

PLANNING BOARD MEMBERS

DONALD J. WILCENSKI
Chair

WILLIAM J. CREMERS
PIERCE RAFFERTY
JAMES H. RICH III
MARTIN H. SIDOR



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PLANNING BOARD OFFICE
TOWN OF SOUTHOLD

PUBLIC MEETING
MINUTES

July 11, 2016
6:00 p.m.

Present were: Donald Wilcenski, Chairman
James H. Rich III, Vice Chairman
Martin Sidor, Member
William Cremers, Member
Pierce Rafferty, Member
Heather Lanza, Planning Director
Mark Terry, Principal Planner
Brian Cummings, Planner
Alyxandra Sabatino, Planner
Jessica Michaelis, Clerk Typist

SETTING OF THE NEXT PLANNING BOARD MEETING

Chairman Wilcenski: Good evening ladies and gentlemen and welcome to the regularly scheduled Planning Board meeting for July 11, 2016. The first order of business is for the Board to set Monday, **August 8, 2016** at **6:00 p.m.** at the Southold Town Hall, Main Road, Southold, as the time and place for the next regular Planning Board Meeting.

William Cremers: So moved.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Bill, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

SUBDIVISIONS

Sketch Plat Extensions:

Chairman Wilcenski: Baxter, William J., Jr. - This proposal is a Standard Subdivision of a 2.38 acre parcel into 4 lots where Lot 1 = 0.62 acres, Lot 2 = 0.63 acres, Lot 3 = 0.62 acres and Lot 4 = 0.52 acres, in the Hamlet Business Zoning District. The property is located at 260 Griffing Street, on the northeast side of Griffing Street, approximately 402' west of the Main Road, in Cutchogue. SCTM#1000-102-5-9.4

Pierce Rafferty: Mr. Chairman, I offer the following:

WHEREAS, this proposed Standard Subdivision is to subdivide a 2.38 acre parcel into 4 lots where Lot 1 equals 0.62 acres, Lot 2 equals 0.63 acres, Lot 3 equals 0.62 acres and Lot 4 equals 0.52 acres. The parcel is located in the Hamlet Business Zoning District; and

WHEREAS, the Southold Town Planning Board granted an Extension of Sketch Plat Approval for six (6) months from December 26, 2015 to June 23, 2016 upon the map prepared by Nathan Taft Corwin, III, Land Surveyor, entitled "Yield Map prepared for William J. Baxter, Jr. situated at Cutchogue", dated September 15, 1998 and last revised May 17, 2011; and

WHEREAS, on June 23, 2016, the Extension of Sketch Plat Approval expired; be it therefore

RESOLVED, that the Southold Town Planning Board hereby **grants an Extension of Sketch Plat Approval for six (6) months from June 23, 2016 to December 20, 2016** upon the map prepared by Nathan Taft Corwin, III, Land Surveyor, entitled "Yield Map prepared for William J. Baxter, Jr. situated at Cutchogue", dated September 15, 1998 and last revised May 17, 2011.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Pierce, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Final Plat Determinations/ SEQRA Determinations:

Chairman Wilcenski: Roy Reeve & Raymond Nine - This proposed Lot Line Change will transfer 0.21 acres from SCTM#1000-114-11-22.2 to SCTM#1000-114-11-9.6.

SCTM#1000-114-11-9.6 will increase from 0.83 acres to 1.04 acres; SCTM#1000-114-11-22.2 will decrease from 1.10 acres to 0.89 in the HB and R-40 Zoning Districts. The properties are located at 13400 NYS Route 25 & 855 New Suffolk Avenue, approximately 478' east of Love Lane, in Mattituck.

James H. Rich III: Mr. Chairman, I offer the following:

WHEREAS, this proposed Lot Line Change will transfer 0.21 acres from SCTM#1000-114-11-22.2 to SCTM#1000-114-11-9.6. SCTM#1000-114-11-9.6 will increase from 0.83 acres to 1.04 acres; SCTM#1000-114-11-22.2 will decrease from 1.10 acres to 0.89 in the HB and R-40 Zoning Districts; and

WHEREAS, on May 15, 2016, a Lot Line Modification Application was submitted; and

WHEREAS, on June 1, 2016, the Planning Board, at their Work Session, reviewed the application and found it incomplete with the following to be submitted:

1. Approval from the Zoning Board of Appeals for a Lot Area Variance for Lot 22.2;
2. Revisions to the application form; and

WHEREAS, on September 1, 2015, the Zoning Board of Appeals sent a request for comments to the Planning Board; and

WHEREAS, on September 10, 2015, the Planning Board sent a memo to the Building Department requesting clarification regarding the split zoning of the parcel; and

WHEREAS, on September 15, 2015, the Planning Board sent a memo to the Zoning Board of Appeals in response to their request; and

WHEREAS, on October 29, 2015, the Zoning Board of Appeals granted the requested Area Variance; and

WHEREAS, on November 16, 2015, the Planning Board reviewed the application at their Work Session and found the application complete. The Board agreed to set a public hearing for both the required Site Plan and Subdivision Applications; and

WHEREAS, on May 2, 2016, the Planning Board, at their Work Session, reviewed the application at the request of the applicant as delays in the surveyor's office placed undue time restraints on the timely submission of the Site Plan. The Board agreed to set the Public Hearing and to review the proposed Site Plan; and

WHEREAS, on June 6, 2016, the Planning Board, at their Public Meeting, held and closed the Public Hearing for the Lot Line Modification; and

WHEREAS, on June 20, 2016, the Planning Board, at their Work Session, found that all items required for approval have been submitted; and

WHEREAS, the Southold Town Planning Board, pursuant to Town Code §240-56, Waivers of Certain Provisions, may waive certain elements of the subdivision review if in its judgment they are not requisite in the interest of the public health, safety and general welfare. After reviewing the information submitted for this application, the Planning Board has determined that it is eligible for a waiver of the Environmental Resources Site Analysis Plan (ERSAP), the Primary and Secondary Conservation Area Plan, the Public Hearing, and the Sketch Plat and Preliminary Plat steps of the subdivision process for the following reasons:

1. No new lots are being created;
2. No changes will occur as a result of this Lot Line Change that would adversely affect the character of the neighborhood; and

WHEREAS, the Planning Board performed an uncoordinated review of this Unlisted Action pursuant to 6 NYCRR Part 617, Section 617.7 of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, pursuant to the Lot Line Modification Policy set by the Planning Board in February 2011, this application is eligible for a decision from the Planning Board prior to receiving approval by the Suffolk County Department of Health Services (SCDHS) as it meets the following criterion set forth in that policy:

- where no new development potential will be created in the parcel to which the land is transferred; and

WHEREAS, on March 7, 2016, at their Work Session, the Planning Board determined that the proposed action meets all the necessary requirements of Town Code §240-57 for a Lot Line Modification; be it therefore

RESOLVED, that the Southold Town Planning Board, pursuant to SEQRA, hereby makes a determination of non-significance for the proposed Lot Line Modification and **grants a Negative Declaration.**

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

James H. Rich III: And be it further

RESOLVED, that the Southold Town Planning Board hereby waives the requirements of Town Code §240 to submit the ERSAP, Primary and Secondary Conservation Plans, Sketch Plat and Preliminary Plat steps.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

James H. Rich III: And be it further

RESOLVED, that the Southold Town Planning Board hereby waives the requirement for SCDHS approval prior to Planning Board approval of this Lot Line Modification.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

James H. Rich III: And be it further

RESOLVED, that the Southold Town Planning Board **grants Final Approval with Conditions** on the maps entitled "Boundary Line Alteration Situate Mattituck", prepared by John C. Ehlers, Land Surveyor, dated November 1, 2014, with the following condition:

The property owner of SCTM#1000-114-11-9.6 must obtain Site Plan Approval for the additional parking proposed on SCTM#1000-114-11-9.6.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

OTHER:

Park & Playground Finding:

Chairman Wilcenski: Martz, Theodore C., Jr. - This proposal is for a Standard Subdivision of a 1.62 acre parcel into two lots where Lot 1 equals 0.71 acres and Lot 2 equals 0.92 acres, located in the R-40 Zoning District. The Zoning Board of Appeals granted an Area Variance to allow for Lot 1 to be less than 40,000 sq. ft. The property is located at 555 Broadwaters Road, approximately 80' west of Wunneweta Road, Cutchogue. SCTM#1000-104-12-6.1

Martin Sidor:

WHEREAS, this proposal is for a Standard Subdivision of a 1.62 acre parcel into two lots where proposed Lot 1 equals 0.71 acres and proposed Lot 2 equals 0.92 acres, located in the R-40 Zoning District. The Zoning Board of Appeals granted an Area Variance to allow for Lot 1 to be less than 40,000 sq. ft.; and

WHEREAS, as a result of this subdivision, a new residential lot will be created where new residents will likely inhabit, creating an increased demand for recreational facilities in the Town. These factors present a proper case for requiring a park suitably located for recreational purposes; and

WHEREAS, the size of the parcel is 1.63 acres and has an existing single family residence and cottage. Suitable land does not exist within the proposed subdivision to accommodate a public park, playground or other recreational use due to the limited acreage of the parcel and existing structures; and

WHEREAS, in addition to its small size, the characteristics of the land do not lend themselves to development of the site for active recreation use for the following reasons:

1. The property is wooded, consistent with the surrounding area.
2. Proposed Lots 1 and 2 are subject to 50% clearing limits as required by Town Code Section §240-49.
3. The Zoning Board of Appeals and the Planning Board have required a 20' natural and undisturbed buffer located on the western property line of Lots 1 and 2, a 30' natural and undisturbed buffer on the southern property line of Lot 2 and a 20' natural and undisturbed buffer on the eastern property line of Lot 2; and

WHEREAS, the Southold Town Code establishes a fee to be paid in lieu of providing a park within the subdivision; the required fee is \$7,000.00 per new lot created; be it therefore

RESOLVED, that the Planning Board, as described above, hereby finds that the proposed subdivision plat presents a proper case for requiring a park suitably located for recreational purposes, but that a suitable park cannot be properly located on such subdivision plat, and that the Planning Board will require \$7,000.00 in lieu thereof, pursuant to 240-53 G of the Southold Town Code.

William Cremers: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

SITE PLANS

Approval Extensions:

Chairman Wilcenski: Brewer Yacht Yard Pavilion 2007 - This Amended Site Plan is for a new accessory 45' x 25' open air pavilion on a 9.6-acre parcel in the Marine II Zone. The property is located on the corner of Manhasset Avenue and Sandy Beach Road, known as 500 Sandy Beach Road, in Greenport. SCTM#1000-43-3-2

William Cremers:

WHEREAS, this Amended Site Plan is for an accessory 45' x 25' open air pavilion on a 9.6-acre parcel in the Marine II Zoning District; and

WHEREAS, on July 7, 2014, the Planning Board granted approval to the Site Plan entitled "Brewer Project Open Air Pavilion", prepared by Daniel S. Natchez & Associates, dated July 31, 1992 and last revised August 26, 2003; and

WHEREAS, on May 18, 2016, the Planning Board notified the applicant that Site Plan Approval had expired; and

WHEREAS, on June 16, 2016, Mike Acebo, General Manager, submitted a letter requesting an Extension of Approval in order to come up with an affordable design for the pavilion which would meet the approval of the Architectural Review Board; they are trying to finish major projects at Stirling Harbor Marina so improvements can be made at the Greenport Yard; and

WHEREAS, at a Work Session held on July 11, 2016, the Planning Board reviewed the application and determined that the expired Site Plan is in compliance with current rules and regulations; be it therefore

RESOLVED, that the Southold Town Planning Board **grants an Extension of Site Plan Approval with three (3) conditions for one (1) year from July 11, 2016 to July 11, 2017** on the Site Plan entitled "Brewer Project Open Air Pavilion", prepared by Daniel S. Natchez & Associates, dated July 31, 1992 and last revised August 26, 2003.

Conditions:

- 1. Provide the renewal from the NYSDEC and submit a print of the renewed permit to this department;**
- 2. Provide the renewal of Trustees Permit #6616 and submit a print of the renewed permit to this department.**
- 3. Any change to the design of the pavilion must be reviewed and approved by the Planning Board, after review by the Architectural Review Committee, and prior to a Building Permit being issued.**

Martin Sidor: Second.

Chairman Wilcenski: Motion made by Bill, seconded by Martin. Any discussion? All in favor?

Ayes.

Motion carries.

Set Hearings/ SEQRA Type Classifications:

Chairman Wilcenski: Verizon Wireless at MGH Enterprises - This Amended Wireless Communications Application is for a proposed 20 ft. pole extension to an approved 70 ft. high concealment pole for a Verizon Wireless co-location of an interior mounted antenna between 70' and 90' above ground level, a 10 kw diesel generator with sound enclosure, associated ground equipment and additional landscaping. There are ±3,924 sq. ft. of existing buildings including a restaurant, marina and associated accessory structures, all on 4.7 acres in the Marine II Zoning District. The property is located at 40200 NYS Route 25, ±345' s/w/o Lands End Rd. & NYS Rt. 25, Orient. SCTM#1000-15-9-8.1

Chairman Wilcenski: Please note that Member Cremers is recused from this project.

Pierce Rafferty: Mr. Chairman, I offer the following:

WHEREAS, this Amended Wireless Communications Application is for a proposed 20 ft. pole extension to an approved 70 ft. high concealment pole for a Verizon Wireless co-location of an interior mounted antenna between 70' and 90' above ground level, a 10 kw diesel generator with sound enclosure, associated ground equipment and additional landscaping. There are ±3,924 sq. ft. of existing buildings including a restaurant, marina and associated accessory structures, all on 4.7 acres in the Marine II Zoning District; and

WHEREAS, the Southold Town Planning Board, pursuant to State Environmental Quality Review Act (SEQRA) 6 NYCRR, Part 617, has determined that the proposed action is an Unlisted Action as it does not meet any of the thresholds of a Type I Action, nor does it meet any of the criteria on the Type II list of actions; be it therefore

RESOLVED, that the Southold Town Planning Board has determined that this proposed action is an **Unlisted Action** under SEQRA as described above.

Martin Sidor: Second.

Chairman Wilcenski: Motion made by Pierce, seconded by Martin. Any discussion? All in favor?

Ayes.

Motion carries.

Pierce Rafferty: And be it further

RESOLVED, that the Southold Town Planning Board sets **Monday, August 8, 2016 at 6:01 p.m. for a Public Hearing** regarding the Site Plan entitled "Verizon Wireless Communications at Orient Point", prepared by Neil Alexander Macdonald, R.A, dated March 1, 2016 and last revised May 23, 2016.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Pierce, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Chairman Wilcenski: Terp Retail - This proposed Site Plan is for the demolition of an existing 2,108 sq. ft. building and the construction of an 81' x 68' (5,537 sq. ft.) building with five (5) retail stores where there exists a ±10,000 sq. ft. retail building on 1.35 acres in the Hamlet Business Zoning District. The property is located at 28145, 28195 &

28205 NYS Route 25, ±130' n/e/o Griffing Street & NYS Rt. 25, Cutchogue.
SCTM#1000-102-5-3, 4 & 9.6

James H. Rich III: Mr. Chairman, I offer the following:

WHEREAS, this proposed Site Plan is for the demolition of an existing 2,108 sq. ft. building and the construction of an 81' x 68' (5,537 sq. ft.) building with five (5) retail stores where there exists a ±10,000 sq. ft. retail building on 1.35 acres in the Hamlet Business Zoning District; and

WHEREAS, the Southold Town Planning Board, pursuant to State Environmental Quality Review Act (SEQRA) 6 NYCRR, Part 617, has determined that the proposed action is an Unlisted Action as it does not meet any of the thresholds of a Type I Action, nor does it meet any of the criteria on the Type II list of actions; be it therefore

RESOLVED, that the Southold Town Planning Board has determined that this proposed action is an **Unlisted Action** under SEQRA as described above.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

James H. Rich III: And be it further

RESOLVED, that the Southold Town Planning Board sets **Monday, August 8, 2016 at 6:02 p.m. for a Public Hearing** regarding the Site Plan entitled "Proposed Retail 28095 Main Road Cutchogue, NY", prepared by Michelle M. Carlson P.E., dated September 10, 2015 and last revised May 10, 2016.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

SITE PLANS - STATE ENVIRONMENTAL QUALITY REVIEW ACT

SEQRA Determinations:

Sports East Fitness Club - This Site Plan is for a proposed multi-sport membership club consisting of an outdoor soccer field and five (5) tennis courts, a 150' x 550' (82,500 sq. ft.) building to include a pool, basketball court, soccer field and space for physical fitness activities with 224 parking spaces on 20.8 acres in the R-80 Zoning District. The property is located at 9300 NYS Route 25, ±141' s/w/o Sigsbee Road & NYS Route 25, Mattituck. SCTM#1000-122-7-9 **WITHDRAWN**

Charles Cuddy: Mr. Chairman and members of the Board, I am Charles Cuddy and I represent the applicant, the applicant formally has withdrawn his application. I therefore ask that you not vote on this because it's not before you any further.

Chairman Wilcenski: Okay, duly noted. Bill?

William Duffy, Town Attorney: I don't consider what happened at Work Session to be a formal withdrawal. If Mr. Cuddy wants to formally withdraw it at this moment, I would say that you don't have to take action.

Chairman Wilcenski: Thank you, Bill. Mr. Cuddy, you are representing the owner and you are formally withdrawing it?

Charles Cuddy: That is correct, that is right.

Chairman Wilcenski: Okay, since you are formally withdrawing the application for Sports East Fitness Club, then we will not read a resolution. Thank you.

Charles Cuddy: Thank you.

PUBLIC HEARINGS

Chairman Wilcenski: 6:01 p.m. - Fishers Island Club Additions: This Amended Site Plan is for the proposed addition of 10,471 sq. ft. to expand the existing use areas within the club house and increase the existing 14,270 sq. ft. Fishers Island Country Club to 24,741 sq. ft., including the addition of 28 parking stalls and a new sanitary system on 12.3 acres in the R-120 Zoning District. The property is located ±820' s/w/o East Main Road & East End Road, Fishers Island. SCTM#1000-4-6-9

Chairman Wilcenski: At this time I'd like to ask anyone from the audience if they'd like to address the Board, please step to the podium, write your name, state your name and address your comments to the Board.

Lisa Poyer: Lisa Poyer with Interscience Research Associates Inc. and Steve Ham with Matthews and Ham. We are just representing the applicant if the Board or the public has any questions.

Chairman Wilcenski: Do any Board members or staff have any questions for Lisa?

James H. Rich III: I have a question. This is a private golf club?

Lisa Poyer: Yes it is.

James H. Rich III: How many members do you have?

Steven Ham: Around 400.

James H. Rich III: Is there an annual initiation fee?

Steven Ham: It's not an annual fee.

James H. Rich III: There is an initiation fee and the annual dues?

Chairman Wilcenski: Excuse me, we are going to have to have you step up and state your name and Jim re-ask the questions again.

Steven Ham: Steven Ham, with Matthews and Ham for the applicant.

James H. Rich III: The first question is how many members do you have?

Steven Ham: I am not certain of the exact number; I believe it is around 400.

James H. Rich III: Is there a membership limit?

Steven Ham: Yes, they control the membership. It is not an unlimited membership; it's not a public facility.

James H. Rich III: It's not an unlimited membership. Okay that answers that question, and the next question is you have a one-time initiation fee?

Steven Ham: I believe there is, I would have to confirm that.

James H. Rich III: Do you have an approximate idea of how much it is?

Steven Ham: No, I have no idea.

James H. Rich III: Is it four figures or five figures?

Steven Ham: I have no idea, I wouldn't want to, if I would have known I would have prepared for that question.

James H. Rich III: Do you know what it is for annual dues?

Steven Ham: I do not know what the annual dues are, no.

James H. Rich III: Okay, thank you.

Chairman Wilcenski: Anybody else? Anybody else have any questions? Anybody else have any other comments from the audience? Hearing and seeing none.

James H. Rich III: I make a motion to close the hearing.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

Chairman Wilcenski: 6:02 p.m. - Fox Lane Residences: This proposed Site Plan is for the construction of four (4) tenant-occupied affordable housing units in three structures: two at 1,282 sq. ft., one at 1,784 sq. ft., and one at 507 sq. ft. on 0.75 acres in the AHD Zoning District. The property is located ±350' n/w/o Fox Lane & Whistler Avenue, Fishers Island. SCTM#1000-12-1-1.2

Chairman Wilcenski: At this time I'd like to ask anyone from the audience if they'd like to address the Board. Please step to the podium, write your name, state your name and address your comments to the Board. Anyone?

James H. Rich III: I make a motion to close the hearing.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

APPROVAL OF PLANNING BOARD MINUTES

Chairman Wilcenski: The last order of business is for the Board to approve the minutes of **June 6, 2016**.

William Cremers: So moved.

Martin Sidor: Second.

Chairman Wilcenski: Motion made by Bill, seconded by Martin. Any discussion? All in favor?

Ayes.

Motion carries.

Chairman Wilcenski: I need a motion for adjournment.

Martin Sidor: So moved.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries. Good evening.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,



Jessica Michaelis
Transcribing Secretary



Donald Wilcenski, Chairman