

Proposed Mixed Use Development

440 Main Street
Incorporated Village of Port Jefferson
Suffolk County, New York

PREPARED FOR

Brooks Partners, LLC
414 Main Street – Suite 202
Port Jefferson, NY 11777

PREPARED BY



**VHB Engineering, Surveying,
Landscape Architecture and
Geology, P.C.**

100 Motor Parkway – Suite 135
Hauppauge, NY 11788

May 2019

**FINAL ENVIRONMENTAL IMPACT STATEMENT
PROPOSED MIXED-USE DEVELOPMENT AT
440 MAIN STREET
INCORPORATED VILLAGE OF PORT JEFFERSON
SUFFOLK COUNTY, NEW YORK**

PROJECT LOCATION: 1.14± acre parcel located at 440 Main Street in the Incorporated Village of Port Jefferson, Suffolk County, New York

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DATE OF PREPARATION: May 2019

**AVAILABILITY OF
DOCUMENT:**

This document, together with the Draft Environmental Impact Statement (DEIS), is the Final Environmental Impact Statement (FEIS). It has been prepared for the Lead Agency. Copies are available for public review and comment at the offices of the Lead Agency, in the Port Jefferson Free Library and on the Incorporated Village of Port Jefferson Website at <https://portjeff.com/>.

DATE OF ACCEPTANCE:

May 21, 2019

This document is a Final Environmental Impact Statement (FEIS) for the Proposed Mixed-Use Development at 440 Main Street. This FEIS incorporates, by reference, the Draft Environmental Impact Statement (DEIS) for this proposed action, dated February 2019. The above-referenced DEIS was the subject of a Village of Port Jefferson Planning Board Public Hearing on March 14, 2019, and written comments on the DEIS were accepted until April 1, 2019. The Written Correspondence and Public Hearing Transcripts are provided in Appendices A and B of this FEIS, respectively.

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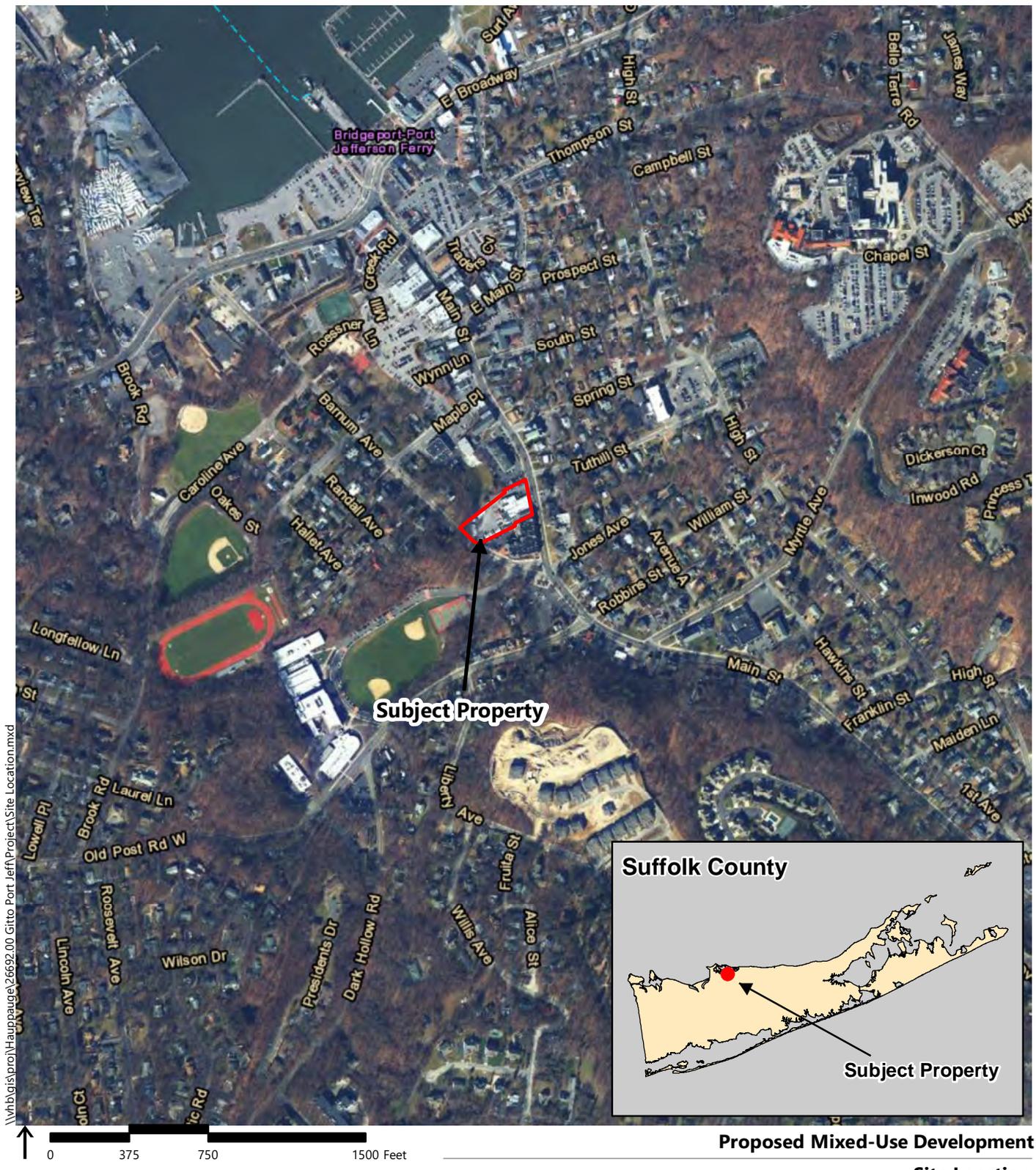
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Description of the Proposed Action

1.1 Introduction

This document is a Final Environmental Impact Statement (FEIS) prepared in response to comments received by the lead agency, the Village of Port Jefferson Planning Board (hereinafter the "Planning Board"), on the Draft Environmental Impact Statement (DEIS) for the proposed action, dated February 2019. The proposed action consists of the application of Brooks Partners, LLC for the redevelopment of the proposed mixed-use development on a 1.14± acre site located at 440 Main Street (State Route 25A) in the Incorporated Village of Port Jefferson, Town of Brookhaven, Suffolk County (see Figure 1). The subject property is known on the Suffolk County Tax Map (SCTM) as District 0206 – Section 012.00 – Block 09.00 – Lot 003.000.

As presented in the DEIS, the proposed action consists of site plan approval and conditional use permits (among other approvals) for the construction of a three-story, 65,300± SF mixed-use building containing ground-floor commercial space with residential apartments above, associated paved parking and landscaped areas and other amenities (i.e., private fitness center, roof deck, etc.).



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Subject Property

Proposed Mixed-Use Development

Site Location
 440 Main Street
 Incorporated Village of Port Jefferson
 Suffolk County

Sources: NYS Ortho Imagery (2016);
 NYS Civil Boundaries, NYS Office of Information Technology Services GIS Program Office (GPO)

The DEIS was accepted by the Planning Board as complete and adequate for public review at its public meeting of February 7, 2019, circulated to all involved agencies and interested parties, and made available to the public at Village Hall and via the Village of Port Jefferson's website and the local public library. A public DEIS hearing was held on March 14, 2019. The DEIS comment period was held open until April 1, 2019.

In accordance with 6 NYCRR § 617.9(b)(8):

A final EIS must consist of the following: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their sources (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All substantive revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.

1.2 Format of FEIS

Written comments received (see Appendix A-1) included some expressing general support for the proposed action. While these comments are included in the aforementioned appendix, they are not "substantive comments" in the context of 6 NYCRR §617.9(b)(8), and therefore are not individually addressed in this FEIS. These comments are designated as "GS" (General Support). Additional comments of general support were received verbally during the March 14, 2019 public hearing (all comments received at the public hearing are designated as "H"). All comments of General Support are discussed in Section 2.1 of this FEIS. None of the written comments were determined to express only general opposition to the proposed action (e.g., vote "no" for this project, the project is too big), without being accompanied by substantive comments. Therefore, this FEIS does not separately discuss general opposition comments.

Various substantive comments were received on the DEIS. Written correspondence containing substantive comments are addressed in Section 3.0. Each correspondence containing written comments was assigned a number preceded by the letter "C." The written comments (coded by commenter) are included in Appendix A-2 of this FEIS.

Each substantive comment made at the public hearings is addressed in Section 3.0 of this FEIS. Comments are organized such that each speaker at the public hearing was assigned a number preceded by the letter "H." The comments received during the public hearing are coded within the marked hearing transcript included in Appendix B of this FEIS (at the right-hand page margin).

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Comments in General Support of the Proposed Action

The written correspondence received during the comment period that ended on April 1, 2019, that are in general support of the proposed project, are designated with a “GS” before the comment number and have been grouped apart from the substantive written comments. These GS comments are contained in Appendix A-1. A summary of the written support comments follows:

GS-1 – Greater Port Jefferson Chamber of Commerce

- › The Greater Port Jefferson Chamber of Commerce fully supports the proposed action.
- › The client has a proven track record of responsible and thoughtful development within the Village and demonstrated a commitment in supporting the Village and embrace the quality of life.
- › The client is vested in constructing a trustworthy design and the proposed action continues the same line of the adjacent buildings and does not detract visually the consistent scale of the project but adds architectural details that enhance the flavor of the downtown.
- › Incorporating mixed use is important for the proposed action as it encourages stronger foot traffic and the expansion of the business district.
- › The proposed action will attract new people to live in Port Jefferson.

GS-2 – Valentin A. Staller

- › As a young professional couple, the walkability of the Village was enticing when considering moving to the Village.
- › The lack of managed apartment buildings in the Village was surprising and with the close proximity to Stony Brook University, there is a desperate need for apartments to support the housing demand generated by the University. Providing more housing in Port Jefferson will help satiate the demand from Stony Brook University and bring much-needed foot traffic to the Village; which the proposed project would accomplish both.
- › Port Jefferson being connected to County sewers is a benefit to the future of the Village as it can handle multifamily housing and allows for a vibrant downtown.
- › The Village should take a proactive approach to supporting downtown retail and restaurants as they are the backbone of the downtown and make Port Jefferson a special place to live on Long Island.
- › The proposed action will support the Village, especially during winter months.
- › The proposed action will encourage the use of the pilot program bus service between the Village and Stony Brook University.

As with the written comments, each person commenting during the public hearings held on March 14, 2019, has been assigned a number in the order in which each comment was received and is preceded with the letter "H", as discussed below. The DEIS Public Hearing transcript in Appendix B of this FEIS is marked to identify each commenter and number each comment. This section of the document provides a list of the general comments received in support of the proposed action during the public hearing, coded to identify the commenters and comment number.

H10 – Pat Kiriluk

- › The closing of Cappy's Carpets, a community staple, although sad, represents growth, integrity, and the modernization of the Village.
- › The proposed building has integrity, quality, character, definition and upholds the proven record of development The Gitto Group has in the Village.
- › The proposed development offers an opportunity to attract the kind of people wanted in the Village and offers a living style where people will want to invest in the Village's economy.

H11 – Carol Acker

- › The Gitto Group is very respected in the Village and will work together with the Village to provide a development with the Village's best interest at heart.

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Responses to Substantive Comments

All of the written correspondence containing substantive comments is included in Appendix A-2 of this FEIS. The public hearing transcript is included as Appendix B. This section contains responses to all substantive comments contained in the written correspondence (including electronic mail) as well as those made at the public hearing. The following is a list of commenters whose substantive comments are addressed herein. Note that commenters that appeared at the public hearing and also submitted written correspondence will appear in the list multiple times.

Commenters that submitted substantive written comments have been assigned the letter "C" and a number (see Appendix A-2), and commenters that offered substantive comments at the public hearing before the Planning Board on March 14, 2019, have been assigned the letter "H" and a number (see Appendix B). Within Section 3.1 through 3.7 of this FEIS, comments are arranged by their subject matter (i.e., transportation and parking, noise, dust and vibration, etc.). If one comment is closely related or similar in nature to one or more other comments received, those comments have been combined for the purpose of providing a response. Each comment is not necessarily a direct quote, but all comments are intended to remain as accurate as possible to the substance of the original comment(s). All comments are followed by a listing of the respective commenter(s) and comment number(s).

Written Comment

C1 – Mary Bernero and Harvard Lyman

C2 – Michael Mart

C3 – John McCuen

Public Hearing (March 14, 2019)

H1 – Marge McCuen

H2 – John McCuen

H3 – Nick Acampora

H4 – Drew Biondo

H5 – Michael Mart

H6 – Ray Calabrese

H7 – William Bowman

H8 – Steve Velazquez

H9 – Jim Grady

H12 – Alana Corcella

3.1 Aesthetics, Visual Resources and Neighborhood Character

Comment No. VIS-1

Reconsider the proposed height of the Cappy's Carpet development considering the "True height of the proposed building (HVAC, pilings used to elevate all construction in Drowned Meadow, other rooftop recreational structures). The Village has a dismal record of enforcing height restrictions, such as The Shipyard and Graceful Rose Restaurant. [C1-4, H1-1]

Response No. VIS-1

The height of the proposed building is detailed at the architectural building elevations presented in the DEIS (see Appendix F). For completeness, height data is clearly presented on Sheet A-2.1. The building height above adjacent grade is 34-foot-2±-inches, and is in accordance with the Village of Port Jefferson Code Sections §250-9 and § 250-30A. Per §250-9, HEIGHT, BUILDING, the vertical distance from the average finished grade at the front of the building exterior wall (at Main Street) to the highest point of the flat roof is 34-foot-2±-inches, ten inches less than the maximum 35 feet permitted by zoning.

Comment No. VIS-2

The proposed action would include the demolition of structures dating back to the mid-19th Century. Although the original buildings have been altered multiple times and no longer maintain their historic integrity, the Historical Society of Greater Port Jefferson would like to be consulted in the future by the Village when historic-era buildings are proposed to be demolished so that historic fabrics or materials may be salvaged. The Historical Society of Greater Port Jefferson should be contacted if anything historically significant is found during demolition activities for the proposed action as there is an interest in the recovery of historic materials that can be displayed. [H3-1]

Response No. VIS-2

A review of the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) online database platform¹ indicates that the subject property does not contain any resources listed in the State or National Registers of Historic Places. Moreover, the Village of Port Jefferson does not designate any existing structures at the subject property as local landmarks. This comment is noted.

¹ <https://cris.parks.ny.gov/Login.aspx?ReturnUrl=%2f>, accessed April 2019.

Comment No. VIS-3

The proposed action provides a streetscape that protects the visual aspect of the Village's Downtown. However, the proposed façade, should be revised to more closely align with the nautical theme of the Village. [H8-3, H10-1]

Response No. VIS-3

The preliminary architectural design of the proposed action has been developed in consultation with the Village of Port Jefferson Planning and Building Department. Moreover, Chapter 250 Article XIIA of the Village Code provides for the review of applications by the Architectural Review Committee (ARC) to aid the Village's Planning Board in ensuring that development will maintain the appearance and architectural tone of the Village. The ARC reviewed the proposed action at its meeting of January 9, 2019, and offered no objections to the Planning Board with respect to same. The final design for the proposed action, including, but not limited to, the design of signage and lighting, etc., will be determined during the building permit review process.

Comment No. VIS-4

It is important that the proposed action extend the downtown feeling and look, e.g., with parking oriented to the rear of the site. The proposed action should be congratulated because it does do that – the plan protects that visual aspect of the downtown look. [H6-3]

Response No. VIS-4

This comment is noted.

3.2 Traffic and Parking

Comment No. TRA-1

The Applicant would be required to participate in the Village's Payment in Lieu of Parking (PILOP) program per Village Code §250-27B(1) to remedy the projected four parking space deficit of the proposed action. It was brought to the public's attention during the presentation three existing on-street parking spaces would also be removed. The total PILOP fee should be calculated using seven parking spaces and not four parking spaces. [C2-3, H5-3]

Response No. TRA-1

As indicated on the project plans included in Appendix B of the DEIS, the proposed redevelopment of the site is deficient in off-street parking required by Village Code by four parking spaces. The New York State Department of Transportation (NYSDOT), in their letter of March 12, 2019 (see Appendix C), has indicated that they will require that two off-site parking spaces located along the west side of Main Street (one on either side of the site's access drive) be removed to increase available sight distance for vehicles exiting the access drive. The requirements set forth at §250-27 of the Village Code are for off-street parking spaces. Just as the existing on-street parking spaces are not restricted to use only by patrons of the existing building and could not be counted toward meeting the requirement for off-street parking, the removal of existing on-street parking as required by the NYSDOT also would not be relevant to the calculation of the proposed action's off-street parking deficit. Accordingly, it is respectfully submitted that the PILOP calculation is applicable only to the off-street parking requirements for the proposed action, and would be correctly calculated based on a deficit of four off-street parking spaces below what would be required by Village Code.

Comment No. TRA-2

Other villages have pedestrian safety measures such as flashing yellow lights at crosswalks. Such measures could be considered at the intersection of Main Street and Jones Avenue. A jogger was hit and killed a few years ago at that corner. Pedestrian impact mitigation should be considered, such as at the intersection with Barnum Avenue and Main Street, to ensure walkability. [H3-2, H7-1, H7-3]

Response No. TRA-2

The Village of Port Jefferson is in the process of mitigating pedestrian safety concerns along this stretch of Main Street, and has hired a consultant to coordinate with NYSDOT and develop plans for improvements along Main Street include at the section of roadway from Barnum Avenue/Jones Avenue to a point south of Liberty Avenue. These plans were discussed generally by Planning Board Chairman DiBiase during the March 14, 2019 public hearing, which include (but may not be limited to)

improvements at the intersection of Barnum Avenue and Jones Road for the purpose of enhancing pedestrian safety as well as the installation of a traffic signal at the intersection of Main Street at Liberty Avenue. This new traffic signal is expected to be equipped with modern dedicated pedestrian signals to aide heavy pedestrian crossing volumes at that location associated with the nearby High School. It is expected that the Village of Port Jefferson and/or the NYSDOT will continue to pursue pedestrian safety enhancements in this vicinity, with or without the proposed action.

Comment No. TRA-3

The proposed action should prevent traffic from turning from Main Street into the Shipyard development located at the intersection of Main and West Broadway to alleviate congestion on Main Street. [C1-2]

Response No. TRA-3

This comment refers to an existing condition associated with a previously approved and constructed multi-family development. There is no association between that condition and the proposed action.

Comment No. TRA-4

The traffic study should address traffic conditions at the intersection of Jones Avenue and Main Street during the school year at the AM drop-off time. The intersections of Tuthill and Spring Streets with Main Street should also be considered for school-generated traffic due to the presence of the BOCES school on High Street. These streets are located near the subject property, to the north and south, and peak AM traffic would coincide with when residents would leave the subject property for work. Additionally, the traffic study should capture a time period when a ferry is either arriving or departing to capture vehicles associated with ferry operations. [H1-2, H4-1]

Response No. TRA-4

The purpose of the Traffic and Parking Assessment (TPA), included as Appendix B of the DEIS, was to evaluate the proposed action from a transportation perspective to determine any significant negative impacts to traffic conditions and, if significant impacts are identified, to propose measures to mitigate such impacts (if any). The purpose of the analysis was not to evaluate the existing conditions, but rather the future "build" conditions for project-related impacts.

As discussed in the Existing Conditions Section of the TPA, a review of historical traffic data indicates that summer Saturday traffic volumes in the study area exceed those during typical weekday commuter periods, which would include the school generated traffic in the area during the school year. The traffic counts used to identify the peak hour on a summer Saturday were collected over the course of

several hours, during which time several ferry arrivals and departures would have occurred. In addition, as detailed in the Future Conditions Section of the TPA, the site generated traffic associated with the proposed site redevelopment will be highest on a Saturday. Given the foregoing, the evaluation of peak summer Saturday traffic conditions would have revealed any significant negative traffic impact. As no significant impacts were found for this worst-case condition, there would also be no significant adverse impacts expected under other conditions.

With respect to the intersection of Main Street at Barnum Avenue/Jones Avenue chosen for the detailed analysis in the study, rather than other intersections that may be subject to morning school traffic - - as discussed in the TPA report, this intersection would experience the highest concentration of site traffic to and from the proposed site redevelopment. As detailed evaluation of this intersection revealed no significant negative impacts due to the proposed project, it can be reasonably concluded that other intersections subject to lower levels of site traffic would also not be impacted.

It should be noted that under the proposed conditions, truck traffic on Barnum Avenue would remain restricted and trucks would not be permitted to continue north past the intersection with Mill Creek Road. Additionally, the potential to restrict left hand turns from the project site onto Barnum Avenue was considered but determined to not be necessary.

Comment No. TRA-5

The proposed action would increase the total number of vehicles within the Village and could create more traffic and accidents. These additional vehicles could especially exacerbate already difficult summer seasonal traffic conditions. The positioning of the proposed action would force residents to wait a long time to turn into or out of their own development. This makes the proposed action undesirable to rent. [H12-1]

Response No. TRA-5

The TPA included as Appendix B of the DEIS evaluated the potential impact to area roadways. This evaluation concluded that the redevelopment of the site as proposed would not result in significant negative impacts to area roadways. As part of the TPA analysis performed, the operation of the proposed site access driveways was also evaluated. As presented in the Traffic Operations Analysis section of the TPA, the access points are expected to operate well with relatively low delays to entering and exiting vehicles.

Comment No. TRA-6

Redevelopment of Cappy's Carpets should consider a use which generates traffic volumes that would not negatively impact Barnum Avenue, Main Street, and West Broadway in a manner like the proposed action will. [C1-3]

Response No. TRA-6

The TPA included as Appendix B of the DEIS evaluated the potential impact to area roadways. This evaluation concluded that the redevelopment of the site as proposed would not result in significant negative impacts to area roadways. As presented in the Future Conditions section of the report, and summarized in the Conclusions section, the proposed redevelopment will generate only modest numbers of new trips during peak periods. Accordingly, it is respectfully submitted that this comment is unfounded, and that analyses of alternative developments would not be warranted.

Comment No. TRA-7

During the summer, vehicles towing boat trailers utilize Barnum Avenue to bring boats to the harbor and park the trailers along the street. The TIS should address boat trailer traffic. [H2-1]

Response No. TRA-7

As discussed in the Existing Conditions section of the TPA included as Appendix B of the DEIS, the base traffic conditions utilized in the traffic analysis were collected on a summer Saturday. As Barnum Avenue is a main access route for boaters to the harbor boat launching facilities, the counts utilized within the TPA are expected to have captured vehicles with boat trailers. The detailed capacity analysis performed accounted for the unique operational characteristics of these vehicles through the use of a heavy vehicle adjustment factor, which takes into account the relatively lower performance characteristics of these vehicles and their effect on traffic flow.

3.3 Parkland, Recreation and Open Space

Comment No. REC-1

The proposed action would introduce a new population into the Village and place a burden on existing recreational facilities within the Village, such as parks, beaches, and kayak racks. Only private recreational uses for residents, like the gym, rooftop deck, and patio, are proposed. As no new public recreational facilities are associated with the proposed action, the Applicant should not be allowed to offset the private recreation amenities proposed when the Village recreation fee is calculated. [C2-2 and H5-2]

Response No. REC-1

As confirmed and addressed within the Parkland, Recreation and Open Space analysis contained in Section 3.3 of the DEIS, the Applicant will be required to pay a fee to the Village consistent with the relevant provisions of §250-52.D(4)(k) of the Village Code, as no public amenities are part of the proposed action. Although the DEIS makes note of the various private recreational amenities that have been incorporated into the design of the proposed action, the analysis does not assume that any credit will be taken for such resources in calculation of the recreation fee. The fee to be paid will be determined by the Village Board of Trustees and paid by the Applicant at a later date, as provided for by local law.

3.4 Subsurface Conditions

Comment No. SUB-1

Details should be provided as it relates to the foundation of the proposed action. Will it be set on piles? Will monitoring be performed? [H4-3, H9-1, H9-3]

Response No. SUB-1

As discussed in Sections 2.7 and 3.7.2 of the DEIS, the proposed building would be constructed on driven timber piles. Overall construction is anticipated to last 18 months, including demolition of the existing structures, whereas pile driving activities would be contained to the proposed building footprint and would be completed within a period of three-to-four-weeks. Construction activities, including pile driving activities, would be scheduled to occur during non-sensitive time periods (i.e., 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday) in accordance with the Village Code.

The Applicant's proposed measures to address potential impacts associated with pile driving for construction of the building foundation are described at Section 3.7.2 of the DEIS. Specifically, the Applicant proposes to notify all adjoining neighbors and properties opposite the subject property along Main Street and Barnum Avenue in advance of undertaking construction activities with the potential for excess vibration (e.g., pile driving). In addition, the Applicant will offer to photo-document existing building conditions at each of these neighboring properties prior to the start of construction. Vibration associated with the proposed action would be subject to regulation by the Village in accordance with Village Code.

Comment No. SUB-2

As pile driving is proposed for the construction of the proposed building's foundation, any dewatering should be detailed in the grading and drainage plan. [H9-2]

Response No. SUB-2

Pile driving associated with the construction of the proposed building's foundation will not require dewatering. As provided by the project architect, Eric Nicosia, RA, the top of the pile will be a concrete cap set approximately three feet below grade, whereas groundwater is at greater depths.

3.5 Stormwater Management

Comment No. SWM-1

Has a grading and drainage plan been prepared and included in the DEIS? Does it require raising the grade of the existing parking lot? [H7-2]

Response No. SWM-1

A grading and drainage plan was prepared and is included in Appendix B of the DEIS. The plan meets all drainage and grading requirements set forth by the Village, as confirmed by J. R. Holzmacher, P.E., LLC, consultants to the Village, in correspondence dated February 28, 2019 (see Appendix D). As part of the proposed action, the existing parking lot would be removed, and new surface parking areas would be constructed at a similar grade.

3.6 Noise, Dust and Vibration

Comment No. NOI-1

Reconsider the effect of the noise level from the proposed development of rooftop use of Cappy's Carpet. At present the noise of the rooftop music from the Harbor Grill can be clearly heard by the residents of the Arlington Heights neighborhood. Living up on Jones Avenue and being level with the fire horn at the fire house, sound that is generated at that height or higher travels up into the neighborhood. This same bowl-like phenomenon is experienced on both Tuthill and Spring Streets when noise is generated. Even with the existing vegetation within the neighborhood, noise will still travel up Tuthill Street, like what was experienced in the neighborhood by Mather Hospital when that ventilation system was installed. At places like Schafer's, music is done by 11:00pm, at a private place like the proposed action, what control do we have to tell someone to turn down their radio. The only recourse for noise generated by the proposed action is to call the police and be a spoilsport. [H1-1, H1-3, H4-2, C1-5]

Response No. NOI-1

Rooftop HVAC equipment will be specified and designed to meet the requirements of Chapter 173 of the Village Code to minimize the potential for noise to affect residents at the proposed development and existing residences in the area. As shown on the proposed Roof Deck/Roof Plan included in Appendix E of this FEIS, the rooftop deck will be located along the northern side of the proposed building, away from Main Street and Barnum Avenue. Rooftop heating, ventilation and air conditioning (HVAC) equipment will be limited to approximately 26 apartment units as well as all commercial spaces, lounge, and the fitness area, whereas the remaining 20± apartments (i.e., those with balconies) are anticipated to have in-unit HVAC closets. The loudest types of rooftop HVAC equipment are typically chillers, heat pumps, or other equipment with fans. Although the specific manufacturers, models, and sizes has not been determined at this stage of the design, and will be determined during the Village's building permit review process, it is typical for equipment for this type of development to have a sound power level of 85 decibels (dBA) or less which equates to a sound level of 78 dBA at a distance of 3 feet from the equipment.

At locations where people may be affected by noise, sound from the HVAC equipment will be substantially lower due to shielding from intervening structures and the attenuation of sound with distance. When intervening structures such as the roof or parapet wall breaks the line of sight between receptors and the equipment, sound levels are usually reduced by 15 dBA or more. Assuming very efficient propagation conditions, sound levels will attenuate by 6 decibels or more for every doubling of distance. Therefore, sound from rooftop equipment would be approximately 33 dBA at the nearest residences directly across the street. At locations farther from the proposed development, such as residences 500 feet from

the building, sound from the rooftop equipment would typically be below 20 dBA, which is exceptionally low. Sound levels 33 dBA or lower would be well below the local noise ordinance of 50 dBA at night. Sound levels would be even quieter inside residences.

With respect to use of the rooftop deck, typical activities are expected to include passive recreation by individual residents or small gatherings by residents and their immediate guests. Use of the rooftop deck will be managed by the property owner and the on-site superintendent whom is expected to reside at the premises, and will be monitored by video surveillance. The Applicant anticipates that the following rules will apply to use of the rooftop deck, several of which will limit or preclude the potential for noise generation:

- › Hours of use of the rooftop deck will be limited (e.g., Sunday through Thursday from 9:00 a.m. to 10:00 p.m., and Friday through Saturday from 9:00 a.m. to 11:00 p.m.);
- › Formal parties, private receptions, and the use of musical instruments, amplified music and loud noise will be prohibited;
- › The rooftop deck will be for use by residents only. Residents will be required to accompany guests and children will be accompanied by adults;
- › Skateboards, rollerblades and bicycles will not be permitted;
- › Pets will not be permitted;
- › Glass bottles and glassware will not be permitted; and
- › Trash receptacles will be maintained and littering will not be permitted.

Sound generated by people on the rooftop having conversations would typically be quieter than the HVAC equipment described above. For example, one person speaking at a normal voice level would generally measure 65 dBA at a distance of 3 feet. If 10 persons were speaking at once on the rooftop deck, this would be approximately 75 dBA at distance of 3 feet. Based on similar assumptions to that for the HVAC equipment, the sound level from 10 people speaking at the same time on the rooftop would be approximately 30 dBA at the closest residence and would be 16 dBA or less at residences 500 feet away. It is noted that an Eastern Suffolk BOCES school facility is present on Spring Street, which is approximately two and three stories in height, located 550± feet to the east of the subject property. If sound produced at the subject property were to reach that building and reflect back toward private residences in the vicinity, it could add up to 3 dBA to sound levels. Even with such an increase, sound levels are particularly low, and would be substantially below local noise ordinance restrictions. Sound levels would be even quieter inside residences.

Therefore, there is very limited potential for noise effects due to activities on the proposed rooftop deck or HVAC equipment on the roof to supersede existing conditions, particularly in a downtown setting such as this where traffic on existing roadways, operations at several existing businesses, and even activities at the

densely developed private residential properties throughout the area. To characterize these existing conditions and noise sources, typical background noise levels for this type of area (i.e., a quiet urban or suburban area at night) is around 40 dBA, or around 60 dBA for a commercial area. A single diesel truck at 50 feet generates sound levels around 80 dBA. Compared to the levels described above, 30-to-33 dBA at the nearest residences and lower at greater distances, the background and regular traffic-related sound levels would be expected to be higher than sound levels produced by activities or equipment related to the proposed action.

To summarize the primary noise considerations described above:

- › Rooftop HVAC equipment would generate a sound level of approximately 78 dBA at a distance of 3 feet. At the nearest residence, sound levels would decrease to approximately 33 dBA, and at residences 500 feet away, sound levels would be below 20 dBA. These levels would be substantially below estimated existing area noise levels (40-to-60 dBA) and would be substantially below the Village noise ordinance nighttime limit of 50 dBA.
- › Typical activity on the roof deck, such as 10 people speaking, would generate a sound level of approximately 75 dBA at a distance of 3 feet. Sound levels at the nearest residence and at residences 500 feet away would be even lower than for the HVAC equipment, and would therefore also be lower than typical existing area noise levels and below noise ordinance limits.
- › Even if sound were to reflect off of the Eastern Suffolk BOCES building and back toward a residence in the area, the effect would add up to only 3 dBA to the sound level at that receptor, which would still be well below the thresholds discussed above.

Overall, based on the foregoing, no significant adverse noise impacts are expected to result from implementation of the proposed action.

Comment No. NOI-2

What monitoring protocol will be implemented for the proposed pile driving? [H9-3]

Response No. NOI-2

As discussed in Section 3.7.2 of the DEIS, pile driving and vibration-generating activities will be permitted only during non-sensitive times (i.e., 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday) in accordance with the Village Code. Based on the limits of the proposed building footprint, the Applicant proposes to notify adjoining neighbors and properties opposite the subject property along Main Street and Barnum Avenue in advance of undertaking construction activities with the potential for excess vibration (e.g., pile driving) as required and directed by the Village of Port Jefferson Building and Planning Department. In addition, the Applicant will photo-document existing building conditions at each of these neighboring properties prior to the start of construction

as required and directed by the Village of Port Jefferson Building and Planning Department.

3.7 Miscellaneous

Comment No. MISC-1

Dedicating the proposed development to mostly residential use inhibits future use of the parcel. A more transient use than an apartment building should be considered for the conversion of Cappy's Carpets. [C1-1]

Response No. MISC-1

As mentioned in Section 2.4 of the DEIS, the subject property is designated as a C-1 zoning district, which permits the development of residential apartments above a retail use as a conditional use. Accordingly, the proposed action is consistent with the land use controls applicable to the subject property, and no significant adverse land use impacts are anticipated. Nonetheless, it is noted that the retail spaces on the first floor of the proposed building are expected to be leased to tenant businesses, which may experience turnover over time.

Comment No. MISC-2

What are the tax benefits of the proposed construction? Clarification is needed as to whether or not the applicant is seeking or in receipt of tax deferments that reduce the amount of property taxes to the Village, or delay the payment to the Village of property taxes. Subsequently, the proposed tax benefits to the Village as is related to the proposed action have not been addressed. [C2-1, H2-3, H5-1]

Response No. MISC-2

The Applicant may seek benefits or incentives from the Town of Brookhaven Industrial Development Agency as permitted by New York State law. However, the specific benefits or incentives that may be obtained, if any, cannot be determined at this time. It should be noted that the conclusions presented in the DEIS do not rely upon the generation of property taxes to mitigate any potential environmental impacts of the proposed action, and that any benefits or incentives offered do not fall within the purview of the Planning Board's zoning jurisdiction nor will it affect its decision, as it is not a zoning issue.

Comment No. MISC-3

I believe there are two fire hydrants near the proposed apartment building. How many hydrants are proposed? The need for hydrants, sprinklering and fire safety should be considered. [H2-2]

Response No. MISC-3

As provided by the project architect, Eric Nicosia, the proposed building will have fire protection sprinkler systems with central station alarms, carbon monoxide

detectors, and fire detection equipment throughout the building. Each apartment unit will have fire alarms as well. To minimize the risk related to fire on the proposed rooftop deck and patios, the Applicant will include a timer on the natural gas grills and fire tables to ensure they are not left on my tenants. Fire extinguishers will also be maintained near the grills and fire tables. Ultimately, the proposed building will undergo a detailed fire safety review as part of the Village's standard building permit review process, such that all fire safety aspects of the design will be reviewed and approved by the Village Fire Marshal prior to implementation of the proposed action.

Comment No. MISC-4

The current owners should make provisions for tenants living in the existing Cappy's Carpet buildings on the subject property, so as not to displace any school-aged children enrolled in the Port Jefferson School District until after the 2018-2019 school year is done. [H8-2]

Response No. MISC-4

This comment is noted.

Comment No. MISC-5

Has any comment been received from the Sewer District? [H6-1]

Response No. MISC-5

As discussed in Section 2.3 of the DEIS, sanitary waste to be generated as part of the proposed action will be accommodated by the Suffolk County Sewer District CSD-01 at the Port Jefferson sewage treatment plant, which is maintained under the auspices of the Suffolk County Department of Public Works (SCDPW). It should be noted that, as of preparation of the Village's November 2014 Port Jefferson 2030 Comprehensive Plan Update, the SCDPW reported an excess capacity of 250,000 gallons per day (gpd) (not including 50,000 gpd of reserve capacity) within the overall sewer district, whereas the proposed action is expected to generate approximately 10,647± gpd of sanitary waste. Consultations have been undertaken by the project architect and attorney with SCDPW, which have confirmed available sewer capacity. A formal sewer availability letter for the proposed action will be secured from SCDPW prior to implementation of the proposed action.

Comment No.MISC-6

Has any comment been received from the Suffolk County Planning Commission?
[H6-2]

Response No. MISC-6

By correspondence dated February 15, 2019, the Suffolk County Planning Commission (SCPC) indicated the proposed action to be a matter for "local determination," as there appeared to be "no significant county-wide or inter-community impact(s)" (see correspondence in Appendix F). Moreover, no concerns regarding potential significant adverse environmental impacts or the need to mitigate such impacts were included in the comments received from SCPC. Several of the SCPC comments encouraged the Applicant to consider techniques to reduce parking demand, incorporate green techniques for stormwater management, and where practical, to incorporate energy efficiency in the overall design.

Comment No. MISC-7

The proposed apartment building will be close to the existing Barnum House, and spacing should be provided between the two buildings for fire safety. [H8-1]

Response No. MISC-7

As provided by the project architect, Eric Nicosia, the proposed building will meet all requirements of the New York State Uniform Fire Prevention and Building Code. Moreover, the proposed building will be reviewed by the Village Fire Marshal as part of standard building permit review procedures, and all requirements will be incorporated into the final building design. Therefore, no significant adverse environmental impacts associated with fire safety or fire protection are anticipated.

Comment No. MISC-8

Appropriate measures should be taken to ensure amenities such as the proposed natural gas grills and fire tables are compliant with prevailing fire safety regulations for the Village. [C3-1]

Response No. MISC-8

Amenities will be compliant with Village Code Chapter 139 as is related to fire prevention. Furthermore, the Applicant will install automatic shut-off controls and timers on natural gas grills and fire tables, which will preclude these appliances from being left on. Outdoor fire extinguishers will also be installed by the fire tables and grills and/or as otherwise required by the Village Fire Marshal. Approval by the Fire Marshal will be obtained prior to implementation of the proposed action as part of the Village's standard building department review process, and all associated requirements will be adhered to, such that no significant adverse impacts associated with fire safety or fire protection are anticipated.



GREATER PORT JEFFERSON
CHAMBER OF COMMERCE

Date: March 15, 2019
Ref: 440 Main Street- Site Plan and Conditional Use Application # 0537-18
From: Greater Port Jefferson Chamber of Commerce
Atten: Planning Chair Ray Di Biase and Port Jefferson Planning Board

The PJ Chamber attended the March 14th public hearing on the above application and is in full support of allowing the applicant to move forward with their project. The presentation was very thorough with limited negative comments and those could be *clearly* rectified. The applicants have a proven track record of responsible and thoughtful development already here in our Village. Both primary principles have strong connections to our community and are vested in constructing a trustworthy design. They have demonstrated their commitment in supporting the Village and embrace our quality of life. This project continues the same line of the adjacent buildings and does not detract visually the consistent scale of the project, but adds architectural details that enhance the flavor of our downtown. Incorporating mixed use is important for this plan because it encourages stronger foot traffic and the expansion of our business district. The recent apartment developments in Port Jefferson were quickly filled and have 100% occupancy. There is no doubt that these apartments will also be leased rapidly, as living in Port Jefferson has many benefits.

Thank you,

Port Jefferson Chamber of Commerce-Board of Directors

118 West Broadway • Port Jefferson, New York 11777-1314
 Phone (631) 473-1414 • Fax (631) 474-4540
www.portjeffchamber.com • info@portjeffchamber.com

RECEIVED

MAR 15 2019

BUILDING DEPARTMENT
VILLAGE OF PORT JEFFERSON

Valentin A. Staller
201 W Broadway, Apt. 136
Port Jefferson, NY 11777

RECEIVED

APR - 1 2019

March 28, 2019

**BUILDING DEPARTMENT
VILLAGE OF PORT JEFFERSON**

Port Jefferson Village Planning Board
88 North Country Road
Port Jefferson, NY 11777

Dear Planning Board:

I am writing because I was unable to attend the Planning Board meeting held on March 14th. I wish to express my support for the proposed mixed-use development at 440 Main Street.

I grew up in the Three Village area, but lived out-of-state after going to college in 2008. Last year, my wife matched into a residency program at Stony Brook University Hospital. As a first-year resident, she works 12-14-hour days, six days per week. Naturally, a short commute was one of our top criteria for selecting a place to live.

As two young professionals without children or pets, we sought an apartment building, rather than a house. We wanted a nice place to live, but didn't want the responsibility of household upkeep. Having previously lived in cities, we were attracted to Port Jefferson's walkability. To our surprise, our options were extremely limited; the only managed apartment buildings with availability were The Hills and The Shipyard, which had just opened. Since we wanted a two-bedroom, the Shipyard was our only option; in June 2018, we moved in.

The Shipyard was fully occupied by the early fall; indeed, the building has been so successful that the leasing team recently won the 2018 Lease-Up of the Year award from Greystar, the largest apartment management company in the country. While I don't have any data, I presume that The Hills had no issues filling the one-bedroom vacancies we toured in April 2018.

Thirty percent of the residents in my wife's program live in either The Shipyard or The Hills, including seventy-five percent of my wife's intern class; an additional ten percent live in houses in the Village of Port Jefferson. Without exception, every Stony Brook resident with whom I have spoken has told me that it is nearly impossible to find a place to live near the Hospital. Two of my wife's more senior colleagues decided to live in The New Village at Patchogue, because they sought amenitized apartments in a walkable downtown before The Shipyard and the second phase of The Hills were completed. My rough estimate is that approximately seventy-five percent of my wife's residency program live in rented apartments, as opposed to houses.

This is all to say that the supply-and-demand equilibrium for apartments near Stony Brook is extremely out of balance. There is a desperate need for apartments to support the housing demand generated by the University, which is our region's most vital resource in terms of education, healthcare, economic development, diversity and culture. I cannot count how many Faculty/Staff parking stickers I see in the Shipyard and Hills parking lots.

The incoming 2019 intern class for my wife's residency program is a perfect illustration of the unmet demand. They matched at Stony Brook on March 15th and will begin working in the last week of June. Four of them are already on waitlists for The Shipyard and The Hills. I presume that these circumstances are not unique among residency programs at Stony Brook, not to mention any fellowship, faculty or staff positions. Simply put, the demand for apartments in the Village cannot be overstated.

Why should Port Jefferson be home to more apartments? Port Jefferson houses a County Sewer District, which is rare in Suffolk County, especially on the north shore. This not only enables multifamily housing, but also allows for our Village's density of restaurants and bars, which create a vibrant downtown. Sewers are the simple commonality between dynamic Suffolk County downtowns, like Port Jefferson, Huntington, Patchogue, Northport and Bay Shore. Compare those to other less-walkable downtowns that are not on sewers, like St. James, Farmingville, Miller Place or Rocky Point.

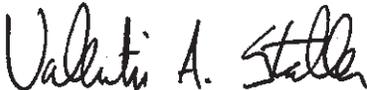
Port Jefferson is a terrific place to live because of the beautiful harbor and the walkable downtown. I feel like I am on vacation every sunny day in the summer. I love that I can walk to restaurants, the farmer's market, places like You, Me & Tea, The Amazing Olive or Down Port Barbershop. The restaurants, bars and retailers are the backbone of our downtown and make it a special place to live on Long Island.

Across the United States, traditional modes of retail have been overwhelmed by e-commerce and logistical innovations, like two-hour grocery deliveries; Port Jefferson is no exception. "Main Street" retail, typically populated with mom-and-pops, has suffered the most. We have many vacancies in both downtown and upper Port; just today, Newsday reported that the Gap is closing, which will leave a big hole downtown. The Brookhaven-LIPA settlement's impact on property taxes and scheduled increases to the State's minimum wage will only exacerbate this issue. This is not a political statement; I simply intend to point out that brick-and-mortar retailing in the Village faces stark challenges, and it will become harder and harder to backfill vacancies.

I believe it is imperative that the Planning Board take a proactive approach to supporting downtown retail and restaurants, which make our Village a desirable place to live. I urge the Board to consider how more residents will support our Village, especially during the winter months. Indeed, the Village recently acknowledged the need to support our retail through its recent partnership with Stony Brook to begin a pilot program bus service between the Village and the University.

More housing options will not only help satiate the demand from Stony Brook University, but also bring much-needed foot traffic to the Village. The proposed project at 404 Main Street does both of these things and would serve as a great asset to the Village. I hope to attend future public hearings on the project to voice my support. Thank you for your time and consideration.

Sincerely,



Valentin A. Staller

Planning Board Port Jefferson
88 North Country Road
Port Jefferson, NY 11777

RECEIVED

March 23, 2019

MAR 27 2019

To the Planning Board: **BUILDING DEPARTMENT**
Re: Application :#0537, SCTM: **VILLAGE OF PORT JEFFERSON**

We are long-timed residents of Port Jefferson. We built our house on the corner of Beach Street and Sheldrake Avenue 38 years ago. [105 Sheldrake Ave.] We have several concerns about the proposed development of the Cappy's Carpet property. Our major concerns are: **Increased Traffic, Increased noise from proposed roof top recreational use, Increased height of the structures.**

Our main concern is on the effect of traffic congestion especially on our ability to turn left [east] or right [west] onto Route 25A from either Beach Street or Jayne Ave. or Arlington Ave. Making either turn is very difficult even during non-commuting days. We both work locally [Stony Brook University] or to utilize the businesses or the hospitals of Port Jefferson.

Lately either turn is extremely difficult and the addition of more automobiles resulting from the Cappy's Carpet development will only acerbate the situation. In addition many cars also make a left turn *from 25A into* the Shipyard often at high speed making a very hazardous situation.

Recently while attempting to travel eastward from 25A toward Mather Hospital one of us [H.L.] nearly collided with a car turning *left from 25A into* the Shipyard. This has occurred numerous times for both of us.

The addition of more automobiles onto our village streets will make matters worse.

Therefore we urge you to:

- 1] Block the conversion of Cappy's Carpet into apartment use. Consider the possibility of more than transient use. C1-1
- 2] Prevent traffic from turning *from 25A into* the Shipyard. C1-2
- 3] Reconsider any development of the Cappys Carpet development with respect to the traffic problems that will ensue on Barnum Avenue, Main Street and West Broadway. C1-3
- 4] Reconsider the proposed height of the Cappy's Carpet development taking into account of the "true" height of the proposed buildings: [HVAC, Pilings used to elevate all construction in Drowned Meadow, other roof top recreational structures] The village has a dismal record of enforcing height restrictions. [Shipyard, Graceful Rose Restaurant]. C1-4
- 5] Reconsider the effect of the noise level from the proposed development of rooftop use of Cappy's Carpet. At present the noise of the rooftop music from the Harbor Grill can be clearly heard by the residents of the Arlington Heights neighborhood. C1-5

Thank you for your attention to our concerns.

Very truly yours,

Mary Bernero

Mary Ann Bernero
Harvard Lyman

Harvard Lyman

205 Bayview Terrace
Port Jefferson, NY
March 20, 2019

Port Jefferson Planning Board
88 North Country Rd
Port Jefferson, NY 11777

RECEIVED

MAR 21 2019

BUILDING DEPARTMENT
VILLAGE OF PORT JEFFERSON

re: Application: # 0537-18 (Cappy's Carpet)

Mr. Ray DiBiase and Members of the Planning Board,

At your March 14th public hearing you indicated all questions from the community would be answered prior to issuing a decision.

The unanswered concerns I mentioned at the hearing are restated below.

Is the applicant seeking or in receipt of tax deferments that reduce the amount of property taxes to the village, or delay the payment to the village of property taxes? C2-1

How much is the village recreation fee assessed and how was it calculated? Will the applicant, as mentioned during the presentation, be able to reduce the fee based on the private recreation facilities to be located on the property? C2-2

The application shows a payment in lieu of parking for 4 spaces, but a presenter for the applicant indicated the removal of 3 existing on-street parking spaces. If those 3 on-street spaces are removed as a result of the project, will the applicant be required to pay money in lieu of parking for a total of 7 spaces? C2-3

Respectfully submitted,



Michael Mart



Jennifer Sigler <jsigler@portjeff.com>

440 Main Street/Cappy's

1 message

Jennifer Sigler <jsigler@portjeff.com>

Thu, Mar 21, 2019 at 12:30 PM

To: John McCuen <jwmccuen@gmail.com>

Cc: Cindy Suarez <csuarez@portjeff.com>, Alison LaPointe <alapointe@portjeff.com>, Lisa Rickmers <lrickmers@portjeff.com>, "Eric J. Russo, Esq." <eric@vbjr.com>, "Eric Nicosia R.A." <architect@optonline.net>

Good afternoon Mr. McCuen,

Cindy Suarez forwarded your concerns to me regarding the nature of the proposed roof-top fire tables and barbecues. Open Flames, whether decorative or for cooking purposes, are highly regulated by the Fire Code as well as by the judgement of the municipal fire official.

In my limited review of the Fire Code I noted:

That propane-fueled bbq's are prohibited and that the Fire Code regulates the operation and maintenance of charcoal, piped natural gas and electric bbq's. Regulations will include designing a rooftop for occupancy and maintaining distances from combustible materials such as building surfaces, combustible roofs and combustible decks. All open flame generators (fire tables, bbq's) must be constantly attended and have ready access to fire extinguishing equipment. Decorative open-flame devices are also required to comply with regulations stipulating acceptable fuel types as well as built-in features to limit spillage and leakage, etc.

It is my expectation that a professional (architect and/engineer) on the design team of this project will be able to address your concerns in a comprehensive manner.

Also, as part of the public comment process, please submit all of your concerns in writing to our department so that they may be included in the record.

Thank you for your concern and interest,
Jennifer

A handwritten signature in cursive script that reads "Jennifer Sigler".

Jennifer Sigler, Site Plan Reviewer
Village of Port Jefferson
Planning & Building Department
88 North Country Road
Port Jefferson, NY 11777

jsigler@portjeff.com
Phone 631-473-4744 ext 316
Fax 631-473-2049

In the Matter Of:

VILLAGE OF PORT JEFFERSON PLANNING BOARD HEARING

PLANNING BOARD PUBLIC HEARING

March 14, 2019



ACRS

Accurate Court Reporting Services, Inc.

www.accuratecorp.com

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PLANNING BOARD PUBLIC HEARING
INCORPORATED VILLAGE OF PORT JEFFERSON
BUILDING AND PLANNING DEPARTMENT
121 WEST BROADWAY
PORT JEFFERSON, NEW YORK 11777

March 14, 2019
6:00 p.m.

ACCURATE COURT REPORTING SERVICE, INC.
6 FRANCES LANE
PORT JEFFERSON, NEW YORK 11777
(631) 331-3753
info@accuratecorp.com

2 A P P E A R A N C E S :

3 RAY DiBIASE, Chairman

4 BARBARA SABATINO, Board Member

5 GIL ANDERSON, Board Member

6 LLEWELLYN JOHNSON, Board Member

7 LAURA ZIMMERMAN, Board Member

8 CINDY SUAREZ, Secretary

9 A L S O P R E S E N T :

10 JENNIFER SIGLER, Village Site Plan Reviewer

11 LISA RICKMERS, Village Planner

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1 PLANNING - 3/14/19
2 (WHEREUPON, the following portion
3 of the hearing began at 7:42 p.m.)
4 MS. SIGLER: 440 Main Street. Site
5 Plan and Conditional Use.
6 Application number 0537-18.
7 Location: Cappy's Carpet. Tax Map
8 Number Section 12, Block 9, Lot 3. Zoning:
9 C-1 Central Commercial District.
10 Applicant: Brooks Partners, LLC.
11 Contract: Vendee. Property Owner: Peter and
12 Pina Capobianco Co-Trustees.
13 Contact: Eric J. Russo, Esquire,
14 care of Vanbrunt, Juzwiak & Russo, P.C.
15 Description: SEQRA Public Hearing
16 and Site Development Plan and Conditional Use
17 Permit for proposed mixed use building.
18 MS. SABATINO: Mr. Chairman, I must
19 recuse myself from this application.
20 CHAIRMAN DIBIASE: Okay. You can
21 start.
22 MR. RUSSO: Good evening, Mr.
23 Chairman, Members of the Board. I thank you
24 for the opportunity to come before you this
25 evening.

1 PLANNING - 3/14/19

2 My name is Eric J. Russo.

3 Vanbrunt, Juzwiak & Russo, with offices at 140
4 Main Street, Sayville, New York 11782.

5 I'm here tonight representing the
6 applicant, which is Brooks Partners, LLC., 414
7 Main Street, Port Jefferson, as the contract
8 vendee for the subject property.

9 The property owners are Pina and
10 Peter Capobianco as Co-Trustees, at 440 Main
11 Street, Port Jefferson, New York, again, 11777.

12 The application before you this
13 evening -- as Ms. Suarez was kind enough to
14 read off -- focuses on a SEQRA public hearing
15 and a site plan development with conditional
16 use permit for a proposed mixed-use building.

17 The code sections that you
18 referenced are Section 250-18 B9 and F as it
19 relates to your code for the respected uses of
20 the mixed-use apartment building, as well as
21 the retail restaurant, take-out use, that we
22 are seeking at the subject property that is
23 being proposed this evening.

24 The property -- as the Board is
25 familiar and the residents are familiar -- is

1 PLANNING - 3/14/19

2 on the west side of Route 25A, also known as
3 Main Street. 211 feet, .8 feet north of Barnum
4 Avenue in Port Jefferson.

5 The property is zoned C1 Central
6 Commercial District, and it's also in the Port
7 Jefferson sewer district number one, but not in
8 a FEMA flood zone.

9 The applicant proposes a new,
10 three-story, mixed-use apartment building,
11 which will have a total of 46 apartments: 44
12 one bedroom, two two bedroom.

13 There will be an office retail use
14 of approximately 1,200 square feet, non-medical
15 in nature, with a restaurant takeout use of
16 approximately 1,500 square feet, with 16 seats,
17 maximum, in that use.

18 There will be a roof deck, an
19 elevator, lobby areas, and a private fitness
20 area with storage and also underground building
21 parking for the residents who will be within
22 the subject premises.

23 The total building area is
24 approximately 65,300 square feet.

25 What I would like to do at this

1 PLANNING - 3/14/19

2 time, since this evening I have individuals who
3 are going to assist with the presentation, I
4 would like to inform the Board that we have
5 David Wortman, who is our environmental
6 consultant and analyst from the VHB engineering
7 and Patrick Lenihan, who is our traffic
8 consultant, again, from VHB Engineering, from
9 110 Motor Parkway, Suite 135 [sic] in
10 Hauppauge.

11 In addition, we have our project
12 architect, Eric Nicosia, who's P.O. Box 879
13 Rocky Point, New York, and Doug Adams, our
14 Engineer, who is at 400 Ostrander Avenue in
15 Riverhead. And both the engineers and
16 architects that assisted with our drainage and
17 grading and our swift storm water prevention
18 pollution plan application that will come to
19 the Village for it's review after, and should
20 the Planning Board grant the public hearing.

21 The portion of the public hearing
22 that I would like to start with this evening,
23 has to do with our SEQRA public hearing. It
24 was pos dec adopted by the Village Planning
25 Board on December 4th --

1 PLANNING - 3/14/19

2 CHAIRMAN DIBIASE: Just one second.

3 Maybe you should explain positive
4 dec roof deck pos dec being positive
5 declaration and the SEQRA for those who don't
6 know.

7 MR. RUSSO: Well, what I'm going to
8 do is, I'm going to introduce Mr. Wortman who
9 will walk us through the whole state and
10 environmental quality review act and then -- as
11 you indicated -- this Board had a choice, which
12 he will go through, of giving it a negative
13 declaration of significance or a positive
14 declaration of significance. And in this case,
15 the Board elected, based on the information
16 that has come up before the Board, not only as
17 to this project, but also as to projects within
18 the area. And the similar projects being
19 Shipyard and 201 here in the Village; Overbay
20 at 217 and the CVS, 464 on Main Street. And
21 those David will walk through and talk about
22 the issues that were raised and approved by
23 this Board based in your resolution of
24 December 4, 2018.

25 You also, at that time, took on the

1 PLANNING - 3/14/19

2 role of lead agency, so that any specific other
3 municipal agency that would have some sort of
4 input as to this project -- whether it was the
5 Water Authority of Suffolk County, Suffolk
6 County DPW, the Suffolk County Health
7 Department, PSE&G, the Suffolk County Planning
8 Department, or the New York State DOT -- they
9 would coordinate their comments and reviews and
10 efforts through your Planning Board by you
11 taking that action.

12 So, in order to move forward here
13 this evening, and because of the fact that
14 there is a timeline and process for the State
15 Environmental Quality Review Act, I would ask
16 that you allow me to bring up David Wortman,
17 who can discuss the SEQRA portion of this
18 application and explain it to the public and
19 walk us through what the findings were and what
20 the purpose of tonight's hearing is as it
21 relates to that particular issue.

22 Then we'll continue, after that is
23 concluded, and the Board is satisfied, we will
24 continue with, at that point, the site plan
25 application and talk about the elevations, the

1 PLANNING - 3/14/19

2 traffic, and any other issues, or answer and
3 respond to any questions that the Board may
4 have or want to present to the applicant.

5 CHAIRMAN DIBIASE: Okay.

6 MR. RUSSO: That being said, I
7 would like to introduce David Wortman at this
8 time from VHB.

9 D A V I D W O R T M A N, appearing as a witness
10 for the applicant, having been first duly sworn
11 by a Notary Public of the State of New York,
12 was examined and testified as follows:

13 MR. WORTMAN: My name is David
14 Wortman, W-O-R-T-M-A-N. I am the senior
15 environmental adviser with VHB Engineering,
16 with offices at 100 Motor Parkway in Hauppauge,
17 New York.

18 CHAIRMAN DIBIASE: You may want to
19 speak up just a little bit or move that mic
20 closer to you. The mic doesn't extend up that
21 much, but...

22 MR. WORTMAN: No problem.

23 Is this better? No?

24 CHAIRMAN DIBIASE: I think so.

25 MR. WORTMAN: Can you hear through

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2 the mic?

3 FEMALE VOICE: No.

4 FEMALE VOICE: No.

5 MR. WORTMAN: I'm going to do the
6 full lean if you don't mind. Better I assume?

7 CHAIRMAN DIBIASE: Yes, that's
8 good.

9 MR. WORTMAN: Okay. Hi. So,
10 again, my name is David Wortman. I'm the
11 senior environmental manager with HVB, with
12 offices at 100 Motor Parkway in Hauppauge, New
13 York.

14 So as you're aware, the Board has
15 gathered here tonight to undertake a combined
16 public hearing on the proposed site plan and
17 the conditional use permit, as well as the
18 draft environmental impact statement that has
19 been prepared for the purposed mixed-use
20 development. With that in mind, you'll hear
21 more about the site plan as Eric mentioned, but
22 I'll focus my presentation on a brief overview
23 of the SEQRA process that has been undertaken
24 to date, as well as discuss the purpose of
25 tonight's meeting with respect to the DEIS.

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2 Following receipt of the site plan
3 application for the mixed-use development, this
4 Board circulate [sic] a part one environmental
5 assessment form to all of the potential
6 involved agencies to initiate a coordinated
7 SEQRA review -- sorry.

8 CHAIRMAN DIBIASE: That's probably
9 better, actually. And you can -- you won't
10 have to lean over.

11 MR. WORTMAN: Okay. Excuse me.

12 That coordinated review is
13 undertaken with a list of agencies that Eric
14 described a moment ago.

15 Following that coordinated review
16 period, this Board declared itself to be the
17 lead agency for the purposes of the
18 environmental review of the proposed action.
19 And what that means is that the lead agency --
20 this Board -- will make the determination of
21 significance for the proposed action on behalf
22 of the involved agencies.

23 This Board, based on the input of
24 it's Planning Department staff and the
25 information before the Board, ultimately issued

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2 a positive declaration. Positive in this case
3 means the Board that has identified the
4 potential for the proposed action to resolve in
5 the significant environmental impact and
6 required the preparation of a DEIS, that
7 analyzed the potential impacts.

8 VHB was retained by the applicant
9 to prepare the required DEIS, and in accordance
10 with the Planning Board's positive declaration
11 and the relevant requirements set forth at
12 SEQRA's implementing regulations, the DEIS was
13 prepared to analyze a range of environmental
14 impact topics. These included potential
15 impacts to aesthetics, visual resources, and
16 neighborhood character, traffic and parking
17 impacts, impacts upon park land and recreation
18 and open space, subsurface conditions, storm
19 water impacts, impacts associated with flooding
20 and sea level rise, and noise, dust and
21 vibration impacts, as well as assessments of
22 reasonable alternatives to the proposed action,
23 which, in this case, was limited to the SEQRA
24 mandated No action alternative.

25 CHAIRMAN DIBIASE: You might just

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2 want to lower that a little. I can hear the
3 echo.

4 MR. WORTMAN: Is this any better?

5 FEMALE VOICE: Yes.

6 MR. WORTMAN: Is that working now?

7 CHAIRMAN DIBIASE: You have to ask
8 them.

9 MR. WORTMAN: Show of hands?

10 CHAIRMAN DIBIASE: Cindy will turn
11 down your volume, too.

12 MR. WORTMAN: Thank you, Cindy.

13 Any good? Testing.

14 SPEAKER: Better?

15 MR. WORTMAN: Are we good?

16 Again, so there was list of impact
17 issues identified by this Board as potentially
18 significant and we prepared a draft
19 environmental impact statement to evaluate that
20 set of potential impacts.

21 As part of that EIS and as required
22 by SEQRA, there were analyses of reasonable
23 alternatives to the proposed action, and as
24 well as required by the Planning Board, and
25 recommended by the Planning Department, the EIS

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2 evaluated, where relevant, the cumulative
3 impacts of this proposed development as well as
4 the Shipyard development, which is constructed
5 and operating, and the Overbay Development,
6 which is approved and planned but not yet under
7 development.

8 Once the DEIS was completed and
9 submitted to this Board for its consideration,
10 and following a roundup review and comment and
11 revision to that DEIS, the DEIS was accepted by
12 this Board as complete and adequate for public
13 review, thereby commencing a required public
14 review period for the DEIS.

15 This Board elected to conduct this
16 optional SEQRA Hearing or DEIS Hearing as a
17 means of gathering public comment on the DEIS.
18 And to that end, we're here on behalf of the
19 applicant to observe the hearing, to receive
20 the substantive comments and hear first hand
21 what substantive comments the public or
22 interested parties may have on the analyses
23 contained in the DEIS, and, of course, to
24 answer, to the best of our ability, any other
25 questions that the Board may have regarding the

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2 substance of the DEIS.

3 One last item related to the SEQRA
4 process. As the Board is aware, any
5 substantive comments received during the public
6 comment period, including tonight, must be
7 addressed within -- what is referred to as a
8 Final Impact Environmental Statement or FEIS.
9 As is customary, VHB and the applicant would be
10 glad to prepare a proposed FEIS for
11 consideration by this Boards and/or to work
12 with you or your Planning Department to address
13 all substantive comments that may be raised on
14 the DEIS.

15 With that, I thank you for your
16 time. If you have any questions regarding the
17 DEIS, I would be glad to accept them now or
18 during the course of our presentation.

19 CHAIRMAN DIBIASE: Yeah, I think
20 maybe we'll hold questions until the end if
21 that's, you know...

22 MR. WORTMAN: Thank you.

23 MR. RUSSO: Mr. Chairman, Members
24 of the Board, in order to move forward, then,
25 what I would like to do, at this time, is just

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2 point out to you that when you review your
3 sections of the code under 250-18 for the
4 Central Commercial Districts D-1, Conditional
5 Uses, I again, point out to you under B-9, is
6 the discussion that there be retail food
7 establishments provided. And you site very
8 specific conditions. That it's not -- located
9 within 200 feet of any residential district,
10 measured from the property line of the involved
11 parcel to the Zoning District boundary line, no
12 retail food establishment conducts business
13 outside of a building or a walk-up, drive-thru,
14 or window. No retail establishment occupies
15 any interior space of less than 800 square
16 feet.

17 The seating is based on existing
18 fire and health codes, and in this particular
19 case, our proposal is for 16 seats, which would
20 be the maximum permitted by the Suffolk County
21 Department of Health Services.

22 And the other criteria that you
23 recite is that they may not sell alcoholic
24 beverages for consumption on premises or to be
25 taken off premises.

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2 And you have two other sections
3 that talk about that the food establishments
4 existing as on the date of the enactment of the
5 amendment shall be considered as conforming
6 uses and any presently existing which does not
7 conform to the requirements may continue to
8 operate without taking into account the
9 establishment and code requirements of this
10 chapter.

11 In the use that we were proposing,
12 although we don't have a tenant in mind and
13 specifically enrolled at this time because
14 their application at this time is prospective
15 and yet to be approved, we are hopeful that as
16 part of your Village Master Plan your goal was
17 that you wanted to create a walking Downtown
18 and expand the walking Downtown so that it
19 would move forward from where it is on Main
20 Street and continue upwards towards this
21 particular area. And that's why the Village
22 adopted this section of the code to allow for
23 this particular type of use in this location,
24 which is the newly adopted section.

25 In addition, under F of the same

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2 section is where it refers to the mixed
3 occupancies of freestanding apartments. And,
4 again, in that section of the code, as you
5 review it, you list requirements that the
6 applicant or someone should consider in terms
7 of development.

8 In terms of parking and making
9 parking for the particular use, should be
10 on-site or should be or have adequate parking
11 and related designation of parking, which in
12 our particular case, would have parking on-site
13 both underground and also outside or outside of
14 the building area.

15 We are also taking advantage of one
16 section of this new code where it allows you to
17 have a payment in lieu of parking, which our
18 traffic engineer, in reviewing his analysis,
19 will explain how we're taking advantage of
20 that. And in addition, it speaks to the fact
21 that you have to have a minimum lay area 40
22 thousand, which Mr. Nicosia, when he goes
23 through his requirements and designs to the
24 building, will tell you how he complied with
25 same and that we have to have a 20-foot

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2 buffered landscape around certain areas of the
3 building.

4 So, in all, all of the requirements
5 of the new code for these two conditional
6 permitted uses are in compliance with our
7 proposed design.

8 The application does not require
9 any variance relief whatsoever. The
10 application -- if this Board approves it --
11 will be in compliance with the Port Jefferson
12 Village Code as it exists today.

13 The other point that I would like
14 to just bring to the Board's attention is that
15 the design -- and when you talk about your
16 conditional uses -- your request under Section
17 250-51-1 of the Code is that the proposed
18 structure, equipment, and materials shall be
19 readily accessible for fire and police
20 protection. And our building design -- as it
21 now is being proposed -- is accessible both on
22 Main Street, Route 25A, as well as on Barnum
23 Avenue. That we have reviewed with your Fire
24 Marshall here in the Village. They had no
25 issues with the design layout or building

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2 access. They -- we met with the Fire
3 Department and discussed our proposal with
4 them, as well. And given our building height,
5 there's adequate equipment within the Fire
6 Department to service the building in the event
7 and should the occasion arise that something
8 has to be addressed as a result of an
9 emergency.

10 As far as the police is concerned,
11 it's a secured building. You'll be able to
12 access the interior of the building, or get to
13 the upper floors, if you have a key or a pass
14 to get within the building. And given the fact
15 that it would be in the location that we
16 presently are, which is between the Barnum
17 Avenue Site and the 414 Main Street, it's very
18 visible on all sides for the community and to
19 the public, as well as for any police who may
20 have to be called to the subject structure.

21 It's also a condition under your
22 Section of the Code in .2, that the character,
23 location, and size, in general, of the design,
24 harmony, and an orderly development of the
25 District and also in keeping with other

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2 residential or commercial district designs
3 throughout the area.

4 We went before your Architectural
5 Review Committee. Your committee came back and
6 provided us with a recommendation. When we met
7 with them as of January 9th, where they
8 reviewed the proposed elevation, which Mr.
9 Nicosia will go through and explain, and they
10 have found that -- they found the design to be
11 acceptable and in keeping with the character of
12 the area and would be a benefit in terms of the
13 demolition of the existing structure and what
14 would be proposed, in that the existing
15 structure is a linoleum carpet show room with
16 parking for boats. As you can see, the
17 residents are aware, whether you're on Barnum
18 or you're on Main Street, you see what is
19 taking place with the parking in the area. And
20 the tenants above in the second story, that
21 would be demolished and this structure would be
22 in its place.

23 As a result of that, the
24 Architectural Review Committee said that in
25 their opinion -- and I will just read to you

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2 from the memorandum we received -- that they
3 like the concept of the project. They found
4 that they were impressed with the careful
5 preparation and respect response and design
6 that the applicant had paid to detail and the
7 only issues that weren't addressed at the time
8 had to do with signage and had to do with
9 lighting because it was unclear what tenants
10 would be there. But, when Mr. Nicosia explains
11 to you where the signage would go, it would be
12 in accordance with Village standards and the
13 lighting would also be dark-sky compliant and
14 would also be tasteful to comply with the
15 design of the building.

16 So, that being said, when you look
17 at the other requirements of your code, the
18 height, the design the walls -- which is what
19 the Board is asking us to address -- is all in
20 keeping with the requirements of that
21 particular section of the code.

22 And the last section shows that
23 this Board then has the jurisdiction to approve
24 the application and grant -- and issue the
25 necessary permits to proceed if they find,

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2 after the public hearing, that we have met all
3 the requirements of those sections of your
4 code.

5 That being said, at this time,
6 then, I would ask that Mr. Nicosia come forward
7 to explain his design. His design has been
8 well received. We shared it with the Planning
9 Board, we've shared it with many Village
10 residents, and we've shared it with elected
11 officials. And everybody's reaction to the
12 design has been one that has been positive.

13 What we've also done -- with the
14 assistance of VHB and Mr. Nicosia -- we've been
15 able to -- and the Board will see it in his
16 presentation -- to show the elevation as it
17 would be within the existing setting today.

18 We were able to -- Eric's showing
19 it up on the Board -- it shows you on the left
20 -- you see the existing Cappy storefront. And
21 it shows you the location with the parking lot
22 and -- as everyone's familiar -- to the north
23 of that is the 414 building. And to the south
24 of it is the Barnum building and the CVS. And
25 then as you move to the photograph, or the

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2 illustration on the right, that is our proposed
3 architecture that we have designed and shown
4 the elevations to the AR -- Architectural
5 Review Committee and this Board in prior
6 meetings and work sessions and it shows you how
7 the structure would fit within the character
8 and not be obtrusive, would not be too high in
9 height, and in conformity with the height
10 requirements of the code, and yet fit between
11 the two existing buildings and the other
12 parking space that is to the north, as well as
13 to the Barnum building to the south.

14 As the Board is familiar with the
15 issue of parking for Barnum is one in which
16 there's additional parking to the south of that
17 and to the west of it, which were also
18 controlled and owned by the owner of the
19 building and maintained by them, which allows
20 people to park in those for no more than four
21 hours on any given day or time, otherwise,
22 they're subject to being towed.

23 The other photographs that we can
24 show you are illustrations -- show you the
25 existing from Barnum, where you see on the left

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2 you're going to refer to this?

3 MR. NICOSIA: Yes.

4 CHAIRMAN DIBIASE: Just give the
5 orientation so the public knows -- you know,
6 where the streets are and what's north and
7 south. What kind of view we're looking at.

8 MR. NICOSIA: Certainly. This
9 being Main Street side here, obviously, and
10 this being the Barnum side. So the property
11 runs from the front to back. It's a little
12 over an acre. About 1.14 acres. This is the
13 existing trees and vegetation that exists.

14 The property climbs -- so, we're
15 utilizing the existing locations of the curb
16 cuts. So, the curb cuts are, you know, in the
17 same locations they are now. They're going to
18 be replaced with handicap accessible curve
19 ramps and a new design that meets the DOT
20 requirements. And the back curb is going to be
21 in the same place, also, in the back.

22 So the existing building exists
23 about here now. So, the existing footprint of
24 the building is about 15,500 square feet or so.
25 The new foot print will be 23,000 square feet

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2 as the footprint.

3 So, the existing building goes up
4 to about here. So, we're extending it about
5 another 25 feet or so. Of course, it goes back
6 farther in the lot.

7 MALE SPEAKER: And then parking is
8 shown in the rear in the darker color in the
9 inside. That's underneath -- parking
10 underneath the second and three story.

11 MR. RUSSO: Yeah, so this, the area
12 in the darker grey is the first -- it's on
13 such -- the grade level, the first floor level.
14 There's 37 interior parking spaces. There's a
15 total of 78 parking spaces in the project total
16 and -- so, that's 41, I believe, outside, in
17 addition to the 37.

18 So, the proposed commercial area is
19 in the front. This being the take-out space.
20 It's 1,500 square feet. Next to it is 1,200
21 square feet of retail or office space. And
22 this space right here is about 750 square feet.
23 It's for a gym -- I've got to keep my finger on
24 it -- that's for the gym. But that gym is not
25 public -- is private use only. For the

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2 residents of the apartment building. It is not
3 open to the public.

4 This yellow space behind it is the
5 lobby access to the elevator. There's a mail
6 room here, and we have a lounge in the back.
7 And that lounge, for residents only, opens up
8 to the back patio, and that patio is
9 landscaped. We have barbecue pits, we have a
10 fire pit over here, we have benches, and
11 extensive landscaping going on in the back.

12 I did show before, and I'll show
13 again, the photo simulation of how we're
14 maintaining the vegetation here on Barnum, and
15 we're supplementing undergrowth planting -- the
16 rhododendrons -- to help block the view.

17 The -- as Barnum rises pretty
18 rapidly over here, the building is still down
19 low. I have a retaining wall here that's about
20 six feet in height. That retaining wall is
21 visible from down below in this parking lot
22 here. It's not visible from up above. On top
23 of that retaining wall is a six-foot planted
24 evergreen hedge. So, that hedge is continuous.
25 That evergreen hedge runs here. Then we have a

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2 lower four-foot yew hedge that runs the whole
3 -- the whole way.

4 The allowable floor area ratio
5 would be a two, two, which is two times the
6 area of the site. Our proposed floor area is
7 1.3, so it is less than what you could
8 technically -- if you could provide the parking
9 -- cram onto the site.

10 Above this first floor level are
11 two floors of apartments, again, totaling the
12 46, and they are primarily one bedrooms ranging
13 between -- 700 being the absolute smallest,
14 most of them are about 775 square feet up to
15 about 900. The two bedrooms about 1,100 square
16 feet. Each unit has an eat-in kitchen island,
17 most of them have balconies; each apartment
18 will have it's own washer/dryer; it has a large
19 bedroom, and most of them have a walk-in
20 closet. And I can show on the outside? Yes.

21 MR. RUSSO: What I would like Eric
22 to point out -- going back to that illustration
23 -- in colored sections. Can you explain the
24 blue areas within the building, as well, down
25 there?

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2 MR. NICOSIA: Yeah. That blue area
3 in the back, that is a rear access lobby for
4 residents only. It has a stairway and a small
5 lobby. Up in front on this end is the main
6 entry lobby and the stairway and an elevator.

7 MR. RUSSO: In addition, so that
8 the Board and the public is aware, the
9 underground parking access as Eric will show
10 you in the design, where those two cars are
11 below the blue areas of the stairway and lobby
12 in that location, but that will be a gated
13 entrance into the building as the design that
14 he has come up with so that you cannot access
15 into -- underneath the building without having
16 a secure pass to do so for the vehicles that
17 are there. That is the face of the building as
18 you will be seeing it, looking at Barnum.

19 And then, if you go back to the
20 prior diagram with the floor plan in color --
21 next one -- the front of the building when you
22 come in the entrance on Main Street, 25A, is
23 showing you areas for two handicap spaces.
24 Also it shows you the Dumpster enclosure that
25 is there and a loading area.

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2 And Eric may have mentioned it or
3 may not have, but pursuant to the Code we did
4 not have to have a loading area, but we are
5 providing a loading area to allow for moving
6 vehicles, you know, for tenants to come onto
7 the site and/or to allow for deliveries,
8 Federal Express, or UPS or Amazon or whoever is
9 going to bring things to the tenants who may
10 reside in the building.

11 Pat Lenihan will address the New
12 York State DOT comments that we received
13 yesterday, but their concerns focused on street
14 trees and we're -- it is our intent to add more
15 trees, but I'll let Pat bring that up later.

16 MR. NICOLIA: And this is the
17 elevation along Main Street. This area being
18 where the gym would be and, again, it's private
19 for the residents, but we felt it important to
20 add some activity to the street. And it also
21 takes some of the load off -- there are some
22 spaces out front that line Main Street, and by
23 having this non -- not a store particularly --
24 it takes a little bit of the load off of that
25 parking. Next to it is the smaller -- well

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2 1,200-square footer, office retail space. This
3 would be the take-out restaurant area. This
4 being the entrance for the take-out restaurant
5 and it's underneath the cantilever bay here and
6 this would be the sign for it and, again, the
7 -- this would help -- turns the corner here
8 that we've made with the entrance and helps
9 visually down from Theatre Three back up to
10 this end of the site.

11 We're going to be continuing the
12 Dickens' lighting. The same fixtures that you
13 see throughout the Village will be utilized
14 here in front.

15 This rendering illustrates the
16 building, so we're not emphasizing -- of
17 course, there are wires here. We're putting in
18 street trees that would be acceptable to the
19 DOT underneath. All the sidewalk will be
20 replaced and brought up to standards. And
21 we'll be working with the DOT to make that
22 happen.

23 MR. RUSSO: Now Eric on the left --

24 CHAIRMAN DIBIASE: You have Eric
25 squared here.

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2 MR. RUSSO: I know. We can't just
3 use first names.

4 CHAIRMAN DIBIASE: On the left,
5 just cut off on the left of the rendering,
6 that's the existing building?

7 MR. NICOSIA: That's our existing
8 building at 464 Main Street, yes.

9 MR. RUSSO: That's the Barnum
10 House.

11 MR. NICOSIA: Um-hum. Correct.

12 MR. RUSSO: And we had discussed
13 with PSE&G the possibility of trying -- as the
14 Board had requested us -- to see if the wiring
15 could be brought underground. But given the
16 depth of ground water, given other issues that
17 are going on in the street, PSE&G prefers --
18 regardless of the cost to the applicant to
19 undertake it -- that they not be touched and
20 that the wiring remain where it is today. So,
21 between the State and PSE&G, we have to work
22 around that in terms of the design and the
23 construction.

24 Then Eric can also explain to you
25 about the roof and the views to the north and

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2 what would be seen to the south.

3 MR. NICOSIA: And the project makes
4 extensive use of brick and we tried to
5 coordinate -- both ins and outs -- significant
6 areas so we don't have a large expansive
7 building. Of all these large cornices at the
8 top, as well as the freeze board, which is
9 essentially the upper trim, it's used
10 throughout.

11 We have -- it's easier to see when
12 I zoom in -- if I don't make you a little
13 blurry. We have a bunch of different details
14 in that the -- we're calling them a soldier
15 course -- shot myself in the foot -- soldier
16 course throughout that helps break up the
17 building with brick detail. All the windows
18 will have that same soldier-course detail. The
19 windows, all the windows have transoms over it.
20 Where I have the wood and the clapboard I have
21 six-inch corner boards. We have grills up in
22 the upper sections of the windows and a large
23 trim around.

24 The signs would have gooseneck-type
25 lighting. These two spots. And all that --

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2 the additional lighting that's on the site is
3 all going to be LED and is also dark sky
4 complaint fixtures.

5 And, yes, so I mentioned the
6 fitness area. That's where that's going to
7 take place over there. This being -- turning
8 the corner, again, this is that same spot
9 that's on the corner where the entrance is and
10 this is the -- would be the entrance for the
11 apartments.

12 CHAIRMAN DIBIASE: So we're looking
13 south now?

14 MR. NICOSIA: Now you're -- right.
15 You're looking south. And so the same theme
16 continues for the rest of the building and I
17 have fabric canopies and we have some metal
18 awnings that will work into it. And this is a
19 store front type glazing with transoms on it.

20 MR. RUSSO: And, again, the
21 building was designed and the layout was
22 designed and the uses were designed to be in
23 compliance with the Master Plan of the Village
24 as it relates to a more walkable Downtown. And
25 to try and again bring residents farther out of

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2 the Village and up onto this area of the
3 Village, which is why it was designed in the
4 fashion that you're seeing it.

5 In order to comply with parking and
6 yet still provide for the retail and
7 restaurant/takeout use and office use --

8 MR. NICOSIA: And going back to
9 this photo simulation of the existing street
10 scape that was -- this photo was done after the
11 leaves come off and the background is the
12 building that's there now and here are the
13 boats in storage. And this shows how the
14 building would fit into that situation that
15 exists. We also have a picture that shows when
16 the leaves are on, on Barnum and it does have
17 substantial coverage. And that's not going to
18 change. We're going to be putting undergrowth
19 planting to supplement that also.

20 MR. RUSSO: Our property ends -- if
21 Eric will point out on that photograph there --
22 the property line -- that fence on the left
23 side of the photograph is the adjoining,
24 residentially-zoned property. There's a house
25 and in the documents that I will leave you in

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2 the photograph binder, there's that fenced area
3 and then there's the first house just to the
4 left of that. And then the property for the
5 subject use starts where the fence ends and
6 continues farther south to the adjoining Barnum
7 House.

8 MR. NICOSIA: And, again, we had
9 two floors of apartments. Up on the roof there
10 will be a small roof deck area that has a
11 seating area with benches, it has fire pits and
12 barbecues and a pergola as well as a green
13 lounge area. And there'll be some plantings on
14 the roof. Again, that's for residents only.

15 MR. RUSSO: In addition, all the
16 mechanical systems will be on the roof and will
17 be screened from the public view, whether
18 you're seeing it -- observing the structure
19 whether it's from Barnum or Main Street or
20 north from the harbor or from the south as
21 you're coming down, you will not be visionally
22 obstructed -- there will be no visual
23 obstructions as to the mechanical systems.

24 MR. NICOSIA: Each unit has its own
25 individual system, so we don't have any large,

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2 central systems that would stick up above the
3 parapets. So, yes, you would not see that from
4 the street.

5 MR. RUSSO: Describe the mechanical
6 systems.

7 MR. NICOSIA: The noise -- any
8 noise that would be coming off the roof would
9 be -- you know, above what you're hearing and,
10 again, would be blocked by the parapet. I
11 don't think that would be an issue. That would
12 not be an issue.

13 MR. RUSSO: Do you have any
14 questions?

15 CHAIRMAN DIBIASE: Not so far. I
16 mean, if anybody has questions as they go on or
17 hold them until end.

18 MR. NICOSIA: And, you know,
19 describing the building is certainly a great
20 answer [sic] and any questions additionally
21 about the site and the building that they may
22 have?

23 MR. RUSSO: If there are none at
24 this time, then I would move on to Mr. Lenihan
25 so that he can come forward and we can speak to

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2 the issues of the parking. And, again, as I
3 mentioned earlier, there is a requirement under
4 the Code that there is a park requirement or a
5 requirement that you have recreational use on
6 the site. In this particular case, the only
7 recreational use -- as Eric has pointed out --
8 is for that of the residents: The fitness area
9 and for the roof area and for the lounge area
10 and patio on the south side.

11 So, your code provides that if we
12 do not provide that, there would a fee to the
13 Village to cover that recreational portion in
14 terms of a payment to cover what would be
15 adequate and appropriate based on determination
16 of the Village Board and the Village Planning
17 Board as to what that fee would be.

18 Now, what I would like to point out
19 is the applicant would be more than willing to
20 have created a recreational use of the site,
21 but the footprint did not permit; however,
22 again I share when you look at the Rail Realty
23 project, which is known as The Hills, the
24 applicant went above and beyond and created an
25 -- and added to as you heard in the earlier

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2 presentation from the Mayor about parking and
3 parks, the applicant created and is paying for
4 significant improvements to the parking up
5 there for the benefit of the Village as well as
6 to the park on Texaco that is really going to
7 be a new park that is being renovated by the
8 applicant as part of that project. So, had
9 that been an option here, he certainly -- both
10 individuals involved in the project -- would
11 have lent itself to doing the same for the
12 benefit of the Village as they do throughout
13 the Village in many other respects -- in taking
14 care of, in landscaping, and providing
15 improvements. But in this particular case our
16 only option was to go for paying for recreation
17 use as well as the parking, but I'll have Mr.
18 Lenihan address the parking.

19 Come on up.

20 CHAIRMAN DIBIASE: And the Board is
21 familiar with the applicant's maintenance of
22 current -- other current facilities, like the
23 CVS building, like the landscaping and the
24 trees. You know, there's a lot of attention
25 paid to it and we're aware of it.

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2 MR. RUSSO: Thank you.

3 Then if there are no further
4 questions of Eric at this time, I'd ask Mr.
5 Lenihan to come forward.

6 P A T R I C K L E N I H A N, appearing as a
7 witness on behalf of the Applicant, after
8 having first been duly sworn by a Notary Public
9 of the State of New York, was examined and
10 testified as follows:

11 MR. LENIHAN: Patrick Lenihan of
12 VHB engineering of 100 Motor Parkway in
13 Hauppauge, New York.

14 Good evening, Chairman DiBiase. I
15 don't know how this is going to work out. Let
16 me try it this way.

17 CHAIRMAN DIBIASE: Let's --

18 MR. LENIHAN: How does this sound?

19 CHAIRMAN DIBIASE: People in the
20 back, how are we doing?

21 MR. LENIHAN: Okay, Chairman
22 DiBiase, Members of the Planning Board. Good
23 evening, staff.

24 My name is Patrick Lenihan. I am
25 the director of traffic division at VHB

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2 Hauppauge Office. As part of the environmental
3 work that is being considered today as part of
4 this process, my group was tasked -- was
5 performing a traffic and parking assessment of
6 the proposed development, and it was included
7 in the EIS before you tonight. It was
8 submitted and reviewed by the Planning Board,
9 as well, and it was complete.

10 That study looks at the existing
11 and future traffic conditions in and around the
12 site both with and without the project and
13 compares it to -- as with any traffic --
14 typical traffic study -- we looked at the
15 operation of the sites driveways, of which
16 there are two, which Eric described, and we
17 also looked at the key intersection of Barnum
18 Avenue through discussions with -- first of
19 all, if there was going to be any impact due to
20 traffic on this project, that is the
21 intersection where it would show up because of
22 proximity and the way this site is going to
23 function. And in talking to the Planning
24 staff, that was certainly the intersection of
25 key concern.

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2 Again, the traffic up in this neck
3 of the woods, as you know, is very seasonal.
4 So, it became apparent when we looked at this
5 project, we should look at summer traffic
6 volumes. So, we obtained traffic volumes from
7 July of 2018, for the intersection of Barnum
8 and Main. In addition, in looking at
9 historical volume in the area, it is clear that
10 the Saturday traffic volumes are even higher
11 than the -- even the weekday traffic volumes in
12 this area. So, that is the period of time --
13 and also it corresponds with the peak traffic
14 generation of the proposed site.

15 So, that is really what we focused
16 in on in terms of trying to find impacts. If
17 they were going to occur, in terms of trip gen,
18 we looked at the new traffic that we could
19 expect for all the components of the site --
20 the take-out restaurant, the apartments, and
21 the small retail office space. As you know,
22 the site is not barren right now. It's
23 improved and operating with Cappy's and boat
24 storage and some repair going on in the back.

25 My study took no credit for the

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2 traffic currently being generated by those
3 uses. So, in that regard, any analysis that we
4 did was -- was high end conservative. I could
5 have done that. I did not.

6 So, in the analysis -- so we take
7 the traffic to the proposed development, and we
8 take a look at where we believe that traffic is
9 going to come and go from. In terms of the
10 actual net trip gen, or new traffic to the
11 site, we look at peak hour traffic. I go to
12 that little curve on a Saturday. That traffic
13 actually amounts to less than one new trip per
14 minute, on average, into the site or out of the
15 site. So, we're not talking about a huge
16 amount of traffic.

17 Nevertheless, we went through the
18 exercise of using some software to evaluate the
19 driveways in the operations of the intersection
20 and what we found -- and it didn't surprise me
21 -- that the levels of service at Barnum stayed
22 the same with our new traffic in the future
23 compared to the condition in the future without
24 our help. So, we compare the two of them and
25 we say, "Okay. Do we have an impact here?"

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2 And it's documented in the report, and in this
3 case, we do not -- in terms of the proposed
4 driveways -- we looked at the operation of
5 those. Those operate well. Any level of delay
6 that will occur will essentially occur to
7 someone trying to leave the site, not enter.

8 So, there's no real delay in part
9 of the passing traffic. You know, if there's
10 any delay at all, it's someone who's trying to
11 leave onto Main Street. And even then the
12 levels of that delay are what I would consider
13 moderate.

14 As Eric mentioned, we did submit
15 the application to the Department of
16 Transportation, as an interested agency, as
17 Main Street is a State Highway, Route 25A.
18 They provided a comment letter back -- I think
19 just a couple of days ago, which --

20 MR. RUSSO: (Interjecting)
21 Yesterday.

22 MR. LENIHAN: (Continuing) -- I
23 believe the Village has.

24 Yesterday? Which the Village has.
25 They had some technical comments essentially

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2 pertaining to the roadway frontage on Route
3 25A. What's important with dealing with the
4 DOT is primarily they agree with our access
5 plan -- the locations of our driveways, the
6 permit movements, et cetera -- they are looking
7 for us to replace the sidewalk across the
8 entire frontage. There are some cracked
9 sidewalks, there's some curb that has been
10 displaced, where the curb is missing. They
11 want to make sure the whole frontage and the
12 entrance to the building is ADA compatible.

13 Eric mentioned street trees. We
14 will be proposing street trees along the
15 frontage as the Village would like to see.
16 Those trees would be wire-friendly. They would
17 also be put in the appropriate size tree pits
18 so as not to subside the brand new sidewalk.
19 There is an existing tree at the north end of
20 the site, just south of the driveway. These
21 driveways are basically the existing position
22 of the driveways today.

23 There's a tree close to that
24 driveway, which is not the appropriate type.
25 It has come out of the tree pit and is breaking

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2 the sidewalk and it's too tall, it's up in the
3 wires. We will propose to remove that tree,
4 unfortunately, because of the condition it's
5 in, but we will replace it with several trees
6 that are more appropriate and will be
7 beautiful.

8 MR. RUSSO: Why don't you also
9 mention the other DOT comment about the parking
10 on Main Street to the north and south.

11 MR. LENIHAN: Sure. My traffic
12 report noted that some parking on the north and
13 south sides on Main Street -- on either side of
14 our driveway -- should be removed to increase
15 site distance. Currently, you can park
16 essentially right up to the driveway apron.
17 And if you've ever left the site and looked to
18 your left and seen the grill of an F150, it
19 doesn't help the situation.

20 So, as luck would have it, DOT
21 parroted that concern and recommended that
22 those spaces be removed.

23 CHAIRMAN DIBIASE: So you're
24 talking about the space where the car is?

25 MR. LENIHAN: That car right there,

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2 yes.

3 CHAIRMAN DIBIASE: And maybe the
4 one below it?

5 MR. LENIHAN: And the one to the
6 south.

7 I actually talked about removing
8 the next spot, as well, to the left.

9 CHAIRMAN DIBIASE: Okay.

10 MR. LENIHAN: There's a crosswalk
11 right there.

12 CHAIRMAN DIBIASE: Okay. Farther,
13 farther north?

14 MR. LENIHAN: Just north of the
15 next space.

16 CHAIRMAN DIBIASE: Well, we saw
17 that in one of the pictures. Yeah.

18 MR. LENIHAN: So, just a couple of
19 notes. Our analysis included the Shipyard
20 development in 2018, and also accounted for the
21 future Overbay Development in terms of traffic
22 at or in intersections or driveways. We
23 included the restaurant as a quick service
24 restaurant. Kind of a takeout restaurant with
25 a small number of seats. We believe that

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2 promotes the walkability in the Village. The
3 way we want to bring people up here and, you
4 know, maybe extend some of the pedestrian
5 activity that's going on down to the south.

6 If that were to change, the
7 question came up, "What if it wasn't a
8 quick-service type restaurant? What if it
9 turned into more of a sitdown, waitress/waiter
10 service type restaurant?" And the way that
11 works is as the restaurant increases sort of
12 the timeframe you're in the restaurant, the
13 trip generation actually goes down. So, were
14 that to happen, certainly if I were -- the
15 traffic impact study covers that possibility.
16 But we think this is the best type of
17 restaurant.

18 In terms of parking, we provide 78
19 parking stalls, and as Eric mentioned, the
20 applicant will be taking -- will be
21 participating in the Village's pay-for-parking
22 program. It will purchase an additional four
23 spaces, which will bring us up to what the code
24 would have required had that program not been
25 availed [sic]. We believe there is adequate

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2 parking on the site as is.

3 So, in conclusion, based on my
4 study, which is detailed in the EIS, the
5 development of the site, as proposed, in my
6 professional opinion, will not have a
7 significant negative impact on roadway
8 conditions in the studied area. I would never
9 say it will have no impact. I sat through the
10 last hearing and certainly these folks are very
11 attuned to what's going on. But we look at the
12 environmental impact of these projects and, you
13 know, were this to be constructed, would it
14 make traffic worse and would it make traffic
15 notably worse? And in my professional opinion,
16 this will not have a significant negative
17 impact.

18 CHAIRMAN DIBIASE: Maybe just
19 before you leave that topic, just a little --
20 yes?

21 MR. RUSSO: I was just going to ask
22 him to tell you something.

23 CHAIRMAN DIBIASE: Maybe --

24 MR. LENIHAN: (Interjecting)
25 Everybody else got to sit down.

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2 CHAIRMAN DIBIASE: Well, this, I
3 think, is important to cover this before you do
4 sit down because you talked about level of
5 service. Maybe just a little description of
6 what that is and you said, I believe, there's
7 no change in the level --

8 MR. LENIHAN: (Interjecting)
9 Correct.

10 CHAIRMAN DIBIASE: (Continuing) --
11 of service. So, that's -- that's worth at
12 least an overview of how that works.

13 MR. LENIHAN: Yeah. So, as traffic
14 engineers, what we look at: The roadway
15 doesn't have a capacity to handle a certain
16 amount of vehicles instantaneously. It handles
17 a certain amount of vehicles over a period of
18 time. So, that's why we talk about flow rates,
19 we talk about peak hours, we talk about
20 vehicles permitted.

21 And there is a procedure for
22 evaluating the level of traffic serviced that
23 the public experiences when they drive through
24 a certain facility based on research done over
25 a number of decades by the Transportation

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2 Research Board and there's software that looks
3 at it. But at the end of the day, the software
4 reports a letter grade: A through F. Based on
5 the delay that you would experience in that
6 intersection, or at that driveway, at a certain
7 period of the time that you're looking at.

8 So, what we do is we look at these
9 intersections without the project, and that
10 reports a delay in the level of service. And
11 then you add the traffic from the project and
12 if the project is large enough, it will cause
13 that level of service to drop -- for instance,
14 from a C to a D. That might mean that the
15 public would experience an increased level of
16 delay to the extent to which we might look at
17 mitigation to improve that condition back to
18 where it was. In this instance, the increases
19 of delay were very small and were not even
20 close to putting us in that situation.

21 CHAIRMAN DIBIASE: And you said the
22 level of service was the same on the Saturday?
23 You looked at the Novil project and the Bill
24 and you had the same level of service and --
25 what was that you said?

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2 MR. LENIHAN: Exactly the same.

3 CHAIRMAN DIBIASE: Is that...

4 MR. LENIHAN: So Barnum Avenue
5 we've got -- on the combined eastbound approach
6 -- we've got a level of service C with a delay
7 just south of 20, which is up about a second --
8 less than a second from -- without us.

9 Northbound, left, on Main Street
10 has almost no delay at all. You know a left
11 into Barnum is easier than a right out of
12 Barnum.

13 CHAIRMAN DIBIASE: Um-hum.

14 MR. LENIHAN: Those are really the
15 only critical movements at that location. You
16 have the light at the southbound -- the
17 southbound is not delayed. The northbound
18 through is not delayed. The eastbound left
19 turn is almost nonexistent. There is a lane
20 there.

21 CHAIRMAN DIBIASE: Yeah, I know
22 that volume is very low.

23 MR. LENIHAN: So when we look at
24 the site driveways coming out onto Main Street,
25 you've got about the same level of delays as

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2 you would imagine coming out of Barnum.

3 CHAIRMAN DIBIASE: Um-hum.

4 MR. LENIHAN: A little bit less
5 because a lot of traffic northbound leaves
6 north of Barnum. So it's a little bit less out
7 there. And even less on Barnum coming out of
8 the driveway.

9 CHAIRMAN DIBIASE: Okay. Yeah,
10 just as an overview, the level of service is
11 just like a report card for an intersection in
12 terms of how it handles traffic, with A and B
13 being very good, very well. C being pretty
14 good. D being something that's pushing the
15 capacity of the intersection. And there is a
16 level service E, which is capacity, so that the
17 volume at the intersection is at -- at
18 capacity. And then F is failure, where there's
19 break down, there's long delays, there's a lot
20 of queues or waiting -- vehicles waiting to get
21 into the intersection. So that's a rough
22 analogy. But what they're saying is there's no
23 change in level of service with the project,
24 with the additional traffic.

25 MR. RUSSO: And the other point

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2 that was brought up previously by one of the
3 members of your Board was that on Barnum if
4 there could be a restriction -- that there be
5 no right turn and only -- I'm sorry. That
6 there be no left turn, only a right turn to go
7 out of the rear of the property. Due to the
8 Port Jefferson High school and the stacking of
9 cars that come along on Barnum; however, it was
10 discussed and pointed out that there's no
11 commercial traffic or truck traffic permitted
12 going north on Barnum, and so that request and
13 suggestion was looked at by Pat and we have to
14 leave it the way we have it at the particular
15 point in time.

16 CHAIRMAN DIBIASE: Okay. I guess
17 the other thing was the Barnum intersection
18 improvements. I don't know if you brought a
19 slide on that and we can talk about it. If you
20 like, I can talk about it since I'm, maybe more
21 familiar than you are.

22 MR. LENIHAN: Well, I have a graph.
23 I don't have a slide.

24 CHAIRMAN DIBIASE: Okay.

25 MR. LENIHAN: I can hold it up if

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2 you would like to speak.

3 CHAIRMAN DIBIASE: I think I can
4 just talk in general terms.

5 The Village looked at improvements
6 of what could be done coincidentally while this
7 study was being done at the Barnum Avenue
8 intersection in terms -- not significantly in
9 widening or adding lanes or anything, but
10 looking at pedestrian safety.

11 You have a situation on Barnum
12 where you have an island in the middle, which
13 -- with a tree on it -- which looks very nice,
14 but there's actually a lot of reported
15 pedestrian accidents and injuries at that
16 intersection, where people crossing Barnum and
17 for one reason or another motorist not seeing
18 them or they're paying attention to the cars
19 coming in the other direction, if they're
20 trying to make a left turn and all of a sudden
21 there's somebody in the crosswalk and they've
22 hit them.

23 So, we took a look at that for the
24 Village. When I say, "we," a consultant was
25 hired by the Village to take a look at what

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2 could be done there. And they were working
3 with DOT on behalf of the Village to the point
4 where DOT is willing to make some -- and has
5 agreed to make some -- improvements there in
6 terms of improving pedestrian safety.

7 In addition -- also as part of that
8 project, DOT has looked at the Liberty
9 intersection, just to the south, due to a lot
10 of complaints from the school about pedestrians
11 crossing there and also vehicles trying to
12 exit, get onto, Main Street from Liberty.
13 Those are primarily left and right turns from
14 Liberty. A long -- lot of long delays.

15 So, what the Village was able to do
16 was have someone draft up a plan that went to
17 DOT. DOT has basically agreed to install a
18 traffic signal at Liberty to assist the school
19 in getting buses and pedestrians across the
20 road, but it will also include the
21 walk-don't-walk signals to cross the street.
22 And at Barnum they are actually agreed with the
23 pedestrian improvements and a little bit of a
24 realignment. We don't have a plan view of it,
25 but just to say that they're in agreement with

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2 that to the point where they have two active or
3 upcoming projects where they've pretty much
4 agreed to also -- in terms of the improvements
5 that needed to be made -- they've agreed to
6 fund the cost of improvements as part of
7 ongoing projects.

8 DOT has a very big sensitivity
9 toward pedestrian crossings and pedestrian
10 injuries in the last few years, so they have an
11 ongoing project where they like to make
12 improvements at locations and they've accepted
13 the conceptual improvements at Barnum into that
14 program. And the traffic signal they have a
15 similar project that installs traffic signals
16 at various locations where they're needed and
17 they've agreed to fund under their signal
18 project those improvements.

19 Some details need to be worked out.
20 I don't know that we've gotten feedback on
21 timetables exactly for those projects, but
22 they're on the list. And, again, no -- at
23 least at this point -- there's no indication
24 that the Village will have to contribute
25 anything towards that.

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2 MR. RUSSO: That being said, I
3 thank you.

4 The last point that I would like to
5 bring up before we conclude our presentation,
6 as I indicated in the beginning, Doug Adams --
7 our engineer -- worked with Eric Nicosia -- our
8 architect -- to look at the drainage and the
9 grading on the site and also to look at the
10 issue as it relates to the storm water
11 prevention.

12 The pollution plan that will be
13 required by the Village as to whether or not we
14 have adequate means to protect against that
15 and/or seek a waiver. The plan itself has not
16 yet been completed because the project hasn't
17 been finalized. But, it will be prepared by
18 Doug Adams for the Village's review by the
19 Planning Department.

20 At this time, however, I would like
21 Doug to come forward because we did -- between
22 the efforts of Eric Nicosia and Doug Adams --
23 submit a drainage and grading plan to the
24 Village, which was reviewed by your engineer,
25 J.R. Holtsmacker, at the request of the

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2 Village, with payment by applicant for that
3 engineering review.

4 I'd like Doug Adams to come up and
5 just share about J.R. Holtsmacker's findings
6 and we also did test holes at the site and he
7 can just review for you what the findings were.

8 D O U G A D A M S, appearing as a witness on
9 behalf of the for the Applicant, after having
10 first been duly sworn by a Notary Public of the
11 State of New York, was examined and testified
12 as follows:

13 MR. ADAMS: Doug Adams, DEA
14 Engineering. Offices in Riverhead. A-D-A-M-S.

15 Yes, as Eric said or stated, we did
16 have comments back from J.R. Holtsmacker, who
17 essentially concurred that the plan is
18 compliant with the Chapter 213 of the Village.
19 And the site that they use -- the storm water
20 management programming -- was one of their
21 references, which is the basis for the general
22 permit for the DEC, which is affectionately
23 known as the storm water prevention plan.

24 I'll just restate that one of the
25 manuals that they use to review the plan

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2 besides Chapter 213, is the storm water --
3 there's two manuals so I'm just checking which
4 one they referenced. It's the Storm Water
5 Design Manual -- my apologies -- which is the
6 basis and the -- sort of the backbone of the
7 SWPPP, which is the Stormwater Pollution
8 Prevention Plan, affectionately known as the
9 SWPPP, S-W-P-P-P.

10 Eric also mentioned that were was a
11 test hole completed by the geoscientist. He's
12 been doing this a long time. We do know that
13 there's some clay mixed in with the sand but
14 it's designated as clay/sand, so it's primarily
15 sand, which makes it basically very fine sand.
16 But it still has a very good leeching rate.
17 Well over the highest infiltration rate that's
18 typically expected for preparing a Stormwater
19 Pollution Prevention Plan, which is great. So,
20 you know, any managing practices used,
21 including the ones that are used here are going
22 to perform as can be expected.

23 CHAIRMAN DIBIASE: Okay. I don't
24 know, Doug, if you to want address it or
25 someone on your team, Eric, but the recent

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2 storm water and flooding in the intersection.

3 Just have some comment on that. On the

4 situation that we had. That was the recent

5 storm where we had four and-a-half inches in an

6 hour and-a-half or some silly thing like that.

7 MS. ZIMMERMAN: You're referring to
8 the flooding Downtown?

9 CHAIRMAN DIBIASE: Caused the
10 flooding Downtown in the vicinity of the CVS
11 store and maybe just some general comments,
12 because, you know, in terms of that storm or,
13 you know, any other general observations you or
14 the team wants to make about that.

15 MR. ADAMS: I can make a quick
16 comment about that. Specifically related to
17 this project. The facilities that are going to
18 be used to manage storm water in
19 post-conditions -- in other words, once the
20 site is developed -- have been done for a --
21 initially, for a five-inch design. So -- and
22 that's volumetrically. So it's just based on a
23 very basic formula of the area of tributary
24 area basically times the rainfall event, and
25 then a runoff coefficient.

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2 When the SWPPP is developed it will
3 be done using a saltwater modeling. So it
4 models the event of an actual storm, includes
5 the infiltration of the soils, and the
6 effective storm water capacity of this system
7 will probably be more than six inches before we
8 actually see the water begin to come out of the
9 grates and things like that on our property.

10 CHAIRMAN DIBIASE: All right. It
11 would seem to me that that intensity in that
12 short period of time probably -- I know that
13 you design storm water for, let's say, a
14 25-year storm, which means an occurrence every
15 25 years. I don't know what the equivalence of
16 four and-a-half inches -- I believe it was four
17 and-a-half inches in 90 minutes -- I don't know
18 where that falls on the yearly -- whether that
19 sounds to me like, you know, like it probably
20 exceeds what you -- what you are typically
21 asked to design for.

22 MR. ADAMS: Yeah. So, again,
23 relating to the SWPPP. We're required to
24 analyze the answer one year, the ten year, and
25 the one hundred year storm. And the DEC's

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2 equivalent inch rainfall for those events is
3 two and-a-quarter inches for a one year storm.

4 CHAIRMAN DIBIASE: Um-hum.

5 MR. ADAMS: Five and-a-quarter
6 inches for a ten year storm, and I believe nine
7 inches even for a one hundred year storm.

8 It seems like in the last five, ten
9 years we've been getting those, you know,
10 five-inch storms almost yearly.

11 CHAIRMAN DIBIASE: Yeah.

12 MR. ADAMS: And that doesn't
13 indicate -- but these are looked at over, you
14 know, long periods of time.

15 CHAIRMAN DIBIASE: When you say
16 that amount of rainfall, in what period is
17 that? What time period? Do you know?

18 MR. ADAMS: Typically, it's one to
19 two hours once in a 24-hour period.

20 CHAIRMAN DIBIASE: Okay.

21 MR. ADAMS: And one of the other
22 requirements of the SWPPP, by the way, at least
23 for low grade designing here is that the --
24 that storm that we collect in that 24-hour
25 period be dissipated in 48 hours.

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2 So, we have, you know, two of those
3 storms in a week, let's say, it seems like
4 those happen occasionally but not empirically
5 in the data, it would be ready for it in the
6 two days.

7 MR. RUSSO: What I can do at this
8 time is I can have David Wortman come back
9 because VHB did take a look at that storm that
10 you're referencing.

11 CHAIRMAN DIBIASE: Oh, yeah. Sure.

12 MR. RUSSO: And did a little bit of
13 an analysis to respond to that. And what I
14 would also like to point out in that particular
15 instance, that anything that did occur in the
16 area of this particular site or to Barnum or to
17 414, and given the amount of rain that
18 occurred, was the result of a project up on
19 Liberty Street [sic] and the fact that that
20 particular site, it's sand and water runoff,
21 was running down into the Village area then
22 impacted Barnum, the 414, and the Cappy's
23 particular existing business in the linoleum
24 place.

25 CHAIRMAN DIBIASE: Okay.

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2 MR. RUSSO: So, you know, what went
3 on was unique, was incredible. It was an
4 unfortunate rainstorm that did take place, but
5 what occurred with properties in this area --
6 the fire department in particular -- was as a
7 result of maybe, perhaps, the inability to
8 control the water runoff from a site further up
9 and outside the area that was coming down on
10 the properties in the area.

11 Mr. Wortman can add a little bit
12 more to that.

13 CHAIRMAN DIBIASE: Sure.

14 MR. WORTMAN: And I will just add a
15 slide of ours to that. The draft of our
16 environmental impact statement does include a
17 section that details this as a severe event.
18 It was very well reported on in local papers,
19 et cetera. And there are several references to
20 those accounts of what occurred and what
21 effects were felt in the Village.

22 By the accounts of the property
23 owners while several nearby properties
24 experienced inundation, sometimes reported as
25 many as a few feet of water on their property,

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2 the subject property remained relatively
3 uneffected by that event, in particular, and as
4 it relates to environmental impact and relates
5 to this project, Doug's point is an important
6 one -- that's Mr. Adam's point -- that we would
7 be providing excellent storm water storage and
8 infiltration on our site.

9 Comparing that to the existing
10 condition, there is one single drywell that
11 accommodates storm water there today. So, as a
12 comparison, both pre- and post-development,
13 there is going to be a significant improvement,
14 and therefore, any contribution of storm water
15 runoff to offsite properties would be much
16 reduced after the project was implemented.

17 CHAIRMAN DIBIASE: And your intent
18 is to accommodate all the storm water on the
19 site?

20 MR. JOHNSON: Not the water from
21 the Village, though.

22 MR. WORTMAN: That's exactly right.
23 Not all of the storm water in the entire
24 Village though.

25 CHAIRMAN DIBIASE: No, I mean all

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2 of the water on your site.

3 MR. WORTMAN: I heard Member
4 Johnson's reaction.

5 MR. RUSSO: So, Mr. Chairman,
6 Members of the Board, I want to thank you for
7 your time. I'll conclude with the fact that
8 the applicant is also considering -- and
9 there's been suggestions from this Board -- to
10 view possible benches that might be added along
11 the streetscape or receptacles, as permitted by
12 the DOT or the Village, in design, which the
13 applicant is willing to consider. The benches
14 being more like a Yankee Stadium type bench
15 where no one can actually loiter or sleep on
16 the bench but has some sort of a bar between
17 the respective seats. And receptacles for
18 litter in order to make sure that nothing gets
19 discarded in an inappropriate way in that area
20 of the Village.

21 And lastly to conclude, if an
22 inquiry is made as to the SEQRA steps, our goal
23 and our requests this evening, if there are not
24 comments that are too far field or have been
25 addressed by our presentation and the document

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2 we've provided, we would ask and be seeking for
3 the close of the SEQRA Hearing as it relates to
4 that portion of our application to allow for a
5 ten-day comment period and then allow the Board
6 to complete that with preparing the applicant,
7 with the assistance of the Village, or the
8 Village with the assistance of the applicant --
9 a final environmental impact statement for this
10 Board to consider and adopt.

11 So that would be our goal for this
12 part of the application this evening as to the
13 first public hearing.

14 The second would be to hear
15 comments from the public and move forward to
16 see how we can address things.

17 I have nothing further, and I thank
18 you for the time.

19 CHAIRMAN DIBIASE: We'll see how
20 the public comments go.

21 And also, any questions from the
22 Board for any of the team?

23 (WHEREUPON, there was no response
24 given by the Board.)

25 CHAIRMAN DIBIASE: Yeah, I think

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2 the feeling is that that was a good
3 presentation in terms of being thorough.

4 MR. RUSSO: Thank you.

5 CHAIRMAN DIBIASE: Okay. So now
6 we're going to solicit public comment.

7 Again, same format as the last
8 time. Please, restrict you comments to this
9 current project.

10 Also we're going to try to do a
11 five-minute limit, based on the number of
12 speakers that come up.

13 And, again, when you come up,
14 address the stenographer to be sworn in, unless
15 you're an attorney. That being said, come on
16 up.

17 MS. MCCUEN: It takes me a while.
18 I have a bad leg.

19 CHAIRMAN DIBIASE: Don't worry.
20 We'll wait.

21 M A R G E M C C U E N, after having been first
22 duly sworn by a Notary Public of the State of
23 New York, was examined and testified as
24 follows:

25 MS. MCCUEN: It's Marge McCuen.

H1

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2 M-A-R-G-E, McCuen, M-C-C-U-E-N. The address is
3 115 Tuthill Street. And right in the Village
4 and right off of the property that we're
5 talking about here.

6 I guess my main concern -- and it
7 doesn't seem like I need a microphone. I guess
8 everybody can hear me? I don't remember ever
9 hearing about roof decks on this property.

10 Now, does anybody have any idea how
11 we live in a bowl here. You all know this. We
12 all know this. If somebody has a roof deck on
13 top of that building, with the parapets or
14 whatever the hell you're calling it, that's
15 going to travel up the hill into our
16 residential area. That would be Tuthill, that
17 would be Spring. I think it was very
18 inconsiderate. I don't remember it ever being
19 made known to the public. Was it in the
20 presentation in the paper back on September --
21 not September -- February 14th? I don't think
22 so. I don't think they ever mentioned the
23 roof.

24 CHAIRMAN DIBIASE: And when you say
25 traveling, you're talking about sound; right?

H1-1

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2 MS. MCCUEN: Yeah, yeah. And the
3 air-conditioners and everything else. But when
4 you show the roof deck with the fire pits and
5 all that, wow. That's really great. When was
6 that presented to the public before now? And
7 there's really no picture of it except for the
8 quick description.

H1-1
Con.

9 CHAIRMAN DIBIASE: Well, this is
10 the first public presentation.

11 MS. MCCUEN: So you're planning on
12 doing this again?

13 CHAIRMAN DIBIASE: No, I just meant
14 this is the first time it's coming before the
15 public for comment.

16 MS. MCCUEN: But if we only have
17 ten days to make comments -- between now and
18 the 24th, I believe?

19 CHAIRMAN DIBIASE: Um-hum.

20 MS. MCCUEN: What does that do for
21 the people who couldn't make it here; who have
22 kids in school; who are doing all kinds of
23 sporting events, that live on these streets? We
24 have a residential area that we have preserved
25 over the years. No comment was even made about

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2 the school that's up the hill off of High
3 Street.

4 They come up and down. They go up
5 with their buses on Spring and come down on
6 Tuthill right down by your entrance and our
7 exit. Tuthill Street. If you have bad weather
8 or you have buses, they keep coming and coming
9 and coming. We live there. We know that.
10 We're used to the school. We're not used to
11 fire pits up on the third floor of a building.
12 And I'm surprised it was even allowed.

13 CHAIRMAN DIBIASE: Yeah, I know the
14 applicant, you know, followed the public
15 comment rules in terms of advertising the
16 hearing, and to people within a certain
17 distance of the property, notifying them
18 personally.

19 MS. MCCUEN: But was the roof deck
20 mentioned to anybody in that letter? No.

21 CHAIRMAN DIBIASE: It probably
22 wasn't. But --

23 MS. MCCUEN: Why not?

24 CHAIRMAN DIBIASE: You've raised a
25 couple of points, which I think they can answer

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2 some here, now. And we have a minimum ten day
3 written comment acceptance, if we close the
4 environmental portion of the hearing tonight.
5 That's -- I am just -- and, again, it was
6 subject to public comment, so you're the first
7 public comment.

8 MS. MCCUEN: But does anybody
9 realize the BOCES school that's up on High
10 Street with the traffic and the buses that come
11 up and down twice a day, early morning -- when
12 the people that would be living in these
13 apartments would be vacating their apartment to
14 go to work, because they're going to need a lot
15 of money to pay all their expenses -- what is
16 that going to do? You don't need to smile
17 because I don't think it makes -- this isn't a
18 good thing. This isn't a good thing.

H1-2

19 CHAIRMAN DIBIASE: No, it was just
20 the way you expressed it.

21 MS. MCCUEN: Well, it's as good as
22 it gets. I think it's thoughtless.

23 CHAIRMAN DIBIASE: If you have
24 responses you want to give on the sound of the
25 roof deck and the location and the mechanical

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2 equipment up there, that would be a good time
3 to give them now.

4 MS. MCCUEN: It's like -- it's like
5 -- if you think about when Mather Hospital put
6 their big ventilation system -- do you remember
7 that one?

8 CHAIRMAN DIBIASE: Um-hum.

9 MS. MCCUEN: Well, Barbara
10 Sabatino, who sits right here, she lives across
11 from that, some distance back. And if she
12 could hear it with the vegetation and the
13 buildings, you can imagine what we're going to
14 hear up Tuthill Street. Because it's going to
15 come right, straight up Tuthill. And I think
16 -- I think it's a mess. And yet the drawings
17 look lovely and I'm sure the apartments will be
18 nice and spiffy, but you know what? It's
19 thoughtless. Because we have nice houses up
20 these streets and we are responsible to take
21 care of them, and we do the damn best we can.

22 But this is annoying. And,
23 anyhow...

24 CHAIRMAN DIBIASE: Okay.

25 MS. MCCUEN: It's not your fault

H1-3

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2 Ray, but, well...

3 CHAIRMAN DIBIASE: Well, I'm not
4 involved in the project so...

5 MS. MCCUEN: No, but I think if
6 people don't live here they can't appreciate
7 it. And to move all?

8 CHAIRMAN DIBIASE: No, I understand
9 what you're saying.

10 MS. MCCUEN: Do you?

11 CHAIRMAN DIBIASE: I do. In fact
12 if they have an answer -- partial answer -- to
13 some of that, they'll give it right on the
14 spot. But we will, as we do -- as I mentioned
15 for the first public hearing -- we do take
16 everybody's comments with a serious
17 consideration, pro and con. So, yes, we will
18 consider that. Thank you.

19 MR. RUSSO: I would address part of
20 Ms. McCuen's answer to her questions.

21 First of all, the part of the
22 hearing that we're referring to right now under
23 the State and Environmental Quality Review Act,
24 has to do with the Draft Environmental Impact
25 Statement, and as this Board is aware, and the

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2 public is aware, and Ms. Suarez is aware, the
3 Draft Environmental Impact Statement is this
4 document here, which is what was prepared by
5 VHB with the input of all of the respective
6 consultants for the project.

7 In this document is the elevations,
8 the photographs, the plans, the roof deck, each
9 level of the building, and all of the analysis
10 that went into the preparation of this document
11 in response to questions raised by the Village
12 Planning Staff and your Board and months of
13 meetings.

14 As a result of the preparation of
15 this document, you as a Board, on December 4th,
16 agreed that this was deemed to be complete and
17 as a result of that decision, it was then
18 published, put in the newspapers. It was also
19 posted throughout the Village in three
20 locations -- if I'm not mistaken -- that the
21 public could come and Ms. McCuen could have
22 gone to the Village Building and Planning
23 Department, viewed the document, looked at the
24 plans, and had a precursor review of what was
25 going to be discussed this evening.

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2 In addition, our entire application
3 was here in the Village, in the Building and
4 Planning Department for review. The notice
5 that we sent out for this hearing was in no way
6 kept secret. Your Village Code requires that
7 what we would do is send notices to everyone
8 within 200 feet, certified mail, return
9 receipt, with precedent.

10 What I did as the attorney for the
11 applicant, was went to the Town of Brookhaven,
12 and got the current mailing list for everybody
13 withing 200 feet, as well as those within 500
14 feet. And I sent a certified return request
15 mailing to everybody within 200 feet and the
16 notice that was given and provided by the
17 Village Planning and Building Department to
18 everybody within 500 feet, so that they knew
19 there was a hearing this evening, they knew
20 that we were discussing issues relating to the
21 proposed project.

22 The advertisement was provided by
23 the Village, in which the applicant's
24 application as it related to the SEQRA Public
25 Hearing, and the Site Plan Development, with

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2 the Conditional Use for the mixed-use proposed
3 building, was given to them with the indication
4 that if they wanted to see further about the
5 application and the plans, they could go to the
6 Building Department, and they could look at it
7 because it was on view there, and Ms. Suarez or
8 Jen Sigler or Lisa Rickmers would gladly have
9 shown it to them and answered any questions and
10 responded.

11 So, there was no secret here on
12 behalf of the applicant. I just want to clear
13 that up.

14 CHAIRMAN DIBIASE: Yes, so what
15 you're saying is the plans depicting --

16 MR. RUSSO: (Interjecting)
17 Everything has been --

18 CHAIRMAN DIBIASE: (Continuing) --
19 the areas in question --

20 MR. RUSSO: (Interjecting)
21 Everything has been --

22 CHAIRMAN DIBIASE: (Continuing) --
23 were available.

24 MR. RUSSO: Everything was
25 transparent.

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2 CHAIRMAN DIBIASE: Right. That
3 being said, there is a lot of information to go
4 through, too. So, you, theoretically, could
5 have picked up the documents and not realized.
6 And that's why the presentation tonight and the
7 ability to come down and invite people to come
8 down.

9 MR. RUSSO: Absolutely.

10 CHAIRMAN DIBIASE: So I'm just, you
11 know, giving you the other side of it, too.

12 MR. RUSSO: And the portion of the
13 public hearing that we are asking for the Board
14 to consider if they're willing to consider
15 closing, is only as it relates to the State
16 Environmental Quality and Review Act for the
17 Draft Environmental Impact Statement.

18 CHAIRMAN DIBIASE: Right.

19 MR. RUSSO: Saying that the
20 applicant has addressed all the concerns that
21 were laid out by the Village and the Planning
22 and Building Department and this Board, through
23 the whole review process and in relation to the
24 responses that you have received.

25 If you remember, I stated it

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2 earlier that there were comment letters that
3 have been received by Building and Planning in
4 the Village here. There is a Suffolk County
5 Water Authority letter that was received
6 November 15th, there is a Suffolk County
7 Department of Public Works on November 19th;
8 Suffolk County Health Department on
9 January 31st; PSE&G as of February 7th; Suffolk
10 County Planning Department on February 15th;
11 Holzmacher's letter as referenced by Mr. Adams
12 on February 28th; New York State DOT as of
13 March 12th; and then the Port Jeff Village
14 Architecture Review Committee, which was --
15 also I got the draft today, but they decided
16 January 9th.

17 So, everything has been fully
18 disclosed, laid out, and discussed. And the
19 concern is one that has to be considered, and I
20 will have David Wortman respond to the second
21 portion as it relates to the possible noise
22 concern.

23 CHAIRMAN DIBIASE: That would be
24 good.

25 MR. RUSSO: We also took into

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2 account the school, the traffic, and the buses
 3 as was said by Mr. Lenihan, and we are aware of
 4 the BOCES situation. So all of that was part
 5 of the analysis that went into the presentation
 6 this evening.

7 CHAIRMAN DIBIASE: And when you
 8 receive comments.

9 MR. RUSSO: I'll let Mr. Wortman
 10 address those.

11 CHAIRMAN DIBIASE: Well, just going
 12 forward, when the hearing is closed and you
 13 have a 10-day period for written comments to
 14 come in, you address all those comments in your
 15 FEIS.

16 MR. RUSSO: Those comments --

17 CHAIRMAN DIBIASE: (Interjecting)
 18 or working in conjunction with the Village
 19 Planning Staff.

20 MR. RUSSO: Those comments made
 21 this evening as it relates to the DEIS and any
 22 written comments within the 10-day period would
 23 be addressed and included.

24 CHAIRMAN DIBIASE: So the written
 25 comments are treated equally and the same as if

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2 someone came down here and actually spoke?

3 MR. RUSSO: That's correct. And
4 I'll let Mr. Wortman respond to the other noise
5 component, but at the bottom line, at the end
6 of the day, if the Board sees a compelling
7 reason to modify the site plan or modify some
8 proposed section of the application, that would
9 be something for the Board, after the SEQRA
10 determination is made, to consider, to address
11 as part of the site plan component of the
12 application, and how they would like to see the
13 application approved and what conditions they
14 would like.

15 CHAIRMAN DIBIASE: Okay. After the
16 SEQRA is address.

17 MR. RUSSO: That's correct. Mr.
18 Wortman?

19 CHAIRMAN DIBIASE: We're going to
20 hear from Mr. Wortman in response to...

21 MR. RUSSO: (Interjecting) Ms.
22 McCuen.

23 MR. WORTMAN: Just very briefly. I
24 mean you touched upon the main point I was
25 going to make, which is that substantive

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2 comments received today will be addressed in
3 the Final Environmental Impact Statement.

4 There is a noise section of the
5 DEIS addressing potential noise impacts of the
6 proposed action, and I would encourage anyone
7 wishing to make substantive comments tonight,
8 as well as during the 10-day or minimum 10-day
9 comment period, to reference and review that
10 and target their comments at exactly their
11 specific concerns to make sure that they're
12 addressed fully at the FEIS.

13 The DEIS does fully discuss the
14 applicability of the Village's comprehensive
15 noise ordinance as it would apply to this
16 development, as it does to any development, the
17 existing commercial use as it would apply to
18 any other potential commercial or resident use
19 that would be put on this site.

20 And, so, that is to be considered
21 as well, related to noise impact.

22 CHAIRMAN DIBIASE: And you will be
23 addressing Marge McCuen's -- and appropriate
24 response in the FEIS?

25 MR. WORTMAN: That's correct.

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2 CHAIRMAN DIBIASE: Yes, in the
3 aisle.

4 MR. MCCUEN: John McCuen.

5 J O H N M C C U E N, after having first been duly
6 sworn by a Notary Public of the State of New
7 York, was examined and testified as follows:

H2

8 MR. MCCUEN: In reference to the
9 traffic study, Port Jefferson is noted for a
10 place where you launch boats. The boats come
11 down Barnum Avenue. They do not go down Main
12 Street. They go down to get to the water, put
13 their boats in, park, come back and take their
14 boats back. Nobody's addressed that. That
15 doesn't happen really until the summer and I
16 don't know when the traffic study was done, but
17 that's one of the problems.

H2-1

18 Another problem that I could see --
19 and maybe you could have the fire department
20 take another look at it -- I live on Tuthill.
21 I walked down and I looked at fire hydrants
22 that they have. They have one the east side of
23 Tuthill and they have another one on the east
24 side of Barnum. That's for how many? 60
25 apartments plus whatever they have there, plus

H2-2

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2 their commercial things. One's got to be
3 lined up and put onto the sprinkler system, and
4 then the others; I don't know.

5 When they had the flooding, the
6 fire trucks couldn't work anyway. If there had
7 been a fire at that time, they would have had
8 to bring trucks in from Setauket or wherever.

9 Now, as far as the items that they
10 said, the presentation, that is 10-inches
11 thick, with all the technical terms and all the
12 presentations that they had and the drawings, I
13 don't know how you can expect anybody to go
14 through and take two or three hours and digest
15 the information that they have on the --
16 whatever they did and the studies with all of
17 the data. How can you expect the average
18 person to do that? We expect someone to come
19 down here and explain it to us. I don't need
20 anybody telling us, "Well, you're the bad
21 because you don't understand the terms." I'm
22 not paid to understand the terms. I'm just
23 paid to reach in my billfold and pay my tax
24 bill.

25 Which is another thing that I don't



H2-2
Cont.



H2-3

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2 understand. Nobody's ever addressed that. I
3 noticed that database that they have here, but
4 how much is this going to cost us from tax
5 money that's not going to be coming in? That's
6 what you should be presenting.

H2-3
Cont.

7 CHAIRMAN DIBIASE: Okay.

8 MR. MCCUEN: I don't know if you
9 have an answer for that.

10 CHAIRMAN DIBIASE: Well, a couple
11 of things.

12 The traffic data, the traffic
13 counts that we use, so they actually -- it was
14 a record of turning vehicles at the
15 intersection of Barnum and Main.

16 MR. MCCUEN: Right.

17 CHAIRMAN DIBIASE: So any trailers
18 using Barnum would have been picked up as part
19 of those traffic counts.

20 MR. MCCUEN: When did they do the
21 traffic counts?

22 MS. ZIMMERMAN: July.

23 CHAIRMAN DIBIASE: As they stated
24 before, the counts were done on a Saturday in
25 July of this year. So, that's -- that's what

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2 they looked at. I don't think anybody's
3 dismissing you or, you know, minimizing any of
4 your comments, you know. I think, you know,
5 we're treating them seriously. And the
6 comments about the hydrants certainly is
7 something -- I believe the Fire Marshall would
8 probably comment on that, but that's, you now,
9 that's something that we'll make a record of.

10 MR. MCCUEN: That's something I
11 noticed, because nothing on the report, as far
12 as I could see, said anything about the fire
13 hydrants. They didn't say how many they had or
14 where.

H2-2
Cont.

15 CHAIRMAN DIBIASE: That's certainly
16 a valid question that requires an answer.

17 And in terms of, you know, the
18 amount of -- there is a lot of documentation,
19 and you mentioned you were looking for somebody
20 to explain it, and I think they did a very
21 thorough explanation of what was in there
22 tonight.

23 Maybe, you know, it's not to answer
24 everybody's questions or something that they
25 said that they didn't elaborate on, that maybe

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2 you want an answer to, which you've, you know,
3 asked the question.

4 MR. MCCUEN: But the thing is, we
5 are here for our benefit. We are not here for
6 the benefit of the people that did the
7 research. They are here to explain to us what
8 is going on. If we ask a question, I don't
9 expect to be addressed down because I didn't
10 read that eight and-a-half inches of technical
11 data that they have.

12 CHAIRMAN DIBIASE: Okay. I just
13 don't see how you were addressed down.

14 MR. MCCUEN: I'll leave it up to
15 the people here. You have to listen to what
16 they said here.

17 CHAIRMAN DIBIASE: Okay.

18 MR. MCCUEN: Thank you.

19 MR. ANDERSON: If I may just very
20 briefly -- to answer Mr. McCuen's question. I
21 don't -- not to defend the applicant, but I
22 believe he was just trying to explain the
23 process and state that there was nothing
24 secretive involved in this. If I can just
25 elaborate quickly. I live up on Belle Terre

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2 Road and I get the benefit of all the music in
3 the summer and the noise and everything else
4 just as you do on Tuthill. In fact, it gets
5 confusing sometimes for the different songs
6 going on.

7 One thing I just want to maybe
8 elaborate on. Anything that's brought to us
9 during a public hearing has to be addressed.
10 Maybe not -- maybe it's not able to be
11 addressed at this moment, but it has to be
12 addressed as part of the Final Environmental
13 Impact Statement.

14 So, your point is well -- and I'll
15 be honest with you, I don't expect this roof
16 deck to be what goes on at Schafer's or
17 anything else, but there will be noise and that
18 has to be mitigated or, you know dealt with --
19 and they will -- because you brought it up --
20 they will have to in the Final Environmental
21 Impact Statement address that. Just as they
22 will with the fire hydrants that Mr. McCuen
23 brought up.

24 So nobody is trying to steamroll
25 anything or -- you know, these are all valid,

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2 good concerns that you brought before us.

3 CHAIRMAN DIBIASE: Thank you.

4 Center aisle.

5 N I C K A C A M P O R A, after having first been
6 duly sworn by a Notary Public of the State of
7 New York, was examined and testified as
8 follows:

H3

9 MR. ACAMPORA: Nick Acampora,
10 A-C-A-M-P-O-R-A 201 Myrtle Avenue, Port
11 Jefferson. But tonight I'm representing more
12 the Historical Society of Port Jefferson not
13 myself.

14 So, on the onset, the Historical
15 Society is remaining neutral on this project,
16 we're not either for or against it. It's just
17 one single comment about the project, but it's
18 overreaching for the Village in a way. I know
19 I have to restrict my comments to the project,
20 but it's sort of overreaching.

21 CHAIRMAN DIBIASE: Okay.

22 MR. ACAMPORA: Overall, what's
23 happened with development, over time, and we're
24 all for smart growth, the project in that
25 essence is good and we don't have a problem

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 2 with that. It's demolition of existing older
 3 structures and one -- now the Cappy's building
 4 consists of really two buildings: The one-
 5 story building, which has the Cappy sign on it
 6 and then the two-story gabled portion. Our
 7 research indicates that two-storied gabled
 8 portion dates from the mid 19 -- 18 -- 19th
 9 Century rather. 1800's. It was a general
 10 store originally. The building's been altered
 11 many times, so really, in effect, there's not
 12 much to save in a way, unfortunately. But --
 13 and it's unfortunate that that was not
 14 considered by the Board, et cetera, when this
 15 planning process began with this development.

16 What we do ask though is, going
 17 forward, in the future, that any type of
 18 development that occurs in the Village, that
 19 should be considered when there's a historic or
 20 potentially historic structure that may have to
 21 undergo demolition in order to develop. The
 22 one thing that our Village -- we love about the
 23 Village -- and everybody here loves about the
 24 Village, including the owners of the building
 25 -- what makes our Village so nice is its

H3-1

1 PLANNING - 3/14/19

2 historic structures and its history.

3 By bringing construction -- new --
4 putting new development in, which is good, you
5 erase some of that. So what we're looking for
6 is trying to save some of this heritage for the
7 future.

8 Again, this project is past that
9 point probably. What we do ask though -- it's
10 considered in the future -- obviously when this
11 building is demolished, whenever that may be,
12 if there is something historically significant
13 found during demolition, we would appreciate it
14 that they contact us in any way they can. If
15 there's anything we can save from the original
16 building or display or how ever we can manage
17 to save that, that would be appreciated.

18 Thank you.

19 CHAIRMAN DIBIASE: Thank you.

20 D R E W B I O N D O, after having first been duly
21 sworn by a Notary Public of the State of New
22 York, was examined and testified as follows:

23 MR. BIONDO: Drew Biondo,
24 B-I-O-N-D-O, 115 Jones Avenue, Port Jefferson.

25 So I live right across from Barnum

H3-1
Cont.

H4

1 PLANNING - 3/14/19

2 on Main and that's Jones Avenue, and no one has
3 spoken about that as to traffic. So, right
4 now, when you try and go down my street at 7:00
5 or 7:30 in the morning you can't get out of
6 there because there are parents trying to turn
7 into the school to drop off their kids, there
8 are buses, it's backed up, and I think your
9 traffic study, instead of just doing one day in
10 July, you should probably do a day in April or
11 May and preferably a weekday and make it the
12 times when the ferries arrive or when the
13 ferry's about to leave, when there's traffic
14 rushing down, and I think you'd get a better
15 sense.

H4-1

16 I would agree with Mrs. McCuen
17 about the roof deck. When you look out my
18 upstairs bedroom window right now, I'm on level
19 with the fire horn for the firehouse. So,
20 anything that's generated above, I get noise
21 coming in.

H4-2

22 And Mr. Anderson, you had mentioned
23 Schafer's. The good thing about Schafer's,
24 while I might not like the music at all hours
25 of the night, I think it's at 11:00 o'clock it

1 PLANNING - 3/14/19

2 stops. It's certainly going to go off. But in
3 a private apartment building, if someone's
4 having a party up on that deck, I have no
5 control of when they turn down their radio. My
6 only recourse would be to call the police and
7 I'd hate to have to be a spoilsport.

H4-2
Cont.

8 So I think that's something that
9 you should look at.

10 So, thank you for hearing me and
11 good luck with the project, and thank you for
12 your service.

13 CHAIRMAN DIBIASE: Thank you.

14 Just one comment. I know for the
15 Liberty intersection I talked about a potential
16 traffic signal there and when the school let's
17 out those traffic observations and counts were
18 done when school was in session. When there
19 was bus and student activity crossing there and
20 such. So, not at Barnum specifically because
21 the focus at Barnum was pedestrians. And the
22 summertime is felt to be the most active
23 period, but it was recognized that Liberty --
24 that school activity was a primary issue there.

25 MR. ACAMPORA: If I can make one

H3-2

1 PLANNING - 3/14/19

2 more suggestion. We've put signs up for
3 crosswalks and this might gather your purview.
4 But I've been in other municipalities where
5 when someone steps into that crosswalk, yellow
6 lights flash.

H3-2
Cont.

7 CHAIRMAN DIBIASE: Um-hum.

8 MR. ACAMPORA: To alert the driver
9 coming down the road. And I think that would
10 be a great addition because right now people
11 sometimes are so focused on their driving they
12 don't see you stepping out into that crosswalk
13 and it would be helpful -- I know for kids
14 crossing the street going to school or
15 whatever. And I think, you know, we've had one
16 -- I think -- one death right at that corner,
17 Jones. Right by the CVS. A jogger was hit a
18 few years back by a car that rode up on her.

H3-2
Cont.

19 Thank you.

20 CHAIRMAN DIBIASE: Okay. Thanks.

21 Yes. You.

22 M I C H A E L M A R T, after having first been
23 duly sworn by a Notary Public of the State of
24 New York, was examined and testified as
25 follows:

H5

1 PLANNING - 3/14/19

2 MR. MART: Michael Mart, M-A-R-T.
3 205 Bayview Terrace, Port Jefferson.

4 That was a very good presentation
5 and it raised several questions as a result of
6 that. It's an expensive project. It costs a
7 lot of money to build and it will bring a lot
8 of people. Some people will agree or disagree
9 with the benefits or the cost for the Village.

10 The one thing I didn't hear tonight
11 is what will the tax benefit be to the Village
12 from this proposed construction?

13 CHAIRMAN DIBIASE: I don't know and
14 that's -- that comment was already made, so
15 that will have to be addressed.

16 MR. MART: Well, we learned from
17 another project of apartments near where I live
18 -- that it would be a tax abatement. So that
19 the Village doesn't really receive any tax
20 dollars from that project for many years.

21 We as, taxpayers, property owners,
22 have to then pay the cost of whatever the
23 project itself burdens us with. So, how do we
24 learn that? And when do we learn that?
25 Shouldn't we know that in advance?

H5-1

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2 CHAIRMAN DIBIASE: I'm not aware of
3 anything, but that's usually not the discretion
4 of the Planning Board.

5 MR. MART: I understand, but this
6 is the only place we can come for answers.

7 CHAIRMAN DIBIASE: Your comment
8 will be addressed.

9 MR. MART: Thank you.

10 In keeping with that, there's
11 something that's called a recreation fee.

12 CHAIRMAN DIBIASE: Um-hum.

13 MR. MART: In this Village, which
14 is very, very important to us -- because when
15 we have increased density population as a
16 result of these kinds of developments, it puts
17 a burden on our recreational facilities.

18 You have 46 apartments. You're
19 going to have maybe 69 people, one and-a-half
20 per. That's more people than live on the three
21 blocks of my neighborhood, the upper west side
22 as we call it. And that puts a burden on our
23 parks, on our beaches, on our kayak racks, all
24 of these things. And what I heard tonight was
25 that these private fire pits and benches and

H5-2

1 PLANNING - 3/14/19

2 things on the roof are being -- it's suggested
 3 that that will help to mitigate the fee that
 4 the developer will have to pay.

5 But that's what happened in another
 6 development; the Shipyard development. I don't
 7 quite understand that. Because I don't get to
 8 use those as a resident. Those are for the
 9 private use of the apartment dwellers, which is
 10 understandable. It's also a selling point.
 11 So, why we might want to live there. So what
 12 is the recreation fee?

13 CHAIRMAN DIBIASE: I don't know
 14 what that fee is. It was mentioned that that
 15 would be addressed and the applicant was
 16 willing to pay it.

17 MR. MART: Yeah, but they try to
 18 mitigate it by saying, "Well, we have a gym."
 19 Okay. But the gym is not for us.

20 CHAIRMAN DIBIASE: Right.

21 MR. MART: Our parks are for
 22 them --

23 CHAIRMAN DIBIASE: (Interjecting)
 24 No, I don't think they're trying to mitigate
 25 the recreation fee by saying they're putting in

H5-2
 Cont.

1 PLANNING - 3/14/19

2 a gym that only they can use.

3 It's that they have the option of
 4 contributing to the Village a fee that
 5 typically -- and I'm speculating, but I believe
 6 this is the way it works. A bunch of fees are
 7 collected from various developments and
 8 eventually that may end up in a new park
 9 because there's a collection of fees.

10 MR. MART: Right. But what has
 11 happened in the past, and I would not like to
 12 see it repeated, is that the developer says,
 13 "We're creating recreational facilities on our
 14 own property for the use of our tenants.
 15 Therefore, that should be included in the
 16 evaluation and the calculation of the fee of
 17 the recreation fee."

18 CHAIRMAN DIBIASE: So, no, I don't
 19 believe that's the case.

20 MR. MART: Well, that's what we're
 21 hearing because it's supposed to be \$120,000
 22 from the Shipyard, but we haven't seen any of
 23 the money yet.

24 CHAIRMAN DIBIASE: That, I'm not
 25 aware of.

H5-2
 Cont.

1 PLANNING - 3/14/19

2 MR. MART: I'm not arguing, but we
3 need to know this because we live here and, you
4 know, we have to work together on things and
5 not be opposed.

6 The other thing is 78 parking
7 spaces for 46 apartments, 1,200 square feet of
8 retail, and a restaurant. By the calculations
9 of our Code, evidently, the applicants will
10 have to pay money in lieu of parking for just
11 four spaces. Just four spaces.

12 CHAIRMAN DIBIASE: Yeah, I believe
13 that's correct.

14 MR. MART: That may be, I'm not
15 going to argue that number here now; however,
16 it was just mentioned by one of the presenters
17 that they're going to suggest removing three
18 spaces from Main Street. That would be seven
19 spaces then.

20 CHAIRMAN DIBIASE: Just one comment
21 on those. The spaces on Main Street aren't
22 theirs. They are open to anybody.

23 MR. MART: That's right.

24 CHAIRMAN DIBIASE: And it's a
25 safety issue requested by DOT.

H5-3

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2 MR. MART: I agree. But they're
 3 public spaces. And we have a hearing here
 4 tonight on a 44-car parking lot that caused a
 5 great deal of consternation by the people who
 6 live around. Parking is going to be an issue
 7 and we aren't going to be able to solve it.
 8 You're always going to get more and more
 9 intense. But, we have to work together to make
 10 sure that we don't continually add to it in
 11 ways that we don't have to.

12 So, if they're taking three spaces
 13 -- public parking that we -- I park there all
 14 the time to go to CVS, and if you're going to
 15 have a restaurant, people would want to park
 16 there. They're taking away three. So, that's
 17 a minimum now of seven that they should have to
 18 pay.

19 So, we need taxes, we need money in
 20 lieu of parking, and we need recreation fees.
 21 I'm counting on you, as a Village, and the
 22 others, that you'll provide us with that,
 23 what's his, and how it was calculated.

24 CHAIRMAN DIBIASE: Okay.

25 MR. MART: Thank you very much.

H5-3
 Cont.

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2 G R E G C A L A B R E S E, after having first been
3 duly sworn by a Notary Public of the State of
4 New York, was examined and testified as
5 follows:

H6

6 MR. CALABRESE: Greg Calabrese, 306
7 Myrtle Avenue, Port Jefferson.
8 C-A-L-A-B-R-E-S-E.

9 Two questions and an observation.
10 First time question. Has any comment
11 Been received from the Sewer
12 District?

H6-1

13 CHAIRMAN DIBIASE: Possibly,
14 Planning Staff or the applicant addressed that.

15 MR. CALABRESE: That's critical.

16 CHAIRMAN DIBIASE: He'll come up
17 right away. That's a yes or no. You can
18 answer him.

19 MR. RUSSO: Yes, there has been, to
20 the Village Planning Staff, and we were
21 compliant, and there were no issues, and we can
22 participate in Sewer District Number One.

23 MR. CALABRESE: So that means
24 they're going to accept the project into their
25 supplant up here?

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2 CHAIRMAN DIBIASE: I believe that's
3 correct.

4 MR. CALABRESE: Secondly, has any
5 comment been received from the Suffolk County
6 Planning Commission?

H6-2

7 CHAIRMAN DIBIASE: I believe so.
8 Eric, if you'd like to --

9 MR. RUSSO: (Interjecting) Yes.

10 CHAIRMAN DIBIASE: (Continuing) --
11 address that.

12 MR. RUSSO: As I've indicated
13 previously, Suffolk County Planning Commission
14 on February 15th, indicated that -- they
15 provided their comments. If you want me to
16 read the comments, I can pull them and read
17 them.

18 MR. CALABRESE: No. I was just
19 wondering. They did respond though?

20 MR. RUSSO: They did respond, yes.

21 MR. CALABRESE: And then an
22 observation. I was very concerned about what
23 the streetscape is going to look like. As Eric
24 mentioned, does it extend the Downtown feeling,
25 the Downtown look? I think you ought to be

H6-3

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2 congratulated because your project does do
3 that. Unlike your neighbors next door at 414
4 where the parking is in the front of the
5 building and the building is in the back, which
6 is a no-no.

7 The classic example is Downtown
8 Smithtown. If you walk through Downtown
9 Smithtown, on the north side you have all the
10 buildings along the curb. That's street view.
11 That's Downtown view. You look across the
12 street on the south side, there's a parking
13 lot, not street side, curb side.

14 So, I think the plan here is to
15 protect that visual aspect of the Downtown look
16 and I think they've accomplished that and I
17 think you should be congratulated that you
18 didn't give into temptation and put the parking
19 lot in the front of the building.

20 Thank you.

21 W I L L I A M B O W M A N, after having first
22 been duly sworn by a Notary Public of the State
23 of New York, was examined and testified as
24 follows:

25 MR. BOWMAN: William B-O-W-M-A-N,

H6-3
Cont.

H7

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2 111 Barnum Avenue, Port Jefferson New York. .

3 I'd like to make a few comments and
4 then ask a couple of questions for the
5 applicants.

6 First I'm always interested to see
7 traffic studies, they always look at things
8 from a very car oriented point of view. What
9 is the potential impact of people driving
10 through, driving on the Barnum [sic], driving
11 on Main Street, making it wider, right or left
12 in one particular direction or another. The
13 applicant said many times that part of the
14 rationale keeping with the Port Jeff
15 comprehensive--

16 FEMALE VOICE: Talk into the mic.

17 MR. BOWMAN: Oh, sure thing.

18 CHAIRMAN DIBIASE: Or you can pick
19 that up too.

20 MR. BOWMAN: Is that a little bit
21 better?

22 FEMALE VOICE: Yeah.

23 MR. BOWMAN: Part of the rationale
24 for the project was to be part of the walkable
25 Village to extend part of the walkable Village

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2 further south into the southern part of the
3 Village.

4 There is a potential conflict
5 between -- or traffic doesn't -- it doesn't --
6 traffic impacts don't address how to maintain
7 pedestrian safety, which will also make this
8 part of the Village walkable. So, whereas the
9 traffic impacts might indicate no level--
10 decrease in level of service -- we also want to
11 make sure -- and the VHB representative said
12 that if there was a potential impact to people
13 driving through the Village, that they would
14 propose some type of mitigation. Well, we
15 should also consider some types of mitigation
16 for pedestrians -- for instance -- so can some
17 type of traffic common be--

18 FEMALE VOICE: Talk into the mic.

19 MR. BOWMAN: I'm sorry. Can some
20 type of traffic common be part of the
21 mitigation for the project to insure that
22 Barnum Avenue and Main Street continue to be
23 places where people want to walk along the
24 sidewalks with their children and their dogs.
25 So I think that should be an important part of

H7-1

1 PLANNING - 3/14/19

2 the mitigation strategy for the project.

H7-1
Cont.

3 Has a grading plan--a drainage plan
4 been prepared as of yet?

H7-2

5 CHAIRMAN DIBIASE: Yes.

6 MR. BOWMAN: And has the-- do you
7 need to raise the grade of the parking areas?

8 MR. RUSSO: The testimony that we
9 gave to Doug Adams, was the review of the
10 drainage and grading plan by Holzmacher, which
11 was the Village Engineer, who paid for the
12 study, and in doing that they came back and
13 said that we met the drainage and grading
14 requirements of the Village standards.

15 And that letter was read here in
16 November and it's also part of the record.

17 MR. BOWMAN: All right-- so when
18 you have them present it -- I presume that
19 the-- I presume that the storm water management
20 plan that your drywells are leeching in is in
21 the -- is in the DEIS.

H7-2
Cont.

22 MR. RUSSO: The storm water
23 prevention pollution plant is yet to be
24 finished.

25 MR. BOWMAN: No, no, the drainage

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2 plan.

3 MR. RUSSO: The drainage plan is,
4 as well as the recommendations of the Village
5 engineer and the McDonald Geoscience soil
6 analysis.

7 MR. BOWMAN: Does the plan at this
8 time require raising the grade of the existing
9 parking in the parking lot?

10 MR. RUSSO: No.

11 MR. BOWMAN: As a Barnum resident,
12 I certainly appreciate maintaining the stand of
13 the Norway maples as a good component of the
14 plan. But instead I think of -- and I was
15 happy to hear the Chairman's comments about the
16 Village's ongoing efforts to improve the
17 intersection of Barnum and Main Street, which
18 is a real -- really pretty awful at this time,
19 and a real hazard to pedestrians.

20 So I thought -- I saw you put the
21 concept plan up, and there were several
22 components of that, that looked really good,
23 maybe places where people could pull off Barnum
24 and walk right into -- run right into CVS,
25 because people often kind of stop there

H7-2
Cont.

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2 temporarily causing some of the potential
3 hazard. So, whereas the applicant does not
4 need to address that to the Village is taking
5 care of some of that burden on them.

6 I would certainly urge the
7 applicant to do everything they can to continue
8 the keeping with the pedestrian improvements
9 and the traffic filing along the reachable part
10 of Barnum and Main street. Thank you very
11 much.

H7-3

12 CHAIRMAN DIBIASE: All right.

13 Thanks.

14 S T E V E V E L A Z Q U E Z, after having first
15 been duly sworn by a Notary Public of the State
16 of New York, was examined and testified as
17 follows:

H8

18 MR. VELAZQUEZ: Steve Velazquez,
19 V-E-L-A-Z-Q-U-E-Z, 208 East Broadway.

20 One of the concerns that I had was
21 that this building, along with the Barnum House
22 together, create a larger apartment complex.

H8-1

23 And in light of the fires that
24 happened in 2014 at the Avalon Apartments and
25 other fires in Fort Lee, New Jersey, I want to

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2 see if there's possibly a spacing that can be
3 placed between the two buildings, and prevent
4 it from becoming a larger building. That's one
5 of my concerns.

H8-1
Cont.

6 The second concern is, hopefully,
7 that the owners of the property have made
8 provisions for the families that live in the
9 current buildings right now, and that they
10 could possibly work with them to finish out
11 their schooling within our district. That was
12 my two comments.

H8-2

13 And last off, is that the building
14 itself, although very nice looking, I don't
15 believe it meets the Nautical theme of the
16 Village, but maybe it's because of my
17 positioning in the back. I think it could do a
18 little better on that, and I thank the Board
19 for listening to me.

H8-3

20 CHAIRMAN DIBIASE: Thank you.
21 J I M G R A D Y, after having first been duly
22 sworn by a Notary Public of the State of New
23 York, was examined and testified as follows:
24 MR. GRADY: Yup, Jim Grady,
25 G-R-A-D-Y. I am a resident of Connecticut,

H9

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2 looking to relocating into Port Jefferson.

3 I have a question for the
4 subsurface investigation that was done. Will
5 the structure be set on piles?

H9-1

6 MR. NICOSIA: Addressing from my
7 chair, yes, it's a pile project.

8 MR. GRADY: It is a pile project?

9 MR. NICOSIA: Absolutely.

10 MR. GRADY: And the pile caps--

11 CHAIRMAN DIBIASE: Just one second.
12 That's the drainage structure, as well?

13 MR. NICOSIA: No.

14 CHAIRMAN DIBIASE: No, that wasn't
15 the question. Not the building but --

16 MR. GRADY: With the piles -- the
17 pile caps -- is de-watering going to be
18 required on this project?

H9-2

19 MR. NICOSIA: No, no de-watering.
20 We have six feet in ground water? And we're
21 not going to be addressing that. I'll address
22 that when you're done. I guess I can just take
23 on more questions.

24 MR. GRADY: And monitoring for
25 close proximity of the pile driving. Will that

H9-3

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2 be taken care of? H9-3
 Cont.

3 MR. NICOSIA: Yes.

4 FEMALE VOICE: We can't hear him.

5 MR. NICOSIA: Eric's going to come
 6 up at the end and just summarize. Thank you.

7 Yes, because of the proximity of
 8 the ground water, the whole project is on
 9 piles, so those piles are driven in, and then
 10 on top of that is a concrete cap. That cap
 11 would be three feet below grade, so that's
 12 still out of that range.

13 The other issue was -- we talked
 14 about -- the gentleman already mentioned the
 15 fire. And the walls between the two buildings,
 16 each would have a one hour of wall, and because
 17 of the short separation that has protected --
 18 it has to be designed to be protected from the
 19 outside and the inside for that hour. The
 20 buildings both have a full sprinkler system
 21 throughout, with a central station alarm
 22 system, carbon monoxide -- each apartment has
 23 its own alarms, of course, fire detection
 24 equipment all throughout the building, and it
 25 is a positive that we have two fire hydrants on

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2 either side of the project and the project is
3 very accessible from all sides to help with
4 that.

5 The monitoring, the owner has
6 experienced with this and has done so in the
7 past with monitoring the surrounding neighbors
8 as to any type of damage that could potentially
9 occur is going to be monitored. When we did
10 the project next door, we did not have issues
11 with vibration or any damage to any other
12 structures.

13 CHAIRMAN DIBIASE: All right. In
14 the back, standing.

15 P A T K I R I L U K, after having first been duly
16 sworn by a Notary Public of the State of New
17 York, was examined and testified as follows:

18 MS. KIRILUK: Pat Kiriluk,
19 K-I-R-I-L-U-K, 110 California Avenue, Port
20 Jefferson.

21 I think that you really very much
22 covered all the technical specifics tonight,
23 and I'd like to get into a few other areas that
24 I think are very important.

25 I think that we should realize that



H10

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2 Cappy's Carpet has been a part of this
3 community. It's sad to see this decision made,
4 but it's a good one. It represents growth and
5 integrity for our Village.

6 The Gitto Group has a proven
7 record. Look at the buildings the Gitto Group
8 has already engaged in.

9 I started in this Village almost 19
10 years ago. I stood in this room and I never
11 saw anybody get the slamming that Tony Gitto
12 did and the way the residents were so willing
13 to spend his money and develop for him. He
14 proved them all wrong with their criticisms.
15 He lives in this community as does Capobianco.
16 I believe we have to recognize growth in our
17 Village, modernizing, et cetera.

18 The integrity of the design far
19 surpasses the Shipyard building, and by that --
20 I apologize for this, but I think it has to be
21 said.

22 I love the Drowned Meadow building.
23 I have a lot of personal affiliation with that
24 building. I have stood there and looked at an
25 industrial side to the Shipyard building. They

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2 have ten years tax exempt or more; there are no
3 dark green shutters -- all along Barnum, all
4 along the back of the building. There's no
5 integrity of the fancy moldings that they have
6 on the front of the building.

7 I bring this up because I ask you
8 to look at the integrity of the design of
9 what's before you tonight. There isn't one
10 ounce of that building that doesn't have
11 definition, quality, character.

H10-1

12 And look at the Hills up above in
13 port. Not only was that developed, but I took
14 the time to go up there because I know the way
15 the Gitto Group develops. They not only built
16 with integrity, which, by the way, I know for a
17 fact because I have friends of mine up there --
18 the first building was booked before it was
19 even up. The other buildings were booked
20 before they were ever built.

21 He takes landscaping very
22 seriously. I've seen it. I've worked with him
23 on economic development. Gitto Group builds
24 with integrity. It just doesn't look at profit
25 margins.

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2 I bring up the sides of the
3 Shipyard building because there is so much
4 lacking except for what is visible coming down
5 25A. The west side and the front of that
6 building have dark green shutters. I stand on
7 the side that bastardizes Drowned Meadow and I
8 see one set of green shutters on the corner.
9 The rest of it, all the way up Barnum, all the
10 way down on the side street -- not Caroline the
11 other one, Brook -- there is nothing. The
12 building is stripped, which is the definition
13 of wanting profit.

14 The Gitto Group builds with
15 integrity. I don't know them personally. I
16 just have admired their work over the years.
17 Look at this that they're building now. In the
18 -- to respond to Marge McCuen, I've known her
19 for many years. I respect her criticisms. But
20 in order to attract the tenant that has the
21 affordability and the integrity that we want to
22 attract to this Village, you have to offer
23 style. You have to offer a living style. And
24 fire pits do not make noise. You have to have
25 a little gym.

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2 You have to invite -- you want a
3 higher rent district? You want people who are
4 going to support our restaurants and the
5 integrity of our retail? We want people that
6 are going to spend money in our Village? Well
7 then, give the Gitto Group and Capobianco and
8 Cappy's Carpet an opportunity to attract that
9 more to our Village.

10 Don't deny what the growth is going
11 to be. Look around at other communities.
12 They're just building basic apartment
13 buildings. They're not defining the integrity
14 of what this beautiful design does define. And
15 it's going to attract the kind of people that
16 we want to welcome as residents in our Village.

17 And I'd like to just make a few
18 more comments. I'm sorry I'm winded, but I'm
19 an aortic patient and I'm on medication, so I
20 apologize for that.

21 It was mentioned tonight, as far as
22 parking. Apparently they've already realized
23 and they have a control for where there will be
24 a restriction of four-hour parking. That was
25 very interesting, because perhaps that should

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2 be an example that should be set forth if the
3 parking in the Erlich Park becomes a reality --
4 we can confine that to a four-hour limit and
5 have a turnover.

6 I also want to mention I've taken
7 the time because I've been involved with some
8 charity work in the Village with some of the
9 families that live in the Upper Port, some of
10 those stores, but I do know for a fact that the
11 Gitto Group is going to be developing the
12 little playground area behind the buildings
13 that he put up in Upper Port. That's going to
14 attract and encourage people to develop Upper
15 Port.

16 They're going to be working on
17 something -- because I really care about the
18 children. I do Santa's Work Shop at Christmas
19 time. I care about these families that can't
20 afford things.

21 CHAIRMAN DIBIASE: You're getting
22 close to five minutes. Just so you know.

23 MS. KIRILUK: Okay. But they're
24 going to be developing that park area.

25 The maintenance or the way parking

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2 lot down here is taken care of in the Village,
3 there's a statement of pride. They reside and
4 live in our Village. Both the applicants.

5 As far as Cappy's Carpet and the
6 Gitto Group that will develop, I think we have
7 to look beyond some things to gain what we do
8 receive.

9 And I want to bring something, in
10 closing, to your attention, that I haven't
11 mentioned before, but I'm very involved at
12 Christmastime and that, and I want to
13 acknowledge, for the first time, that the Gitto
14 Group paid \$10,000 and wanted to remain
15 anonymous. And all the lights in this Village,
16 our white Christmas lights now, because of that
17 generous donation.

18 This group takes pride in what they
19 do and what they contribute to this community.
20 I don't have any personal affiliation to them,
21 but I admire them totally. And I want to make
22 that clear. They really give this Village and
23 this community a lot. Thank you.

24 CHAIRMAN DIBIASE: Thank you. I
25 don't know if you're in trouble now, since they

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2 wanted to remain anonymous. Thank you.

3 Anyone else want to speak? In the
4 back.

5 C A R O L A C K E R, after having first been duly
6 sworn by a Notary Public of the State of New
7 York, was examined and testified as follows:

8 MS. ACKER: My name is Carol Acker
9 and I can probably speak loud enough for all of
10 you to hear. A-C-K-E-R, 122 Main Street, Port
11 Jefferson.

12 As far as a real estate broker, I
13 totally understand your frustration for those
14 of you that have concerns. And Pat, you
15 already gave my speech, so I applaud you for
16 doing that because everything that I was going
17 to say you made mention of.

18 I don't know anybody, local people,
19 that could reach across the table greater than
20 those two families. And I -- I'm getting
21 chocked up because, Peter, I've known you since
22 you were born and I know your dad.

23 CHAIRMAN DIBIASE: Ms. Acker, if
24 you could address the Board.

25 MS. ACKER: Oh. Oh my. You are

H11

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2 here.

3 And as a broker, I have seen some
4 horrendous, horrendous -- where they come forth
5 with a multitude of things that they're going
6 to do and then in the end it doesn't quite look
7 the way they presented it. And the
8 frustrations are enormous and it's always too
9 late because the cow's out of the barn and
10 you're finished.

11 But you could never choose, ever,
12 more respectable people. They are Village
13 residents. They have been here forever and the
14 best of life that you'll have working with
15 them.

16 People, feel comfort. Don't be
17 frustrated. Go to them. And they are really
18 nice folks. They're going to work with you and
19 not against you. Thank you.

20 CHAIRMAN DIBIASE: Thank you.

21 Anyone else?

22 A L A N A C O R C E L L A, after having first been
23 duly sworn by a Notary Public of the State of
24 New York, was examined and testified as
25 follows:

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2 MS. CORCELLA: Alana A-L-A-N-A,
 3 Corcella, C O R C E L L A, 106 Tuthill Street,
 4 Port Jefferson.

5 I have to say what I've seen in
 6 that picture seems like a lot is going on for a
 7 small piece of property.

8 I don't know what the gentleman --
 9 how you calculated the cars and when you did it
 10 -- you said in July. The cars that come down
 11 in the summer, they are bumper to bumper. All
 12 the way down from the ferry all the way to 347.

13 If your residents are going to try
 14 to get into that driveway, they are going to be
 15 honking the horn, they will not be able to get
 16 into their apartment for at least an hour
 17 and-a-half. So that's something to consider.
 18 They will probably not want to rent the
 19 apartment after that time wait.

20 Also, Theatre Three. Theatre Three
 21 has a lot of congestion, as well, with the
 22 theater coming out. I don't know if that's
 23 been considered. A lot of the cars come in
 24 Thursday, Friday, Saturday night, along with
 25 the buses coming down Tuthill Street that Marge

H12-1

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2 was saying.

3 And the residents. I feel like I'm
4 being pushed. Peter, you've been wonderful.
5 I'm going to miss your carpets. I'm going to
6 miss your business, and I liked the store. I
7 liked the Cappy's sign and I'm going to miss
8 the historical house.

9 Again, with the noise. My house is
10 at a high level. I am concerned about that. I
11 am concerned about the benches that we've said
12 -- for the people sleeping or hanging out on
13 the benches. And I think I have a new name for
14 Port Jefferson. It's either poor Port
15 Jefferson, which I feel sorry for it; Poor Port
16 Jefferson. Or Port Jefferson City. That's it.

H12-2

17 CHAIRMAN DIBIASE: Thank you.

18 MR. BIONDO: Can I just ask one
19 question?

20 CHAIRMAN DIBIASE: It depends.

21 MR. BIONDO: What about the
22 pilings? Drew Biondo, 115 Jones Avenue.

23 Again, this is from our experience
24 with the monstrosity over there.

H4-3

25 CHAIRMAN DIBIASE: Oh, in terms of

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2 noise, you're talking about?

3 MR. BIONDO: Noise and how many
4 pilings and when would it be done? That was
5 like 400 pilings it seemed. I assume this will
6 be less?

7 MR. NICOSIA: Approximately 230 is
8 my initial count.

9 MR. BIONDO: Oh, Jesus.

10 MR. NICOSIA: And approximately,
11 maybe three weeks. And that would all be
12 during the allowable times in the Village,
13 during the week.

14 We built the other building next
15 door and there was temporary inconvenience
16 involved in construction. We didn't have any
17 major issues with that one. And I think it was
18 someone different than the sheet piling project
19 that went on in the harbor. And different from
20 the Tritec project. It's smaller.

21 MR. BIONDO: Thank you.

22 CHAIRMAN DIBIASE: Anyone else that
23 hasn't spoken?

24 (WHEREUPON, there was no response
25 given by those present.)

H4-3
Cont.

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2 CHAIRMAN DIBIASE: Okay. I'm not
3 seeing any hands. That will close the public
4 comment period.

5 MR. RUSSO: Mr. Chairman, given the
6 hour, given the comments and concerns
7 expressed, I have nothing further at this time
8 and I thank you for your patience and
9 consideration in this evening's application.

10 CHAIRMAN DIBIASE: Okay. That
11 being said we have -- this is a combined
12 environmental and SEQRA and Planning Board
13 Hearing. We did say that we would hear
14 comments from the public today, and if we close
15 the environmental portion of the hearing,
16 there's a 10-day minimum period to accept
17 written comments, which I mentioned can be
18 dropped off at the Building and Planning
19 Department.

20 So the Planning Hearing is
21 continued, but we'll have a discussion now
22 amongst the Board, while you're here, about
23 closing the environmental portion.

24 Just my opinion, and based on some
25 of the comments that were raised about the size

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2 of the study and the availability and things of
3 that nature, the applicant has followed the
4 required procedures and gone beyond the
5 required procedures in terms of notifying
6 residents in the area.

7 Given the volume of the study, just
8 my thought, and we'll discuss it amongst
9 ourselves, is that we extend the -- that we
10 close the hearing and extend the comment period
11 to 15-day minimum to get the word out. If you
12 know people who couldn't be here tonight or
13 people who weren't able to get through the
14 study or have other questions, my thought is to
15 accept written comments for a 15 days after we
16 close.

17 MS. ZIMMERMAN: I'm in agreement
18 with that.

19 MR. ANDERSON: I fully agree.

20 MR. JOHNSON: Absolutely
21 acceptable.

22 CHAIRMAN DIBIASE: That was too
23 easy.

24 That being said, can I get a motion
25 to close the SEQRA Public Hearing?

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2 MR. JOHNSON: I move that we close
3 the public part of the SEQRA Hearing.

4 CHAIRMAN DIBIASE: Can I get a
5 second?

6 MS. ZIMMERMAN: I'll second.

7 CHAIRMAN DIBIASE: All in favor?.

8 (WHEREUPON, there was a unanimous,
9 affirmative vote of the Board.)

10 CHAIRMAN DIBIASE: Okay.

11 MR. RUSSO: Mr. Chairman, I would
12 just like to also indicate. I am submitting
13 the document photograph binder that I had
14 mentioned to you earlier in the evening, as an
15 exhibit this evening. So, if anybody wants to
16 see any of the documents that we prepared or
17 referenced during the presentation, they're in
18 the binder that my office prepared and there
19 are probably -- I'm going to say -- 50
20 photographs, as well, of the area and the
21 subject premises, as well as many of the
22 documents that were talked about and diagrams
23 and plans. So, Ms. Suarez has been given it,
24 so it can be an exhibit as part of the record
25 tonight.

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2 CHAIRMAN DIBIASE: Okay.

3 MR. RUSSO: And I thank you again.

4 MR. JOHNSON: And just to clarify
5 that there will still be further consideration
6 for the points that were brought up tonight.
7 Just because we closed that one part of the
8 hearing doesn't mean the consideration doesn't
9 continue; is that correct?

10 CHAIRMAN DIBIASE: Oh, yeah. And
11 based on the amount of environmental comments,
12 it will take a while to get the Final
13 Environmental Impact Statement together to
14 address -- there's a significant amount of
15 comments, both for and against. Well, I
16 shouldn't say that. Both requesting more
17 information. Substantive comments -- all those
18 comments are treated equally and need to be
19 addressed in the FEIS.

20 Technically, you can't get a
21 complete picture of what the comments are until
22 15-days from now. When the comments come in --
23 written -- any additional comments are all
24 treated equally, whether the person was here or
25 not; if we get them in writing. And then, they

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2 will be addressed in the FEIS, which needs to
3 be prepared in conjunction -- the applicant and
4 the Village working together to complete the
5 Final Environmental Impact Statement for the
6 project.

7 And then, we have the site plan,
8 which we kept the hearing open for that. So,
9 we'll be -- in conjunction with the responses
10 to the environmental -- adequate responses to
11 the environmental questions that were raised --
12 there may be some changes to the site plan.
13 So, that's why that other hearing is kept open
14 to accommodate some of the changes.

15 That being said, it's 10:00
16 o'clock. We have one more hearing, so we'll
17 take at least a 10 minute break so people can
18 get some oxygen and get ready for the next
19 hearing.

20 (WHEREUPON, this hearing was
21 concluded at 10:06 p.m.)

22

23 * * *

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C E R T I F I C A T I O N
STATE OF NEW YORK
Ss:
COUNTY OF SUFFOLK
I, NATASHA SNOOK, Court Reporter
and Notary Public of the State of New York, do
hereby certify:

That the within transcript was
prepared by me and is a true and accurate
record of this hearing to the best of my
ability.

I further certify that I am not
related to any of the parties to this matter by
blood or by marriage and that I am in no way
interested in the outcome of any of these
matters.

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th of March, 2019.

NATASHA SNOOK

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Department of
Transportation

ANDREW M. CUOMO
Governor

JOSEPH T. BROWN, P.E.
Regional Director

March 12, 2019

Mr. Patrick Lenihan, P.E.
VHB Engineering, Surveying & Architecture
100 Motor Parkway, Suite 135
Hauppauge, NY 11788

Submission: December 19, 2018
440 & 450 Main Street
NYS Route 25A (Main Street)
Port Jefferson, NY
SCTM# 0206-01200-0900-003000
NYSDOT Case No. 75161P

Dear Mr. Lenihan,

This is regarding the plans for the referenced project which were submitted to us for review.

Prior to approval of site work within the State right-of-way (ROW) and issuance of a NYSDOT Highway Work Permit, the following items must be addressed:

1. Show features located in State right-of-way including existing and proposed traffic signs (with text), pavement markings, utilities (UG and OH), drainage structures and other appurtenances along the site's State highway frontage.
2. All work in the State right-of-Way including removals, installation and restoration of pavement, curb, sidewalk, pedestrian ramps, pavement markings, etc. shall be shown referenced to NYSDOT specifications and item numbers. Add relevant details of all proposed work with dimensions.
3. Remove one parking spot on either side of the proposed driveway and restrict stopping/parking for better sight distance. There is enough parking within the site.
4. Replace all sidewalk in ROW in front of subject property. Partial replacement is not acceptable.
5. Provide ADA compliant pedestrian route across the driveway ensuring a max 2% cross slope.

6. Install a "STOP" sign and stop bar as well as a yellow median barrier line in the site driveway.
7. For leaching galleys, install a water quality structure upstream from the leaching galley to remove sediment, oils, and litter. A water quality structure similar to the following can be used <https://www.conteches.com/stormwater-management/treatment/vortechs>
8. Generally, leaching galleys to retain drainage on site are not desirable. Their restricted access and depth do not allow for the effective use of standard equipment for proper cleaning. They may fail after some time.
9. Do not remove the existing street tree located behind the curb. Efforts should be made to protect as many of the existing trees along the site frontage as possible.
10. Provide erosion and sediment control plans.
11. A Work Zone Traffic Control plan must be provided for work in the right of way, in accordance with the National Manual of Uniform Traffic Control Devices along with NYS Supplement (herein referred to as MUTCD). The plan must include a note: 'All lanes must be open to traffic before 10 AM and after 3 PM. No lane closings are permitted on weekends or holidays. Nighttime lane closings will not be permitted without prior approval from the State Permit Inspector'.
12. Provide sleeves for snow stakes along sidewalk and curb.
13. Add following notes to the plans:
 - a. Before construction, the contractor shall coordinate with State Permit Engineer regarding appropriate location for snow stakes sleeves.
 - b. After construction, sidewalks and ramps must be evaluated for compliance with current ADA standards. The permittee or their designated "designer of record" shall field verify that the pedestrian features (ramps, sidewalk, etc.) were constructed to current ADA standards NYSDOT EB 16-012 and submit required documentation to the State Permit Engineer before the work can be accepted as complete and the permit be closed. The features that do not comply with ADA requirements upon completion will require removal and reconstruction.

- c. The thickness of curb ramps should be a minimum 6" and they should include wire fabric reinforcement with 3" of top cover. The ramps shall have a 5'x5' landing. Label the selected ramp style.
- d. Removal of the existing concrete curb should be done from the back side of it to minimize any damage to the existing pavement. This involves pulling the curb out from the back and pouring new curb up against the existing pavement.
- e. Any sidewalk panels or connecting pavement that have settled with a greater than 1/4" lip or crack over 1/2" wide shall be replaced to meet ADA requirements.
- f. The contractor shall clean existing drainage basins along and immediately adjacent to the NY site frontage after construction and as ordered by the State Engineer.
- g. Any utility work proposed in State Highway right-of-way will require separate application and submission of plans (installation & restoration details and work zone plan - all referenced to NYSDOT specifications, item numbers and the Manual of Uniform Traffic Control Devices) to our Riverhead Maintenance facility. The applicant may contact Mr. Kevin Matthaei at (631) 727-1731 for further directions regarding Utility Highway Work Permit (HWP) applications. The applicant should be made aware that utility HWP issuance is subject to issuance of the HWP required for site work.
- h. Repair existing shoulder, sidewalk and curbing as ordered by State Engineer.
- i. All proposed road improvements detailed in the Site Plans must comply with the latest versions of AASHTO, ADA, National Manual of Uniform Traffic Control Devices along with the NYS Supplement (herein referred to as MUTCD), NYSDOT Highway Design Manual, and the 'Policy and Standards for the Design of Entrances to State Highways'. See <https://www.dot.ny.gov/permits> for more information.

Please submit a response letter and revised plans (11x17" with legible font size) along with an electronic copy of each in "pdf" format on a CD. The plan sheets should be combined as a single pdf file. The response letter should indicate how, and where on plans, our comments have been addressed, item by item.

The following documents will be required before a permit is issued:

- a. Completed, signed Highway Work Permit application, Perm 33-com. Property owner should be named as applicant - 1 and the contractor as joint applicant.
- b. Permit Fee (Payable to "State of New York"): **\$550**

250 Veterans Memorial Highway – Suite 6A-7, Hauppauge, NY 11788 | www.dot.ny.gov

- c. Surety Bond, Guarantee Deposit or Letter of Credit Amount: **\$30,000** (Perm 44 Sample Surety Bond form available online).
- d. General Liability Insurance Requirements: ACORD 25 (minimum limits \$1,000,000).
The Certificate Holder's box on the ACORD form should read:
NYSDOT Traffic Engineering & Safety, 250 Veterans Memorial Highway, Rm. 6A-7, Hauppauge, NY 11787.
The Description of Operations should include the Permit Case Number **52584P**.
- e. ACORD 855, with the *same Policy number* as ACORD 25.
- f. Proof of Workers Compensation Insurance (Acceptable forms are Form C-105.2, U-26.3 or SI-12) or proof of exemption (Form C-200). Name and address of the entity requesting proof of coverage should read as: **NYSDOT Traffic Engineering & Safety, 250 Veterans Memorial Highway, Rm. 6A-7, Hauppauge, NY 11787.**
- g. Proof of Disability Benefits Coverage (Acceptable forms are Form DB-120.1 or DB-155) or proof of exemption (Form CE 200). Name and address of the entity requesting proof of coverage should read as: **NYSDOT Traffic Engineering & Safety, 250 Veterans Memorial Highway, Rm. 6A-7, Hauppauge, NY 11787.**

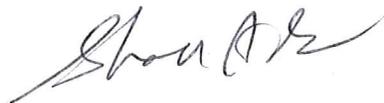
All documents shall be from the applicants **who had signed perm33-com**.

All checks issued to the State of New York must show a Federal Identification Number.

Review of the subject project is being coordinated by Mohammad R. Islam (631-952-6813). Please send all correspondence to his attention. Kindly refer to the subject case number and County tax map number in all correspondence.

Thank you for your cooperation concerning this matter.

Very truly yours,



SHAIK A. SAAD, P.E.
Permit Section Manager
Traffic Safety and Mobility Group

SAS:MI:moc

cc: Ms. Gladys N. Gentile, Planning Board Chairperson, Village of Port Jefferson
Mr. Robert J. Juliano, Clerk, Village of Port Jefferson

J.R. Holzmacher P.E., LLC

3555 Veterans Memorial Highway, Suite A, Ronkonkoma, New York 11779-7636

Tel: (631) 234-2220 Fax: (631) 234-2221 e-mail: info@holzmacher.com

February 28, 2019

Alison A. LaPointe, Esq.
Special Village Attorney for Building and Planning
Incorporated Village of Port Jefferson
88 North Country Road
Port Jefferson, New York 11777

Re: Drainage System Review for the Proposed
Project, Located at 440 Main Street, Port
Jefferson Village, New York

Dear Ms. LaPointe:

J.R. Holzmacher, P.E. LLC (JRH) was retained to prepare a review of the latest set of stormwater drainage plans for the above referenced project. The plan set is prepared by Eric Nicosia Registered Architect and contain 10 sheets. Said plans were provided to JRH by your office and have a revision date of July 26, 2018, and a sheet AC-4 with a latest revision date of February 22 2019.

The following reference documents were utilized for our review:

- Village Code Chapter 213. - Stormwater Management.
- The New York State Department of Environmental Conservation (NYSDEC) Stormwater Design Manual (MANUAL) dated July 2015.

Based on our review of the submitted stormwater drainage system plans, we conclude that it has been prepared in conformance with the above listed documents and it does not require any modifications.

We appreciate the opportunity to assist you with this matter. If you have any additional questions, please do not hesitate to contact Steven P. Uccellini at ext. 105 or me at ext. 101.

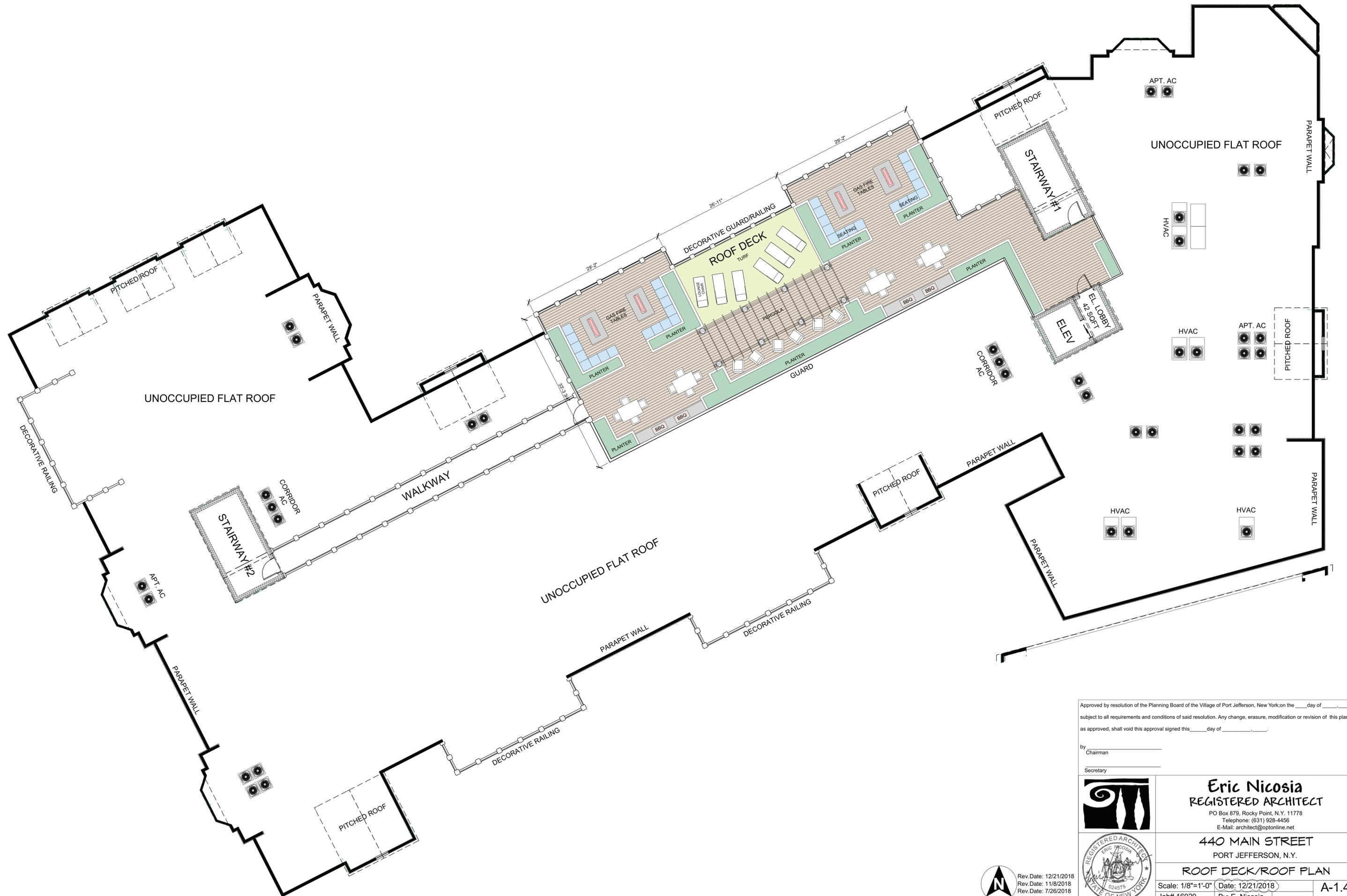
Very truly yours,
J.R. Holzmacher P.E., LLC


Steven P. Uccellini
Project manager

SPU:su

P:\2018\PortJ\18-03 - 440 Main Street (Cappy's Carpets)\Task 1- Stormwater Drainage Plan Review\Drainage Review Letter\2019-02-28 Review of 440 Main Street Site Plans.doc

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Approved by resolution of the Planning Board of the Village of Port Jefferson, New York, on the ____ day of _____, 2018, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plan, as approved, shall void this approval signed this ____ day of _____, 2018.

by _____
Chairman

Secretary



Eric Nicosia
REGISTERED ARCHITECT
PO Box 879, Rocky Point, N.Y. 11778
Telephone: (631) 928-4456
E-Mail: architect@optonline.net



440 MAIN STREET
PORT JEFFERSON, N.Y.

ROOF DECK/ROOF PLAN

Scale: 1/8"=1'-0" Date: 12/21/2018
Job# 16020 By: E. Nicosia



Rev. Date: 12/21/2018
Rev. Date: 11/8/2018
Rev. Date: 7/26/2018
Rev. Date: 4/05/2018

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Theresa Ward
Deputy County Executive and Commissioner

Department of
Economic Development and Planning

February 15, 2019

Village of Port Jefferson
121 West Broadway
Port Jefferson, New York 11777
Attn: Jen Sigler

RECEIVED

FEB 19 2019

BUILDING DEPARTMENT
VILLAGE OF PORT JEFFERSON

Dear Ms. Sigler:

Pursuant to Section 239 l & m of the General Municipal Law, the following site plan which has been submitted to the Suffolk County Planning Commission is considered to be a matter for local determination as there appears to be no significant county-wide or inter-community impact(s). A decision of local determination should not be construed as either an approval or disapproval.

Site Plan

Brooks Partners LLC

Address

0206 012000 0900 003000

File No.

#537-18

Comments:

- The applicant should be encouraged to explore techniques to reduce parking demand. Techniques may include, but are not limited to parking management programs, promotion of and priority to car sharing and ridesharing, parking cash-out programs, unbundled parking, provision of free or discounted transit passes, provision of bicycle parking facilities, etc.
- The applicant should be directed to incorporate best management practices for the capture and treatment of storm water runoff as detailed in the Suffolk County Planning Commission publication *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, design elements contained therein.
- The applicant should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, applicable elements contained therein.

- The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
- The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

NOTE: Does not constitute acceptance of any zoning action(s) associated therewith before any other local regulatory board.

Very truly yours,

Sarah Lansdale
Director of Planning



Andrew P. Freleng
Chief Planner

APF/cd