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

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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

APPLICANT: Brooks Partners, LLC
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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.
Table of Contents

1 Description of the Proposed Action ........................................................................................................... 1
   1.1 Introduction ........................................................................................................................................ 1
   1.2 Format of FEIS .................................................................................................................................... 3

2 Comments in General Support of the Proposed Action ............................................................................ 4

3 Responses to Substantive Comments ...................................................................................................... 6
   3.1 Aesthetics, Visual Resources and Neighborhood Character .............................................................. 8
   3.2 Traffic and Parking ............................................................................................................................... 10
   3.3 Parkland, Recreation and Open Space ................................................................................................. 14
   3.4 Subsurface Conditions ....................................................................................................................... 15
   3.5 Stormwater Management ................................................................................................................... 16
   3.6 Noise, Dust and Vibration .................................................................................................................. 17
   3.7 Miscellaneous ................................................................................................................................... 21

List of Figures

<table>
<thead>
<tr>
<th>Figure No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 1</td>
<td>Site Location Map</td>
</tr>
</tbody>
</table>
## List of Appendices

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix A</td>
<td>Written Correspondence</td>
</tr>
<tr>
<td>A-1</td>
<td>General Support Correspondence</td>
</tr>
<tr>
<td>A-2</td>
<td>Substantive Written Comment Correspondence</td>
</tr>
<tr>
<td>Appendix B</td>
<td>Public Hearing Transcript (March 14, 2019)</td>
</tr>
<tr>
<td>Appendix C</td>
<td>New York State Department of Transportation Letter, dated March 12, 2019</td>
</tr>
<tr>
<td>Appendix D</td>
<td>Grading and Drainage Plan Review Letter by J.R. Holzmacher, P.E., LLC., dated February 28, 2019</td>
</tr>
<tr>
<td>Appendix E</td>
<td>Proposed Roof Deck/Roof Plan</td>
</tr>
<tr>
<td>Appendix F</td>
<td>Suffolk County Planning Commission correspondence, dated February 15, 2019</td>
</tr>
</tbody>
</table>
1 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.).
FIGURE 1

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 hearing 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).
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.
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.
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 Shipyards 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-feet-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-feet-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 platform\(^1\) 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.

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.
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 1 5 2019
BUILDING DEPARTMENT
VILLAGE OF PORT JEFFERSON
Valentin A. Staller  
201 W Broadway, Apt. 136  
Port Jefferson, NY 11777

March 28, 2019

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
To the Planning Board:
Re: Application #:0537, SCTM, Sec. 12.5(A), Rk 7, Lot 3

We are long-time 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 rooftop 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 exacerbate 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 rooftop recreational structures] The village has a dismal record of enforcing height restrictions. [Shipyard, Graceful Rose Restaurant].
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.

Thank you for your attention to our concerns.

Very truly yours,
Mary Berneer
Harvard Lyman

[Signature]

March 23, 2019
Port Jefferson Planning Board
88 North Country Rd
Port Jefferson, NY 11777

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

Mr. Ray DiBlase 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?

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?

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?

Respectfully submitted,

[Signature]

Michael Mart
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

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
631-331-3753
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.
APPEARANCES:

RAY DiBIASE, Chairman
BARBARA SABATINO, Board Member
GIL ANDERSON, Board Member
LLEWELLYN JOHNSON, Board Member
LAURA ZIMMERMAN, Board Member
CINDY SUAREZ, Secretary

ALSO PRESENT:

JENNIFER SIGLER, Village Site Plan Reviewer
LISA RICKMERS, Village Planner
PLANNING - 3/14/19

(WHEREUPON, the following portion
of the hearing began at 7:42 p.m.)

MS. SIGLER: 440 Main Street. Site
Plan and Conditional Use.

Application number 0537-18.

Location: Cappy's Carpet. Tax Map
Number Section 12, Block 9, Lot 3. Zoning:
C-1 Central Commercial District.

Applicant: Brooks Partners, LLC.

Contract: Vendee. Property Owner: Peter and
Pina Capobianco Co-Trustees.

Contact: Eric J. Russo, Esquire,
care of Vanbrunt, Juzwiak & Russo, P.C.

Description: SEQRA Public Hearing
and Site Development Plan and Conditional Use
Permit for proposed mixed use building.

MS. SABATINO: Mr. Chairman, I must
recuse myself from this application.

CHAIRMAN DIBIASE: Okay. You can
start.

MR. RUSSO: Good evening, Mr.
Chairman, Members of the Board. I thank you
for the opportunity to come before you this
evening.
My name is Eric J. Russo. Vanbrunt, Juzwiak & Russo, with offices at 140 Main Street, Sayville, New York 11782. I'm here tonight representing the applicant, which is Brooks Partners, LLC., 414 Main Street, Port Jefferson, as the contract vendee for the subject property.

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

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

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

The property -- as the Board is familiar and the residents are familiar -- is
on the west side of Route 25A, also known as Main Street. 211 feet, .8 feet north of Barnum Avenue in Port Jefferson.

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

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

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

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

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

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

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

The portion of the public hearing that I would like to start with this evening, has to do with our SEQRA public hearing. It was pos dec adopted by the Village Planning Board on December 4th --
CHAIRMAN DIBIASE: Just one second.

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

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

You also, at that time, took on the
role of lead agency, so that any specific other municipal agency that would have some sort of input as to this project -- whether it was the Water Authority of Suffolk County, Suffolk County DPW, the Suffolk County Health Department, PSE&G, the Suffolk County Planning Department, or the New York State DOT -- they would coordinate their comments and reviews and efforts through your Planning Board by you taking that action.

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

Then we'll continue, after that is concluded, and the Board is satisfied, we will continue with, at that point, the site plan application and talk about the elevations, the
traffic, and any other issues, or answer and respond to any questions that the Board may have or want to present to the applicant.

CHAIRMAN DIBIASE: Okay.

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

DAVID WORTMAN, appearing as a witness for the applicant, having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

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

MR. WORTMAN: No problem.

Is this better? No?

CHAIRMAN DIBIASE: I think so.

MR. WORTMAN: Can you hear through
the mic?

FEMALE VOICE: No.

FEMALE VOICE: No.

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

CHAIRMAN DIBIASE: Yes, that's good.

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

So as you're aware, the Board has gathered here tonight to undertake a combined public hearing on the proposed site plan and the conditional use permit, as well as the draft environmental impact statement that has been prepared for the purposed mixed-use development. With that in mind, you'll hear more about the site plan as Eric mentioned, but I'll focus my presentation on a brief overview of the SEQRA process that has been undertaken to date, as well as discuss the purpose of tonight's meeting with respect to the DEIS.
Following receipt of the site plan application for the mixed-use development, this Board circulate a part one environmental assessment form to all of the potential involved agencies to initiate a coordinated SEQRA review -- sorry.

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

MR. WORTMAN: Okay. Excuse me.

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

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

This Board, based on the input of it's Planning Department staff and the information before the Board, ultimately issued
a positive declaration. Positive in this case means the Board that has identified the potential for the proposed action to resolve in the significant environmental impact and required the preparation of a DEIS, that analyzed the potential impacts.

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

CHAIRMAN DIBIASE: You might just
want to lower that a little. I can hear the echo.

MR. WORTMAN: Is this any better?

FEMALE VOICE: Yes.

MR. WORTMAN: Is that working now?

CHAIRMAN DIBIASE: You have to ask them.

MR. WORTMAN: Show of hands?

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

MR. WORTMAN: Thank you, Cindy.

Any good? Testing.

SPEAKER: Better?

MR. WORTMAN: Are we good?

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

As part of that EIS and as required by SEQRA, there were analyses of reasonable alternatives to the proposed action, and as well as required by the Planning Board, and recommended by the Planning Department, the EIS
evaluated, where relevant, the cumulative impacts of this proposed development as well as the Shipyard development, which is constructed and operating, and the Overbay Development, which is approved and planned but not yet under development.

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

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

One last item related to the SEQRA process. As the Board is aware, any substantive comments received during the public comment period, including tonight, must be addressed within -- what is referred to as a Final Impact Environmental Statement or FEIS.

As is customary, VHB and the applicant would be glad to prepare a proposed FEIS for consideration by this Board and/or to work with you or your Planning Department to address all substantive comments that may be raised on the DEIS.

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

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

MR. WORTMAN: Thank you.

MR. RUSSO: Mr. Chairman, Members of the Board, in order to move forward, then, what I would like to do, at this time, is just
point out to you that when you review your sections of the code under 250-18 for the Central Commercial Districts D-1, Conditional Uses, I again, point out to you under B-9, is the discussion that there be retail food establishments provided. And you site very specific conditions. That it's not -- located within 200 feet of any residential district, measured from the property line of the involved parcel to the Zoning District boundary line, no retail food establishment conducts business outside of a building or a walk-up, drive-thru, or window. No retail establishment occupies any interior space of less than 800 square feet.

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

And the other criteria that you recite is that they may not sell alcoholic beverages for consumption on premises or to be taken off premises.
And you have two other sections that talk about that the food establishments existing as on the date of the enactment of the amendment shall be considered as conforming uses and any presently existing which does not conform to the requirements may continue to operate without taking into account the establishment and code requirements of this chapter.

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

In addition, under F of the same
section is where it refers to the mixed occupancies of freestanding apartments. And, again, in that section of the code, as you review it, you list requirements that the applicant or someone should consider in terms of development.

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

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

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

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

The other point that I would like to just bring to the Board's attention is that the design -- and when you talk about your conditional uses -- your request under Section 250-51-1 of the Code is that the proposed structure, equipment, and materials shall be readily accessible for fire and police protection. And our building design -- as it now is being proposed -- is accessible both on Main Street, Route 25A, as well as on Barnum Avenue. That we have reviewed with your Fire Marshall here in the Village. They had no issues with the design layout or building.
access. They -- we met with the Fire Department and discussed our proposal with them, as well. And given our building height, there's adequate equipment within the Fire Department to service the building in the event and should the occasion arise that something has to be addressed as a result of an emergency.

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

It's also a condition under your Section of the Code in .2, that the character, location, and size, in general, of the design, harmony, and an orderly development of the District and also in keeping with other
residential or commercial district designs throughout the area.

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

As a result of that, the Architectural Review Committee said that in their opinion -- and I will just read to you
from the memorandum we received -- that they
like the concept of the project. They found
that they were impressed with the careful
preparation and respect response and design
that the applicant had paid to detail and the
only issues that weren't addressed at the time
had to do with signage and had to do with
lighting because it was unclear what tenants
would be there. But, when Mr. Nicosia explains
to you where the signage would go, it would be
in accordance with Village standards and the
lighting would also be dark-sky compliant and
would also be tasteful to comply with the
design of the building.

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

And the last section shows that
this Board then has the jurisdiction to approve
the application and grant -- and issue the
necessary permits to proceed if they find,
after the public hearing, that we have met all the requirements of those sections of your code.

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

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

We were able to -- Eric's showing it up on the Board -- it shows you on the left -- you see the existing Cappy storefront. And it shows you the location with the parking lot and -- as everyone's familiar -- to the north of that is the 414 building. And to the south of it is the Barnum building and the CVS. And then as you move to the photograph, or the
illustration on the right, that is our proposed architecture that we have designed and shown the elevations to the AR -- Architectural Review Committee and this Board in prior meetings and work sessions and it shows you how the structure would fit within the character and not be obtrusive, would not be too high in height, and in conformity with the height requirements of the code, and yet fit between the two existing buildings and the other parking space that is to the north, as well as to the Barnum building to the south.

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

The other photographs that we can show you are illustrations -- show you the existing from Barnum, where you see on the left
the existing boats and you see the buildings that would be seen as it relates to those on Main Street. And to the right would be the structure that's being proposed as shown through the trees. It is not our intention to remove any of the trees along Barnum. It is to work within the footprint of the subject premises.

And Eric will go through, I guess, and explain to you the materials and the design process and the structure onto itself. So, with that, I would ask that Eric Nicosis come forward and review those issues and elements with you.

MR. NICOSIA: Good evening.

ERIC NICOSIA, appearing as a witness on behalf of the Applicant, after having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

P.O. Box 879 Rocky Point.

CHAIRMAN DIBIASE: And on this --
you're going to refer to this?

MR. NICOSIA: Yes.

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

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

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

So the existing building exists about here now. So, the existing footprint of the building is about 15,500 square feet or so. The new footprint will be 23,000 square feet
as the footprint.
So, the existing building goes up to about here. So, we're extending it about another 25 feet or so. Of course, it goes back farther in the lot.

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

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

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

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

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

The -- as Barnum rises pretty rapidly over here, the building is still down low. I have a retaining wall here that's about six feet in height. That retaining wall is visible from down below in this parking lot here. It's not visible from up above. On top of that retaining wall is a six-foot planted evergreen hedge. So, that hedge is continuous. That evergreen hedge runs here. Then we have a
lower four-foot yew hedge that runs the whole -- the whole way.

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

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

MR. RUSSO: What I would like Eric to point out -- going back to that illustration -- in colored sections. Can you explain the blue areas within the building, as well, down there?
MR. NICOSIA: Yeah. That blue area in the back, that is a rear access lobby for residents only. It has a stairway and a small lobby. Up in front on this end is the main entry lobby and the stairway and an elevator.

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

And then, if you go back to the prior diagram with the floor plan in color -- next one -- the front of the building when you come in the entrance on Main Street, 25A, is showing you areas for two handicap spaces. Also it shows you the Dumpster enclosure that is there and a loading area.
And Eric may have mentioned it or may not have, but pursuant to the Code we did not have to have a loading area, but we are providing a loading area to allow for moving vehicles, you know, for tenants to come onto the site and/or to allow for deliveries, Federal Express, or UPS or Amazon or whoever is going to bring things to the tenants who may reside in the building.

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

MR. NICOLIA: And this is the elevation along Main Street. This area being where the gym would be and, again, it's private for the residents, but we felt it important to add some activity to the street. And it also takes some of the load off -- there are some spaces out front that line Main Street, and by having this non -- not a store particularly -- it takes a little bit of the load off of that parking. Next to it is the smaller --
1,200-square footer, office retail space. This would be the take-out restaurant area. This being the entrance for the take-out restaurant and it's underneath the cantilever bay here and this would be the sign for it and, again, the -- this would help -- turns the corner here that we've made with the entrance and helps visually down from Theatre Three back up to this end of the site.

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

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

MR. RUSSO: Now Eric on the left --
CHAIRMAN DIBIASE: You have Eric squared here.
MR. RUSSO: I know. We can't just use first names.

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

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

MR. RUSSO: That's the Barnum House.

MR. NICOSIA: Um-hum. Correct.

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

Then Eric can also explain to you about the roof and the views to the north and
what would be seen to the south.

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

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

The signs would have gooseneck-type lighting. These two spots. And all that --
the additional lighting that's on the site is all going to be LED and is also dark sky complaint fixtures. And, yes, so I mentioned the fitness area. That's where that's going to take place over there. This being -- turning the corner, again, this is that same spot that's on the corner where the entrance is and this is the -- would be the entrance for the apartments.

CHAIRMAN DIBIASE: So we're looking south now?

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

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

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

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

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

MR. RUSSO: Our property ends -- if Eric will point out on that photograph there -- the property line -- that fence on the left side of the photograph is the adjoining, residentially-zoned property. There's a house and in the documents that I will leave you in
the photograph binder, there's that fenced area and then there's the first house just to the left of that. And then the property for the subject use starts where the fence ends and continues farther south to the adjoining Barnum House.

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

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

MR. NICOSIA: Each unit has its own individual system, so we don't have any large,
central systems that would stick up above the parapets. So, yes, you would not see that from the street.

MR. RUSSO: Describe the mechanical systems.

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

MR. RUSSO: Do you have any questions?

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

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

MR. RUSSO: If there are none at this time, then I would move on to Mr. Lenihan so that he can come forward and we can speak to
the issues of the parking. And, again, as I mentioned earlier, there is a requirement under the Code that there is a park requirement or a requirement that you have recreational use on the site. In this particular case, the only recreational use -- as Eric has pointed out -- is for that of the residents: The fitness area and for the roof area and for the lounge area and patio on the south side.

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

Now, what I would like to point out is the applicant would be more than willing to have created a recreational use of the site, but the footprint did not permit; however, again I share when you look at the Rail Realty project, which is known as The Hills, the applicant went above and beyond and created an -- and added to as you heard in the earlier
presentation from the Mayor about parking and parks, the applicant created and is paying for significant improvements to the parking up there for the benefit of the Village as well as to the park on Texaco that is really going to be a new park that is being renovated by the applicant as part of that project. So, had that been an option here, he certainly -- both individuals involved in the project -- would have lent itself to doing the same for the benefit of the Village as they do throughout the Village in many other respects -- in taking care of, in landscaping, and providing improvements. But in this particular case our only option was to go for paying for recreation use as well as the parking, but I'll have Mr. Lenihan address the parking.

Come on up.

CHAIRMAN DIBIASI: And the Board is familiar with the applicant's maintenance of current -- other current facilities, like the CVS building, like the landscaping and the trees. You know, there's a lot of attention paid to it and we're aware of it.
MR. RUSSO: Thank you.

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

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

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

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

CHAIRMAN DIBIASE: Let's --

MR. LENIHAN: How does this sound?

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

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

My name is Patrick Lenihan. I am the director of traffic division at VHB
Hauppauge Office. As part of the environmental work that is being considered today as part of this process, my group was tasked -- was performing a traffic and parking assessment of the proposed development, and it was included in the EIS before you tonight. It was submitted and reviewed by the Planning Board, as well, and it was complete.

That study looks at the existing and future traffic conditions in and around the site both with and without the project and compares it to -- as with any traffic -- typical traffic study -- we looked at the operation of the sites driveways, of which there are two, which Eric described, and we also looked at the key intersection of Barnum Avenue through discussions with -- first of all, if there was going to be any impact due to traffic on this project, that is the intersection where it would show up because of proximity and the way this site is going to function. And in talking to the Planning staff, that was certainly the intersection of key concern.
Again, the traffic up in this neck of the woods, as you know, is very seasonal. So, it became apparent when we looked at this project, we should look at summer traffic volumes. So, we obtained traffic volumes from July of 2018, for the intersection of Barnum and Main. In addition, in looking at historical volume in the area, it is clear that the Saturday traffic volumes are even higher than the -- even the weekday traffic volumes in this area. So, that is the period of time -- and also it corresponds with the peak traffic generation of the proposed site.

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

My study took no credit for the
traffic currently being generated by those uses. So, in that regard, any analysis that we did was -- was high end conservative. I could have done that. I did not.

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

Nevertheless, we went through the exercise of using some software to evaluate the driveways in the operations of the intersection and what we found -- and it didn't surprise me -- that the levels of service at Barnum stayed the same with our new traffic in the future compared to the condition in the future without our help. So, we compare the two of them and we say, "Okay. Do we have an impact here?"
And it's documented in the report, and in this case, we do not -- in terms of the proposed driveways -- we looked at the operation of those. Those operate well. Any level of delay that will occur will essentially occur to someone trying to leave the site, not enter.

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

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

MR. RUSSO: (Interjecting)

Yesterday.

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

Yesterday? Which the Village has.

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

Eric mentioned street trees. We will be proposing street trees along the frontage as the Village would like to see. Those trees would be wire-friendly. They would also be put in the appropriate size tree pits so as not to subside the brand new sidewalk.

There is an existing tree at the north end of the site, just south of the driveway. These driveways are basically the existing position of the driveways today.

There's a tree close to that driveway, which is not the appropriate type.

It has come out of the tree pit and is breaking
the sidewalk and it's too tall, it's up in the wires. We will propose to remove that tree, unfortunately, because of the condition it's in, but we will replace it with several trees that are more appropriate and will be beautiful.

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

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

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

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

MR. LENIHAN: That car right there,
yes.

CHAIRMAN DIBIASE: And maybe the one below it?

MR. LENIHAN: And the one to the south.

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

CHAIRMAN DIBIASE: Okay.

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

CHAIRMAN DIBIASE: Okay. Farther, farther north?

MR. LENIHAN: Just north of the next space.

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

MR. LENIHAN: So, just a couple of notes. Our analysis included the Shipyard development in 2018, and also accounted for the future Overbay Development in terms of traffic at or in intersections or driveways. We included the restaurant as a quick service restaurant. Kind of a takeout restaurant with a small number of seats. We believe that
promotes the walkability in the Village. The way we want to bring people up here and, you know, maybe extend some of the pedestrian activity that's going on down to the south.

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

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

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

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

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

CHAIRMAN DIBIASE: Maybe --

MR. LENIHAN: (Interjecting)

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

MR. LENIHAN: (Interjecting) Correct.

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

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

And there is a procedure for evaluating the level of traffic serviced that the public experiences when they drive through a certain facility based on research done over a number of decades by the Transportation
Research Board and there's software that looks at it. But at the end of the day, the software reports a letter grade: A through F. Based on the delay that you would experience in that intersection, or at that driveway, at a certain period of the time that you're looking at.

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

CHAIRMAN DIBIASE: And you said the level of service was the same on the Saturday? You looked at the Novil project and the Bill and you had the same level of service and -- what was that you said?
MR. LENIHAN: Exactly the same.

CHAIRMAN DIBIASE: Is that...

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

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

CHAIRMAN DIBIASE: Um-hum.

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

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

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

CHAIRMAN DIBIASE: Um-hum.

MR. LENIHAN: A little bit less

because a lot of traffic northbound leaves

north of Barnum. So it's a little bit less out

there. And even less on Barnum coming out of

the driveway.

CHAIRMAN DIBIASE: Okay. Yeah,

just as an overview, the level of service is

just like a report card for an intersection in

terms of how it handles traffic, with A and B

being very good, very well. C being pretty

good. D being something that's pushing the

capacity of the intersection. And there is a

level service E, which is capacity, so that the

volume at the intersection is at -- at

capacity. And then F is failure, where there's

break down, there's long delays, there's a lot

of queues or waiting -- vehicles waiting to get

into the intersection. So that's a rough

analogy. But what they're saying is there's no

change in level of service with the project,

with the additional traffic.

MR. RUSSO: And the other point
that was brought up previously by one of the members of your Board was that on Barnum if there could be a restriction -- that there be no right turn and only -- I'm sorry. That there be no left turn, only a right turn to go out of the rear of the property. Due to the Port Jefferson High school and the stacking of cars that come along on Barnum; however, it was discussed and pointed out that there's no commercial traffic or truck traffic permitted going north on Barnum, and so that request and suggestion was looked at by Pat and we have to leave it the way we have it at the particular point in time.

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

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

CHAIRMAN DIBIASE: Okay.

MR. LENIHAN: I can hold it up if
you would like to speak.

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

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

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

So, we took a look at that for the Village. When I say, "we," a consultant was hired by the Village to take a look at what
could be done there. And they were working with DOT on behalf of the Village to the point where DOT is willing to make some -- and has agreed to make some -- improvements there in terms of improving pedestrian safety.

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

So, what the Village was able to do was have someone draft up a plan that went to DOT. DOT has basically agreed to install a traffic signal at Liberty to assist the school in getting buses and pedestrians across the road, but it will also include the walk-don't-walk signals to cross the street. And at Barnum they are actually agreed with the pedestrian improvements and a little bit of a realignment. We don't have a plan view of it, but just to say that they're in agreement with
that to the point where they have two active or upcoming projects where they've pretty much agreed to also -- in terms of the improvements that needed to be made -- they've agreed to fund the cost of improvements as part of ongoing projects.

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

Some details need to be worked out. I don't know that we've gotten feedback on timetables exactly for those projects, but they're on the list. And, again, no -- at least at this point -- there's no indication that the Village will have to contribute anything towards that.
Mr. Russo: That being said, I thank you.

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

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

At this time, however, I would like Doug to come forward because we did -- between the efforts of Eric Nicosia and Doug Adams -- submit a drainage and grading plan to the Village, which was reviewed by your engineer, J.R. Holtsmacker, at the request of the
Village, with payment by applicant for that engineering review.

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

DOUG ADAMS, appearing as a witness on behalf of the for the Applicant, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:


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

I'll just restate that one of the manuals that they use to review the plan
besides Chapter 213, is the storm water --
there's two manuals so I'm just checking which
one they referenced. It's the Storm Water
Design Manual -- my apologies -- which is the
basis and the -- sort of the backbone of the
SWPPP, which is the Stormwater Pollution
Prevention Plan, affectionately known as the
SWPPP, S-W-P-P-P.

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

CHAIRMAN DIBIASE: Okay. I don't
know, Doug, if you want address it or
someone on your team, Eric, but the recent
storm water and flooding in the intersection. Just have some comment on that. On the situation that we had. That was the recent storm where we had four and-a-half inches in an hour and-a-half or some silly thing like that.

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

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

MR. ADAMS: I can make a quick comment about that. Specifically related to this project. The facilities that are going to be used to manage storm water in post-conditions -- in other words, once the site is developed -- have been done for a -- initially, for a five-inch design. So -- and that's volumetrically. So it's just based on a very basic formula of the area of tributary area basically times the rainfall event, and then a runoff coefficient.
When the SWPPP is developed it will be done using a saltwater modeling. So it models the event of an actual storm, includes the infiltration of the soils, and the effective storm water capacity of this system will probably be more than six inches before we actually see the water begin to come out of the grates and things like that on our property.

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

MR. ADAMS: Yeah. So, again, relating to the SWPPP. We're required to analyze the answer one year, the ten year, and the one hundred year storm. And the DEC's
equivalent inch rainfall for those events is two and-a-quarter inches for a one year storm.

CHAIRMAN DIBIASE: Um-hum.

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

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

CHAIRMAN DIBIASE: Yeah.

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

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

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

CHAIRMAN DIBIASE: Okay.

MR. ADAMS: And one of the other requirements of the SWPPP, by the way, at least for low grade designing here is that the -- that storm that we collect in that 24-hour period be dissipated in 48 hours.
So, we have, you know, two of those storms in a week, let's say, it seems like those happen occasionally but not empirically in the data, it would be ready for it in the two days.

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

CHAIRMAN DIBIASE: Oh, yeah. Sure.

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

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

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

CHAIRMAN DIBIASE: Sure.

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

By the accounts of the property owners while several nearby properties experienced inundation, sometimes reported as many as a few feet of water on their property,
the subject property remained relatively uneffected by that event, in particular, and as it relates to environmental impact and relates to this project, Doug's point is an important one -- that's Mr. Adam's point -- that we would be providing excellent storm water storage and infiltration on our site.

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

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

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

MR. WORTMAN: That's exactly right.

Not all of the storm water in the entire Village though.

CHAIRMAN DIBIASE: No, I mean all
of the water on your site.

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

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

And lastly to conclude, if an inquiry is made as to the SEQRA steps, our goal and our requests this evening, if there are not comments that are too far field or have been addressed by our presentation and the document
we've provided, we would ask and be seeking for the close of the SEQRA Hearing as it relates to that portion of our application to allow for a ten-day comment period and then allow the Board to complete that with preparing the applicant, with the assistance of the Village, or the Village with the assistance of the applicant -- a final environmental impact statement for this Board to consider and adopt.

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

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

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

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

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

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

CHAIRMAN DIBIASE: Yeah, I think
the feeling is that that was a good
presentation in terms of being thorough.

MR. RUSSO: Thank you.

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

Again, same format as the last time. Please, restrict your comments to this current project.

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

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

MS. MCCUEN: It takes me a while.

I have a bad leg.

CHAIRMAN DIBIASE: Don't worry.

We'll wait.

MARGE MCCUEN, after having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

MS. MCCUEN: It's Marge McCuen.
M-A-R-G-E, McCuen, M-C-C-U-E-N. The address is 115 Tuthill Street. And right in the Village and right off of the property that we're talking about here.

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

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

CHAIRMAN DIBIASE: And when you say traveling, you're talking about sound; right?
MS. MCCUEN: Yeah, yeah. And the air-conditioners and everything else. But when you show the roof deck with the fire pits and all that, wow. That's really great. When was that presented to the public before now? And there's really no picture of it except for the quick description.

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

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

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

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

CHAIRMAN DIBIASE: Um-hum.

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

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

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

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

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

MS. MCCUEN: Why not?

CHAIRMAN DIBIASE: You've raised a couple of points, which I think they can answer
some here, now. And we have a minimum ten day
written comment acceptance, if we close the
environmental portion of the hearing tonight.
That's -- I am just -- and, again, it was
subject to public comment, so you're the first
public comment.

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

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

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

CHAIRMAN DIBIASE: If you have
responses you want to give on the sound of the
roof deck and the location and the mechanical
equipment up there, that would be a good time
to give them now.

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

CHAIRMAN DIBIASE: Um-hum.

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

But this is annoying. And,

anyhow...

CHAIRMAN DIBIASE: Okay.

MS. MCCUEN: It's not your fault
Ray, but, well...

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

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

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

MS. MCCUEN: Do you?

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

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

First of all, the part of the hearing that we're referring to right now under the State and Environmental Quality Review Act, has to do with the Draft Environmental Impact Statement, and as this Board is aware, and the
public is aware, and Ms. Suarez is aware, the Draft Environmental Impact Statement is this document here, which is what was prepared by VHB with the input of all of the respective consultants for the project.

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

As a result of the preparation of this document, you as a Board, on December 4th, agreed that this was deemed to be complete and as a result of that decision, it was then published, put in the newspapers. It was also posted throughout the Village in three locations -- if I'm not mistaken -- that the public could come and Ms. McCuen could have gone to the Village Building and Planning Department, viewed the document, looked at the plans, and had a precursor review of what was going to be discussed this evening.
In addition, our entire application was here in the Village, in the Building and Planning Department for review. The notice that we sent out for this hearing was in no way kept secret. Your Village Code requires that what we would do is send notices to everyone within 200 feet, certified mail, return receipt, with precedent.

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

The advertisement was provided by the Village, in which the applicant's application as it related to the SEQRA Public Hearing, and the Site Plan Development, with
the Conditional Use for the mixed-use proposed building, was given to them with the indication that if they wanted to see further about the application and the plans, they could go to the Building Department, and they could look at it because it was on view there, and Ms. Suarez or Jen Sigler or Lisa Rickmers would gladly have shown it to them and answered any questions and responded.

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

CHAIRMEN DIBIASE: Yes, so what you're saying is the plans depicting --

MR. RUSSO: (Interjecting)

Everything has been --

CHAIRMEN DIBIASE: (Continuing) -- the areas in question --

MR. RUSSO: (Interjecting)

Everything has been --

CHAIRMEN DIBIASE: (Continuing) -- were available.

MR. RUSSO: Everything was transparent.
CHAIRMAN DIBIASE: Right. That being said, there is a lot of information to go through, too. So, you, theoretically, could have picked up the documents and not realized. And that's why the presentation tonight and the ability to come down and invite people to come down.

MR. RUSSO: Absolutely.

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

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

CHAIRMAN DIBIASE: Right.

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

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

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

CHAIRMAN DIBIASE: That would be good.

MR. RUSSO: We also took into
account the school, the traffic, and the buses
as was said by Mr. Lenihan, and we are aware of
the BOCES situation. So all of that was part
of the analysis that went into the presentation
this evening.

CHAIRMAN DIBIASE: And when you
receive comments.

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

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

MR. RUSSO: Those comments --

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

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

CHAIRMAN DIBIASE: So the written
comments are treated equally and the same as if
someone came down here and actually spoke?

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

CHAIRMAN DIBIASE: Okay. After the SEQRA is address.

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

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

MR. RUSSO: (Interjecting) Ms. McCuen.

MR. WORTMAN: Just very briefly. I mean you touched upon the main point I was going to make, which is that substantive
comments received today will be addressed in the Final Environmental Impact Statement.

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

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

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

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

MR. WORTMAN: That's correct.
CHAIRMAN DIBIASE:  Yes, in the aisle.

MR. MCCUEN:  John McCuen.

JOHN MCCUEN, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

Another problem that I could see -- and maybe you could have the fire department take another look at it -- I live on Tuthill. I walked down and I looked at fire hydrants that they have. They have one the east side of Tuthill and they have another one on the east side of Barnum. That's for how many? 60 apartments plus whatever they have there, plus
their commercial things. One's got to be lined up and put onto the sprinkler system, and then the others; I don't know.

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

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

Which is another thing that I don't
understand. Nobody's ever addressed that. I noticed that database that they have here, but how much is this going to cost us from tax money that's not going to be coming in? That's what you should be presenting.

CHAIRMAN DIBIASE: Okay.

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

CHAIRMAN DIBIASE: Well, a couple of things.

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

MR. MCCUEN: Right.

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

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

MS. ZIMMERMAN: July.

CHAIRMAN DIBIASE: As they stated before, the counts were done on a Saturday in July of this year. So, that's -- that's what
they looked at. I don't think anybody's dismissing you or, you know, minimizing any of your comments, you know. I think, you know, we're treating them seriously. And the comments about the hydrants certainly is something -- I believe the Fire Marshall would probably comment on that, but that's, you now, that's something that we'll make a record of.

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

CHAIRMAN DIBIASE: That's certainly a valid question that requires an answer. And in terms of, you know, the amount of -- there is a lot of documentation, and you mentioned you were looking for somebody to explain it, and I think they did a very thorough explanation of what was in there tonight.

Maybe, you know, it's not to answer everybody's questions or something that they said that they didn't elaborate on, that maybe
you want an answer to, which you've, you know, asked the question.

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

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

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

CHAIRMAN DIBIASE: Okay.

MR. MCCUEN: Thank you.

MR. ANDERSON: If I may just very briefly -- to answer Mr. McCuen's question. I don't -- not to defend the applicant, but I believe he was just trying to explain the process and state that there was nothing secretive involved in this. If I can just elaborate quickly. I live up on Belle Terre
Road and I get the benefit of all the music in the summer and the noise and everything else just as you do on Tuthill. In fact, it gets confusing sometimes for the different songs going on.

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

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

So nobody is trying to steamroll anything or -- you know, these are all valid,
good concerns that you brought before us.

CHAIRMAN DIBIASE: Thank you.

Center aisle.

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


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

CHAIRMAN DIBIASE: Okay.

MR. ACAMPORA: Overall, what's happened with development, over time, and we're all for smart growth, the project in that essence is good and we don't have a problem
with that. It's demolition of existing older structures and one -- now the Cappy's building consists of really two buildings: The one-story building, which has the Cappy sign on it and then the two-story gabled portion. Our research indicates that two-storied gabled portion dates from the mid 19th Century rather. 1800's. It was a general store originally. The building's been altered many times, so really, in effect, there's not much to save in a way, unfortunately. But -- and it's unfortunate that that was not considered by the Board, et cetera, when this planning process began with this development.

What we do ask though is, going forward, in the future, that any type of development that occurs in the Village, that should be considered when there's a historic or potentially historic structure that may have to undergo demolition in order to develop. The one thing that our Village -- we love about the Village -- and everybody here loves about the Village, including the owners of the building -- what makes our Village so nice is its
By bringing construction -- new -- putting new development in, which is good, you erase some of that. So what we're looking for is trying to save some of this heritage for the future.

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

Thank you.

CHAIRMAN DIBIASE: Thank you.

DREW BIONDO, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:


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

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

And Mr. Anderson, you had mentioned Schafer's. The good thing about Schafer's, while I might not like the music at all hours of the night, I think it's at 11:00 o'clock it
PLANNING - 3/14/19

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

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

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

CHAIRMAN DIBIASE: Thank you.

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

MR. ACAMPORA: If I can make one
more suggestion. We've put signs up for
crosswalks and this might gather your purview.
But I've been in other municipalities where
when someone steps into that crosswalk, yellow
lights flash.

CHAIRMAN DIBIASE: Um-hum.

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

Thank you.

CHAIRMAN DIBIASE: Okay. Thanks.

Yes. You.

MICHAEL MART, after having first been
duly sworn by a Notary Public of the State of
New York, was examined and testified as
follows:
MR. MART: Michael Mart, M-A-R-T.
205 Bayview Terrace, Port Jefferson.

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

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

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

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

We as, taxpayers, property owners, have to then pay the cost of whatever the project itself burdens us with. So, how do we learn that? And when do we learn that? Shouldn't we know that in advance?
CHAIRMAN DIBIASE: I'm not aware of anything, but that's usually not the discretion of the Planning Board.

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

CHAIRMAN DIBIASE: Your comment will be addressed.

MR. MART: Thank you.

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

CHAIRMAN DIBIASE: Um-hum.

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

You have 46 apartments. You're going to have maybe 69 people, one and-a-half per. That's more people than live on the three blocks of my neighborhood, the upper west side as we call it. And that puts a burden on our parks, on our beaches, on our kayak racks, all of these things. And what I heard tonight was that these private fire pits and benches and
things on the roof are being -- it's suggested that that will help to mitigate the fee that the developer will have to pay.

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

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

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

CHAIRMAN DIBIASE: Right.

MR. MART: Our parks are for them --

CHAIRMAN DIBIASE: (Interjecting) No, I don't think they're trying to mitigate the recreation fee by saying they're putting in
a gym that only they can use.

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

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

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

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

CHAIRMAN DIBIASE: That, I'm not aware of.
MR. MART: I'm not arguing, but we need to know this because we live here and, you know, we have to work together on things and not be opposed.

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

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

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

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

MR. MART: That's right.

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

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

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

CHAIRMAN DIBIASE: Okay.

MR. MART: Thank you very much.
G R E G C A L A B R E S E, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:


Two questions and an observation.

First time question. Has any comment Been received from the Sewer District?

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

MR. CALABRESE: That's critical.

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

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

MR. CALABRESE: So that means they're going to accept the project into their supplant up here?
CHAIRMAN DIBIASE: I believe that's correct.

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

CHAIRMAN DIBIASE: I believe so.

Eric, if you'd like to --

MR. RUSSO: (Interjecting) Yes.

CHAIRMAN DIBIASE: (Continuing) -- address that.

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

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

MR. RUSSO: They did respond, yes.

MR. CALABRESE: And then an observation. I was very concerned about what the streetscape is going to look like. As Eric mentioned, does it extend the Downtown feeling, the Downtown look? I think you ought to be
congratulated because your project does do that. Unlike your neighbors next door at 414 where the parking is in the front of the building and the building is in the back, which is a no-no.

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

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

Thank you.

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

MR. BOWMAN: William B-O-W-M-A-N,
I'd like to make a few comments and then ask a couple of questions for the applicants.

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

FEMALE VOICE: Talk into the mic.

MR. BOWMAN: Oh, sure thing.

CHAIRMAN DIBIASE: Or you can pick that up too.

MR. BOWMAN: Is that a little bit better?

FEMALE VOICE: Yeah.

MR. BOWMAN: Part of the rationale for the project was to be part of the walkable Village to extend part of the walkable Village
further south into the southern part of the Village.

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

FEMALE VOICE: Talk into the mic.

MR. BOWMAN: I'm sorry. Can some type of traffic common be part of the mitigation for the project to insure that Barnum Avenue and Main Street continue to be places where people want to walk along the sidewalks with their children and their dogs. So I think that should be an important part of
the mitigation strategy for the project. Has a grading plan--a drainage plan been prepared as of yet?

CHAIRMAN DIBIASE: Yes.

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

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

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

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

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

MR. BOWMAN: No, no, the drainage
MR. RUSSO: The drainage plan is, as well as the recommendations of the Village engineer and the McDonald Geoscience soil analysis.

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

MR. RUSSO: No.

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

So I thought -- I saw you put the concept plan up, and there were several components of that, that looked really good, maybe places where people could pull off Barnum and walk right into -- run right into CVS, because people often kind of stop there.
temporarily causing some of the potential hazard. So, whereas the applicant does not need to address that to the Village is taking care of some of that burden on them.

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

CHAIRMAN DIBIASE: All right.

Thanks.

STEVE VELAZQUEZ, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:


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

And in light of the fires that happened in 2014 at the Avalon Apartments and other fires in Fort Lee, New Jersey, I want to
PLANNING - 3/14/19

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

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

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

CHAIRMAN DIBIASE: Thank you.

JIM GRADY, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

MR. GRADY: Yup, Jim Grady, G-R-A-D-Y. I am a resident of Connecticut,
looking to relocating into Port Jefferson.

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

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

MR. GRADY: It is a pile project?

MR. NICOSIA: Absolutely.

MR. GRADY: And the pile caps--

CHAIRMAN DIBIASE: Just one second.

That's the drainage structure, as well?

MR. NICOSIA: No.

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

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

MR. NICOSIA: No, no de-watering.

We have six feet in ground water? And we're not going to be addressing that. I'll address that when you're done. I guess I can just take on more questions.

MR. GRADY: And monitoring for close proximity of the pile driving. Will that
be taken care of?

MR. NICOSIA: Yes.

FEMALE VOICE: We can't hear him.

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

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

The other issue was -- we talked about -- the gentleman already mentioned the fire. And the walls between the two buildings, each would have a one hour of wall, and because of the short separation that has protected -- it has to be designed to be protected from the outside and the inside for that hour. The buildings both have a full sprinkler system throughout, with a central station alarm system, carbon monoxide -- each apartment has its own alarms, of course, fire detection equipment all throughout the building, and it is a positive that we have two fire hydrants on
either side of the project and the project is very accessible from all sides to help with that.

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

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

PAT KIRILUK, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:


I think that you really very much covered all the technical specifics tonight, and I'd like to get into a few other areas that I think are very important.
Cappy's Carpet has been a part of this community. It's sad to see this decision made, but it's a good one. It represents growth and integrity for our Village.

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

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

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

I love the Drowned Meadow building. I have a lot of personal affiliation with that building. I have stood there and looked at an industrial side to the Shipyard building. They
PLANNING - 3/14/19

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

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

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

He takes landscaping very
seriously. I've seen it. I've worked with him
on economic development. Gitto Group builds
with integrity. It just doesn't look at profit
margins.
I bring up the sides of the Shipyard building because there is so much lacking except for what is visible coming down 25A. The west side and the front of that building have dark green shutters. I stand on the side that bastardizes Drowned Meadow and I see one set of green shutters on the corner. The rest of it, all the way up Barnum, all the way down on the side street -- not Caroline the other one, Brook -- there is nothing. The building is stripped, which is the definition of wanting profit.

The Gitto Group builds with integrity. I don't know them personally. I just have admired their work over the years. Look at this that they're building now. In the -- to respond to Marge McCuen, I've known her for many years. I respect her criticisms. But in order to attract the tenant that has the affordability and the integrity that we want to attract to this Village, you have to offer style. You have to offer a living style. And fire pits do not make noise. You have to have a little gym.
You have to invite -- you want a higher rent district? You want people who are going to support our restaurants and the integrity of our retail? We want people that are going to spend money in our Village? Well then, give the Gitto Group and Capobianco and Cappy's Carpet an opportunity to attract that more to our Village.

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

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

It was mentioned tonight, as far as parking. Apparently they've already realized and they have a control for where there will be a restriction of four-hour parking. That was very interesting, because perhaps that should
be an example that should be set forth if the parking in the Erlich Park becomes a reality -- we can confine that to a four-hour limit and have a turnover.

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

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

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

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

The maintenance or the way parking
lot down here is taken care of in the Village, there's a statement of pride. They reside and live in our Village. Both the applicants.

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

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

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

CHAIRMAN DIBIASE: Thank you. I don't know if you're in trouble now, since they
wanted to remain anonymous. Thank you.

Anyone else want to speak? In the back.

CAROL ACKER, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

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

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

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

MS. ACKER: Oh. Oh my. You are
And as a broker, I have seen some horrendous, horrendous -- where they come forth with a multitude of things that they're going to do and then in the end it doesn't quite look the way they presented it. And the frustrations are enormous and it's always too late because the cow's out of the barn and you're finished.

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

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

CHAIRMAN DIBIASE: Thank you.

Anyone else?

ALAÑA CORCELLA, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

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

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

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

And the residents. I feel like I'm being pushed. Peter, you've been wonderful.

I'm going to miss your carpets. I'm going to miss your business, and I liked the store. I liked the Cappy's sign and I'm going to miss the historical house.

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

CHAIRMAN DIBIASE: Thank you.

MR. BIONDO: Can I just ask one question?

CHAIRMAN DIBIASE: It depends.


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

CHAIRMAN DIBIASE: Oh, in terms of
noise, you're talking about?

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

MR. NICOSIA: Approximately 230 is my initial count.

MR. BIONDO: Oh, Jesus.

MR. NICOSIA: And approximately, maybe three weeks. And that would all be during the allowable times in the Village, during the week. We built the other building next door and there was temporary inconvenience involved in construction. We didn't have any major issues with that one. And I think it was someone different than the sheet piling project that went on in the harbor. And different from the Tritec project. It's smaller.

MR. BIONDO: Thank you.

CHAIRMAN DIBIASE: Anyone else that hasn't spoken?

(WHEREUPON, there was no response given by those present.)
CHAIRMAN DIBIASE: Okay. I'm not seeing any hands. That will close the public comment period.

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

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

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

Just my opinion, and based on some of the comments that were raised about the size
of the study and the availability and things of
that nature, the applicant has followed the
required procedures and gone beyond the
required procedures in terms of notifying
residents in the area.

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

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

MR. ANDERSON: I fully agree.

MR. JOHNSON: Absolutely

acceptable.

CHAIRMAN DIBIASE: That was too
easy.

That being said, can I get a motion
to close the SEQRA Public Hearing?
MR. JOHNSON: I move that we close the public part of the SEQRA Hearing.

CHAIRMAN DIBIASE: Can I get a second?

MS. ZIMMERMAN: I'll second.

CHAIRMAN DIBIASE: All in favor?.

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

CHAIRMAN DIBIASE: Okay.

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

MR. RUSSO: And I thank you again.

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

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

Technically, you can't get a complete picture of what the comments are until 15-days from now. When the comments come in -- written -- any additional comments are all treated equally, whether the person was here or not; if we get them in writing. And then, they
will be addressed in the FEIS, which needs to be prepared in conjunction -- the applicant and the Village working together to complete the Final Environmental Impact Statement for the project.

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

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

(WHEREUPON, this hearing was concluded at 10:06 p.m.)
PLANNING - 3/14/19

CERTIFICATION

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.

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NATASHA SNOOK
<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>92:8 115:9</td>
</tr>
<tr>
<td>19th</td>
<td>81:7 92:8</td>
</tr>
<tr>
<td>2</td>
<td>20:22</td>
</tr>
<tr>
<td>20</td>
<td>53:7</td>
</tr>
<tr>
<td>20-foot</td>
<td>18:25</td>
</tr>
<tr>
<td>200</td>
<td>16:9 78:8,13,15</td>
</tr>
<tr>
<td>201</td>
<td>7:19 91:10</td>
</tr>
<tr>
<td>2014</td>
<td>110:24</td>
</tr>
<tr>
<td>2018</td>
<td>7:24 43:7 48:20</td>
</tr>
<tr>
<td>205</td>
<td>97:3</td>
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<tr>
<td>208</td>
<td>110:19</td>
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<td>211</td>
<td>5:3</td>
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<tr>
<td>213</td>
<td>60:18 61:2</td>
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<td>217</td>
<td>7:20</td>
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<td>23,000</td>
<td>26:25</td>
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<td>230</td>
<td>125:7</td>
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<td>24-hour</td>
<td>64:19,24</td>
</tr>
<tr>
<td>24th</td>
<td>72:18</td>
</tr>
<tr>
<td>25</td>
<td>27:5 63:15</td>
</tr>
<tr>
<td>25-year</td>
<td>63:14</td>
</tr>
<tr>
<td>250-18</td>
<td>4:18 16:3</td>
</tr>
<tr>
<td>250-51-1</td>
<td>19:17</td>
</tr>
<tr>
<td>28th</td>
<td>81:12</td>
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<tr>
<td>3</td>
<td>3:8</td>
</tr>
<tr>
<td>306</td>
<td>103:6</td>
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<td>31st</td>
<td>81:9</td>
</tr>
<tr>
<td>347</td>
<td>123:12</td>
</tr>
<tr>
<td>37</td>
<td>27:14,17</td>
</tr>
<tr>
<td>4</td>
<td>7:24</td>
</tr>
<tr>
<td>40</td>
<td>18:21</td>
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<td>400</td>
<td>6:14 125:5</td>
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<td>41</td>
<td>27:16</td>
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<tr>
<td>44</td>
<td>5:11</td>
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<tr>
<td>44-car</td>
<td>102:4</td>
</tr>
<tr>
<td>440</td>
<td>3:4 4:10</td>
</tr>
<tr>
<td>46</td>
<td>5:11 29:12 98:18 101:7</td>
</tr>
<tr>
<td>464</td>
<td>7:20 33:8</td>
</tr>
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<td>48</td>
<td>64:25</td>
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<td>4th</td>
<td>6:25 77:15</td>
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<tr>
<td>500</td>
<td>78:13,18</td>
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<tr>
<td>5</td>
<td></td>
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<td>6</td>
<td>78:18</td>
</tr>
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<td>60</td>
<td>85:24</td>
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<tr>
<td>65,300</td>
<td>5:24</td>
</tr>
<tr>
<td>69</td>
<td>98:19</td>
</tr>
</tbody>
</table>

Accurate Court Reporting Service, Inc. 631-331-3753
calculated 102:23 123:9
calculating 100:16
calculations 101:8
California 114:19
call 95:6 98:22
called 20:20 98:11
calling 34:14 71:14
canopies 35:17
cantilever 32:5
cap 113:10
capacity 51:15 54:15,16,18 63:6
Capobianco 3:12 4:10 115:15
Cappy 23:20 92:5
Cappy's 3:7 43:23 65:22 92:3
115:2 118:8 120:5 124:7
caps 112:17
caps-- 112:10
car 47:24,25 96:18 106:8
carbon 113:22
card 54:11
113:2 119:17,19 120:2
careful 22:4
Carol 121:8
Caroline 117:10
carpet 3:7 21:15 115:2 118:8
120:5
carpets 124:5
cars 30:10 55:9 56:18 123:9,10,23
case 7:14 12:2,23 16:19 18:12
39:6 40:15 45:3 100:19
causation 62:9 102:4
causings 110:2
Center 91:4
central 3:9 5:5 16:4 38:2 113:21
Century 92:9
certified 78:8,14
chair 112:7
Chairman 3:18,20,23 7:2 9:5,18,24
10:7 11:8 12:25 13:7,10 15:19,
38:15 40:20 41:14,17,19,21 47:23
48:3,9,12,16 50:18,23 51:2,10
52:21 53:3,13,21 54:3,9 55:16,24
56:3 61:23 62:9 63:10 64:4,11,15,
69:19,25 70:5,19 71:24 72:9,13,
19 73:13,21,24 74:19,23 75:8,24
76:3,8,11 79:14,18,22 80:2,10,18
81:23 82:7,11,17,24 83:15,19
84:22 85:2 87:7,10,17,23 88:15
89:12,17 91:3,21 93:19 95:13
96:7,20 97:13 98:2,7,12 99:13,20,
23 100:18,24 101:12,20,24
102:24 103:13,16 104:2,7,10
106:18 108:5 110:12 111:20
112:11,14 114:13 119:21 120:24
121:23 122:20 124:17,20,25
125:22
Chairman's 109:15
change 36:18 49:6 51:7 54:23
chapter 17:10 60:18 61:2
caracter 12:16 20:22 21:11
24:7 116:11
character 119:8
checking 61:3
checkered 121:21
choice 7:11
choose 122:11
Christmas 119:18 120:16
Christmastime 120:12
Cindy 13:10,12
circulate 11:4
City 124:16
clapboard 34:20
classic 105:7
clay 61:13
clay/sand 61:14
clear 43:9 79:12 120:22
climbs 26:14
close 46:23 52:20 69:3 74:3
112:25 119:22
closed 82:12
closer 9:20
closet 29:20
closing 80:15 120:10
Co-trustees 3:12 4:10
code 4:17,19 16:3 17:9,22 18:4,
16 19:5,12,17 20:22 22:17,21
78:6 101:9
codes 16:18
coefficient 62:25
coincidently 56:6
collect 64:24
collected 100:7
collection 100:9
color 27:8 30:20
coloored 29:23
combined 10:15 53:5
comfort 122:16
commencing 14:13
comment 14:10,17 15:6 45:18
47:9 62:3,16 69:5 70:6 72:15,25
73:15 74:3,6,7 81:2 84:9 88:8
103:10 104:5
comments 8:9 14:20,21 15:5,13
31:12 45:25 60:16 62:11 68:24
69:15,20 70:8 72:17 76:16 82:8,
13,14,16,20,22,25 84:2,7,10 88:4,
6 91:19 104:15,16 106:3 109:15
111:12 118:18
commercial 27:18 55:11 84:17,18
commercial 3:9 5:6 16:4 21:2
86:2
Commission 104:6,13
committee 21:5,24 24:5 81:14
common 107:17,20
communities 118:11
Dickens' 32:12
digest 86:14
direction 56:19 106:12
director 41:25
disagree 97:8
discarded 68:19
disclosed 81:18
discretion 98:3
discuss 8:17 10:24 84:13
discussed 20:3 33:12 55:10 77:25 81:18
discussing 78:20
discussion 16:6
discussions 42:18
dismissing 88:3
displaced 46:10
display 93:16
dissipated 64:25
distance 47:15 73:17 75:11
district 3:9 5:6,7 16:9,11 20:25 21:2 103:12,22 111:11 118:3
Districts 16:4
division 41:25
document 68:25 77:4,7,10,15,23
documentation 88:18
documented 45:2
documents 36:25 80:5
dogs 107:24
dollars 97:20
donation 120:17
door 105:3 114:10 125:15
DOT 8:8 26:19 31:12 32:19,21 46:4 47:9,20 57:3,4,8,17 58:8 68:12 81:12 101:25
Doug's 67:5
Downtown 17:17,18 35:24 62:8,10 104:24,25 105:7,8,11,15
DPW 8:6
drawings 75:16 86:12
Drew 93:23 124:22
drive 51:23
drive-thru 16:13
driven 113:9
driver 96:8
driveway 46:20,24 47:14,16 52:6 54:8 123:14
driving 96:11 106:9,10 107:13 112:25
drop 52:13 94:7
Drowned 115:22 117:7
drywell 67:10
drywells 108:20
due 42:19 55:7 57:9
Dumpster 30:24
dust 12:20
dwellers 99:9
echo 13:3
economic 116:23
effect 92:11
effective 63:6
effects 66:21
efforts 8:10 59:22 109:16
EIS 13:21,25 42:7 50:4
elaborate 88:25 89:25 90:8
elected 7:15 14:15 23:10
elements 25:14
elevation 21:8 23:16 31:17
elevations 8:25 24:4 77:7
elevator 5:19 28:5 30:6
emergency 20:9
emphasizing 32:16
empirically 65:4
enactment 17:4
enclosure 30:24
encourage 84:6 119:14
ends 36:20 37:5
engaged 115:8
engineering 6:6,8 9:15 41:12 60:3,14
engineers 6:15 51:14
enormous 122:8
enrolled 17:13
enter 45:7
entire 46:8 67:23 78:2
entrance 30:13,22 32:4,8 35:9,10 46:12 73:6
entry 30:6
handicap 26:18 30:23
handle 51:15
handles 51:16 54:12
hands 13:9
hanging 124:12
happen 32:22 49:14 65:4 85:15
happened 91:23 99:5 100:11 110:24
happy 109:15
harbor 37:20 125:19
harmony 20:24
hate 95:7
Hauppauge 6:10 9:16 10:12 41:13 42:2
hazard 109:19 110:3
He'll 103:16
health 8:6 16:18,21 81:8
heard 39:25 68:3 98:24
hedge 28:24,25 29:2
hell 71:14
helpful 96:13
helps 32:8 34:16
heritage 93:6
high 24:8 44:4 55:8 73:2 74:9 124:10
higher 43:10 118:3
highest 61:17
Highway 45:17
hill 71:15 73:2
Hills 39:23 116:12
hired 56:25
historic 92:19,20 93:2
historical 43:9 91:12,14 124:8
historically 93:12
history 93:2
hit 56:22 96:17
hold 15:20 38:17 55:25
hole 61:11
holes 60:6
Holtsmacker 59:25 60:16
Holtsmacker's 60:5
Holzmacher 108:10
Holzmacher's 81:11
honest 90:15
honking 123:15
hopeful 17:15
horn 94:19 123:15
horrendous 122:4
Hospital 75:5
hour 44:11 62:6 113:19,19 123:16
hours 24:21 51:19 64:19,25 86:14 94:24
house 33:10 36:24 37:3,7 110:21 124:8,9
houses 75:19
huge 44:15
hundred 63:25 64:7
HVB 10:11
hydrants 85:21 88:6,13 90:22 113:25

I

idea 71:10
identified 12:3 13:17
illustrates 32:15
illustration 24:2 29:22
illustartions 24:24
imagine 54:2 75:13
impacted 65:22
impacts 12:7,15,17,19,21 13:20 14:3 43:16 84:5 107:6,9
implemented 67:16
implementing 12:12
impressed 22:4
improve 52:17 109:16
improved 43:23
improvement 67:13
improvements 40:4,15 55:18 56:5 57:5,23 58:4,6,12,13,18 110:8
improving 57:6
inability 66:7
inappropriate 68:19
inch 64:2
inches 62:5 63:7,16,17 64:3,6,7 89:10
include 57:20 66:16
included 12:14 42:6 48:19,23 82:23 100:15
includes 63:4
including 15:6 61:21 92:24
inconsiderate 71:18
inconvenience 125:15
increase 47:14
increased 52:15 98:15
increases 49:11 52:18
incredible 66:3
indication 58:23 79:3
individual 37:25
individuals 6:2 40:10
industrial 115:25
infiltration 61:17 63:5 67:8
inform 6:4
information 7:15 11:25 80:3
86:15
initial 125:8
initially 62:21
initiate 11:6
injuries 56:15 58:10
input 8:4 11:23 77:5
inquiry 68:22
ins 34:5
inside 27:9 113:19
install 57:17
installs 58:15
instance 52:13,18 65:15 107:16
instantaneously 51:16
insure 107:21
integrity 115:5,18 116:5,8,16,24
117:15,21 118:5,13
intense 102:9
intensity 63:11
intent 31:14 67:17
intention 25:6
interested 14:22 45:16 106:6
interesting 118:25
interior 16:15 20:12 27:14
Interjecting 45:20 50:24 51:8
intersection 42:17,21,24 43:7
44:19 52:6 54:11,15,17,21 55:17
56:8,16 57:9 62:2 87:15 95:15
109:17
intersections 48:22 52:9
introduce 7:8 9:7
inundation 66:24
investigation 112:4
invite 80:7 118:2
involved 11:6,22 16:10 40:10
76:4 89:24 119:7 120:11 125:16
island 29:16 56:12
issue 8:21 22:24 24:15 38:11,12
issued 11:25
25:14 33:16 39:2 78:20 103:21
114:10 125:17
item 15:3
items 86:9
J
J.R. 59:25 60:5,16
January 21:7 81:9,16
Jeff 81:13 106:14
Jefferson 4:7,11 5:4,7 19:11
55:8 85:9 91:11,12 93:24 97:3
103:7 106:2 112:2 114:20 121:11
123:4 124:14,15,16
Jen 79:8
Jersey 110:25
Jesus 125:9
Jim 111:24
jogger 96:17
John 85:4
JOHNSON 67:20
Johnson's 68:4
Jones 93:24 94:2 96:17 124:22
July 43:7 87:22,25 94:10 123:10
jurisdiction 22:23
Juzwiak 3:14 4:3
L
lacking 117:4
laid 80:21 81:18
land 12:17
landscape 19:2
landscaped 28:9
landscaping 28:11 40:14,23
116:21
lane 53:19
lanes 56:9
large 29:18 34:6,7,22 37:25
52:12
larger 110:22 111:4
lastly 68:21
late 122:9
launch 85:10
lay 18:21
layout 19:25 35:21
lead 8:2 11:17,19
lean 10:6 11:10
learn 97:24
learned 97:16
89:14 94:13
leaves 36:11,16 54:5
LED 35:3
Lee 110:25
leeching 61:16 108:20
left 23:19 24:25 32:23 33:4,5
36:22 37:4 47:17,18 48:8 53:9,10,
18 55:6 56:20 57:13 106:11
leg 70:18
located 16:8
location 3:7 17:23 20:15,23
23:21 30:12 53:15 74:25
locations 26:15,17 46:5 58:12,
16 77:20
loiter 68:15
long 54:19 57:14 61:12 64:14
looked 42:14,17 43:4,18 45:4
47:17 52:23 55:13 56:5 57:8
64:13 77:23 85:21 88:2 109:22
115:24
54:5,19 56:14 57:9,14 74:14 80:3
115:23 120:2,23 123:6,21,23
loud 121:9
lounge 28:6,7 37:13 39:9
love 92:22 115:22
lovely 75:17
loves 92:23
low 28:19 53:22 64:23
lower 13:2 29:2
luck 47:20 95:11

M

M-A-R-G-E 71:2
M-A-R-T 97:2
M-C-C-U-E-N 71:2
made 32:8 58:5 68:22 71:19
72:25 82:20 83:10 97:14 111:7
115:3 121:17
mail 28:5 78:8
mailing 78:12,15
main 3:4 4:4,7,10 5:3 7:20 17:19
19:22 20:17 21:18 25:4 26:9 30:5,
22 31:17,22 33:8 37:19 43:8
45:11,17 47:10,13 53:9,24 57:12
71:6 83:24 85:11 87:15 94:2
101:18,21 106:11 107:22 109:17
110:10 121:10
maintain 107:6
maintained 24:19
maintaining 28:14 109:12
maintenance 40:21 119:25
major 125:17
make 11:20 32:21 34:12 46:11
50:14 56:20 57:4,5 58:11 62:14,
88:9 94:11 95:25 102:9 106:3
107:11 117:24 118:17 120:21
makes 34:3 61:15 74:17 92:25
making 18:8 106:11
MALE 27:7
manage 62:18 93:16
management 60:20 108:19
manager 10:11
managing 61:20
mandated 12:24
Manual 61:5
manuals 60:25 61:3
Map 3:7
maples 109:13
March 81:13
Marge 70:25 84:23 117:18
123:25
margins 116:25
Marshall 19:24 88:7
Mart 97:2,16 98:5,9,13 99:17,21
100:10 201:12,14,23 102:2,25
Master 17:16 35:23
materials 19:18 25:11
Mather 75:5
maximum 5:17 16:20
Mayor 40:2
Mccuen 70:17,25 71:2 72:2,11,
16,20 73:19,23 74:8,21 75:4,9,25
76:5,10 77:21 83:22 85:4,8 87:8,
16,20 88:10 89:4,14 18 90:22
94:16 117:18
Mccuen's 76:20 84:23 89:20
Mcdonald 109:5
Meadow 115:22 117:7
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>meant</td>
<td>72:13</td>
</tr>
<tr>
<td>measured</td>
<td>16:10</td>
</tr>
<tr>
<td>mechanical</td>
<td>37:16,23 38:5 74:25</td>
</tr>
<tr>
<td>medication</td>
<td>118:19</td>
</tr>
<tr>
<td>meeting</td>
<td>10:25</td>
</tr>
<tr>
<td>meetings</td>
<td>24:6 77:13</td>
</tr>
<tr>
<td>meets</td>
<td>26:19 111:15</td>
</tr>
<tr>
<td>Member</td>
<td>68:3</td>
</tr>
<tr>
<td>memorandum</td>
<td>22:2</td>
</tr>
<tr>
<td>mention</td>
<td>47:9 119:6 121:17</td>
</tr>
<tr>
<td>mess</td>
<td>75:16</td>
</tr>
<tr>
<td>met</td>
<td>20:2 21:6 108:13</td>
</tr>
<tr>
<td>met all</td>
<td>23:2</td>
</tr>
<tr>
<td>metal</td>
<td>35:17</td>
</tr>
<tr>
<td>mic</td>
<td>9:19,20 10:2 106:16 107:18</td>
</tr>
<tr>
<td>Michael</td>
<td>97:2</td>
</tr>
<tr>
<td>microphone</td>
<td>71:7</td>
</tr>
<tr>
<td>mid</td>
<td>92:8</td>
</tr>
<tr>
<td>middle</td>
<td>56:12</td>
</tr>
<tr>
<td>mind</td>
<td>10:6,20 17:12</td>
</tr>
<tr>
<td>mine</td>
<td>116:17</td>
</tr>
<tr>
<td>minimizing</td>
<td>88:3</td>
</tr>
<tr>
<td>minimum</td>
<td>18:21 74:2 84:8 102:17</td>
</tr>
<tr>
<td>minute</td>
<td>44:14</td>
</tr>
<tr>
<td>minutes</td>
<td>63:17 119:22</td>
</tr>
<tr>
<td>missing</td>
<td>46:10</td>
</tr>
<tr>
<td>mistaken</td>
<td>77:20</td>
</tr>
<tr>
<td>mitigate</td>
<td>99:3,18,24</td>
</tr>
<tr>
<td>mitigated</td>
<td>90:18</td>
</tr>
<tr>
<td>mitigation</td>
<td>52:17 107:14,15,21 108:2</td>
</tr>
<tr>
<td>mixed</td>
<td>3:17 18:2 61:13</td>
</tr>
<tr>
<td>mixed-use</td>
<td>4:16,20 5:10 10:19 11:3 79:2</td>
</tr>
<tr>
<td>modeling</td>
<td>63:3</td>
</tr>
<tr>
<td>models</td>
<td>63:4</td>
</tr>
<tr>
<td>moderate</td>
<td>45:13</td>
</tr>
<tr>
<td>modernizing</td>
<td>115:17</td>
</tr>
<tr>
<td>modify</td>
<td>83:7</td>
</tr>
<tr>
<td>moldings</td>
<td>116:5</td>
</tr>
<tr>
<td>moment</td>
<td>11:14 90:11</td>
</tr>
<tr>
<td>monitored</td>
<td>114:9</td>
</tr>
<tr>
<td>monitoring</td>
<td>112:24 114:5,7</td>
</tr>
<tr>
<td>monoxide</td>
<td>113:22</td>
</tr>
<tr>
<td>monstrosity</td>
<td>124:24</td>
</tr>
<tr>
<td>months</td>
<td>77:12</td>
</tr>
<tr>
<td>morning</td>
<td>74:11 94:5</td>
</tr>
<tr>
<td>Motor</td>
<td>6:9 9:16 10:12 41:12</td>
</tr>
<tr>
<td>motorist</td>
<td>56:17</td>
</tr>
<tr>
<td>movements</td>
<td>46:6 53:15</td>
</tr>
<tr>
<td>moving</td>
<td>31:5</td>
</tr>
<tr>
<td>multitude</td>
<td>122:5</td>
</tr>
<tr>
<td>municipal</td>
<td>8:3</td>
</tr>
<tr>
<td>municipalities</td>
<td>96:4</td>
</tr>
<tr>
<td>music</td>
<td>90:2 94:24</td>
</tr>
<tr>
<td>Myrtle</td>
<td>91:10 103:7</td>
</tr>
</tbody>
</table>

### N

| N-I-C-O-S-I-A | 25:23 |
| names | 33:3 |
| nature | 5:15 |
| Nautical | 111:15 |
| nearby | 66:23 |
| neck | 43:2 |
| needed | 58:5,16 |
| negative | 7:12 50:7,16 |
| neighborhood | 12:16 98:21 |
| neighbors | 105:3 114:7 |
| net | 44:10 |
| neutral | 91:15 |
| newly | 17:24 |
| newspapers | 77:18 |
| nice | 56:13 75:18,19 92:25 111:14 122:18 |
| Nick | 91:9 |
| NICOLIA | 31:16 |
| Nicosis | 25:13 |
| night | 94:25 123:24 |
| no-no | 105:6 |
| Nobody's | 85:14 87:2 |
| non-medical | 5:14 |
| nonexistent | 53:19 |
| northbound | 53:9,17 54:5 |
| Norway | 109:13 |
| notably | 50:15 |
| noted | 47:12 85:9 |
| notes | 48:19 |
| notice | 78:4,16 |
| noticed | 87:3 88:11 |
presentations 86:12
presented 72:6 122:7
presenters 101:16
presenting 87:6
presently 17:6 20:16
preserved 72:24
presume 108:18,19
pretty 28:17 54:13 58:3 109:18
prevent 111:3
prevention 6:17 59:11 60:23
61:8 19 108:23
previously 55:2 104:13
pride 120:3,18
primarily 29:12 46:4 57:13 61:14
primary 95:24
print 26:25
prior 24:5 30:20
private 5:19 27:25 31:18 95:3
98:25 99:9
pro 76:17
problem 9:22 85:18 91:25
problems 85:17
procedure 51:21
proceed 22:25
process 8:14 10:23 15:4 25:12
42:4 80:23 89:23 92:15
professional 50:6,15
profit 116:24 117:13
program 49:22,24 58:14
programming 60:20
project 6:11 7:17 8:4 22:3 27:15
34:3 39:23 40:8,10 42:12 20 43:5
52:9,11,12,23 54:23 57:8 58:11,
15,18 59:16 62:17 65:18 67:5,16
70:9 76:4 77:6 78:21 91:15,17,19,
24 93:8 95:11 97:6,17,20,23
103:24 105:2 106:24 107:21
108:2 112:7,8,18 113:8 114:2,10
125:18,20
projects 7:17,18 50:12 58:3,7,21
promotes 49:2
properties 66:5,10,23 67:15
property 3:11 4:8,9,22,24 5:5
16:10 26:10,14 36:20,22,24 37:4
73:17 97:21 100:14 111:7 123:7
proposal 16:19 20:3
propose 47:3 107:14
proposed 3:17 4:16,23 10:16
11:18,21 12:4,22 13:23 14:3
15:10 19:7,17,21 21:8,14 24:2
45:3 50:5 78:21 79:2 83:8 84:6
97:12
proposes 5:9
proposing 17:11 46:14
prospective 17:14
protect 59:14 105:15
protected 113:17,18
protection 19:20
proved 115:14
proven 115:6
provide 29:8 36:6 39:12 49:18
102:22
provided 16:7 21:6 45:18 69:2
78:16,22 104:15
providing 31:5 40:14 67:7
provisions 111:8
proximity 42:22 112:25 113:7
PSE&G 8:7 33:13,17,21 81:9
public 3:15 4:14 6:20,21,23 8:18
9:11 10:16 14:12,13,17,21 15:5
30:8 37:17 41:8 51:23 52:15
60:10 69:13,15,20 70:6,22 71:19
72:6,10,15 73:14 74:6,7 76:15
77:2,21 78:24 80:13 81:7 85:6
103:3 105:22 110:15 111:22
114:16 121:6 122:23
published 77:18
pull 104:16 109:23
purchase 49:22
purpose 8:20 10:24
purposed 10:19
purposes 11:17
pursuant 31:3
purview 96:3
pushed 124:4
pushing 54:14
put 46:17 75:5 77:18 84:19 85:12
puts 98:16,22
putting 32:17 36:18 52:20 93:4
99:25
quality 7:10 8:15 76:23 80:16
116:11
question 49:7 79:19 88:16 89:3,
8,20 103:10 112:3,15 124:19
questions 9:3 14:25 15:16,20
38:14,16,20 41:4 69:21 76:20
77:11 79:9 88:24 97:5 103:9
106:4 112:23
queues 54:20
quick 48:23 62:15 72:8
quick-service 49:8
quickly 89:25
racks 98:23
radio 95:5
Rail 39:22
rain 65:17
rainfall 62:24 64:2,16
rainstorm 66:4
raise 108:7
raised 7:22 15:13 73:24 77:11
97:5
raising 109:8
ramps 26:19

Accurate Court Reporting Service, Inc. 631-331-3753
<table>
<thead>
<tr>
<th>Word</th>
<th>Line Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>range</td>
<td>12:13 113:12</td>
</tr>
<tr>
<td>ranging</td>
<td>29:12</td>
</tr>
<tr>
<td>rapidly</td>
<td>28:18</td>
</tr>
<tr>
<td>rate</td>
<td>61:16,17</td>
</tr>
<tr>
<td>rates</td>
<td>51:18</td>
</tr>
<tr>
<td>ratio</td>
<td>29:4</td>
</tr>
<tr>
<td>rationale</td>
<td>106:14,23</td>
</tr>
<tr>
<td>Ray</td>
<td>76:2</td>
</tr>
<tr>
<td>reach</td>
<td>86:23 121:19</td>
</tr>
<tr>
<td>reachable</td>
<td>110:9</td>
</tr>
<tr>
<td>reaction</td>
<td>23:11 68:4</td>
</tr>
<tr>
<td>readily</td>
<td>19:19</td>
</tr>
<tr>
<td>ready</td>
<td>65:5</td>
</tr>
<tr>
<td>real</td>
<td>45:8 109:18,19 121:12</td>
</tr>
<tr>
<td>realignment</td>
<td>57:24</td>
</tr>
<tr>
<td>reality</td>
<td>119:3</td>
</tr>
<tr>
<td>realize</td>
<td>74:9 114:25</td>
</tr>
<tr>
<td>realized</td>
<td>80:5 118:22</td>
</tr>
<tr>
<td>Realty</td>
<td>39:22</td>
</tr>
<tr>
<td>rear</td>
<td>27:8 30:3 55:7</td>
</tr>
<tr>
<td>reason</td>
<td>56:17 83:7</td>
</tr>
<tr>
<td>reasonable</td>
<td>12:22 13:22</td>
</tr>
<tr>
<td>receipt</td>
<td>11:2 78:9</td>
</tr>
<tr>
<td>receive</td>
<td>14:19 82:8 97:19 120:8</td>
</tr>
<tr>
<td>received</td>
<td>15:5 22:2 23:8 31:12 80:24 81:3,5 84:2 103:11 104:5</td>
</tr>
<tr>
<td>recent</td>
<td>61:25 62:4</td>
</tr>
<tr>
<td>receptacles</td>
<td>68:11,17</td>
</tr>
<tr>
<td>recite</td>
<td>16:23</td>
</tr>
<tr>
<td>recognize</td>
<td>115:16</td>
</tr>
<tr>
<td>recognized</td>
<td>95:23</td>
</tr>
<tr>
<td>recommendation</td>
<td>21:6</td>
</tr>
<tr>
<td>recommendations</td>
<td>109:4</td>
</tr>
<tr>
<td>recommended</td>
<td>13:25 47:21</td>
</tr>
<tr>
<td>record</td>
<td>87:14 88:9 108:16 115:7</td>
</tr>
<tr>
<td>recourse</td>
<td>95:6</td>
</tr>
<tr>
<td>recreational</td>
<td>39:5,7,13,20 98:17 100:13</td>
</tr>
<tr>
<td>recuse</td>
<td>3:19</td>
</tr>
<tr>
<td>reduced</td>
<td>67:16</td>
</tr>
<tr>
<td>refer</td>
<td>26:2</td>
</tr>
<tr>
<td>reference</td>
<td>84:9 85:8</td>
</tr>
<tr>
<td>referenced</td>
<td>4:18 61:4 81:11</td>
</tr>
<tr>
<td>references</td>
<td>60:21 66:19</td>
</tr>
<tr>
<td>referencing</td>
<td>65:10</td>
</tr>
<tr>
<td>referred</td>
<td>15:7</td>
</tr>
<tr>
<td>referring</td>
<td>62:7 76:22</td>
</tr>
<tr>
<td>refers</td>
<td>18:2</td>
</tr>
<tr>
<td>regard</td>
<td>44:3</td>
</tr>
<tr>
<td>regulations</td>
<td>12:12</td>
</tr>
<tr>
<td>related</td>
<td>15:3 18:11 62:16 78:24 84:21</td>
</tr>
<tr>
<td>relating</td>
<td>63:23 78:20</td>
</tr>
<tr>
<td>relation</td>
<td>80:23</td>
</tr>
<tr>
<td>relevant</td>
<td>12:11 14:2</td>
</tr>
<tr>
<td>relief</td>
<td>19:9</td>
</tr>
<tr>
<td>relocating</td>
<td>112:2</td>
</tr>
<tr>
<td>remain</td>
<td>33:20 120:14 121:2</td>
</tr>
<tr>
<td>remained</td>
<td>67:2</td>
</tr>
<tr>
<td>remaining</td>
<td>91:15</td>
</tr>
<tr>
<td>remember</td>
<td>71:8,18 75:6 80:25</td>
</tr>
<tr>
<td>remove</td>
<td>25:7 47:3</td>
</tr>
<tr>
<td>removed</td>
<td>47:14,22</td>
</tr>
<tr>
<td>removing</td>
<td>48:7 101:17</td>
</tr>
<tr>
<td>rendering</td>
<td>32:15 33:5</td>
</tr>
<tr>
<td>renovated</td>
<td>40:7</td>
</tr>
<tr>
<td>rent</td>
<td>118:3 123:18</td>
</tr>
<tr>
<td>repair</td>
<td>43:24</td>
</tr>
<tr>
<td>repeated</td>
<td>100:12</td>
</tr>
<tr>
<td>replace</td>
<td>46:7 47:5</td>
</tr>
<tr>
<td>replaced</td>
<td>26:18 32:20</td>
</tr>
<tr>
<td>report</td>
<td>45:2 47:12 54:11 88:11</td>
</tr>
<tr>
<td>reported</td>
<td>56:14 66:18,24</td>
</tr>
<tr>
<td>reports</td>
<td>52:4,10</td>
</tr>
<tr>
<td>representative</td>
<td>107:11</td>
</tr>
<tr>
<td>representing</td>
<td>4:5 91:11</td>
</tr>
<tr>
<td>represents</td>
<td>115:4</td>
</tr>
<tr>
<td>request</td>
<td>19:16 55:12 59:25 78:14</td>
</tr>
<tr>
<td>requested</td>
<td>33:14 101:25</td>
</tr>
<tr>
<td>requests</td>
<td>68:23</td>
</tr>
<tr>
<td>require</td>
<td>19:8 109:8</td>
</tr>
<tr>
<td>requirement</td>
<td>39:3,4,5</td>
</tr>
<tr>
<td>requires</td>
<td>78:6 88:16</td>
</tr>
<tr>
<td>research</td>
<td>51:24 52:2 89:7 92:7</td>
</tr>
<tr>
<td>reside</td>
<td>31:10 120:3</td>
</tr>
<tr>
<td>resident</td>
<td>84:18 99:8 109:11 111:25</td>
</tr>
<tr>
<td>residential</td>
<td>16:9 21:2 71:16 72:24</td>
</tr>
<tr>
<td>residually-zoned</td>
<td>36:24</td>
</tr>
<tr>
<td>resolution</td>
<td>7:23</td>
</tr>
<tr>
<td>resolve</td>
<td>12:4</td>
</tr>
<tr>
<td>resources</td>
<td>12:15</td>
</tr>
<tr>
<td>respect</td>
<td>10:25 22:5 117:19</td>
</tr>
<tr>
<td>respectable</td>
<td>122:12</td>
</tr>
<tr>
<td>respected</td>
<td>4:19</td>
</tr>
<tr>
<td>respective</td>
<td>68:17 77:5</td>
</tr>
<tr>
<td>respects</td>
<td>40:13</td>
</tr>
<tr>
<td>Word</td>
<td>Page</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
</tr>
<tr>
<td>respond</td>
<td>9:3</td>
</tr>
<tr>
<td>responded</td>
<td>79:10</td>
</tr>
<tr>
<td>response</td>
<td>22:5</td>
</tr>
<tr>
<td>responses</td>
<td>74:24</td>
</tr>
<tr>
<td>responsible</td>
<td>75:20</td>
</tr>
<tr>
<td>rest</td>
<td>35:16</td>
</tr>
<tr>
<td>restate</td>
<td>60:24</td>
</tr>
<tr>
<td>restaurant</td>
<td>4:21</td>
</tr>
<tr>
<td>restaurant/takeout</td>
<td>36:7</td>
</tr>
<tr>
<td>restaurants</td>
<td>118:4</td>
</tr>
<tr>
<td>restrict</td>
<td>70:8</td>
</tr>
<tr>
<td>restriction</td>
<td>55:4</td>
</tr>
<tr>
<td>result</td>
<td>20:8</td>
</tr>
<tr>
<td>result</td>
<td>77:14,17</td>
</tr>
<tr>
<td>retail</td>
<td>4:21</td>
</tr>
<tr>
<td>retail</td>
<td>27:21</td>
</tr>
<tr>
<td>retail</td>
<td>32:2</td>
</tr>
<tr>
<td>retained</td>
<td>12:8</td>
</tr>
<tr>
<td>retaining</td>
<td>28:19</td>
</tr>
<tr>
<td>return</td>
<td>78:8</td>
</tr>
<tr>
<td>review</td>
<td>6:19</td>
</tr>
<tr>
<td>review</td>
<td>11:7,12,15</td>
</tr>
<tr>
<td>review</td>
<td>18:14,10,13,14</td>
</tr>
<tr>
<td>review</td>
<td>21:5,24</td>
</tr>
<tr>
<td>review</td>
<td>24:5</td>
</tr>
<tr>
<td>review</td>
<td>60:3,7,25</td>
</tr>
<tr>
<td>review</td>
<td>77:24</td>
</tr>
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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.contechs.com/stormwater-management/treatment/vortechs](https://www.contechs.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 ¼” 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
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,

SHAIAK 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
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.

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\Port\18-03 - 440 Main Street (Cappy's Carpets)\Task 1- Stormwater Drainage Plan Review\Drainage Review Letter2019-02-28 Review of 440 Main Street Site Plans.doc
February 15, 2019

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

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

[Signature]

Andrew P. Freling
Chief Planner

APF/cd