

SUFFOLK COUNTY PLANNING COMMISSION

MINUTES

A regular meeting of the Suffolk County Planning Commission was held in the conference room of the Planning Department, 4th Floor of the H. Lee Dennison Building located in Hauppauge, New York on December 5, 2001.

PRESENT:

Donald Eversoll - Chairman
Robert Martin (Smithtown) Vice-Chairman
Louis Dietz (Babylon)
Edward Rosavitch (Brookhaven)
George Dickerson (Shelter Island)
Thomas Thorsen (East Hampton)
Frank Tantone (Islip)
Richard O'Dea (Riverhead)
Michael Macco (Huntington)
Laure Nolan (Village 5000 & Over)
William Cremers (Southold)
Richard London (Village 5000 & Under)
Thomas Isles - Director
Harold Withers - Deputy Director

ALSO PRESENT:

Basha Braddish - Counsel
Gerald Newman - Chief Planner
Andy Freleng - Principal Planner
Kathleen Rigano - Planning Commission
Claire Chorny - Planning Commission
Lori Talmage

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Barrett and Lucia Braaten - Court Stenographers

(*THE MEETING WAS CALLED TO ORDER AT 12:10 P.M.*)

CHAIRMAN EVERSOLL:

I'd like to call our -- I guess it's our September meeting with the weather as it is, but I think it's our December meeting of '01 to order and entertain a motion for the approval of the minutes of our November 7th meeting.

MR. ROSAVITCH:

Subject to some corrections.

CHAIRMAN EVERSOLL:

Subject to the, I guess, inclusion of two absent members of Michael Macco and Richard O'Dea who were not present. Did you have anything else?

MR. ROSAVITCH:

Also on the resolution that was passed out by the Planning Department.

CHAIRMAN EVERSOLL:

Yes.

MR. ROSAVITCH:

It is in conflict with the minutes on page ten. I should have been noted as voting nay on that proposal for, I guess, it's Resolutions ZSR-01-54. And on page -- number four, there was a second to a motion, but that there was no listing of who made the motion on Page 4 of the minutes on the Ag Districts. And I thought I had made the motion for the Ag Districts, I'm not sure.

CHAIRMAN EVERSOLL:

Okay.

MR. ROSAVITCH:

And Mr. Fedelem, who I went to school with his name is spelled wrong throughout the report. I like that corrected to F-E-D-E-L-E-M. And that's all I have.

CHAIRMAN EVERSOLL:

Thank you. So we have a motion subject --

MR. LONDON:

Move that the minutes be accepted with corrections.

CHAIRMAN EVERSOLL:

And the second, and you made that second.

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

All those in favor? Opposed? Any abstentions? It's unanimous. Tom, any correspondence?

MR. ISLES:

Okay. Just the one piece of correspondence to note today was included in your package, and it's a memorandum from Andy Freleng, our Principal Planner. The Commission at the last meeting had requested information on current applications for power plants in Suffolk County, so Andy has prepared that for Commission members and provides you a summary of those applications. There are nine pending in Suffolk County at this time, and 20, I think, is the number for Nassau and Suffolk as a whole.

CHAIRMAN EVERSOLL:

In reviewing this, I guess, the number of proposed plants and the megawatts, I guess, that they're proposing would be the {endron} of the -- of New York State. I hope not.

MR. ISLES:

I hope not, right. Thirty-six cents a share.

CHAIRMAN EVERSOLL:

Something, yeah, right. Okay. Anything else, Tom?

MR. ISLES:

No. As far as correspondence, no.

CHAIRMAN EVERSOLL:

Directors Report.

MR. ISLES:

Just a couple of things to bring you up to date on. The Planning Department did conduct a public hearing last week which I had indicated to you we were doing, at the request of the Legislature for the purpose of obtaining public input as to the departmental operations. We did conduct the hearing in Riverhead. We're required to have one per year in eastern Suffolk County and one in western Suffolk County. The hearing was lightly attended, I'll say, and we made presentations and the status of the departmental work at this point in time. Our next hearing will be sometime probably in the late spring or early summer in western Suffolk County. Next item, just a total of four items, next item is that we are proceeding on planning work associated with Aquaculture Committee formed by the Legislature this past summer. The -- our next public hearing is tomorrow night in Riverhead. The committee has requested that we schedule two expert speakers, and we have a representative from the Cornell Cooperative Extension speaking, as well as a person from Martha's Vineyard with an expert on aquaculture. And this is looking at the topic of aquaculture in Peconic and Gardener's Bay, wherein the Suffolk County has certain jurisdiction under State law, if it chooses to exercise at that jurisdiction. So we're on track with that, and the project will be completed next June.

Two other items, one is the Planning Department, through Andy Freleng has completed an application for an ISTE A grant, a New York State grant for a rails-to-trails proposal that was explained at a prior meeting, and it's an 11 mile proposed hiking and biking trail through northern Brookhaven Town. The application was filed this Monday for approximately \$2.3 million, and includes a large contribution of land by LIPA, which we hope will then make the application feasible. And we are looking for a decision on that in the next couple of months as well. The last item is that the County Affordable Housing Program is administered now through the Planning Department. We have three applications pending. The first application has now gone into the Legislative cycle and was approved by the Environment Committee on Monday evening. In the Town of Huntington, known as Millennium Hills, it's a project

that encompasses the development of 84 houses, development units and 40 of which will be rental units and 44 of which would be ownership units. The next step is to the full Legislature this coming December 18th, at which time we would then move forward with appraisals and final steps for final Legislative authorization. So just as an update on departmental activities at this point.

CHAIRMAN EVERSOLL:

Great.

MR. LONDON:

Question of the Director. On that trail they report 11 plus miles.

MR. ISLES:

Yes.

MR. LONDON:

There is currently, through the efforts of Parks Department and Frank (sic) D'Andre, who's going out from the Legislature, a nearly 60 mile long trail that begins at the Smithtown area and going east all the way to the end, part of it is horse trails, part of it is biking and walking trails. Is this a separate different trail or is this part of that trail?

MR. ISLES:

My understanding it would be separate and different. I'm not sure, yeah.

MR. LONDON:

Separate.

MR. ISLES:

This is following what actually is an old railroad line that extended from Port Jefferson out to the Shoreham-Wading River area that was abandoned by the rail -- Long Island Railroad back in the 1930s. It is now a LIPA line that they use. It is actually being used as a trail presently by people on an informal basis. This would finish it off and provide it as a formal public access, but, no, it's not directly tied into that one. It would be in addition to.

MR. LONDON:

Thank you.

MR. ISLES:

Sure.

CHAIRMAN EVERSOLL:

If there's no other -- if there's nothing additional, what I'd like to move onto the Commissioner's Roundtable and what's happening out on the -- it's got to be very quiet out in East Hampton.

MR. THORSEN:

Very quiet. A few of us -- a few of us are still fishing. It's been very nice for that, but otherwise, not too much.

CHAIRMAN EVERSOLL:

Okay. George?

MR. DICKERSON:

Quieter than East Hampton. All those second homeowners have left.

CHAIRMAN EVERSOLL:

Frank.

MR. TANTONE:

Just as a follow-up to last month's news. Mr. O'Connell is, in fact, retiring. He will stay on through the February meetings in Islip. One of the considerations was that our Commissioner, Dan Galizzio, is sitting for the Bar Exam in February, so we didn't feel it was good to have Dan king of out of things and the Chairman leaving at the same time. So Mr. O'Connell's graciously agreed to stay on. So he will finish out February and the new Planning Chairman will take over in March. And I'm pleased to announce the new Planning Chairman will be me so.

CHAIRMAN EVERSOLL:

Congratulations.

MR. TANTONE:

Thank you. And that's all.

MR. CREMERS:

Things are quiet in Southold except for two individuals that would like to open a casino out in Southold.

CHAIRMAN EVERSOLL:

Nothing like an easy one.

MR. CREMERS:

One is a real estate person from Alaska, and the other is the Chief and Medicine Woman of this tribe. But it's not recognized anywhere in the State so we don't know where it's going to go, but they have slot machines in the place already, but they haven't used them yet, so. But they're a sovereign nation they said so they don't have to follow any of the laws of the United States. So that's where it stands.

CHAIRMAN EVERSOLL:

Interesting.

MR. O'DEA:

No casinos, yet. Last night the Town Board enacted on a three to two vote a six month residential moratorium. It takes in the exceptions of those with final conditional approval, and it's minor subdivisions ten acres or less. And that's basically it. In old news, I wasn't here last month so the {Berhmann} contract in the industrial core of Grumman was finalized. Home Depot's moving along. The structure -- the exterior is all up. And myself and the Chair, Barbara Blass, appeared at the commission -- the Legislature November meeting and spoke on the issue of restructuring and that's about it.

MR. MACCO:

What's bigger, a hangar -- a Grumman hangar or a Home Depot?

MR. O'DEA:

I think a Grumman hangar has it. Close.

MR. MACCO:

The Town of Huntington is all decorated for the holidays coming up. I guess we're all having a subdued holiday after the terrorist attack. A lot of people don't think that they should be doing Christmas parties and really downplay Christmas. I think the exact opposite, I think we need to do it even more. I really feel for the poor families that have lost someone in the September terrorist attack. But we're getting ready for Christmas in Huntington. It's all decorated, the lights are up, people are shopping like crazy. I don't know anything about the mall in Huntington, I don't go that far south. I stick to the Village, and you're all welcome to come.

CHAIRMAN EVERSOLL:

Ed.

MR. ROSAVITCH:

Nothing at this time.

CHAIRMAN EVERSOLL:

Dick.

MR. LONDON:

I have nothing to report except we wish everybody a happy holiday season, and hope that next year is, of course, much better than this past year. That's about it.

MR. DIETZ:

The two senior citizens units that's going up on Montauk Highway, the clearing on one of them is totally completed and depending on the weather, he's looking for break ground before the first of the year. And Narragansett Inn property is probably like 70% totally cleared and taken away. The whole structure is know down, and most of it -- well, again, 70% of it is cleared away. So again, planning on the weather when they're going to start that, but that's all I have.

CHAIRMAN EVERSOLL:

Bob.

MR. MARTIN:

Nothing.

CHAIRMAN EVERSOLL:

I don't have anything either. Okay. Andy?

S-RH-01-08 Diliberto, Salvatore

MR. FRELENG:

Okay. The first regulatory matter before the Commission is the subdivision application of Salvatore Diliberto -- Diliberto, and this is coming to us from the Municipality of Riverhead. Jurisdiction for the Commission is that the subject property is adjacent to Main Road, State Route 25. This is an 11 plus acre

property, and I'm just wondering if this is going to fall under the moratorium or applications that are in process would be excluded.

MR. O'DEA:

It's a minor.

MR. FRELENG:

Minor, two lot minor.

MR. O'DEA:

Good question.

MR. FRELENG:

It's a two lot minor over ten acres. So just as a point of information, I don't know if this is actually gripped by the moratorium or not. But the applicants are proposing the subdivision of 11 acres into two lots in the Agricultural A Zoning District. This is in the Hamlet of Jamesport. The minimum lot size in this zoning category is 40,000 square feet. The map is not being processed by 278 Cluster Provisions. And the intended lots range in size from .459 acres, which is the small lot in the upper left hand northwest corner of the map to 10.5 -- 4 acres, which is the larger lot. Lot one is substandard in area, and no open space is proposed on the map and existing dwelling barn and sheds are found on the subject property mostly in the upper northwest corner of the site.

The property is bound on the north by State Route 25 known locally as Middle Road, to the east and west the property abuts active agricultural land, to the south the site abuts a Long Island Railroad right-of-way, right there on the photo. The character of the area surrounding property is -- can be described as medium to large lot residential development agricultural and vacant wooded land. Access to the proposed subdivision is intended via the existing State highway. Lot one and two will front on Main Road. The subject parcel is located with Hydrogeologic Zone 4, potable water to the lots is intended via private well, sanitary waste is to be collected on site and to be disposed individually with on-site systems. The subject property can be characterized as being generally level with agricultural cover, and the soils on the subject property are considered prime Agricultural soils.

Issues related to the proposed subdivision stem from the Commission's policy on the creation of substandard lots. And staff is recommending disapproval for that reason; the creation of a substandard lot. They and spoke with the Town of Riverhead, and there's no rationale why the lot is being created substandard. So there was no TDR proposed, no open space being dedicated. So staff is sticking with that recommendations for denial.

CHAIRMAN EVERSOLL:

Do we have a motion to approve?

MR. MACCO:

I move staff report.

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

Seconded. Any questions? And one of the -- just in looking at the plot, it indicates that there's another out building immediately, I guess, to the -- to the south of it.

MR. FRELENG:

To the south here?

CHAIRMAN EVERSOLL:

Yeah. Is that a barn? I'm just wondering.

MR. FRELENG:

Yes, this is a barn. It's a framed barn.

CHAIRMAN EVERSOLL:

If that limits his ability to provide the one acre or he could --

MR. FRELENG:

No. You could certainly -- the one acre pretty much goes this way, you could go wider or you could include that barn in it. Planning Staff over in Riverhead really didn't know why they came in with half acre lot.

MR. LONDON:

Is it a useful in barn?

MR. FRELENG:

As far as we can tell.

MR. LONDON:

Is it dilapidated, falling down?

MR. FRELENG:

No. No, it's functional.

CHAIRMAN EVERSOLL:

If there are no questions, all those in favor, aye. Any abstentions?

MR. O'DEA:

I'll abstain

CHAIRMAN EVERSOLL:

One abstention. DISAPPROVAL OF APPLICATION (VOTE:10-0-1-0)

S-BR-89-18p.1 BOVE ESTATES

MR. FRELENG:

Okay. Next application comes from the Town of Brookhaven. This is Bove Estates. Jurisdiction for the commission is that the subject property is located within the Central Pine Barrens Zone. The applicants propose a subdivision of approximately nine acres of land into eight lots in the Residence 1-A Zoning

District in the hamlet of Middle Island. Minimum lot in this zoning category is 40,000 square feet. The map is not being processed pursuant to 278 Cluster Provision. Intended lots range in size from 40,000 to 54 -- I'm sorry, 40,000 square feet to 54,294 square feet. No open space is proposed on the map.

The subject property is bound on the north and south by residential dwellings and vacant wooded land. To the east the property abuts vacant wooded property. The site is adjacent to Church Lane on the west, that would be this street here. I have to use a different for the names of the streets. Access to the proposed subdivision is intended via the creation of a cul-de-sac street; Bove Court, and that would extend eastward from Church Lane. Lots two and five are flag lots -- I don't know if you can see them in your map -- two through five -- I'm sorry, are flag lots and that would be going around the back corner here, lot two, three, four and five. As drawn on the map, however, lots three through five are landlocked and those are parcels where the access pole appears to be separated from the main portion of lot. Again, it might be difficult to see in the staff report, but lots three four and five, the access strip is separated from the main bulk of the lot by -- it looks like a division line. So those lots appear to be landlocked.

Moreover, access to lots five and six exceed the commission policy on length, which is 300 feet. The subject parcel is located within Hydrogeologic Zone 3, potable water is intended via public supply, sanitary waste is to be treated on site with individual systems. The subject parcel is located within the -- compatible growth area of the Central Pine Barrens System. It also contains a small DEC regulated freshwater wetland at the southwest corner of the property, in this area here and the map would be here. There's a wetland system, you could just barely make it out. And it is regulated by the DEC. The proposed cul-de-sac access may infringe on the wetland system as proposed.

The subject property can be characterized as being rolling with wooded cover, soil on the subject property is not considered to be prime agricultural soil. The Suffolk County Planning Commission reviewed and denied a similar application in 1989 on the grounds that the layout would impact the wetland and the length of the cul-de-sac was excessive, no open space was provided. The cul-de-sac in the former map went all the way to the back of the property. Now they're proposing the cul-de-sac coming to about here and flag lots going to the back of the property. There's still no open space proposed. And this just for your information is a match line between the two air photos. So that doesn't really exist.

Okay. So a previous review by the Commission was denied on the grounds on the excessively long cul-de-sac and as well that the cul-de-sac would impact on the wetlands system. Issues related to this proposed subdivision stem from the Commission's policy on the creation of subdivisions with landlocked parcels and excessive flag lot access length. Staff is recommending approval subject to the following six conditions; that the cul-de-sac be lengthened slightly and the flag lots shortened slightly so that no access to any flag lot is greater than three hundred feet, that's condition one; condition two is to redraw the map so that the little lines at the end of these flag access strips are eliminated and these lots are no longer landlocked parcels. So we're recommending that the map just be redrawn so that no lot is landlocked, and each lot has access on a public right-of-way; condition three is that landward limit of the freshwater wetlands be flagged and verified and shown on all the maps; condition number four is that no new residential structure or sanitary disposal facility be constructed within 100 feet of the most landward limit of freshwater wetland; condition number five, related to the Pine Barrens Zone is that no more than 56% of the overall property be cleared of natural vegetation; and condition number six is that no more than 15% of each lot be placed in fertilizer dependent vegetation. And that's the staff report.

CHAIRMAN EVERSOLL:
Do we have a motion?

MR. ROSAVITCH:

I make a motion to approve staff.

MR. THORSEN: Second.

MR. MARTIN:

Four lots on the flag lots.

MR. FRELENG:

There are proposed one, two, three, four, five -- four flag lots are proposed, yes.

MR. MARTIN:

How is the garbage trucks and the oil trucks and the fire trucks and ambulances going to get in the back there?

MR. FRELENG:

Well, those are the issues that we have with flag lots, but they do have the required 15 feet of frontage, and a driveway would presumably go up to the back of these lots, and 15 feet of frontage and a driveway is theoretically good enough for one lot. What they might do -- they're not saying, but they may do a common driveway with branches going off to each one of the houses.

MR. LONDON:

Firematics cannot go through a 15 foot rear-yard kind of access area lot, it definitely can't.

MR. MARTIN:

The five lots, who's going to plow that if it's on a flag lot? That means if one guy don't want to pay or one guy don't plow it, you're not going to get out of your driveway, right?

MR. FRELENG:

If they -- if they do a common driveway easement and agreement, they'll all have maintenance responsibilities to that common driveway. If they each and every one has an individual driveway off the cul-de-sac, you're right, if someone doesn't want to plow their driveway, it won't be plowed.

MR. MARTIN:

And how are they supposed to get over there?

MR. FRELENG:

Well, the Commission's policy on flag lots is that we accept flag lots as long as the access strip has legal frontage to a road, and it's no more than 300 feet. If the Commission wants to revise that policy, we can revise that policy, but we accept the flag lots if they're 300 feet or less.

MR. MACCO:

So with the -- change one, you're moving the cul-de-sac back to --

MR. FRELENG:

Just sliding it back a little bit so this -- this longest length of 475 is shortened down to 300 feet.

MR. MACCO:

Will that end up with those two lots in the middle being attached to the cul-de-sac?

MR. FRELENG:

These two?

MR. MACCO:

No, the two behind them.

MR. FRELENG:

These two --

MR. MACCO:

Will it be pushed back that far?

MR. FRELENG:

No. This one, lot two, may not need to be a flag lot. We didn't scale it out -- I didn't scale it out to see how far that have to go. But if they have to go another hundred feet this is about 145 feet to here. So it may just barely eliminate lot two as a flag lot.

MR. MACCO:

Well, wouldn't it make more planning sense to extend the cul-de-sac so it hits at least those two parcels so that the only two flag lots are the two in the rear?

MR. FRELENG:

I didn't get that specific, I just thought that we would want to extend that and shorten the lengths so it meets our policy.

MR. MACCO:

Well, I'd be more comfortable if the cul-de-sac was extended so at least it hits the two middle lots so the flag lots are limited to just the two last lots in the back.

MR. FRELENG:

So it's about 100 --

MR. MARTIN:

What's the harm of bringing the cul-de-sac to the end of property? You're saying that exceeds the thousand feet, I understand that. Nobody fought that more than me, but the houses are still going to be there. So you don't protect anything by bringing it -- not bringing it back. All you're doing is creating an awful problem. You could end it there and those five houses still have to come out that way, and at least they'll have a road to go in and get out. I mean, five flag lots that's -- we haven't had five flag lots since 1892.

MR. MACCO:

But, Mr. Martin, if they extended it, we'd only have two flag lots.

MR. MARTIN:

No. If we come all the way back --

MR. MACCO:
All the way to the end?

MR. MARTIN:
Yeah. Don't the houses still have to go out to the road?

MR. MACCO:
That could be expensive. Not your money?

MR. MARTIN:
My money? If I owned the piece of land I would look to see -- I could see an excessive flag lot if there's a means that other people are going to come onto, but it's not extensive here because the only houses are going to use it, no matter how long it is, are those four houses. So why create --

MR. FRELENG:
I think the logical solution is to create a tap-out so when the remainder of the woodlands gets developed, it's no longer a cul-de-sac street, it's a through street.

CHAIRMAN EVERSOLL:
Why don't we suggest that, one, you have a tap-out, and maybe push the cul-de-sac to a point where it just abuts the two rear lots so that you'd still be under the thousand feet, and they would -- and everybody would have road frontage? You don't have to extend it all the way to the end.

MR. MARTIN:
No. No, I'm just saying just to touch the two lots.

CHAIRMAN EVERSOLL:
Just to touch the two lots in the rear and put in tap street so that there can be some overall circulation.

MR. FRELENG:
Okay.

MR. DICKERSON:
Is there any possibility of those -- that highway, that road would be given to the town to take it over?

MR. FRELENG:
I believe that this will be dedicated to a 50 foot right-of-way, and it meets -- it meets the typical standards for highway design, so anticipate that that would be dedicate to the town.

CHAIRMAN EVERSOLL:
Is there any other --

MR. DIETZ:
That eliminates the problems with having the driveways plowed or not plowed to get in and out if the cul-de-sac. Actually touches the last two pieces of property.

CHAIRMAN EVERSOLL:

So as I understand it, the resolution for approval will be that the cul-de-sac is extended so that there's a right-of-way on the rear two lots and there's an tap street out to the north? I believe that would be to the north to provide other access. That is --

MR. FRELENG:

Do you want to specify which way? North would put it off the top of the subdivision. Do you want to specify that a tap street go to the north or do you want to just indicate that a tap street would be -- should be required? Because if you look at the tax map lot breakdown there's one, two, three, five or six developable lots that abut the property.

CHAIRMAN EVERSOLL:

That is not important to me where it goes.

MR. FRELENG:

Just for the tap street.

CHAIRMAN EVERSOLL:

Just some point of access.

MR. FRELENG:

Okay.

CHAIRMAN EVERSOLL:

Are there any other questions? All those in favor for the new resolution? Any opposed? Any abstentions? Thank you. APPROVAL OF APPLICATION (VOTE 12-0-0-0)

BR-01-83 GIAQUINTO-STRIPPOLI ASSOCIATES, LLC

MR. NEWMAN:

The first application on the agenda is from the Town of Brookhaven. This is an application to rezone a 28 acre parcel of land from a Single-family One Acre Category to a Planned Retirement Category, as well as a J-5 Gas Station Category affecting land situated on the south side of Route 25 west of Wading River Hollow Road at Middle Island. The proposal is to rezone two portions of a 28 acre parcel as follows: The north central portion of the property situated in this area on the site plan is currently zoned A-1. The intent is to rezone it to a J-5 Category. The current use, as you can see on the aerial, is not only for the northerly portion, but the remaining portion is a nursery -- former nursery operation. The intend on that portion comprising the one acre is to provide a gas station with a convenience store.

The remaining northerly easterly as well as the westerly and all this southerly sides of the subject property comprising 27 acres, again, currently in a one acre. The intent is to rezone that to a Retirement Category. That portion of the property is currently occupied by the nursery, as well as an existing nonconforming gas station situated in the northeast corner of the subject property. The intent of on this entire piece of land is to provide for 152 senior units at a density of 5.63 units an acre. The site plan calls for the demolition of the existing nonconforming gas station in this area here and the relocation of new gas station convenience store to the central portion of the property abutting the State roadway. There'll be one point of ingress and egress via the State roadway. There'll be another point immediately to the east tying in with another access point which will go in a southerly direction where all the senior citizen units

will be located. There'll be 244 parking spaces. There'll be a recreation administrative building. There'll be a recharge pond, and you can see that on the aerial right in the center of the property. There'll be a sewage -- community sewage treatment plant in this area here.

And the southerly -- the significant southerly portion of the subject property in here -- I don't know if you can see it on the site plan -- comprising 13.8 acres that runs for a distance for about 600 feet, that is to remain undeveloped. This property is situated within the compatible growth area of the central Pine Barrens, as well as the Central Suffolk West Special Groundwater Protection Area. Under existing zoning, the lands can accommodate 23 single family residences. On or about 1987, the Town Board and the County Planning Commission approved the rezoning of the entire frontage of the premises along Route 25 as well as adjoining lands on the north and east.

The entire frontage of the property was formerly zoned business. The town through their action not only limited the commercial zoning on the subject property, they eliminated all the lands to the east and lands immediately across the street. In conjunction with that request, they also reclassified the southerly portion of the property from a one half acre category to a one acre category. It's the belief of this staff that this proposal appears inappropriate as it constitutes the unwarranted reimposition of commercial zoning along the State roadway. It would establish a precedent for further such commercial downzoning along the State roadway. Local residential tap streets along the easterly portion of the subject property, and there's two, one in the north and one in the south, and I think that's on the tax map that's a part of the report, indicated it was the intention of the town to develop this for single family residence purposes.

It's inconsistent with the towns action to upzone the premises of surrounding lands as previously mentioned from commercial one half to single-family as well as one acre residence purposes. And finally, it's inconsistent with the Special Groundwater Protection Area Plan as well as the Town Land Use Plan, which both designate this area for cluster single-family residence purposes. The staff recommendation is for disapproval. We do, however, believe that if the applicant will withdraw and amend the petition to eliminate any commercial zoning to senior zoning on this property would appear reasonable and appropriate subject to conditions. So we're recommending denial as submitted.

MR. ROSAVITCH:

Gerry, what's to the west of the property there?

MR. NEWMAN:

There's a sliver of vacant -- I think there's a house up here, and there's a sliver -- I think you can see it on the tax map -- there's a sliver of land zoned for single family residence purposes, and to the west you can see on this zoning map there's a lot of multifamily development around Artist Wood Land.

MR. ROSAVITCH:

Is that a sewage treatment plant over there on the -- on Artist Lake property?

MR. NEWMAN:

I have no idea where the --

CHAIRMAN EVERSOLL:

There is sewage treatment plan over there.

MR. ROSAVITCH:

I'm looking at what looks like leaching ponds over there.

MR. NEWMAN:

I'm not sure of that. I don't know.

MR. ROSAVITCH:

I was wondering if they do remove the commercial zoning, as you said, whether they should be required to look into utilizing the existing sewage treatment plant instead of building their own.

MR. NEWMAN:

Right. That could very well be. That will obviously go through the County Health Department -- Department of Health services. But the primary concern of the staff is the reimposition of commercial zoning. If they would eliminate the commercial uses, we think the application is worthy for reconsideration. But as submitted, we feel it's inappropriate.

MR. ROSAVITCH:

I move to staff.

MR. O'DEA:

Second.

CHAIRMAN EVERSOLL:

Any further discussion? All those in favor? Any opposition? Any abstentions? Unanimous.

DISAPPROVAL OF APPLICATION (VOTE:12-0-0-0)

RH-01-19 HEADRIVER LLC

MR. NEWMAN:

Okay. Application number two is from the Town of Riverhead. This is an application to the Town Board for a special permit to erect a lumber yard on a 21.2 acre parcel of land situated on the north side of County Route 58, west of the northerly terminus of Kroemer Avenue in a light industrial district at Riverhead. The proposal is to erect a one-story building comprising 135,200 square feet. The building -- this is a Lowes Building, by the way, this is a home improvement product sales building. The Lowes building would be situated here. Adjoining the land -- the building to the land east there will be a 38,800 square foot garden center. In conjunction with this request, the petitioner intends to provide two points of signalized vehicular access via the adjoining County roadway; one is on Kroemer Avenue, and it would not only serve the subject property, there's an Applebees to the east and some industrial development to the north. So it would all be coming out through here. The Applebees in this area and industrial use to the north would all utilized a common access point throughout the easterly portion of the subject property.

Throughout the westerly portion, the applicant intends to provide another signalized point of vehicular ingress and egress, which would be opposite the Tanger II access point. And in conjunction with that request, there will be a tie in with the New York State DOT Highway Maintenance Yard. So there will be common access via this point along the County roadway. In conjunction with this request, there will be provision for 647 parking spaces, there will be connection to the Riverhead Water and Sewer District. There will be a 4.3 acre portion of the subject property that is to remain undeveloped, that is primarily throughout the easterly portion comprised of this site plan. The use of that portion is undetermined at this

time. There will be projected traffic generation figures on a.m. and p.m. weekdays of 257 vehicles an hour and 500 vehicles respectively, and a Saturday peak hour traffic of 940 vehicles an hour.

Attached to the staff report are the traffic mitigation measures that will be incorporated if this project is approved. These were arrived at through discussions with officials at the Suffolk County Department of Public Works. The property is situated within Groundwater Management 3, as well as the Central Suffolk -- Central Suffolk North SGPA. That plan designates this property for industrial purposes. The 73 Town Plan designated this area for non-retail purposes, an 83 Town of Riverhead Plan for the 58 corridor designated this area and I quote, large land consuming non-industrial non-retail uses, that would obviously -- not obviously, but it would apparently incorporate warehouse uses, contractor's yards and equipment-leasing type businesses or enterprises.

This site and approximately six others currently zoned Industrial A throughout the Route 58 corridor were formerly included in the new -- formerly new commercial industrial overlay district. The Commission -- and that includes uses and comprising stores with a minimum floor area of 10,000 square feet on minimum ten acre lots. The Suffolk County Planning Commission in 1997 considered that application and approved the creation of the district and its placement in the text of the zoning code; however, its placement on the zoning map for not only this piece, but all the other pieces throughout the corridor, we denied that. The town approved it, the application was subjected to litigation, and they avoided the creation of that district, and it's applicably (sic) to all the lands throughout the 58 corridor on the grounds they failed to comply with the SEQRA process. A draft -- new draft business element of their new town plan designates this portion of the subject property and lands in close proximity to this property for a new destination retail center category, which permits outdoor -- outlet centers, shopping centers with a minimum of 100,000 square feet, cinemas and hotels, lumber yards are not allowed.

The current commercial vacancy rates along the 58 Corridor and Downtown Riverhead currently approximate be 14%. A key question in the consideration in this application is whether or not the Lowes is a retail use or a lumber yard use. Retail uses are not allowed in the Industrial A District. The code defines a lumber, as in the staff report, as premises where building materials are offered for sale or premises used for sale and storage of building materials. Apparently the town, based on litigation regarding Riverhead Building Supply, determined that retail uses associated with a lumber yard were permitted, and therefore, on a special-permit basis and that was the case relative to the Home Depot, which is approximately 2/3 of a mile to the east of the property, when the Commission considered the Home Depot in conjunction with the Riverhead Center application.

It is the belief of this staff that this proposal appears inappropriate, as we believe that it prematurely establishes locational prerogatives for intensified commercial development throughout the County Roadway Corridor prior to the enactment of the master plan update for the Town of Riverhead. It constitutes the unwarranted further perpetuation or intensification of commercial development throughout that corridor. It would establish a precedent for further commercial development throughout the corridor. The increase in traffic generation will further diminish the safety and traffic carrying capacity of the County roadway. It's inconsistent with the 1997 and 2001 Suffolk County Retail Commercial Development Studies, which have been accepted by the Planning Commission, which calls for promoting identifiable communities limiting new commercial development along major highway corridors and providing for the use and rehabilitation of existing commercial infrastructures; namely Downtown Riverhead. It's inconsistent with the SGPA Plan, which designates this area for industrial purposes. The old town plan designated for non-retail provision and no provision had been made for the

necessary off-site traffic improve to mitigate the expected cumulative impacts throughout this entire corridor.

The staff recommendation is for disapproval. On November 15th, the Town Planning Board in the Town of Riverhead recommended disapproval as well for different reasons. The reasons that they disapproved it were that it was inconsistent with the draft master plan update, which called for this area to be used for destination retail uses, which a lumber yard was not considered to be a permitted use. It was design criteria -- there is design criteria which apparently had been preliminary set forth. This project apparently is not in compliance with that design criteria. There was also some question in whether or not the petitioner with this 647 parking spaces was in compliance or is in compliance with the parking requirements of the town. And finally, the Town Planning Board expressed concern about what would happen to this remaining undeveloped portion of the subject property.

MR. DIETZ:

I make a motion to staff.

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

Motion and a second. Any questions?

MR. ROSAVITCH:

What is the commercial enterprise or is that industrial behind it?

MR. NEWMAN:

There's industrial -- that's a manufacturing facility. That's DOT, this is Tanger I -- Tanger II, Tanger I. {Adkem} manufacturer, I don't know what they manufacturer.

MR. O'DEA:

They've been there a lot of years. What they make, I'm not sure.

MR. THORSEN:

Did you say it drains southerly?

MR. NEWMAN:

Yes, it drains southerly.

MR. THORSEN:

There's a large open space with a pond system.

MR. NEWMAN:

That's right. There's a tiger salamander pond habitat immediately to the south of the property, which is part of the Tanger II application.

MR. THORSEN:

I believe the concern sometime ago was drainage into the site, the effect.

MR. NEWMAN:

Well, the petitioner has indicated that they want to retain all stormwater runoff on site. They say that's not the case, if this thing is approved.

MR. ROSAVITCH:

Yeah, but you might cutoff the water that's feeding the ponds to the south.

MR. NEWMAN:

Right.

MR. MACCO:

How far away is Home Depot?

MR. NEWMAN:

About 2/3 thirds or 3/4 of a mile, 2/3, 3/4 of the mile to the east of the property, at the northeast corner of Mill and Old Country Road. This is really a high-end Home Depot, the Lowes.

CHAIRMAN EVERSOLL:

Any other discussion? Any other questions? All those in favor? Any opposition? Any abstention?

MR. O'DEA:

Abstention.

CHAIRMAN EVERSOLL:

Unanimous -- I'm sorry. Abstention. Mr. O'Donohoe, abstains. DISAPPROVAL OF APPLICATION
(VOTE:12-0-1-0)

Is there any old business? Any new business?

MR. ROSAVITCH:

I'd just like to wish everyone a happy holiday, if I don't see you until next year. There was a question on having a meeting on the 2nd of January, which is right after the first of the year. I know I can make it, I was wondering if we were going to have enough people for a quorum.

MR. MARTIN:

We changed the date, second Wednesday.

MR. ROSAVITCH:

That's 2003.

MR. MARTIN:

2003?

CHAIRMAN EVERSOLL:

Last year.

MR. MARTIN:

Why don't we do the same thing this year, what's the difference? I thought --

MR. ISLES:

This is -- the agenda for this year was set in February of this year, you adopted it in a calender. If you would like to move it to the second week, that's fine with us.

CHAIRMAN EVERSOLL:

Is there -- I will be unable to attend.

MR. LONDON:

I cannot make it either.

CHAIRMAN EVERSOLL:

Anybody else have a conflict on the 2nd? Then we'll have it on the 2nd.

MR. MACCO:

He doesn't care that you're asking.

CHAIRMAN EVERSOLL:

If there's going to be a significant number of people away, but if there are two, then the majority will not be inconvenienced.

MR. ROSAVITCH:

That's all I have.

CHAIRMAN EVERSOLL:

Okay. Any other? Wish you a very happy holiday and peace on earth.

[THE MEETING WAS ADJOURNED AT 12:50]