

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 May 1, 2002.

PRESENT:

Donald Eversoll (At Large) Chairman
Robert Martin (Smithtown) Vice-Chairman
Louis Dietz (Babylon) Secretary
Carl Berkowitz (Brookhaven)
Thomas Thorsen (East Hampton)
Richard O'Dea (Riverhead)
Laure Nolan (Village 5000 & Over)
Linda Petersen (At Large)
Richard London (Village 5000 & Under)
Ronald Parr (At Large)
William Cremers (Southold)
Nancy Graboski (Southampton)
Frank Tantone (Islip)

ALSO PRESENT:

Tom Isles - Director
Harold Withers - Deputy Director
Gerald Newman - Chief Planner
Andy Freleng - Principal Planner
Kathleen Rigano - Planning Commission
Claire Chorny - Planning Commission

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Barrett and Lucia Braaten - Court Stenographers

CHAIRMAN EVERSOLL:

With that, I'd like to call the meeting to order, and I entertain a motion for approval of the minutes of the last meeting.

MR. O'DEA:

I'll make it.

MR. CREMERS:

Second.

CHAIRMAN EVERSOLL:

Second. Any discussion? All those in favor? Opposed? Any abstentions? Unanimous. Correspondence?

MR. ISLES:

We received one piece of correspondence this month. It is before you today, and that is a letter from Commissioner George Dickerson. And the letter is addressed to the Supervisor of the Town of Shelter Island, Mr. Art Williams. And what Mr. Dickerson -- what George has indicated is the he is resigning his position. So he has given official notice of termination. And he's put this notice to the -- to the Supervisor so that a replacement can be nominated. Obviously George had talked about this in the past with this. So he's no longer on the Commission, and just to bring this to your attention.

CHAIRMAN EVERSOLL:

Thank you. With regret. The Director's Report.

MR. ISLES:

Just a few brief items. Number one, the Planning Department worked on a report a couple of years ago known as the Narrow Bay Study, which is in the Mastic Shirley area in the Town of Brookhaven. It's actually a narrow part, literally, in the bay between the mainland of Long Island and the barrier island of Fire Island by Smith Point County Park. One particular problem in there is the Mastic Shirley area is fairly densely developed in that location and relatively low elevation with many properties being located within the 100 year flood plan. The plan recommended that the County embark on a number of efforts to reduce the flood hazards, including a program to do land exchanges. That program is based upon the fact that the County owned many surpluses. Parcels are either obtained through tax default outside of the 100 year flood plan. So the idea was to swap parcels within the flood plan with privately owned with parcels that the County owned outside of the flood plan. That program has been in operation now for a couple of years. I just want to let you know that the American Planning Association has just awarded the Planning Department an award for that program. The staff cited for that would be Dewitt Davies, Loretta Fisher, Ron Verberg, Peter Lambert, and the cartographic staff. So they'll be given an award on June 4th, in New York City on that one. And congratulations to the staff on that, and Steve Jones as well who headed up that effort.

We have provided some initial update of the economic statistics prepared by Peter Lambert of our demographic section. We'd just like

to keep you apprised of this. And just a few noteworthy points. The number of dwelling units constructed last year in Suffolk County was about 4600, still chugging along at a pretty strong rate as we're seeing with the level of development activity occurring.

I think one of the more notable statistics here is the -- which. Of course, we've all heard about and read about are the median home -- used home prices, which in March of 2001 was \$184,000 in March of 2002, it was \$238,000. A phenomenal increase, whether it can be sustained remains to be seen, but obviously good in some respects and bad in other respects in terms of affordable housing. Relating to affordable housing, we are having our first-time home buyers auction on May 15th, and a general surplus County tax auction on May 16th in Islandia this coming month. And the last item to bring up is it's -- has been the practice of the Planning Commission in prior years to hold meetings during summer months at other locations. So if there are any ideas by Commission members we can start scheduling perhaps for the June, July and August meetings. One idea that's been brought to me is the idea perhaps of the Okeanos Aquarium in Riverhead might be one place to host it, since that's a rather significant tourism destination use in Riverhead, but any ideas you want to pass along to us, if you want to proceed with this, we'll work on making the arrangements for the next meetings.

MR. LONDON:

Tom, what was the end result of Gardiner's Island, which we first discussed last fall?

MR. ISLES:

The end result is that we were able to do a limited tour in September of last year. We have a general statement from Mr. Gardiner's attorney that we can make arrangements for future tours. They are very limit in terms of the opportunities, and they have to be scheduled and so forth. One little situation we have right now that we're dealing with is that we're in negotiation with Gardiner on an acquisition of property known as Sagtakos Manor. So at this time once we get that completed, I'd rather wait until that's done before I call him up and ask for an invitation. But here again, it was generally an open ended offer. And what I can do is once we complete the negotiation in Sagtikos is reach out to him and see if we can schedule something there. I'll just make the point too that it's -- here again, it is very limited access. So when we do it, it's typically an all day commitment. And they apparently have many more requests than they do have time slots available to do this. So I don't want to -- you know, it's something we can try to do this year, but I can't commit to that at this point. And it obviously their -- it's a courtesy they provide to us. So it's at their discretion.

MR. LONDON:

Thank you.

CHAIRMAN EVERSOLL:

Any other -- any other ideas for summer meetings?

MR. ISLES:

We try to get out East sometimes too.

CHAIRMAN EVERSOLL:

Yes.

MR. ISLES:

Also the -- as you know, the Town of Southold hosts a meeting at Fishers Island every year. The first meeting in August typically. So that's always an option we have because we're invited to that, if you want to. I'd have to speak to Mr. Cremers, but it's usually been very graciously provided. Keep that in mind. Thank you.

CHAIRMAN EVERSOLL:

Thank you. If there's no other items, we'll start the Commissioners' Roundtable. Tom, trees must be budding out in East Hampton.

MR. THORSEN:

They're just -- yeah, some of them have leaves and some are just budding. It gets pretty, and the weather's nice. Other than that, I don't have anything.

MR. TANTONE:

Not a lot in Islip. The only thing I did bring to the attention of everyone, I have a handout here regarding the retirement party which many of you have asked me about for former Chairman, Mr. Maurice O'Connell. Chairman Eversoll's got the information. If anybody would like to -- the deadline for the money is actually coming up fairly soon. I'd be happy to take today because I have to do my own actually. If not, there's instructions on how to get there and what to do. I'm sure if you miss the deadline by a couple of days, it's not a big deal. That's all I have. Thanks.

CHAIRMAN EVERSOLL:

Ron.

MR. PARR:

I don't have anything.

MR. CREMERS:

Tom just mentioned earlier that the County closed the contract on a piece of land in Mattituck, and that piece of property is where we hold our Strawberry Festival every year. So this kind of guarantees this we have a spot for our Strawberry Festival every year, so we thank the County.

MR. ISLES:

We closed it yesterday.

MR. CREMERS:

Thank you.

MR. ISLES:

Good acquisition.

CHAIRMAN EVERSOLL:

Rich?

MR. O'DEA:
Quiet.

CHAIRMAN EVERSOLL:
Laure.

MS. NOLAN:
Things are quiet.

CHAIRMAN EVERSOLL:
Carl?

MR. BERKOWITZ:
Nothing to report.

CHAIRMAN EVERSOLL:
Somnolent County. Unfortunately the Water Authority isn't quiet.
Linda.

MS. PETERSEN:
Town of Brookhaven in conjunction with the Longwood Alliance and a number of other agencies, New York State DOT will be holding a charrette in Middle Island. It's starting on Friday morning at eight o'clock at the Longwood Public Library. It will continue throughout the weekend. They're hoping to get good community participation. There'll be a bus ride, they'll be meeting with people. Saturday, the community's invited to walk around different sites and come back and draw up how they'd like to have a vision of the Coram Middle Island area from Route 112 to Wading River Hollow Road. Anyone who would like to attend is welcome. Friday will be based out of the Longwood Public Library all day. Friday night will be at Longwood Junior High School, all day Saturday, Longwood Junior High School. The consultants will work on it this Sunday, and Monday night we'll do a presentation at seven o'clock at Longwood High School. So if any of you are interested in planning and would like to attend, there's an open invitation to you. All we're hoping to do this as a model for Brookhaven, this specific one because of its involvement with Middle Country Road. And then use it in other areas and ultimately work to form overlay districts through special districts that will allow redevelopment of critical corridors. And I think, Tom, you hopefully got your invitation and maybe we'll be able to participate with us.

MR. ISLES:
Sounds good. Thanks.

CHAIRMAN EVERSOLL:
Dick.

MR. LONDON:
I have a couple of things. One is the proposed plan in Bay Shore for the Long Island Aquarium. I used to be on that board, and apparently, there's been a lot of positive input to moving the venue, if it can financially be put together, to the Pilgrim State land area in Brentwood. And even in this morning's paper, there's comments on it, where the owner of the land now was talking, of course, about the abandoned sort of cemetery that's there. But there's a lot of

discussion and focus going toward Brentwood for that facility. Whether they financially can put it together is another story. For years they've been trying to come up with the money and couldn't even break ground in Bay Shore. But, you know, unless Tom has something and knows something about it more than I'm reporting, but that's the drift of it as it stands right now. The only other thing just to mention to you is every year I mention to you about West Nile, and it was a very warm winter so there's a lot of mosquito larvae and eggs. And I wouldn't be surprised if you see an awful lot of spraying real soon, because there's going to be an abundant patch of mosquitos by mid July, and they'll be carrying West Nile. That's all I have.

CHAIRMAN EVERSOLL:

With that encouraging -- Nancy, you must have something nice to say, more optimistic.

MS. GRABOSKI:

I guess it depends on your perspective, I'm not sure. The two issues that seem to be certainly in foremost, I think, at the town board at this point are the same issues that were there last month; transportation and affordable housing. The town board also is considering a moratorium on development in both Bridgehampton and in Flanders to consider a hamlet studies in both of those areas. So that is somewhat controversial and will affect the application process. It's a six month moratorium that's being proposed.

CHAIRMAN EVERSOLL:

Thank you.

MS. GRABOSKI:

That's essentially it.

CHAIRMAN EVERSOLL:

Well.

MR. MARTIN:

After your joke, I'm still stunned.

CHAIRMAN EVERSOLL:

You're still stunned. We all have these for Mo, and we'll all hope to be there on the sixteenth and celebrate his over 40 years of contribution to Planning. Okay. Andy.

S-BR-02-09

MR. FRELENG:

Okay. The first regulatory matter before the Commission is a referral from the Town of Brookhaven, map name is Calotta. The applicants are proposing the subdivision of approximately 32 acres of land into ten lots in the L3 Industrial Zoning District in the Hamlet of Yaphank the minimum lot size in this zoning category three acres, a true three acres or 130,680 square feet. The map is not being processed pursuant to 278 cluster provisions. The intended lots range in size from 130,699 square feet to 140,785 square feet. No open space is proposed on the map. The property is bound on the south by the Long Island Railroad, to the west by River Road, a local variable width street,

you can just make it out on the map here. To the east and north, the subject property is bound by Yaphank Manorville Road, which is a County Road, County Road 21.

Less than five hundred feet to the north lies the Long Island Expressway right-of-way, you can see it here on the air photo, and west and adjacent to River Road is Suffolk County park land, South Haven County Park. Also, the subject property is less than one mile a way from Brookhaven Airport, Calabro Airport. The character of the area surrounding the subject property is predominantly unimproved wooded land, some medium lot residential uses can be found to the southeast off of the map. Actually you can see a how a house here and a couple of houses there. The property itself can be characterized as being gently rolling, and the majority of the site is covered with woodland cover. Access to the proposed subdivision is intended via the creation of a cul-de-sac street, Calotta Court, from Yaphank Manorville Road extending south into the subject property some 600 feet. As the Commission knows, the use of a cul-de-sac street in an industrial subdivision is contrary to Commission policy. There is no alternate or emergency access proposed. Staff believes that a loop street to County Road 21 would be acceptable alternative to the road layout. The County Road would be preferable to River Road since River Road abuts the County park and residential zoning. In addition, it's a variable width, and there's a very, very one lane narrow bridge that supports the Long Island Railroad as it goes over River Road there. It's not a very suitable road for truck traffic or industrial use traffic.

Okay. The County Road, however, abuts industrially zoned land to the north. So while this land here is parkland and is residentially zoned on top of that and there's a choke point here for this access, we believe that some sort of loop road or an internal loop that comes back to the Yaphank Manorville Road could work with the future development of the industrial land to the north. The subject property itself is located within Hydrogeologic Zone III, potable water to the lots is intended via private supply. Sanitary waste is to be collected and disposed on site with individual systems. The parcel is not in the Central Suffolk Special Groundwater Protection Area. It's not in the Compatible Growth Area of the Central Pine Barrens. Moreover, the subject site is not in state -- in the state designated wild scenic and recreational rivers boundary. The site is, however, located within one mile, as stated before, of Brookhaven's Airport, Calabro Airport.

Soils on the subject property consist of Carver, River and Plymouth series. Riverhead series soils are considered prime farm soils in Suffolk County. The issues related to the subdivision stem from the Commission's policy on the use of cul-de-sac streets in industrial subdivisions. Staff is recommending disapproval for the following reason, that a cul-de-sac street in an industrial or commercial subdivision is unacceptable. The road layout in industrial subdivision should be laid out to accommodate the most efficient movement of traffic, particularly large trucks and tractor trailers. Cul-de-sacs are often blocked by haphazard parking, which makes it difficult for track trailers to do the u-turn or do the necessary movements that they need to do to get back out to the main road.

Staff is recommending, though, a comment from the Commission to the town stating that the use of a loop street would alleviate the Commission's main concern. And if that was -- if we were to receive an application to that respect, there would be other comments that are generally relayed from the Commission regarding keeping stormwater out of right-of-way, proper line of site distances, in addition to whatever extent the airport might have on this industrial subdivision, we would comment with regard to noise or some sort of other mitigations. So that is the staff report.

CHAIRMAN EVERSOLL:
Is there a motion?

MS. PETERSEN:
I have a question.

CHAIRMAN EVERSOLL:
If we can get a motion, then we can ask a question.

MR. LONDON:
Motion --

MS. PETERSEN:
Second

MR. LONDON:
-- on staff.

CHAIRMAN EVERSOLL:
Okay. Linda.

MS. PETERSEN:
It's my understanding that when the road became Yaphank Manorville Road, down at the intersection of Yaphank Avenue and Main Street in Yaphank, that's where County Road 21 ends. This I don't believe is County Road 21. I believe this is -- because it takes a bend. It goes up Yaphank Avenue to 21, then when you go west on Main Street it's 21. But right at that bend the intersection of Yaphank Avenue and Main Street.

MR. FRELENG:
I'll double check that, but our jurisdictional maps show it as a County road, but I'll double check that.

MS. PETERSEN:
The other point of this is, when you're out in the field at that particular site, the road is quite -- bends quite a bit, and the site distance is very limited, and it's a steep area as well. So it's really important that if you recommend where a road loop system should go, you should take into account where, from a visual perspective, it would be safest for the loop road to ingress and egress on that road.

MR. FRELENG:
Had we received the map with the loop road system, we would have looked at those issues. Those are DPW -- Suffolk County DPW issues,

if it was a County road. But we certainly would comment on that had the map come in with a loop. That's why at the bottom of the comment it says that "conditions from Suffolk County Planning Commission that would typically apply would be those related to stormwater runoff to the County right-of-way and preserving the visual buffer," we would address those issues as well.

MR. BERKOWITZ:

Not site distance?

MR. FRELENG:

Well, we would bring in the site distance. But again, we don't have those type of jurisdictions. We can only advise the locality to work with DPW if it was a County road, or State DOT if it was the state road. But we would make comments to that -- to that effect.

CHAIRMAN EVERSOLL:

Yes, Tom.

MR. THORSEN:

Are we really opposed to that road coming out on the other street?

MR. FRELENG:

Well, I fish this area a lot, so I just know the road, and in my opinion and staff's opinion, it's not a good truck road. So when you have the two roads, I believe that the best route would be to Yaphank Manorville Road.

MR. THORSEN:

Because I think you're going to have to a design problem in bringing a loop street back out. I think you're going to wind up with double fronted lots. Are we opposed to those?

MR. FRELENG:

Well, we are. It would be a matter of priorities with the Commission. I think you could either do an internal loop and bring it, or you could bring a loop road out wherever would be proper site distances. The applicant may lose a lot in the process. I didn't sketch it out, I didn't design it. So I don't know if we would have double fronted lots. But an industrial subdivision the issues related to double fronted lots might not be as extreme as if they were residential dwellings on those lots.

MS. PETERSEN:

River Road at the southern end of it is residential. And the bridge is an old fashioned railroad bridge, which a truck could never from a height perspective and possibly even a width perspective get through, they'd get stuck.

MR. THORSEN:

I was thinking you could create a T without creating double fronted lots, coming back out to the other street. I would assume they drive up 21 and not go in the other direction.

CHAIRMAN EVERSOLL:

There's a right turn only.

MR. THORSEN:
Right turn only?

MR. FRELENG:
Right turn only.

MR. THORSEN:
You've got to give them a little design lighting there.

MS. PETERSEN:
Part of the problem is that if -- once you were to get on Yaphank Manorville Road and head in a westerly direction, you'd head into the historic district and there's "R" restrictions on the bridge, which you'd have to go over on Yaphank Avenue to get back on the Expressway. So they're trying to keep trucks of any weight out of that whole community because of two -- there's two bridges, one at either end of town, both have "R" restrictions. Actually, you need to say to the people you can only come in if your a large truck in and out of William Floyd Parkway from a safety perspective.

CHAIRMAN EVERSOLL:
Are there any other questions? All those in favor? Opposed? Any abstentions? Unanimous. DISAPPROVED (VOTE:13-0-0-0)

CHAIRMAN EVERSOLL:
Thank you, Andy.

MR. FRELENG:
Okay.

BR-02-24

MR. NEWMAN:
Today we have four applications on the agenda. The first is from the Town of Brookhaven. This is an application to rezone a 25.4 acre unimproved parcel of land formerly used for sand mining purposes. The intent is to rezone that from a multi use category to a multi family category for the purpose of erecting 232 multi family residences and a density of 9.1. to the acre affecting land situated approximately 590 feet west of Route 112, south -- at the southerly terminus of Shady Lane at Coram. The Shady Lane terminus is at Coram Route 112 is over in this area here, the subject property is in that area. The preliminary site plan calls for the development of 26 two story residence buildings. There's one point of vehicular ingress and egress to the subject property, traversing adjoining lands to the east out to Route 112, in this case obviously he probably will be seeking or is -- intends to seek an access easement over those lands. There'll be 348 parking spaces, there'll be a recreation building, there'll be a number of outdoor recreation facilities, there will be connection to a nearby Bretton Woods Sewage Treatment Plant, which is located northwest of the subject property. The property is situated within the Compatible Growth Area of the Central Pine Barrens. And under existing zoning in the D1 you can get a total of 51 single family residences.

On or about 1988, the Suffolk County Planning Commission and town

board approved the rezoning of these lands from a shopping center category to the multi use category, and within the multi use category, the current D1, there are provisions for special exceptions for multi family purposes if developed at a lesser density or a maximum of seven units to the acre. The 1996 or current master plan designates this area for multi residence development; however, it is the belief of the staff that was predicated on the development of this adjoining currently zoned NH-H parcel, which is nursing home-hospital category where there is a congregate care facility planned in the future. The intent was that that would be used for shopping center purposes and this would be used for multi. However, that has since changed.

It is the belief of the staff this proposal appears inappropriate as the property is not in compliance with established locational criteria for such an intense and dense multi family project. This MF-2 category is very infrequently used in the town, and when it is used, it's usually in close proximity -- significantly close proximity to shopping and other amenities. Number two, it doesn't meet the lot frontage requirement in the code. The property can be reasonably developed in accordance with existing zoning; namely, the 51 residences as mentioned. A local residential tap street on the northerly boundary of the property indicates intended single family residence development of this property. It would also establish a precedent for location of such MF-2 reclassification, if it is approved, and somewhat remote areas. And finally, it's inconsistent with the SGPA plan, which designates this for cluster purposes; namely, clustering in accordance with existing zoning in D category. So we're recommending disapproval.

CHAIRMAN EVERSOLL:

Okay. Do we have a motion?

MR. THORSEN:

So moved.

MR. TANTONE:

I'll second it.

CHAIRMAN EVERSOLL:

A second. Any discussion? I have a question, Jerry. Isn't that the County right up on the north of that --

MR. NEWMAN:

Yes.

CHAIRMAN EVERSOLL:

Isn't that the County --

MR. NEWMAN:

Yes, that's health center.

CHAIRMAN EVERSOLL:

That's the health center.

MR. NEWMAN:

Yes. Right in there.

CHAIRMAN EVERSOLL:

And then just north of that is -- is Jericho, right?

MR. NEWMAN:

Well, Middle County is up in this area. I would say that the subject property is be 3000 feet from Middle Country Road.

CHAIRMAN EVERSOLL:

Right. A quarter of a mile or so.

MR. NEWMAN:

Right.

CHAIRMAN EVERSOLL:

It's in proximity -- I mean, perhaps the density is too great. Perhaps an MF-2 is not an appropriate --

MR. NEWMAN:

I think it certainly is too intense. He does have an option in a D1 of coming in for a special exception where there's a maximum of seven. However, the town, generally speaking, does not approve maximums on seven. They would have a lesser density. However, the multi family in the master plan, once again, was predicated on the development of this piece for shopping center purposes. I don't know how many years back the town reclassified that from shopping center purposes to the nursing home-hospital category. And I believe that's for congregate care purposes.

CHAIRMAN EVERSOLL:

Okay.

MR. NEWMAN:

So if this property was zoned for a shopping center or a J3, we would certainly entertain that, it has definitely locational attributes.

CHAIRMAN EVERSOLL:

Okay. Yes.

MS. GRABOSKI:

I just had a question too. It appears as though the development that is on the westerly side is residential.

MR. NEWMAN:

That's clustered residential.

MS. GRABOSKI:

Clustered residential. Just out of curiosity, for informational purposes, do you have any idea what the zoning is over there?

MR. NEWMAN:

Well, that should be mentioned here, that's A-1. But when the cluster took place --

MS. GRABOSKI:

That would be like one acre or something

MR. NEWMAN:

Yes, that's one acre category. However, when the clustering took place, that was a number of years ago, it might of been in the half acre category, I'm not sure about that. But it was clustered in accordance with existing zoning.

MS. GRABOSKI:

I mean insofar as the fact that they're looking to -- they're proposing something that's residential in nature, the size of this parcel, again, refresh my memory, is?

MR. NEWMAN:

25.4 acres.

MS. GRABOSKI:

Which would theoretically yield something in the neighborhood of --

MR. NEWMAN:

Fifty-one houses.

MS. GRABOSKI:

Okay. So -- and they're proposing 230?

MR. NEWMAN:

232, at 9.1 to the acre.

MS. GRABOSKI:

I think your density issue --

MR. NEWMAN:

Density certainly is a question here.

MS. PETERSEN:

There isn't even really anyplace to do open space, there's nothing.

CHAIRMAN EVERSOLL:

No. Just sand mines.

MS. PETERSEN:

Everything ounce is taken up with these structures, and it really needs to be investigated. That place has been a mess for as long as I can remember, every tree has been removed from that site. When the wind blows, it's like the Sahara Desert. It's horrible.

MR. NEWMAN:

When the environmental impact statement was prepared on this NH-H category, this property was indicated for single family residence purposes, based on information I obtained from the town.

MS. GRABOSKI:

If there were to be single family residences there --

MR. NEWMAN:

That's permitted out right, 51.

MS. GRABOSKI:

It is. Do you have any thoughts about where would be the best area on -- what is the developable area or where -- what is the area you'd rather see preserved?

MR. NEWMAN:

Well, it's obviously been impacted, as you can see here, significantly by the mining operation. We have no maps that would indicate intentions as far as single family purpose is concerned. Obviously you want to protect and preserve and maybe enhance vegetation if it was developed for single family residence purposes. That would be addressed if they came in with a plan and developed it in accordance with existing zoning for single family residence purposes. And obviously, it would have to have more than one point of ingress and egress, they'd have to have some kind of access, I think, other than just that one point for this extremely large piece of land.

CHAIRMAN EVERSOLL:

Any other questions? All those in favor? Any opposed? Any abstentions? One abstention.

DISAPPROVED (VOTE:12-0-1-0) (Carl Berkowitz;abstained)

BA-02-7

MR. NEWMAN:

Application number two is from the Town of Babylon. This is an appeal to the Zoning Board of Appeals for variances to diminished setbacks and exceeds maximum square footage for accessory buildings in connection with a use variance for the existing use, in this case, fence sales, storage and production facility on land situated on the north side of Sunrise Highway, west of Bayview Avenue in a single family as well as business districts at North Amityville. This is a four acre T shaped piece. The entire frontage of the property to a depth of about 420 feet is zoned for business Eb purposes. As you can see, it's significantly used and developed for purposes associated with the existing operation. The rear portion of the property extending about 220 feet deep is zoned for single family, the top part of that T. And also within that area, all being illegally used now, they've established it without any permit or authorization from the town. And in conjunction with this request, the applicant is allegedly going to preserve a small corridor along the stream bed which is associated with Amityville Creek.

The code in the Town of Babylon prohibits outdoor storage in the existing business Eb, obviously it's not allowed in the single family district, and to do this they would need a use variance. The variance is sort of listed in the staff report. Important part about this application is this is exactly or virtually the same application that was considered by the Suffolk County Planning Commission in April of the Year 2000 for a change of zone to rezone the back portion of this for business Eb purposes for the purposes sought herein. So he -- he withdrew that application, and now he's trying the same thing through a use variance through the ZBA. The staff is recommending disapproval as sufficient information has not been submitted to demonstrate compliance with use variance criteria. This constitutes an infringement upon Legislative powers exclusively delegated to the town

board. It would establish a precedent for this, and it would undermine the effectiveness of the zoning ordinance. So we're recommending disapproval once again. In this case, he tried the front door, it didn't work. Now he's trying to back door through a ZBA.

MR. DIETZ:

I make a motion to staff.

MR. O'DEA:

Second.

CHAIRMAN EVERSOLL:

Motion to approve and seconded. Any discussion? All those in favor? Any opposition? And I'll abstain.

DISAPPROVED (VOTE:12-0-1-0) (Donald Eversoll; abstained)

IS-02-9

MR. NEWMAN:

Application number three is from the Town of Islip. This is an application to the Zoning Board of Appeals for variances to diminish lot area in connection with a three lot subdivision of a 31,550 square foot parcel of land situated on the Atlantic Ocean on the east side of Clipper Roadway in a two area overlay district at Ocean Beach on Fire Island. In this case, the applicant intends to develop the property or subdivide the property into three lots. The first lot on the north, and the second lot in here. Both would be 7500 square feet. The most southerly lot situated here would comprise 16,550 square feet. In accordance with the town code, a lot is defined as the upland area. So -- and most of this lot would be situated seaward of the crest of the dune. So the overall lot area that could be considered buildable in the Town of Islip's code would be 1,550 feet of that southerly lot, which is the main one, south, here the two small ones are in this area here.

A previous application to divide the subject property as well as adjoining lands to the east and, at that time, the total of this was about 67,000 square feet, into three lots, one comprising 9000 square feet; one ten, and then one big one comprising the subject lot was disapproved by the Suffolk County Planning Commission and subsequently approved by the Islip Zoning Board of Appeals.

When the Islip Zoning Board of Appeals approved this, they took into account two factors. Number one, they looked at the prevailing lot size pattern in the surrounding area, and they determined that the prevailing lot size was reasonably consist with the proposal as submitted. That's generally true. However, what they also decided was since this the town applied this Wetlands and Watercourse Management Overlay District in this area here that the town board really didn't mean to apply it to this area of Ocean Beach. And this would be for interior lands situated along marshes and wetland areas. And that reclassification by the town board was done, I don't know how many years ago, four, five years ago when they put it in this Wetlands and Watercourse Management Overlay, which requires a two acre minimum.

If you took the entire area of not only the subject piece as well as

the lands to the east, you don't even have enough lot area for one dwelling, no less four that he's contemplating here. We're recommending disapproval for the same reasons we had set forth previously, that the intensified development is incongruous with the surrounding marine environs, it would establish a precedent for further such undersized lots in this overlay area along the barrier beach. No information has been submitted to demonstrate compliance with variance criteria and it's inconsistent with policy objectives of the Islip Town Board when they established this two acre overlay district to prevent flooding and storm damage along this barrier island, mainly those in close proximity or adjacent to the ocean. So we're recommending disapproval for the reasons set forth previously.

CHAIRMAN EVERSOLL:

Do we have a motion?

MS. GRABOSKI:

Motion.

CHAIRMAN EVERSOLL:

Motion, Nancy. Second?

MR. O'DEA:

Second.

CHAIRMAN EVERSOLL:

Any discussion? All those in favor? Opposed? Any abstentions?

MR. TANTONE:

I'm going to abstain.

CHAIRMAN EVERSOLL:

One abstention, Mr. Tantone. Thank you.

DISAPPROVED (VOTE:12-0-1-0) (Frank Tantone; abstained)

SM-02-4

MR. NEWMAN:

The final application is from the Town of Smithtown. This is an appeal to the Zoning Board of Appeals for variances to diminish parking from 124 spaces to 89 spaces or a 28% reduction in parking and in conjunction there with, since the lands -- the premises is landlocked, variances on road and lot frontage. This is in connection with the erection of a two story 18,500 square foot office building in this portion of the subject property with two points, interconnected points of vehicular ingress and egress through adjoining lands to the north and through adjoining lands to the south. The lands to the north are occupied by a Burger King as well as a Blockbuster Video. And the land to the south are occupied -- this is the subject piece. And the rest of this is office, and this is Route 111, and the Nesconset Highway intersection is immediately north of the subject property. These lands are situated about 3330 feet east of Route 111 just southeast of 347- Route 111 intersection at Hauppauge. It's the belief of the staff that this proposal appears inappropriate as it constitutes the unwarranted overintensification of use of the property.

The property can be reasonably developed in accordance with existing zoning. The increase in traffic generation along heavily traveled Route 111 in this area, and it's significantly heavy in this area, particularly during peak times, will further diminish the safety and traffic carrying capacity of that roadway. And finally, sufficient information has not been submitted to demonstrate compliance with applicable variance criteria. I don't know if he paid too much for this piece, he's trying to maximize it. I think if he would scale it back, it would be reasonable and appropriate. Traffic concerns are extremely paramount here. The lands to the east are all zoned for and developed for single family residence purposes. So we're recommending disapproval.

CHAIRMAN EVERSOLL:
Do we have a motion?

MR. TANTONE:
I'll make a motion.

CHAIRMAN EVERSOLL:
Motion, Mr. Tantone. A second?

MS. PETERSEN:
Second.

CHAIRMAN EVERSOLL:
Any discussion? Linda seconded it. We have a second. Any discussion? We'll catch up, we're going so quickly, I don't want to delay. I don't want to set a standard by getting out before 1:00. If there's no discussion, all those in favor? Opposed? Any abstentions? One abstention.
DISAPPROVED (VOTE:12-0-1-0) (Robert Martin; abstained)

CHAIRMAN EVERSOLL:
Is there any other business? Any other new business? Any old business? Then we will entertain a motion to adjourn. Second. Done. Thank you. Thank you very much.

(*THE MEETING WAS ADJOURNED AT 12:47 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY