

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

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 January 8, 2003.

PRESENT:

Donald Eversoll (At Large) Chairman  
Robert Martin (Smithtown)  
Louis Dietz (Babylon)  
Thomas Thorsen (East Hampton)  
Linda Petersen (At Large)  
Richard London (Village 5000 & Under)  
Richard O'Dea (Riverhead)  
William Cremers (Southold)  
Nancy Graboski (Southampton)  
Frank Tantone (Islip)  
Thomas Isles - Director  
Bassia Braddish - Counsel

ALSO PRESENT:

Gerald Newman - Chief Planner  
Andy Freleng - Principal Planner  
Claire Chorny - Planning Commission

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano and Alison Mahoney - Court Stenographers

1                   (\*THE MEETING WAS CALLED TO ORDER AT 12:10 P.M.\*)  
2  
3 CHAIRMAN EVERSOLL:  
4 Okay. We have everybody, I think that said they were going to come,  
5 but it is now ten after -- okay. I would like to call the meeting to  
6 order and welcome -- wish you all a Happy New Year. And we'll ask for  
7 the minutes of the December of the meeting to be approved.  
8  
9 MR. MARTIN:  
10 So moved, Mr. Chairman.  
11  
12 MR. TANTONE:  
13 Second.  
14  
15 MR. THORSEN:  
16 I have a correction.  
17  
18 CHAIRMAN EVERSOLL:  
19 And a correction. Mr. Martin made the motion and we had a second by  
20 Mr. Tantone and a correction.  
21  
22 MR. THORSEN:  
23 Very simple, bottom of the page two, next to last word it says inside,  
24 it should be instead, instead of inside.  
25  
26 CHAIRMAN EVERSOLL:  
27 And that is for the November minutes?  
28  
29 MR. THORSEN:  
30 Yes, November 6th.  
31  
32 CHAIRMAN EVERSOLL:  
33 Thank you. Any other amendments. All in favor? Opposed? Any  
34 abstentions? Unanimous. Okay. Tom.  
35  
36 MR. ISLES:  
37 Two pieces of correspondence to -- to note that have been sent to the  
38 Commission. One is from the Dormitory Authority of the New York gave  
39 notice to the Commission of the intention to construct dormitories  
40 logically at Stony Brook University, 662 dorms in four buildings. So  
41 a routine matter under the SEQRA process, the Commission was notified  
42 and staff in the Planning Department is reviewing that. But it is  
43 within the development areas of the university. So it doesn't appear  
44 to be too significant.  
45  
46 The second piece of correspondence to note is that the Shelter Island  
47 Supervisor and the Shelter Island Town Board have put forth a  
48 recommendation for a Commission member to replace George Dickerson,  
49 and that will be now be presented to the County Executive and the  
50 Legislature for consideration. As far as other items to bring to the  
51 Commission's attention, as I indicated at the last meeting, the  
52 Planning Department has completed a plan for the Village of Patchogue  
53 downtown business district. We have presented that to the Village,  
54 and they've asked us to appear at a meeting of the Village Board on  
55 January 27th to publically present the plan, and we will be doing  
56 that.

1 We also received inquiries and referral from the Town of Brookhaven  
2 involving property that straddles the Brookhaven-Smithtown townline,  
3 which is known as the Gyrodene property. We have spoken to both  
4 towns. Jerry Newman has been handling that, and we will looking to  
5 encourage the consolidated review so that when it does come to the  
6 Commission, it comes in as one piece. The property is bisected by the  
7 townline, so part is in Smithtown and part is in Brookhaven. But  
8 collectively certainly it's a significant application, and one where  
9 the Planning Commission certainly has important jurisdiction in terms  
10 of the intertown issues there.

11

12 I will make a point too that the -- there's been a minor change to  
13 state law regarding voting requirements of both the Suffolk Planning  
14 Commissions as well as the town and County Village levels as well.  
15 And what this relates is what's known as the Tall Trees Case, which  
16 was a case in the Town of Huntington last year wherein there was a  
17 decision of the Village Board that denied a application. And what the  
18 purpose of the new state law is to clarify that a board, whether it be  
19 a Village Board, a County Planning Commission, obviously must have a  
20 majority of members present to have a quorum, but that the majority  
21 must approve an application if they're going to approve it. If there  
22 is a failure to get a majority of the members to vote in favor of it,  
23 then the motion is not carried. So it appears to be a clarification  
24 of the law that goes into effect of July of this year.

25

26 Just two other points, the Department has completed its County Energy  
27 Conservation Plan that we prepared with the Department of Public  
28 Works. It's focused on County facilities and County uses and County  
29 policy for energy conservation, just to report that to you. And the  
30 last item is just to note that the Commission does have the  
31 organizational meeting in February, just so you are aware that that is  
32 coming up. That's it.

33

34 CHAIRMAN EVERSOLL:

35 Thank you, Tom.

36

37 MR. O'DEA:

38 Overrides, is that in relation to overrides at state law or any aspect  
39 of it?

40

41 MR. ISLES:

42 The overrides still have to be the majority plus one. So a local  
43 Planning Board would still have to have -- if it was a seven member  
44 board, it would still have to have five votes in that case. But  
45 fundamentally, in the case in Huntington, was they had a majority of  
46 the Board of Appeals present at the meeting. It was a seven member  
47 board, they had four members present. And there was a motion that was  
48 split 2-2. And I don't remember the exact facts of the case, but the  
49 essential issue that apparently was decided by the court in Tall Trees  
50 was that all four members would have had to have voted in favor of it  
51 for the motion to be carried. And now it's reaffirmed in town law,  
52 village law, so forth, general municipal law.

53

54 CHAIRMAN EVERSOLL:

55 Thank you. We'll start the Commissioner's Roundtable. Tom.

56

1 MR. THORSEN:

2 The Town of Southampton retained a second consultant to work on their  
3 comprehensive plan, and that's Horn and Rose. And they're working now  
4 with various citizens groups and there's supposed to be a series of  
5 meetings coming up in January, and I think one in Montauk in February.  
6 And hopefully, they will finish by April 30th so we may see that  
7 planning shortly. The other thing is in Newsday today I saw something  
8 called demalling in relationship to the East Northport Mall, then I  
9 read that they are a number of them that are going through the same  
10 process. I haven't seen that out in my neck of the woods, so it's  
11 kind of --I'm kind of curious about it and whether the staff is up on  
12 what's going on and why is this taking place, what's the reason. It's  
13 more of a question than --

14

15 MR. ISLES:

16 I think the -- we completed a retail study last year that Peter  
17 Lambert actually, one of our senior planners, worked on. As I see it  
18 with the East Northport Mall is it was relatively small in terms of  
19 standards of how big a mall is. And a lot of them were converting to  
20 what are more known as either strip centers or power centers with  
21 direct access to the street and so forth. But there is no question  
22 that there are changes in the air with malls as being kind of like the  
23 regional comparison shopping type use as being a dominant use,  
24 definitely changing.

25

26 One example that happened on Long Island is a conversion of power  
27 centers, you get more square footage and have more direct access for  
28 customers and so forth. The other conversion that's happening,  
29 however, in other parts of the country would be malls becoming more of  
30 a town center place of mixed land uses of putting in offices,  
31 residential. And a number of malls, there was one in Ohio that was  
32 rather significant that was a 1950s vintage mall with a sea of parking  
33 around it. They basically turned it inside out and created a main  
34 street with cars and shops and so forth, stores above that. So it was  
35 a complete transformation, and so I think the age of the mall being  
36 the typical suburban monstrosity with the expansive parking, a one  
37 dimensional use to it, just simply retail is dated at this point in  
38 many markets. And, I mean, the key thing about retail is it never  
39 stands still, it's constantly changing. And this is just one  
40 manifestation, one example of that, and we'll probably see more of it  
41 as time goes by.

42

43 MR. THORSEN:

44 Are these going to develop into smart growth --

45

46 MR. ISLES:

47 Well, that would be ideal. We haven't seen this one at this point, we  
48 just saw the article today too. But I think that's an excellent  
49 point, that where there are opportunities to do smart growth types of  
50 lands uses and even site design and not just a typical shopping  
51 center, these should be opportunity sites. And it gets back to the  
52 basic point too that we are a maturing suburban community. So in  
53 terms of, you know, continual expansion and just typical growth of  
54 vacant land and so forth, that's going to become less and less easy to  
55 do, and there are issues with that. So redevelopment is really the  
56 name of the game and really is very important for us. In the Town of

1 Islip there were, I think, 18 shopping centers that went through major  
2 reinvestments in major downtowns. That, I think, will continue and  
3 get stronger. And I think as, you know, as people begin to understand  
4 that ideas such as mixed use and creating interesting places and so  
5 forth, that there are possibilities for shopping centers that don't  
6 have to be the typical solutions. These ideas will then carry on, I  
7 think, as local boards and citizens appreciate it.

8

9 MR. THORSEN:

10 I appreciate that.

11

12 CHAIRMAN EVERSOLL:

13 Just an observation. But, you know, the decisions we make are cast in  
14 concrete, and that makes it much more difficult to readapt or to make  
15 the changes. But as Tom said, as observed and indicated, the retail  
16 business it changing just dramatically. WalMart, which started, I  
17 guess, the big box stores, went through the mid west, what, 25 years  
18 ago and put their 40,000 square foot stores and essentially destroyed  
19 downtowns, because they put it at the edge. And now they said we'll  
20 be here so we'll still serve your area. Then 20 years later they say  
21 well the 40,000 square foot store doesn't work, we now need 200,000  
22 square feet stores. So instead of having one every five miles, we  
23 have one every 25 miles. So essentially they really change the  
24 character of a lot of these small areas. And I'm not just picking on  
25 Walmart --

26

27 MR. THORSEN:

28 So this is beyond the fact that we have a down turn in the economy.

29

30 CHAIRMAN EVERSOLL:

31 I don't think -- this may just accelerate it. But those changes are  
32 going to be made because as Tom indicated, the malls -- I think this  
33 mall is about a 200,000 square foot small, and that's -- I guess  
34 that's too small to be a mall. And -- but -- and so they pick up more  
35 square footage by having direct access and closing off the corridors,  
36 internal corridors. But there's a lot of adaptive reuses. And I know  
37 that in my profession a number of people are looking at some of the  
38 malls that have failed and trying to figure, because they are in  
39 downtown areas, they are in areas where services are provided, if we  
40 could convert some of those to housing. And typically, they have  
41 infrastructure, all types of things that we now call smart growth;  
42 transportation, sewers and all those good things.

43

44 MR. TANTONE:

45 To expand on that a little bit and to give the Commissioner a little  
46 praise, the best -- a good example, and correct me if I'm wrong, in  
47 what we did over on Carleton Avenue in Central Islip. We've got  
48 hotels there, we've got five restaurants are going in, there's a great  
49 deal of retail. Housing had been there. So it's not quite exactly  
50 the mall makeover, but it's very, you know, similar to what, I  
51 think, that whole concept is. There are a couple of larger  
52 applications in Islip, but it's a little premature to talk about them  
53 at this point. The only other thing I wanted to mention is I have  
54 been asked a couple of times, right now Gene Murphy is our acting  
55 Commissioner. I don't if -- if everyone knows that, but I just  
56 thought I'd get that out so in case any of you have to contact the

1 department, Gene is handling everything since Dan left and has been  
2 the acting Commissioner since Dan left.  
3  
4 MR. ISLES:  
5 And Gene is a very professional planner, 25 years of experience in the  
6 Town of Islip.  
7  
8 MR. TANTONE:  
9 Absolutely.  
10  
11 MR. ISLES:  
12 Very honorable person.  
13  
14 MR. TANTONE:  
15 Definitely.  
16  
17 CHAIRMAN EVERSOLL:  
18 And look what 25 years in the Town of Islip has done for us. Nancy.  
19  
20 MS. GRABOSKI:  
21 Things in Southampton are pretty quiet, not much traffic, happy to  
22 report.  
23  
24 CHAIRMAN EVERSOLL:  
25 Bill.  
26  
27 MR. CREMERS:  
28 Things are quiet in Southold also, nothing much happening at this  
29 point. Our moratorium -- our six month moratorium will expire in  
30 February, and it looks like we're probably going to go for another 6  
31 months. That's about all I can say at this point.  
32  
33 CHAIRMAN EVERSOLL:  
34 Richard.  
35  
36 MR. O'DEA:  
37 Riverhead, our moratorium expires in June, no word on any extension.  
38 Master plan process is still at the Planning Board level. We're  
39 having meetings on it. One major issue is KeySpan, LIPA, whoever is  
40 controlling, probably LIPA now, underground utilities are getting to  
41 be a hot issue both in Southold -- or they have been -- comeetings and  
42 separate meetings. And the Farm Bureau had a meeting. They're --  
43 they're going to take a position on whether they want them across  
44 their fields or not. And that's about the hottest things during the  
45 holiday.  
46  
47 CHAIRMAN EVERSOLL:  
48 Linda, I know things are moving in Brookhaven.  
49  
50 MS. PETERSEN:  
51 Things are moving in Brookhaven. We're in the process of rewriting  
52 our codes, and we're developing a mainstream business district code,  
53 which we'll be using in conjunction with smart growth and traditional  
54 neighborhood redevelopment as we go through two major areas, one, the  
55 Montauk Highway Corridor between William Floyd Parkway and Forge River  
56 and 112 up in Coram to Wading River Hollow Road in Ridge. So we're

1 looking at those two areas, we're trying to apply the smart growth  
2 principles. And it seems to be working. In fact, I was late because  
3 we had a meeting three major applications in the Montauk Highway  
4 corridor were being seen in the Planning Board workshop. And we  
5 wanted to go over everything with them to be sure they understand  
6 exactly what it is we're trying to accomplish in that area.

7

8 MR. ISLES:

9 Mastic Shirley?

10

11 MR. PETERSEN:

12 Mastic Shirley, yeah. So that's being heard Monday at the Planning  
13 Board meeting. And there were so many changes to how we used to do  
14 things to how these new applications look. I wanted to be sure that  
15 the Board was aware of why we are doing what we are doing. And  
16 actually, if these people didn't have a moratorium exemption once the  
17 moratorium ended, they'd be asked to conform to these new codes and  
18 standards. So we're just doing them a little early. It's  
19 interesting. It's a fun time to be in planning with so many changes  
20 happening.

21

22 CHAIRMAN EVERSOLL:

23 Richard.

24

25 MR. LONDON:

26 Under Villages, we just want to wish everyone a Happy and Healthy New  
27 Year. Nothing otherwise on that to report. However, I'd like to  
28 second what Frank Tantone said before about Gene Murphy. I had been  
29 working with him for a few years on another project, and the man is  
30 exemplary. He is the best of the best. And when you are with Gene,  
31 you have a lot of confidence, because the man knows what he is talking  
32 about. That's all I have to say.

33

34 MR. DIETZ:

35 Nothing to say.

36

37 MR. MARTIN:

38 Nothing. Every is fine in Smithtown. Nothing new.

39

40 CHAIRMAN EVERSOLL:

41 All is quite in Amityville except for the hubbub about the park that  
42 was acquired. But it's open space and, I guess, that's how the  
43 politics work.

44

45 MR. ISLES:

46 By the way, the appraisal was reviewed, unlike what the article  
47 reported, so. It was reviewed by County personnel, licensed,  
48 certified real appraiser. Enough said.

49

50 CHAIRMAN EVERSOLL:

51 Okay. Andy.

52

53 [SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

54

55

56

1 S-RH-02-06

2

3 MR. FRELENG:

4 Okay. The first regulatory matter before the Commission is the  
5 subdivision referral from the Town of Riverhead, Aquebogue Golf  
6 Resorts. Jurisdiction for the Commission is at the subject properties  
7 are located adjacent from County Road 43, that should read County Road  
8 105. The applicants are proposing the subdivision of approximately  
9 186 acres of land in the Ag A Zoning Category in Hamlet of Northville.  
10 Minimum lot size in the zoning category is 40,000 square feet. The  
11 proposal is to cluster 80 detached condominium units on approximately  
12 approximately 45 acres of land, as well as the creation of four  
13 farming lots totaling 143 acres of agricultural property. The four  
14 farming lots are intended to be agricultural open space in accordance  
15 to the submitted map. In addition, another four acre lot being the 85  
16 lot, is located between County Road 43 and Sound Avenue, which is the  
17 town road. The condominium development will consist of the  
18 residential units as well as associated amenities, to include a  
19 clubhouse, a pool, tennis court and related support facilities. You  
20 can see on the subdivision map that the amenities are all located in  
21 the first 500 feet from Sound Avenue, which would be relevant in a  
22 couple of minutes. I just wanted to mention that. The maps are being  
23 processed pursuant to 278 cluster provisions. The lots range in size  
24 from approximately 9800 square feet to 13,176 square feet. Woven  
25 within the condominium parcel is approximately 15 acres of easement  
26 area for the collection of storm water runoff, created standing water  
27 ponds are proposed to collect the runoff. Section three, which is  
28 this piece over here is a four acre lot, it is a double fronted lot,  
29 fronting on Sound Avenue as well as County Road 43. And the four acre  
30 lot is capable of further subdivision.

31

32 The properties are generally bound on the north by Sound Avenue, as I  
33 said a town road, by County Road 105 to the west. Generally speaking,  
34 west and adjacent to section one is the Long Island National Golf  
35 Links, which an 18 hole public course. To the east and south subject  
36 property abuts vacant or agricultural land. Some of the land is  
37 County of Suffolk development right land, as we will as lands with  
38 conservation easements to the Peconic Land Trust. So lands to the  
39 south of the subject property are encumbered by easements to the  
40 Peconic Land Trust and Suffolk County development rights. Just to  
41 recap, this is National Golf Links, as you can see. This is the  
42 development parcel, section one. And to the east is developable land.  
43 Okay.

44

45 The character of the area surrounding the property is generally broad  
46 vista agricultural land, some agricultural farm buildings and the golf  
47 club building are apparent in the area. Out parcel property at the  
48 intersection of Sound Avenue and County Road 43 may be the location  
49 of  
50 aerial crop dusting application, that's here -- no here. It's right  
51 here. Okay. Over here is -- used to be an old air strip, which shows  
52 up on our jurisdictional maps. Our site inspections cannot reveal the  
53 dirt air strip anymore, but experience reminds us that they're using  
54 helicopters now to do crop dusting out there. And I believe they're  
55 still landing and loading the helicopter here at this brush location.  
56 We couldn't confirm that, but we are noting that -- that for the staff  
report. Okay.



1 The subject properties together can be characterized as being  
2 generally level with the slight slope to the south. There is one  
3 structure on the subject property which is a barn. All the parcels  
4 are located within ground water management zone four. Potable water  
5 to the lots is intended via public supply, and sanitary waste is to be  
6 collected and disposed on site with individual systems. Soils on the  
7 property consist of Riverhead, Haven Plymouth series. Riverhead and  
8 Haven soils are considered prime farm soils in Suffolk County. The  
9 subject properties are with the exception of section one within  
10 agricultural district number seven, as we will as some adjacent  
11 properties to the north of Sound Avenue are within the ag district.

12  
13 The parcels are not in the Suffolk County Pine Barrens region. They  
14 are, however, located in Central Suffolk North Special Groundwater  
15 Protection Area and the SGPA recommends a mixture of low density  
16 residential preserved farmland and cluster development of these sites.  
17 Access for the subject subdivision is intended via single access point  
18 to Sound Avenue, and the extension of network of cul-de-sacs, the  
19 longest of which is approximately 3916 linear feet according to the  
20 submitted maps. Another cul-de-sac is approximately 1187 linear feet.  
21 Commission guidelines -- pursuant to Commission guidelines, the  
22 maximum length of cul-de-sac street within a residential subdivision  
23 is not to exceed thousand feet in low density area and 800 feet in  
24 other areas. In addition, the single access point to section one does  
25 not provide for alternate or emergency access. Property to the east  
26 is developable and further alternate and emergency access should be  
27 provided.

28  
29 It should be noted that Sound Avenue is within a corridor, scenic or  
30 historic corridor, and that it has mentioned some of the lots and some  
31 of the amenities are within that corridor. However, Sound Avenue is  
32 not a road in the jurisdiction of the Commission. And these lots for  
33 all intent and purpose are in conformance with the submitted map.  
34 Whether or not the Commission wants to raise issues regarding  
35 aesthetics or something of sight distances along the corridor. That's  
36 up to the Commission to deliberate. Okay. So issues related to the  
37 proposed subdivision stem from the Commission's policy on creating  
38 subdivisions with the exceedingly long cul-de-sac streets, lack of  
39 alternative access and good planning and land use.

40  
41 Staff is recommending approval subject to the following conditions:  
42 Condition number one, that agricultural reserve area shown on the maps  
43 remain undeveloped except for those agricultural related structures  
44 which are permitted by town law; condition two is that lot owners in  
45 the subdivision be advised that they're adjacent to agricultural  
46 reserve and that lots may be subject to noise and fugitive dust  
47 normally associated with agricultural activities; conditions three is  
48 another advisory that lots are located within one mile of agricultural  
49 crop dusting operation and lots, therefore, may be subject to noise  
50 from aircraft flying overhead or nearby; condition number four relates  
51 to section number three, which is that four acre parcel, and it is a  
52 condition requiring no further subdivision of that particular parcel;  
53 condition number five requires an easement along the County Road on  
54 the back of section three; condition number six prohibits access for  
55 this section to the county road allowing the access and restricting  
56 the access to Sound Avenue; condition seven requires all storm water

1 runoff to be retained on site; condition eight relates to the  
2 Commission policy on the length of cul-de-sac streets, the final  
3 sentence reads that the proposed map shall be redrawn so that each  
4 cul-de-sac street is in conformance with Commission guidelines;  
5 condition nine relates to the single point of access, and the last  
6 sentence in that paragraph reads that the road layout within the map  
7 of section shall be redrawn so as to provide a future alternate access  
8 to the subdivision.

9

10 Just as a side bar, staff notes that properties to the east are  
11 developable, they are not encumbered by easements or development  
12 rights which are acquired. And certainly the proposed 3,000 foot long  
13 cul-de-sac could be broken at any point along the way to set up an  
14 alternate or emergency access for the future. Item ten, is that the  
15 man-made ponds created in section one, there are several of them, be  
16 created in accordance with DEC freshwater wetlands guidelines and  
17 guidelines prepared by the Department of Planning in 1990. And  
18 condition eleven is a requirement that 20% of the housing units in  
19 this subdivision be considered for affordable housing purposes. That  
20 is the staff report.

21

22 CHAIRMAN EVERSOLL:

23 Do we have a motion.

24

25 MR. THORSEN:

26 I so move.

27

28 MS. GRABOSKI:

29 I second.

30

31 CHAIRMAN EVERSOLL:

32 Any discussion?

33

34 MS. GRABOSKI:

35 I just had a question on the fact that there's intense development  
36 proposed with regard to the condo-type development and the fact that  
37 there's a golf course where there maybe a fair amount of nitrogen used  
38 in fertilizers. Are there any issues with regard to nitrogen loading?  
39

40 MR. FRELENG:

41 Probably should have pointed out that this density is about half of  
42 what the allowable combined density is, that the applicant have been  
43 to the Health Department, there have been discussion with them. The  
44 Health Department is satisfied, in my understanding anyway, that the  
45 80 lots proposed here and the agricultural farming that will go on all  
46 that in terms of nitrogen loading has been considered. And they have  
47 not approved the map yet, but there have been discussions regarding  
48 the loading of nitrogen with continuous farming as well as putting  
49 housing in this area. This is about half the density that is  
50 allowable.

51

52 MS. GRABOSKI:

53 Thank you.

54

55 CHAIRMAN EVERSOLL:

56 Any other questions?

1 MR. THORSEN:  
2 Andy, there is along strip of what look like the private road for the  
3 subdivision that abuts directly that east parcel.  
4  
5 MR. FRELENG:  
6 Yes.  
7  
8 MR. THORSEN:  
9 All right? Now, the road -- are we comfortable that that doesn't  
10 become a spike strip? In the old days, we used to have developers  
11 creating an excess strip along the roads so that, you know, you  
12 couldn't break through them. Are we comfortable that we could get  
13 access through to that end of the property if a --  
14  
15 MR. FRELENG:  
16 You are saying that the road here, the cul-de-sac road here, are we  
17 comfortable that we could get access to their?  
18  
19 MR. THORSEN:  
20 Right.  
21  
22 MR. FRELENG:  
23 Well, it's all within the right of way. The detail sheets which are  
24 not attached here does show it as a grass shoulder, but I'm not -- I'm  
25 not quite sure I understand where you are coming from. There are no  
26 large obstructions, trees or --  
27  
28 MR. ISLES:  
29 I think we're suggesting in the conditions is that Riverhead consider  
30 approving this with the condition that there be a contingency for an  
31 access to that parcel to the east. So the subject parcel where the  
32 condos would go would have to provide that. Therefore, they could not  
33 leave a complete strike strip there separating it. There would have  
34 to be at least one point for the vehicles to pass across --  
35  
36 CHAIRMAN EVERSOLL:  
37 And that would we be an emergency access.  
38  
39 MR. FRELENG:  
40 That's condition number nine, we didn't specify where.  
41  
42 MR. ISLES:  
43 Right. Just saying it had to be done somewhere.  
44  
45 MR. THORSEN:  
46 Years ago before you -- before you were planning, that was one thing  
47 that we found a problem, that you would have a road that tapped an  
48 adjacent piece of property, and they made sure that you couldn't cut  
49 a  
50 road through there, because they were trying to keep it absolutely  
51 private and didn't want somebody else using their roads.  
52  
53 MR. FRELENG:  
54 Right.  
55  
56 MR. THORSEN:  
57 They were not known as spike strips. This could set up for a spike

1 strip unless --  
2  
3 MR. FRELENG:  
4 Is there a way we could amend the condition?  
5  
6 MR. ISLES:  
7 The condition does say that they have to provide an alternative  
8 access. It would be up to Riverhead to decide where exactly they feel  
9 that that should go. But I think we're covered enough, at least I  
10 believe, to have a secondary means of access to the property.  
11  
12 MR. THORSEN:  
13 Okay.  
14  
15 CHAIRMAN EVERSOLL:  
16 Yes, Nancy.  
17  
18 MS. GRABOSKI:  
19 I just had one other question. Just from looking at the map, it  
20 almost appears as though the units -- I'm not sure what side -- the  
21 ones that abut the golf course, do those structures come right to the  
22 property? Does the struck itself come right to the property line as  
23 if there were a zero lot line?  
24  
25 MR. FRELENG:  
26 You mean here? I would think not, no, month the building envelopes.  
27 They do have a set back off the back rear lot line.  
28  
29 MS. GRABOSKI:  
30 They do.  
31  
32 MR. FRELENG:  
33 They're using -- they're using a smaller zoning category to establish  
34 the building envelopes.  
35  
36 MS. GRABOSKI:  
37 Is there any, you know -- is it considered to be a major amenity and  
38 conceivably an advantage to those units that are directly, not quite  
39 on the golf course, but as close to the golf course as --  
40  
41 CHAIRMAN EVERSOLL:  
42 Yes.  
43  
44 MR. FRELENG:  
45 Notwithstanding a golf ball through a window, I think that's a selling  
46 point for those units.  
47  
48 MR. O'DEA:  
49 When you brought up the historic corridor that has some -- in 1974  
50 there was -- state approved that designation in a resolution. In 1992  
51 in the Bicentennial of Riverhead, they've also done a resolution. And  
52 in your current final draft of the comprehensive plan the consultants  
53 lean on that aspect pretty heavily as a recommendation. The problem  
54 is the -- what the definitive number and the set back and what you  
55 want to put as a number on it. Myself, I like 500 feet and probably  
56 would recommend that to the Planning Board. So if the Commission

1 would consider some wording or some forward thinking on that, it would  
2 be appreciated.

3

4 The other part of this is that there is an addendum, this map -- the  
5 Planning Board heard this map on December 19th and close the hearing,  
6 but within that hearing, this map is presented with two addendum,  
7 which involves a building lot area on the west parcel of Long Island  
8 National. It's an either or. It's either on the right side or the  
9 left side.

10

11 MR. FRELENG:

12 Here?

13

14 MR. O'DEA:

15 Yeah, up in the corners. The farmer needs a lot was the scenario that  
16 was presented to the town board -- to the Planning Board. So that  
17 sort of goes against approval number one that's in this staff  
18 recommendation if the Planning Board goes along with that. There has  
19 been a resolution adopted and put in front of the Planning Board,  
20 which myself is not too happy with because the Planning Board didn't  
21 ask the planning staff, didn't give them any direction on the  
22 resolution, so that's a bone of contention.

23

24 What else is involved in this? Those are the two main items. This  
25 has a sister project to it that Farm Select Committee and the town  
26 have been kicking around for three years basically. Riverhead Town is  
27 buying the open space, agricultural open space, on this and North Fork  
28 Golf, which is probably the largest vista in town. In the central  
29 area of this town price is 3.4 million that they're paying for  
30 agricultural open space, which I have no positives or negatives to say  
31 about that. But the reason I bring it up is that moving those two  
32 lots in my estimation sort of goes against the -- all the presentation  
33 that was made since all was moved on to the Eastern part of Long  
34 Island National. I just leave that on the floor, and I will vote --  
35 probably abstain, because it's still in front of the Planning Board.

36

37 CHAIRMAN EVERSOLL:

38 Nancy, did you have anything further?

39

40 MS. GRABOSKI:

41 No.

42

43 CHAIRMAN EVERSOLL:

44 So, Dick, what would you like us to recommend? Would you like us to  
45 recommend --

46

47 MR. O'DEA:

48 I would like to get into the historic corridor. Even though it is not  
49 a County Road, it is -- it's got enough teeth in it to through state  
50 resolution, through town resolution, through draft master plan  
51 recommendation to come up with some wordsmith --

52

53 MR. ISLES:

54 Is there a set distance that's been adhered to in the past in terms of  
55 at the set back?

56

1 MR. O'DEA:  
2 Not that I know of. We did a subdivision on the north side of --  
3 let's say a year, year-and-a-half ago, we got it back. There's a ten  
4 acre farm lot where we have agreed the let them put a house and barn.  
5 I would say that's about two tenths of a mile or 500 feet or there  
6 abouts. That's probably where the Planning Board would like to direct  
7 any applicant. A number of -- in the process of discussing the master  
8 plan, a number will --  
9  
10 MR. ISLES:  
11 Come out.  
12  
13 MR. O'DEA:  
14 Be arrived at in very short order.  
15  
16 MR. ISLES:  
17 Okay.  
18  
19 CHAIRMAN EVERSOLL:  
20 Do we have a motion. Tom?  
21  
22 MR. ISLES:  
23 We had a motion, didn't we?  
24  
25 CHAIRMAN EVERSOLL:  
26 Oh, we did.  
27  
28 MS. PETERSEN:  
29 Could we add something that says a historic buffer subject to the  
30 towns?  
31  
32 CHAIRMAN EVERSOLL:  
33 Yes. You would like to make that amendment?  
34  
35 MS. PETERSEN:  
36 Yes, if Richard doesn't mind.  
37  
38 MR. O'DEA:  
39 That's fine.  
40  
41 MR. DIETZ:  
42 I second.  
43  
44 CHAIRMAN EVERSOLL:  
45 All in favor? Any opposed? Any abstain? That's unanimous. As to  
46 the motion itself, all those in favor of the motion --  
47  
48 MR. O'DEA:  
49 I'm abstaining.  
50  
51 CHAIRMAN EVERSOLL:  
52 Oh, he did abstain. One abstention.  
53  
54 MR. ISLES:  
55 Andy, in terms of the further subdivision of lots, Mr. O'Dea had made  
56 the point of concern at this time for other of the open space lots

1 being subdivided further beyond what we identified in the one  
2 condition, is that adequately covered?

3

4 MR. FRELENG:

5 Well, condition one requires that there be no structures on the  
6 reserves. It doesn't prohibit further subdivision of the reserve. So  
7 we could add another sentence indicating that in addition there shall  
8 be no further subdivision of the agricultural reserve. That will  
9 address that.

10

11 CHAIRMAN EVERSOLL:

12 Okay.

13

14 MR. O'DEA:

15 That's fine.

16

17 MR. DIETZ:

18 I will make a motion on the second amendment.

19

20 MR. LONDON:

21 Second.

22

23 CHAIRMAN EVERSOLL:

24 Any discussion on the amendment, on amendment number two? All in  
25 favor of amendment number two? Any opposed? Any abstention?

26

27 MR. O'DEA:

28 Abstain.

29

30 CHAIRMAN EVERSOLL:

31 One abstention, Mr. O'Dea. On the motion itself, all in favor? Any  
32 opposed? Any abstentions? One abstention, Mr. O'Dea.

33 APPROVED (VOTE:9-0-1)

34

35 Okay. Thank you. Jerry, you are up.

36

37 BR-02-87

38

39 MR. NEWMAN:

40 Okay. Today we have one zoning action on the agenda. It's from the  
41 town of Brookhaven. This is an application to rezone a ten acre  
42 parcel of land from a single family one acre category to a multi  
43 family category for the purpose of erecting 62 garden apartment units  
44 on land situated on the south side of Middle Country Road, east of  
45 Picasso Way at Middle Island. In this case the parcel has  
46 approximately 340 that fronts on Middle Country Road and extends  
47 southerly approximately 2,050 feet.

48

49 The preliminary site plan calls for the erection of nine two story  
50 residence buildings, 134 parking space, one point of gated vehicular  
51 ingress and egress via the state roadway. A community building,  
52 recreational amenities. Currently existing on the property is a house  
53 right up on the northerly corner, that obviously, would be removed.  
54 The property under existing zoning can accommodate approximately eight  
55 single family residences. It's bounded on the north across Middle  
56 Country Road by a shopping center on unimproved land. And a shopping

1 center as well as single family residences districts respectively to  
2 the east on improved lands in the residence A -1 district.

3

4 We on the Planning Commission considered a rezoning basically on this  
5 portion, 28 acres to a PRC as we will as J-5 category. The Planning  
6 Commission denied that, and the staff concerns were the inclusion of  
7 one acre retail component which was an extension of non conforming  
8 gas station that currently exists on the corner of that piece. So the  
9 Town of Brookhaven is currently entertaining that application.

10 Whether or not they will withdraw the retail component, if that were  
11 to come back in, we would also suggest acceptance of that application.

12 However, we haven't received anything further on that. That was  
13 denied by the Planning Commission in December of last year. To the  
14 south is unimproved land and to the west is multi family units, a  
15 number of multi family units, you can see all the shaded area and  
16 through here there's a lot of multi family units around Artist Lake.

17

18 It is the belief of the staff that this proposal appears conditionally  
19 appropriate considering prevailing pattern of zoning and character of  
20 the surrounding area, consistent with established locational criteria  
21 for multi family accommodations, in this case we're talking about  
22 shopping, transportation and amenities. We're recommending approval  
23 subject to four conditions; 20% of the unit shall be for affordable  
24 purposes; number two, that the affordable units shall be appropriately  
25 encumbered to ensure long term affordability; number three, there  
26 shall be an alternate point of emergency vehicular egress and ingress  
27 on the property, obviously, this is extremely long, 2000 feet, could  
28 still have some kind of access to this multi family development to the  
29 west; and finally, they're implementing the Suffolk County Pine  
30 Barrens standards on plants and fertilization. We recommending they  
31 clear no more than 57% of the area, and no more than 15% in fertilized  
32 dependant vegetation. In this case, the site plan exceeds the  
33 clearance requirement of 57%. However, the site plan that is  
34 submitted is in conformance with the fertilizer dependant vegetation.  
35 We're recommending approval subject to four conditions.

36

37 CHAIRMAN EVERSOLL:

38 Do we have a motion?

39

40 MR. TANTONE:

41 I make a motion.

42

43 MR. CREMERS:

44 Second.

45

46 CHAIRMAN EVERSOLL:

47 Any discussion?

48

49 MS. GRABOSKI:

50 I just have a question. Jerry is it possible to construct that as  
51 they've presented it and still not take down, you know, be in  
52 compliance with the 57%?

53

54 MR. NEWMAN:

55 Well, they're in compliance, they cleared -- the plan as submitted has  
56 65% clearance, which would be synonymous with their MF-1 zoning



1 standards in the Town of Brookhaven. I think it's possible they could  
2 develop 57%.  
3  
4 MS. GRABOSKI:  
5 I guess the only other thought I would have is that should they --  
6 sometimes in the clearing they go, you know, a little beyond the  
7 actual building envelope --  
8  
9 MR. NEWMAN:  
10 That's obviously a condition of enforcement and sometimes that very  
11 difficult.  
12  
13 MS. GRABOSKI:  
14 You are right about that. In fact, in of anticipation of that on  
15 occasion the town has required that they come up with a revegetation  
16 plan that meets natural resource. I don't know if that's appropriate  
17 at this level or whether that's really more of the town --  
18  
19 MR. NEWMAN:  
20 That would be addressed at that time next face when the site plan  
21 comes in and they would adhere to those conditions.  
22  
23 CHAIRMAN EVERSOLL:  
24 Any other discussion? All those in favor? All those opposed? Any  
25 abstention? Unanimous. APPROVED (VOTE:10-0)  
26  
27 I have a motion to adjourn. Thank you for coming today, and Happy New  
28 Year. And do we have a motion to adjourn?  
29  
30 MR. LONDON:  
31 Motion to adjourn.  
32  
33 MR. TANTONE:  
34 I will second.  
35  
36 CHAIRMAN EVERSOLL:  
37 Thank you very much.  
38  
39  
40  
41  
42 (\*THE MEETING WAS ADJOURNED AT 12:57 P.M.\*)  
43  
44  
45 { } DENOTES BEING SPELLED PHONETICALLY  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56