

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 April 2, 2003.

PRESENT:

Robert Martin (Smithtown) - Vice-Chairman
Louis Dietz (Babylon)
Thomas Thorsen (East Hampton)
Richard London (Village 5000 & Under)
Frank Tantone (Islip)
John Caracciolo (Huntington)
Ronald Cyr (Shelter Island)
William Cremers (Southold)
Carl Berkowitz (Brookhaven)
Nancy Graboski (Southampton)
Laure Nolan (Village 5000 & Over)

ALSO PRESENT:

Thomas Isles - Director of Planning
Gerald Newman - Chief Planner
Andy Freleng - Principal Planner
Claire Chorny - Planning Commission MINUTES TAKEN AND TRANSCRIBED BY:
Donna Catalano and Lucia Braaten - Court Stenographers

(*THE MEETING WAS CALLED TO ORDER AT 12:05 P.M.*)

VICE-CHAIRMAN MARTIN:

We will call the meeting to order. You received a copy of the minutes of the last meeting, March 3rd -- March 5th. MR. THORSEN:
I move for their approval.

DIRECTOR ISLES:

I would just like to -- on the motion, Mr. Eversoll, who was not able to make it today, had two corrections that I would just like to hand in for the record for this meeting. That's all.

VICE-CHAIRMAN MARTIN:

Next item of business is yours, Tom. DIRECTOR ISLES:
Vote on the minutes.

VICE-CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded? So moved.

DIRECTOR ISLES:

There are three pieces of correspondence I would like to bring to your attention today. One is outgoing correspondence at the request of Commissioner London. There was a point made in terms of contact with the villages, in particular Mr. London representing Villages of less than 5000 population. Basically to make contact and to refer to the role of the County Planning Commission review of the applications and so forth. So what we've done based upon that is sent out letters to all the mayors in the villages of Suffolk County. What I think is interesting is in doing the annual report of the department, once again, Jerry Newman and Andy Freleng track of that. As you will notice in the report, 17 villages in the County made referrals to the County Planning Commission in 2002. That means there are 14 villages that did not make referrals.

Now, it's possible that there were no applications that were subject to the referral process, but just to get started in terms of good cooperation and coordination with the villages, what we've done with this letter is to remind them of the role of the Suffolk County Planning Commission review. We've sent to them copies of both General Municipal Law as well as the County Administrative Code that relates to the County's jurisdiction and the review of the applications for both subdivisions and site plans and have offered any assistance with questions that they may have. We've also provided them with an updated listing of all the members of the Planning Commission based on your respective areas of representation and so forth. So what I've provided to you today in your package is a copy of one the letters, but just so you know, this went out to Mayor Kelly, letters went out to all 31 mayors of the all 31 villages in the County with this package of information. I did receive one call already from a village that indicated they appreciated getting and they had some questions regarding the actual coordination process.

The second item of correspondence is as I indicated, the Planning Department had completed at the direction of the Commission a plan for the Village of Patchogue. We made a presentation to the -- to the village board several months ago. More recently in this past month, we made a presentation to the Business Improvement District of the Village. The Business Improvement District was very involved in the preparation the plan as well. We did receive a letter back last week from the Executive Director of the Business Improvement District acknowledging receipt of the report, expressing their interest and enthusiasm for the report and also indicating that they've started on a number of items on implementation of the report, which we found very satisfying.

And just the last piece of correspondence to bring to your attention is from the Town of East Hampton. We did receive a letter from the Supervisor of East Hampton, essentially transmitting the East Hampton Comprehensive Plan that was completed by Dr. Koppelman to us, to the Commission. He also indicates -- the Supervisor also indicates that they are now working with another consultant on the implementation side of the plan. And they would share that with us as well when that was completed. At this point, the plan has not been submitted as a formal referral for review by the Commission, but just so you're aware, we have received this from this from the Town of East Hampton.

Just in terms of a couple of general items regarding the department at this time. At the last meeting, we did provide to you a copy of the annual report. We have made some final changes to it, updates to it, so the copy you have before you today is the annual report for the Commission. This is required to be prepared, here again, by virtue of the Administrative Code. Copies of this have been sent to the County Executive and to the Legislature as well. What we've also provided in your package today is a report that was completed by Peter Lambert, a senior planner in the County Planning Department, and it's a memorandum to the Commission that basically looks at the issue of rental apartment rates in the County. And what we've done, what Peter's done in the past 13 or so years is that we do a snapshot of the rental market as measured by the -- by Newsday.

And essentially what it is is looking at residential rentals. And this is not something that is typically a matter a public record, such as the sale of residential properties is -- is something that we can could determine value based on tax stamps recorded with the County Clerk's Office and so forth. So this becomes a snapshot when one day we sample 100% sample of the Newsday Classified Ads. And it just gives a comparison. So what you can see for the survey that was done in the third week of January of this year on table one is that there were a total of 230 listings for residential apartment rentals, quite a bit down from the prior years of 412 and 315 and so forth. So that's perhaps suggesting a tightening of the market, a limit of supply perhaps.

The second table provides the estimated rents on the apartments, here again, based on the advertisements. And here again, we use this as an indicator of what the market is. It's not perfect, but we think it's an interesting and useful comparison to take from year to year. As you can see with the estimated rents, based on this survey that was

done, a one bedroom apartment in 2003 was \$1166; a two bedroom apartment was \$1429. What you can see in the chart is the changes, and obviously, it's gone up, and the increase has been rather significant. Essentially what's happened then at least for western Suffolk County, the average rental rates from 1999 to 2002 went up about 33%. And then we break it down -- Peter's broken it down by one bedroom and so forth. So we provide this to you for your information. It's a snapshot in terms of the rental market. It's not a surprise in the sense of the overall residential market ownership and so forth has gone up dramatically. Obviously the residential rental market has gone up dramatically as well.

Just a couple of other items to mention. The County Executive and the Legislature have created a Smart Growth Committee, which I previously mentioned to -- to the Commission. I will tell at this point that we've been meeting since May of last year. We are now coming to the completion stages of that process. Andy Freleng, principle planner who does our subdivisions review for the County, who has been the staff member working with me on that. The intent of the Smart Growth Plan is to look at the smart growth policy plan that was done by Steve Jones in this office about two and a half years ago and came forth with 42 recommendations that the County could take to implement smart growth planning practices in the County. The purpose the committee is to go through each of those recommendations and to and prioritize what steps the County should be taking and to also look to converting these ideas into action items, and how can we translate these ideas into bricks and water or actions on behalf of the County Government.

So we are completing that. We will be obviously sharing that with the Commission, reporting that to the Commission when we near the completion of this project probably in June of this year. From that point, it then gets submitted to the County Executive and to the Legislature. As I said, obviously, we recognize Home Rule powers in items of zoning, subdivision and so forth. But there are a number of ways where the County can impact on land use and development. Obviously, the Health Department policies and laws are one part of that, but also where the County locates facilities and so forth, which has been the subject of discussion lately, as Basia knows. Those kinds of things can potentially be good development, good planning, but also cannot be simplified down to simple statements. So they have to be looked at carefully.

Just the last item is historically, the Commission has chosen to utilize the summer months to travel to other parts of the County. We will be pleased to set up some of those meetings as we get to the warmer weather now. So we would invite any suggestions that any of the Commission members have to meetings in any parts that you would like to go to. Typically, we try to get out to the East End a couple of times. Once we get some suggestions back, we would then like to work with the individual members on actually setting up time, place and so forth and the arrangements. That's it. Thank you.

VICE-CHAIRMAN MARTIN:

Before we go on, I'd like to make a thing that we should have when we open a meeting a salute to the flag. I think with the way times are today, and it's important to support the flag and show that we do do

that. Maybe starting at the next meeting after Don Eversoll has a chance to review it, that we'll have that opening our meeting at 12:00. We can sit right at 12:00 and do it automatically every meeting. If there's anybody that has any problem with that, we'll have discussions -- you know, we can do that. We have to get a flag, I know. That's the reason why we can't start until next week.

MR. LONDON:

Do we need a motion to do this?

VICE-CHAIRMAN MARTIN:

Well, I'd like Don Eversoll to do it, he is the Chairman, you know. So may be we'll hold it until next meeting, and next meeting somebody can bring it up and well have a motion on it.

MS. GRABOSKI:

I think it's a very good idea.

MR. CARACCIOLO:

I make a motion to donate a flag.

MR. BERKOWITZ:

Second the motion.

VICE-CHAIRMAN MARTIN:

I appreciate that. The next order of business is the Commissioner's Roundtable. We'll start with Tom.

MR. THORSEN:

I have nothing today.

VICE-CHAIRMAN MARTIN:

Frank.

MR. TANTONE:

One little piece of news. We have an appointed a new planning board members, which now brings us back up to the full seven. His name is Al {Quigdagno}. He has his first meeting actually tomorrow evening. The Supervisor appointed him, I believe, at the last town board meeting on Tuesday. You know, seven years ago when I started, I looked around the board and I looked felt like a kid. And now three of the board members are younger than me. It's get a little -- little shaky. But what I said to the Supervisor was, as long as he lets me hang around until I'm 80 like Mr. O'Connell, that's okay. That's all I really have.

VICE-CHAIRMAN MARTIN:

Okay. Nancy.

MS. GRABOSKI:

Things are pretty quiet out East. You'll have to forgive me if I'm a little distracted, but I have a nephew who's a Navy Fighter Pilot, he flies F-14s. And I had from my sister last night who lives -- he's based out of Virginia Beach. He had to eject out of his plane last night. And they were able to rescue both the people in the plane. And according to what I was able to pick up on the Yahoo Website,

there were no serious injuries. But we really haven't heard any details and what not. But he's back in Kuwait, and he's, you know, back in safe territory. I would just ask you for your prayers at this time. Thank you.

VICE-CHAIRMAN MARTIN:
Bill.

MR. CREMERS:
Nothing to report from Southhold.

MR. CYR:
Shelter Island, the town board had really concentrated on looking at affordable housing and looking at zoning. And they appointed a committee, and the committee has just finished up with that. And interesting on Shelter Island, because they want to get a handle on just exactly what the island's needs were for affordable housing. And as it turns out, there are 256 auxiliary apartments on Shelter Island, some of which are legal, most of which are not. So the rental -- the rental properties on Shelter Island is not an issue, but the affordable housing, they really narrowed it down to the need of only 24 houses.

They invited Vite Minei from the Suffolk County Health Department to Shelter Island to take a look at the water supply and all that, and it was interesting what came out. Shelter Island really cannot do affordable housing. For the reason being that the Health Department requires one house per acre. And on Shelter Island to do cluster zoning, they really won't do that, because the Health Department is going to stick with that. So if you had a four acre plot, and you wanted to bring all the housing, you know, into the middle of the plot, they would still not approve it, because basically they won't allow -- if I have this right -- they won't allow that the well for the septic tanks be put off into the -- into the barrier portion of the land, which was interesting. And according to Vito, the only recourse that Shelter Island would have to accomplish this would be to bring public water and sewers on to the island. So I thought I'd bring that forth. Anybody have any ideas on that, I'd like to know.

DIRECTOR ISLES:
How did you complete the survey to determine the number of accessory apartments?

MR. CYR:
I've got the report, but basically what they did is they first of all determined how many -- they started with income levels of the island. And basically, there weren't that many families on the island with lower than median income on the island. And then they did the same thing you did, they went through and looked at what the rental properties were going for on the island. And using what mortgage people do, you know, 25 or 27% of your gross monthly income, using that to determine, you know, if your -- if your income and that percentage and that rental puts you above that, then you were one of those families. And as it turns out, the population on Shelter Island is so small that there's only 24 families really, you know, in dire need at this moment of housing.

What the Suffolk County Health Department did do, which was kind of a surprise to me, is they -- they are now going to allow Shelter Island -- I mentioned we have 256 auxiliary apartments on the island, the Health Department has said that if -- if Shelter Island wants to count the auxiliary apartment as a part of the main house, even if it's not attached, they will go along with that. All of a sudden -- you know, if the town finishes this, all of a sudden, we may have available some percentage of the 256 apartments available for rent. So rental is not a problem, it's the affordable housing.

DIRECTOR ISLES:
Great.

VICE-CHAIRMAN MARTIN:
On the other side.

MS. NOLAN:
I don't have anything. Thank you.

MR. BERKOWITZ:
I don't have anything either.

MR. CARACCILO:
I put my feet in the water in Huntington, and I went in up to my neck. It's quite a lot going on, and I got my first education meeting with the Planning Director of the Town of Huntington. There's a long range planning meeting tonight that I'm going to attend, so I will have some more information at our next meeting. But some of the major things that are going on right now is the hotel project on Round Swamp Road has everyone and the Long Island Business News is back on track. That does border Nassau and Suffolk County, Town of Oyster Bay and the Town of Huntington. I'm curious to know if that had to come before this Commission at one time with that application.

MR. NEWMAN:
It did. We approved it with conditions.

MR. CARACCILO:
It seems like it was delayed, and now it's back on track. They seem to have financing now, and that's going to go ahead. So we're going to discuss that tonight. There's also a discussion in the town right now about a location plan for cell towers. And we're just starting to talk about that. Now that the moratorium in the town has been lifted for cell towers, a couple of companies put in applications along 25A. I wanted to introduce myself to you and really talk about that a little bit, because it's -- they're getting bombarded by applications with that. And they're just looking for a way to handle that in a very constructive manner.

Also as a board member of the LIA, the LIA came out with five initiatives that they are going to push the New York State Senate for, and one of them that does involve Suffolk County is the redevelopment and the -- the redevelopment of Route 347. And the LIA has put that as one of their five priorities this year to move that project through. So I will keep you informed on that. And with the Chairman's permission and with Mr. Isles permission, I'd like to

distribute at the next meeting a very interesting piece that Newsday ran last week, and the LIA has a larger copy of it called, "Cross Roads." And it was a look at 25 years ago, you know, what major developers and planning commissions on Long Island felt were changes that we needed to do on the Island and really what got done and what didn't get done. And the LIA has obtained a very interesting snapshot of this. And with your permission. I'd like to distribute that next meeting. It's good reading.

DIRECTOR ISLES:

Sure, that would be good. Thank you. Thank you.

VICE-CHAIRMAN MARTIN:

And the flag.

MR. CARACCILOLO:

I guarantee to bring the flag.

VICE-CHAIRMAN MARTIN:

No flag, no booklet.

MR. LONDON:

I have nothing to report.

MR. DIETZ:

Nothing.

VICE-CHAIRMAN MARTIN:

Nothing in Smithtown. Well, not nothing. We have that Kings Park State Hospital.

DIRECTOR ISLES:

Little thing.

VICE-CHAIRMAN MARTIN:

Doesn't even know who owns it now anymore. It seems that when that hospital was bought and put on, it was done by -- in New York, Brooklyn. It was called Kings County Lunatic Asylum. I mean, the name was kind of crude, but in those days -- when they changed the ownership of the hospital, they thought they changed the ownership, they never changed the ground. And that's it got the Kings Park name. Now they don't where -- they don't know who owns it now, whether it's New York City -- it certainly isn't Smithtown, because then there would be no problem -- or the state. And now they're saying the state might not even own it, it might belong to the City. And the City, they're in bad financial -- they want money. You know, so we really don't know where it's going.

I think the best use of that hospital give it to the Town of Smithtown, keep it as open space. If you want to develop along the highway, you know, to get some revenue out of it, that's what we should do. Then we got another problem, the property is accessed by the last sale basically. So if they want to get \$2 million, that's coming off the tax role. And the people in Kings Park are going to get murdered with their school taxes. The state paid, I think, \$800,000 a year to the school. There's so many things there that have

to be worked out that I don't see anything happening.

Any builder that comes in there to build on that, he's going to have a headache, because he has to remove all the asbestos. They buried all the -- when they knocked the building down all through the years, they buried it right there, because they had tremendous foundations in there, deep, you know, cellars and basements at the lower levels. And they threw the building that was on top pretty much into the hole. All that asbestos, if there's any, I'm sure there's -- everything was asbestos in those times. There's all in the ground. And that's to clean it, they say \$25 million. So it makes the land almost worthless. You know, not worthless, but of course it takes away the value. But we just looked at the way it was, leave it as a big park, you don't have to dig it up. It can stay buried see. I don't know what they're going to do. I don't think anybody knows at this point. But that's where we are in Smithtown. Okay. Andy.

S-Eh-03-01

MR. FRELENG:

Okay. First regulatory matter before the commission is the subdivision referral from the Village of East Hampton. This is the matter of Walter T. Patrick. Jurisdiction for the Commission is that the subject property is within 500 feet of State Route 27, Montauk Highway. The applicants propose a subdivision of approximately two acres of land into two lots in the R-20 zoning category in the Village of East Hampton. The minimum lot size in the zoning category is 20,000 square feet. The map is not being processed pursuant to 7-738 Cluster Provisions of Village Law. Intended lots range in size from 22,631 square feet or roughly .52 acres, 48,473 square feet or roughly 1.11 acres. No open space is proposed.

A 20 foot access easement is proposed to lot two over lot one. The Village of East Hampton property abuts the subject property on the west. To the north, the site abuts -- is bound by US Postal Service property and an office building. To the east and south, the property abuts residential dwellings. The parcel fronts on Fithian Lane, a village street. The property is entirely lawn and landscaped, some trees. The character of the area surrounding subject property is predominantly residential, some commercial uses fronting on Montauk Highway is present. You can see them over here. Open space associated with Hook Pond is south of the property. This area here, there's a drainage squall that runs continuously down. Hook Pond is way to the south down here.

The property itself can be characterized as being generally level with no slopes exceeding 3%. A single family dwelling, one story garage and oil and stone driveway and brick walk and patio are found on the subject property. A pool or the depressed location where the pool once was is apparent on the aerial photographs. When we did our site inspection, we pretty much determined that that was a location of a filled-in pool. Okay. The parcel is located within Groundwater Management Zone Four. Potable water to the lots is intended via public supply. Sanitary waste is to be collected on site and disposed of with individual systems. Soils on the subject property consist of Raynham Series. Only the Bridgehampton soils are considered prime

farm soils. The parcel is not located in Suffolk County Pine Barrens Region. The subject parcel is not located in a special groundwater protection area, and the parcel is adjacent to and may contain wetlands associated with the tributary to Hook Pond as stated before.

Okay. Access for lot two is intended over the existing driveway of lot one by means of a 20 foot access easement. You can see on the site -- subdivision map provided in the staff report there's a loop driveway and, it is proposed that an access easement just be laid over the top of the loop driveway. Okay. So access for lot two is intended over the existing driveway of lot one by means of a 20 foot access easement. The proposed design creates two as a landlocked parcel that does not have frontage on existing or proposed public road. The creation of land locked parcels are contrary to Commission policy.

Okay. Lot two. In staff's opinion, lot two should be reconfigured into a flag lot providing designed legal frontage to Fithian Lane. A 20 foot wide flag lot access should be created along the western property line. The physical access may still be taken over the driveway of lot one by easement if preferred. This lot design, flag lot design, however, allows for physical access to lot two to be established through the flag pole should the need arise in the future notwithstanding the wetland conditions. So essentially staff is saying that really over here a 20 foot wide strip should be created to provide legal frontage to Fithian Lane. If for whatever reason there's a dispute between the property owners here and the driveway is blocked for access to lot two, you could still be even considering the wetland swale, you could create a small gravel driveway or something that would provide legal access to lot two.

In addition, lot two has sufficient areas to be resubdivided. Given the constraints, however, of access to lot, staff believes that some sort of restriction to further subdivision of lot two is in order. So, therefore, the issues related to the proposed subdivision stem from the Commission's policy of the creation of subdivisions with poorly designed lot layout. And condition number one reiterates some of the logic and concludes that lot two shall be reconfigured into a flag lot providing a design legal frontage to Fithian Lane. And then it further elaborates that the 20 foot access could be right along here. Condition number two is that the most landward limit to fresh water wetland could be flagged in the field by a qualified expert represented on all plans and sketches. Condition number three is that no new residential structure or sanitary disposal facility be located within 100 feet of the landward limited wetland. Condition number four is that due to the limited lot area requirement of zoning classification the property's in that consideration be given to require a covenant and restriction that will prohibit the future subdivision of the lot. That's the staff report.

VICE-CHAIRMAN MARTIN:

On the -- under lot four, on the four -- number four on lot number two, why can't we just say there's no further subdivision of lot two unless they go before the Village's Planning Board, whoever handles this subject matter. In other words would, let them go -- if they want to subdivide give that to the Village.

MR. FRELENG:
Granted that would be the process that staff --

VICE-CHAIRMAN MARTIN:
That would be sufficient.

MR. FRELENG:
I think staff just looks one staff beyond and says that due to the access problems, there really shouldn't be another lot created. So we could in the first instance say if you want to create another lot, go back to the planning board.

VICE-CHAIRMAN MARTIN:
Make them come back, because they might get access somewhere else that we don't know of and they won't see it. We don't want that to happen. Do we have a motion?

MS. GRABOSKI:
I had another question too. Or maybe we should make a motion first and then discuss it.

VICE-CHAIRMAN MARTIN:
Yes.

MS. GRABOSKI:
I'll make the motion.

VICE-CHAIRMAN MARTIN:
You make the motion.

MS. GRABOSKI:
Yes.

VICE-CHAIRMAN MARTIN:
Anyone over here want to second it?

MR. LONDON:
Okay.

MS. GRABOSKI:
I just had a question. Andy, can you point out the wetland area?

MR. FRELENG:
It's hard to see in the aerial photo. There is this trench right here, which runs along right over here. The town of East Hampton drainage swale. Any mapped wetland really this line is on top, but if there was a mapped wetland, it would run close to the shoreline ditch.

MS. GRABOSKI:
Okay. In other words, on the subdivision map, I was just a little confused about the area that is right below the designation for lot two. There's kind of a squarish area that is --

MR. FRELENG:
This here?

MS. GRABOSKI:
Yes.

MR. FRELENG:
That's the pool.

MS. GRABOSKI:
Okay. Thank you.

MR. LONDON:
Andy.

MR. FRELENG:
Yes.

MR. LONDON:
Since it's wetlands there, is there anything that might be federally regulated, prohibited?

MR. FRELENG:
Well, the feds have it mapped. The DEC didn't map it up this high, because Hook Pond is way down here, and this is the last part of it. But wetland systems at 12.4 acres or larger are regulated by the state, but they for whatever reason did not pull their jurisdiction here, so this is local jurisdiction.

MR. THORSEN:
This is part of a very large drainage system coming from North Main Street. It comes down and it's piped underground, under the railroad and under a new park they created where Buick, Mark Buick used to be, then it goes underground where our drug store is alongside the Post Office, and then it merges right in about there. And from there you'll have a stream flowing during rainy periods down into the pond system.

VICE-CHAIRMAN MARTIN:
Anybody else? Everybody fished? Okay. We have a motion, we have a second. All in favor signify by saying aye. Contrary minded? Okay. Any abstentions? No abstentions. It's unanimous.
APPROVED (VOTE:11-0)

S-IS-03-02

MR. FRELENG:
Okay. The next matter before the Commission to us from the Town of Islip. This is for the application of Scali, Sam and Joan. Jurisdiction for the Commission is that subject property is within 500 feet of the Great South Bay. The applicants are proposing the resubdivision of approximately 12,800 square feet of land into two lots in the BAA zoning category in the Hamlet of Fair Harbor. This is on Fire Island. Minimum lot size in the zoning category is 6,000 square feet. The map is not being processed pursuant to 278 cluster provisions of Town Law. No open space is proposed. The lots -- the intended lots range from 4,800 square feet to 8000 square feet. The most northerly lot is being resubdivided into a substandard lot from a conforming lot of 7200 square feet. No variance from the Town Zoning

Board of Appeals for area or side yard set back is included in the referral materials.

Conversations with town planning staff indicate that the applicant is aware of the necessity to seek ZBA approval. No rationale for the resubdivision was included in the local application filed or in the referral to the Commission. Allowing a lot line shift creates a substandard lot and may constitute an over intensification of land use. Such an action could establish a precedent for future actions of this kind that would essentially be a circumvention of the town board's action taken over the past years to upzone the area to bring it into more modern conformity with lot area and planning standards and limit density or intensity. The subject property fronts to the west on Walnut Walk, a pedestrian restricted town road, to the northeast and south properties abut residential lots with dwellings and the properties are mostly landscaped and rough area. The one story single family framed dwelling deck, walk, planting areas, shed and showers are located on each of the proposed lots.

The character of the area surrounding the properties is predominantly residential. The subject properties themselves can be characterized as being generally level with no slopes exceeding 3%. The parcels are located within Groundwater Management Zone Seven. Potable water is intended via public supply and sanitary waste is to be collected on site with individual systems. Soils on the property consist of Dune Soils. Dunes are not considered prime farm soils in Suffolk County. And parcels are not located in Suffolk County Pine Barrens region, they're not located in an SGPA, and the parcels are not immediately adjacent to any wetland.

Access for both lots is intended via Walnut Road, which is along the west side of the property, you can just see it in the photo here. So issues relate to the proposed subdivision stem from the Commission's policy on the creation of subdivisions with substandard lots pursuant to zoning. Considering all the above, staff is recommending approval with the following condition, and that condition being that no approval shall be granted by the Town Planning Board until the Zoning Board of Appeals has acted to remedy the area variance deficiencies on the proposed subdivision. And the comment below discusses the rationale for that condition.

So essentially we have two existing properties. They both are in conformance for whatever -- for what other reason other than what's in the files, the applicants want to shift this lot line forward. Unfortunately, we couldn't do a site inspection because the ferries aren't running to Fire Island, and we couldn't get a special ride. But it appears that the deck on this property is built right up to the property line, and maybe they're looking for buffer. But staff in Islip said the application included nothing. So while there's no change in the physical environment by shifting the lot line, it does create a substandard lot and may be a precedence in the future. Staff believes that before the Planning Board acts, they should have the ZBA determination in hand. That's the staff report.

MS. NOLAN:
Can I ask a question?

VICE-CHAIRMAN MARTIN:
Yes.

MS. NOLAN:
Why are you not just recommending disapproval?

MR. CYR:
Right.

MR. FRELENG:
We considered that, and the bottom line is it doesn't change the overall land -- the development pattern doesn't change.

MR. TANTONE:
But it establishes dangerous precedent for the future.

MR. BERKOWITZ:
What if they want to tear down the house and build something there instead?

MR. CYR:
I think as a Planning Commission we should not approve it.

DIRECTOR ISLES:
Although the referral we got was just on the subdivision, but it's a matter of how the Commission wants to plan. Certainly if you want to take a strong position and recommend denial, we don't have any problem with it.

MR. THORSEN:
I think the staff's report is very thorough, and it's very strong, I mean, the reason why it shouldn't be approved. Anybody knows -- somebody can go to the ZBA. And if that happens later on, it happens. But I don't think we should be approving this.

MS. GRABOSKI:
I just had a question. Andy, the fact that the tax map is just showing a bunch of -- it looks like an old filed map type of arrangement, there is another map somewhere that shows the existing subdivision of those parcels or the organization of those old filed maps into two existing lots, which are approximately 6,000 square feet.

MR. FRELENG:
If you had the original tax map, it's very hard to see here, but the original tax map does have a more solid line that shows the two lots in relation to the under lying old filed map.

MS. GRABOSKI:
Do you have any idea what the existing pattern in the area is? Are most of those lots and have most of them stayed at that 6,000 square foot?

MR. FRELENG:
Most of the lots are roughly three old filed map lots together. They range all over the place. Most of them do conform to the zoning, but

there are some substandard ones in around the area. We did take a look at that, that's why we were kind of on the border on this one.

MR. DIETZ:
I make a motion we disapprove.

MR. CYR:
I'll second.

MS. NOLAN:
I'll second.

VICE-CHAIRMAN MARTIN:
Anybody else have any comments? Then a motion is in order. All in favor to disapprove say aye. Contrary minded?

MR. TANTONE:
I'm going to abstain.

VICE-CHAIRMAN MARTIN:
You're abstaining. There's one abstention. DISAPPROVED (VOTE:10-0-1)

MR. FRELENG:
Okay. Thank you.

MR. BERKOWITZ:
Thank you.

DIRECTOR ISLES:
There's only been three times in the past thirty-three years that we have not had zoning on the agenda. We won't have this for another 11 years. There's no zoning on today.

VICE-CHAIRMAN MARTIN:
The motion is in order to adjourn.

MS. GRABOSKI:
I'll make the motion.

VICE-CHAIRMAN MARTIN:
Dick London. All in favor signify by saying aye. Contrary minded? So adjourned.

(*THE MEETING WAS ADJOURNED AT 12:45 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY