



BUILDING, PLANNING & ZONING DEPARTMENT

88 North Country Road, Port Jefferson, NY 11777

Telephone: (631) 473-4744 Fax: 473-2049

PLANNING BOARD MINUTES

OCTOBER 25, 2005

PRESENT:

Jim Burke

Phil Schiavone

Mark Brosnan

Jennifer Sigler

Ray DiBiase

Trustee Barbara Ransome

Adopt Minutes from September 17th, 2005

Trustee Report:

Barbara Ransome reported:

1. The Halloween Party will be at the club on October 31st.
2. The Dickens Festival has sponsorship of \$25,000
3. The little gray house markups will be done soon.
4. There has been preliminary Mill Creek funding.
5. East Broadway traffic planning had its first meeting.
6. There is a second proposal for software for Building and planning which is considerably less.
7. Awaiting final Certificate of Occupancy for steel building.

PUBLIC HEARINGS:

SPRINT SPECTRUM L.P. (# 045-05) conditional use hearing for a proposal to affix public utility wireless communications antennas to existing smoke stacks on 72.57 acres Lipa/Keyspan in the Water Front – Public Utility W-P District (SCTM # 206-007-01-001).

The court reporter will submit the hearing minutes.

GREATER PORT JEFFERSON HISTORICAL SOCIETY - (# 046-05) -Mather Museum Conditional use hearing for proposal to construct a 300 square foot accessory building to store archival material on a 1.75 acre parcel situate in the One and Two-Family Residence R-B3 District on the north side of Prospect Street, approximately 130’ west of High Street (SCTM # 206-012-04-031).

The court reporter will submit the hearing minutes.

LIBERTY MEADOWS LLC - (#027-04)(Mr.Wunderlich’s property) public hearing for the preliminary map of a 43-unit cluster major subdivision located on 18.5 acres in the Single-Family Residence R-B2 District on the east side of Liberty Ave. (SCTM # 206-016-08 008.001, 008.002, 009.000 018.000 024.000).

The court reporter will submit the hearing minutes.

RESOLUTION:

WHEREAS, a preliminary subdivision application for a 43-unit cluster map entitled Village Vistas, situate on 18.5 acres in the Single-Family Residence R-B2 District located on the east side of Liberty Ave was received by the Planning Board; 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, 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 SEQRA, 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 preliminary subdivision application for a 43-unit cluster map entitled Village Vistas, situate on 18.5 acres in the Single-Family Residence R-B2 District located on the east side of Liberty Ave.

ACTION TO BE TAKEN:

INVESCO AFFILIATES, LTD (#005-04) *Consider SEQR for the proposal to construct 53 residential units and 4,200 sq. ft. of commercial/office space. The property is located in the Central Commercial C-1 District on the south side of West Broadway. (SCTM # 206-012-06-004.001)*

William Rau, Village Planner, reported that he received a letter from the ZBA Chairman stating that a variance is not required for this application. The Environmental Assessment Form was discussed. Soil borings were an issue, and design revisions might be required. The Board was requested to postpone SEQRA. Traffic analysis and sewage was also discussed.

Fran Campani, Architect, explained all of the sewer connections would not be ready for all of the units; only 27 units of the 52 units are covered until the plant is upgraded (now under construction) A new letter is required from Suffolk country sewer to explain timing of connections.

Demolition impacts on the creek were discussed.

Fran Campani noted that there is continuous drain under the asphalt for storm water retention shown on the plan.

On a motion by Phil Schiavone, seconded by Jim Burke, the Board stated that since the letter received from the Zoning Board states that a variance is not required, the conditional use apartments in C-1 was approved subject to final site plan approval. All in favor.

The applicant will return on November 10th.

RESOLUTION:

WHEREAS, by memorandum dated September 26th, 2005 the Chair of the Zoning Board of Appeals responded as follows:

“In response to your memo of September 15, 2005, review of the preliminary proposal to redevelop the Heritage Inn property does not indicate a need for any variances. The Zoning Board concurs that it is within the purview of the Planning Board to permit residential units on the first floor equal the prior number of first floor efficiency units. If the site plan application proposed

supports the applicants claim that the project meets Village Code for parking and other area requirements, we do not see a need for a variance application.”

WHEREAS, the Planning Board finds that the Central Commercial C-1 District has no density limitations and that the 2nd and 3rd reasons for Suffolk County Planning Commission disapproval may be resolved through the SEQR process and final site plan review; and **NOW THEREFORE BE IT**

RESOLVED, the Planning Board hereby approves of the of the conditional use permit application for Invesco Affiliates Ltd. to construct apartments on a 3.7 acre site located in the Village’s Central Commercial C-1 District on the south side of West Broadway (SR 25A), approximately 65 feet west of Barnum Avenue **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Residential unit yield will be determined at time of site plan review.
2. Proposal is subject to a SEQR Determination and final site plan review.
3. All apartments shall be licensed annually after inspection of the Building Inspector and subject to an annual licensing fee.
4. All apartments proposed shall have a minimum of 400 square feet of habitable space for each efficiency or one-bedroom (sleeping room) and each additional sleeping room shall have at least 100 feet of habitable space.
5. All the requirements of Chapter 161 *Housing* shall be satisfied.

WHEREAS, a site plan/conditional use permit application for Invesco Affiliates Ltd. was submitted to the Planning Board to consider a proposal to construct 53 residential units and 4,200 square feet of office space with associated site improvements; and

WHEREAS, the subject property is 3.7 acres located in the Central Commercial C-1 District, on the south side of West Broadway (SR 25A), approximately 65 feet west of Barnum Avenue; and

WHEREAS, pursuant to § 250-51 of the Code, the Planning Board held a public hearing on the evening of May 18th, 2005; and

WHEREAS, the comments received were of support for the proposal and a motion was made to close the hearing the same evening; 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 June 1st, 2005 the Suffolk County Planning Commission after due study and deliberation resolved to disapprove of the application for the following reasons:

1. Processing of the application at the Planning Board would only tend to substantially undermine the effectiveness of the zoning ordinance.

The applicant is petitioning the Planning Board for a conditional use/site plan application under the pretext that the proposed configuration of buildings is a “mixed occupancies: apartments” use pursuant to section 330-18 F. of the zoning law of the Village of Port Jefferson. The use of said section is an inappropriate use of the zoning law for the application proposed. Freestanding apartment buildings are not permitted use in the C-1 zone according to the Port Jefferson zoning law. Section 330-18 F. of the Village zoning law speaks to mixed occupancy buildings not lots or sites. The configuration of the proposed site plan indicates a row of office space along West Broadway (SR 25A) and a free standing building of apartment units arranged in an “L” shape behind the offices. Given that there may be a second story apartments above offices, nevertheless, the free standing component of ground floor (at grade) apartments is contradictory to the zoning code section which states in several parts that the section is to “...apply to apartments either existing or proposed to be added above the first grade level of a ... building (emphasis added)

2. The derived residential density on site as requested appears to be arbitrary and would tend to establish an undesirable precedent for further such dwelling unit densities in the commercial district of the Village.

The origin of the residential apartment unit density is not clear. As proposed the residential density on the subject property is approximately 14 units to the acre. The proposed 53 units appears to be derived from the number of existing motel units on site. However, there can be no nexus between the existing use on the site and the one that is proposed. The applicant is afforded no “grand fathered” rights to a certain number of units since the applicant is proposing to voluntarily demolish the existing use and proposes a “change of use” from motel to office and apartment buildings.

3. The parking design is inadequate and will tend to necessitate the use of State Route 25A for parking purposes, thereby diminishing the safety and traffic carrying capacity of said road.

The parking layout as proposed on the submitted site plan is problematic. The layout terminates with two dead end aisles making a u-turn necessary when the lot is full. This is an unsatisfactory parking arrangement and will cause turn movement conflicts and congestion within the lot. In addition, 26 parking spaces are intended to be counted in unit garages. This is not prudent practice for meeting the minimum parking requirements as garages are often utilized by dwelling unit occupants as storage or conversion to additional living space, thereby decreasing the available off street parking. Finally, the proposed parking arrangement separates dwelling units in the southeast end of the subject

property by sixty (60) to one hundred and eighty (180) feet. This is not a satisfactory parking arrangement, as occupants of rental units should be assured of reasonably convenient access to off street parking. The proposed arrangement does not provide for such convenience. Overall, the proposed parking arrangement provides for poor circulation and is indicative of the proposed action constituting the unwarranted over intensification of the use of the property.

WHEREAS, the Planning Board carefully considered the decision of the Suffolk County Planning Commission; and

WHEREAS, by memorandum dated September 15th, 2005 the Planning Board respectively requested clarification from the Zoning Board of Appeals to determine whether the proposed application violates the Village's zoning ordinance; and

WHEREAS, by memorandum dated September 26th, 2005 the Chair of the Zoning Board of Appeals responded as follows:

"In response to your memo of September 15, 2005, review of the preliminary proposal to redevelop the Heritage Inn property does not indicate a need for any variances. The Zoning Board concurs that it is within the purview of the Planning Board to permit residential units on the first floor equal the prior number of first floor efficiency units. If the site plan application proposed supports the applicants claim that the project meets Village Code for parking and other area requirements, we do not see a need for a variance application."

WHEREAS, the Planning Board finds that the Central Commercial C-1 District has no density limitations and that the 2nd and 3rd reasons for Suffolk County Planning Commission disapproval may be resolved through the SEQR process and final site plan review; and NOW THEREFORE BE IT

RESOLVED, the Planning Board hereby approves of the of the conditional use permit application for Invesco Affiliates Ltd. to construct apartments on a 3.7 acre site located in the Village's Central Commercial C-1 District on the south side of West Broadway (SR 25A), approximately 65 feet west of Barnum Avenue **SUBJECT TO THE FOLLOWING CONDITIONS:**

6. Residential unit yield will be determined at time of site plan review.
7. Proposal is subject to a SEQR Determination and final site plan review.
8. All apartments shall be licensed annually after inspection of the Building Inspector and subject to an annual licensing fee.
9. All apartments proposed shall have a minimum of 400 square feet of habitable space for each efficiency or one-bedroom (sleeping room) and each additional sleeping room shall have at least 100 feet of habitable space.
10. All the requirements of Chapter 161 Housing shall be satisfied.

100 OAKLAND AVENUE REALTY - (#025-04) Acknowledge chair's signature of 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)

The Chairman signed the final site plan.

STREAMLINE MORTGAGE CORP - (# 051-05) -Consider application for a use change from a magazine/book store (retail) to a mortgage company (business office) (SCTM #012-007-047.11).

On a motion by Jennifer Sigler, seconded by Jim Burke, the Board approved this change of use from retail to a business office, the Streamline Mortgage Company. The show-of-hands vote was 5-0.

RESOLUTION:

RESOLVED, that the Planning Board hereby approves the change of use application to convert a 300 square feet unit of retail sales space to business office space in an existing two-story brick building on the corner of West Broadway (NYS Rt. 25 A) and Main Street, situate on a 1.0497 acre parcel in the Village's Central Commercial C-2 District subject to the following conditions:

1. The owner of property signs in the space provided below that he/she understands that by converting the unit to business office there is a de-intensification in the parking demand and as a result any parking credit for the pre-existing retail use is now extinguished.
2. Submit a plan showing the layout of all the commercial units on the first floor of described building with approved uses and square footage indicated.
3. Return this resolution signed and notarized with 30-days to the Secretary of the Planning Board.

DANFORDS

The Board discussed the proposed changes to the kitchen as long as the containment is done on the property. The plan was approved as modified.

RESOLUTION:

RESOLVED, that the Planning Board hereby approves the proposed improvements for Danfords Inn, located in the Village's Marina Waterfront M-W District on the north side of East Broadway as illustrated on the plan entitled "Kitchen Exit Drain" prepared by Joseph Schmitt Consulting Engineer, dated October 4th, 2005 and stamped received by the Planning Board on October 11th, 2005 **subject to the following revisions:**

4. Revise the plan so that all drainage is contained on the property owned by Danfords and not within the Village's right-of-way.
5. Install a trench drain along the proposed 4" curbing and gate and place drywell in center of site with the 10" RC pipe
6. Revise drainage calculations for a 3" rainfall event.
7. Submit a plan showing the required revisions for Chair's signature.