-2 zoning is 100 ft lot depth. Relief required from Zoning Board.
- 960 ft gross floor area is listed on the application, which refers to the first floor only. Second floor plan reviewed. One space per 300 sq ft. parking requirement is six not seven spaces as shown on the site plan.
- Big mature trees should stay if healthy; Planning Board will require a landscape plan with replanting if they are cut.
- Concerned with ownership and integrity of concrete block retaining wall that crosses southern property line and is leaning toward existing garage. Applicant stated that wall belongs to adjacent property owner.
- Proposed site plan shows head in parking spaces covering front yard. For aesthetic and safety reasons, Planning Board recommends maximizing parking at rear, perhaps

requiring relief of one or two spaces in order to maintain landscaping in front and prevent cars from backing out into street.

- Instead of a 16' wide aisle, a two-way aisle should be provided to access rear spaces.
- There is a PVC pipe at the rear with a funky configuration. Questioned whether site has septic or sewer. Applicant replied septic.
- The property site is east of Route 25A, and not west as shown on application.
- New site plan should address parking relief, drywell, drainage, lighting and signage.
- Applicant needs variance, referred to ZBA for lot line variance. Planning Board agreed to draft a letter outlining support for area variance (lot depth) and parking relief.
- Stop work order posted on structure – issued to halt demolition and interior rewiring and insulating.

CK: As per Kevin Koubek, a building permit cannot be issued as per village code section 250-44.

6. **Application #131-08**
Section 17, Block 2, Lots 13.1 & 14.1
Jefferson Hollow
High Street
RB-2 Residential

Proposed technical amendment on street grading.

Present: Linda Margolin, Attorney.

LM: In May 2009, this board granted conditional approval. Kevin Koubek had issues with the road width and grading as it exceeds 2 ½% within 100 ft of the intersection. The road width is narrower than the Code allows. The applicant submitted a letter from the site plan engineer. The storm drainage structures were relocated from the street to the property.

GG: Read Kevin Koubek's 9/24/09 memo with comments.

MB: Will draft a memo from the board to the highway department requesting comments.

A final public hearing is scheduled for 10/22/09.

7. **Application #172-09PS (continued)(amendment to prior TC&G approval)**
Section 10, Block 4, Lot 1.18
Tsunis & Gasparis for Craig Stowell
112 Nadia Court
RA-1 Residential

Proposed re-vegetation plan for application to replace existing deteriorating 3-tier timber retaining wall with a single tier regimental concrete block face reinforced soil retaining wall.

Present: John Tsunis, Attorney and John Schmitt, Engineer and owner, Craig Stowell.

JT: Contractor cleared too much. Received a letter from Kevin Koubek 9/8/09. Applicant submitted revised re-vegetation plan from JS consulting. The applicant is requesting that work can commence as modified by the engineer, and return to the Planning Board to discuss re-vegetation after stabilization of hill is complete.

JS: All grades will be brought back and restored to levels as shown on the approved site plan and the engineer confirms that the grades and plantings proposed will provide stabilization.

PS moved to approve the #S6 revised sealed site plan of 9/17/09 showing final grades of stabilized slope and additional plantings and original proposed retaining wall as originally approved. Upon

completion of the work, the Board requires an “as built” drawing (site plan) along with a landscape and grading plan to review and may require additional parking; subject to additional revegetation plan as to be determined by the Village Engineer, MB seconded, vote 5-0.

**8. Application #179-09MB
Section 12, Block 2, Lot 19
Mary Dernbach, agent for Lou Della Rocca, property owner
138 East Main Street
C-1 Commercial**

Proposed wood rear deck 10' x 20'.

Present: Mary Dernbach, agent.

MD: Review 8/27/09, T. Eason Land Surveyor proposed site plan. Open deck with railing at East Main Street level and grade level patio. No effect on parking.

JS: Concern with hillside rear view. There were no elevations provided to review.

MD: Lou Johnson, Architect doing deck plans so it will be a good design.

In order to expedite application, RD moved to approve the site plan with recommendation that the Building Inspector, Kevin Koubek refer the deck plans to the ARC for review upon applying for a building permit. Approved.

Liberty Meadows

Continued and reopened at the request of the applicant.

Present: Linda Margolin, Attorney and Jim Tsunis, applicant

In response to the ZBA's interpretation, the Board recommends the following conditions be placed upon the building permit for models only:

- SCHD approvals for abandonment of temporary water supply/septic systems.
- Bond for a temporary improvement/ restoration thereafter.
- Confirm availability of public water service.
- Preservation or replacement/revegetation as shown on the plan.
- Removal of temporary structure.
- Abandon existing building structures in accordance with applicable laws.
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The meeting ended at 11:00PM.

Respectfully submitted,

Cindy Suarez, Secretary