

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 June 4, 2003.

PRESENT:

Donald Eversoll (At Large) - Chairman
Robert Martin (Smithtown) - Vice-Chairman
Louis Dietz (Babylon)
Thomas Thorsen (East Hampton)
Richard London (Village 5000 & Under)
John Caracciolo (Huntington)
William Cremers (Southold)
Carl Berkowitz (Brookhaven)
Nancy Graboski (Southampton)
Linda Petersen (At Large)
Frank Tantone - (Islip)

ALSO PRESENT:

Thomas Isles - Director of Planning
Gerald Newman - Chief Planner
Andy Freleng - Principal Planner
Claire Chorney - Planning Commission
Basia Braddish - Counsel

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano and Lucia Braaten - Court Stenographers

(*THE MEETING WAS CALLED TO ORDER AT 12:15 P.M.*)

CHAIRMAN EVERSOLL:

Okay. I'd like to call the June 4th meeting to order. And I guess first on our agenda is the Pledge of Allegiance.

SALUTATION

CHAIRMAN EVERSOLL:

I would like to thank John Caracciolo for donating the flag and bringing the -- now, we'll need on Honor Guard to bring the colors.

MR. CARACCIOLO:

I'll see what we could do.

MR. MARTIN:

You know what would be a nice thing if he did? If he joined the Marines.

MR. CARACCIOLO:

I think they are a couple of bands doing nothing this weekend.

CHAIRMAN EVERSOLL:

Tom -- and I'd like a motion for the approval of the minutes of the May meeting.

MR. THORSEN:

So moved.

MR. CREMERS:

Second.

CHAIRMAN EVERSOLL:

Tom, Bill seconded. And discussion? Linda.

MR. PETERSEN:

Page 14 paragraph where I'm speaking on the third sentence, "that will be taking into advisement, that's one change. And there's a double will be at the very end of that paragraph, take one of the will bes out. Thank you.

CHAIRMAN EVERSOLL:

Any other corrections? All those in favor? Opposed? It's unanimous. Okay, Tom.

DIRECTOR ISLES:

Mr. Chairman, thank you. One piece of correspondence to bring to your attention this month. We have been contacted by the Long Island Railroad and specifically we received a recent letter wherein they are conduct a scoping hearing involving their search for a rail yard facility on the Huntington-Port Jefferson Branch in their immediate time horizon. So that meeting is scheduled for June 16th, which is a Monday evening. I have the details and location if you are interested in that. The MTA has also requested a chance to meet with this staff on this issue specifically with the Port Jefferson line rail yard facility, but also going beyond that, looking further into the future

into the mainline additional support facilities for their electric car fleet as well as eventually on the South Shore branch as well. So just to keep you informed on that one.

In terms of other matters from the department, the Planning Department will be conducting a public hearing tomorrow night here at the Dennison Building in accordance with a directive of the Legislature going back a couple of years at this point. And that resolution of the Legislature requires that the department conduct public hearings periodically in the East End of the County as well as the West end of the County to solicit comment in terms of the department's operations, provide information to the general public in terms of work we're involved in the projects and so forth. We did hold a hearing in Riverhead last year. We will be holding this hearing in the western end tomorrow night. So we have notified the various officials within the County and town level and village level as well.

We are also -- I mentioned at the last meeting of the Commission, Agricultural District Number One is in the renewal process, under state law the Suffolk Planning Commission must review and recommend to the Legislature the ag district when it does come up for renewal. We are having a public hearing on this in Southold, Southold Town Hall on June 11th. We will then finalize the map in terms of the parcels within the district and probably have it to you in August with a report to the Commission and then submit it to the Legislature for their approval. That includes the Towns of Southold and Shelter Island are included in Ag District Number One. Related to farming, I did mention too there was an interest in proceeding with a reverse auction process for the acquisition of farmland. The County Executive has submitted a bill at the last General Meeting of the Legislature to actually direct the Planning Department and the Division of Real Estate to begin that process. That's scheduled for the committee process this week and consideration by the full Legislature property at next Tuesday's meeting. That will be a fairly new process for us to try, the reverse auction method of farmland at this time.

We've also been charged by the Legislature through the Space Management Steering Committee to do a utilization plan for Kings Park Psychiatric Center. This is something that's in a dynamic at the moment because the state is in the process of entertaining bids for this property. Nonetheless, the current resolution of the Legislatures requires that the Space Management Committee on which Planning sits along with several other departments and elected officials, we've begun the process of contacting the departments and getting information regarding the utilization plan. We have spoken with the sponsoring Legislator, Legislator Nowick, on that, and she certainly is cognizant of the fact that the state is pursuing the sale of property or possible sale. We've also been in contact with the Planning Director of the Town of Smithtown. He has shared information with us on that as well. But the basic idea is that if the property is surplus or a part of the property, and specifically what's known as Building 15, that there may be an option for County utilization of that. So it's at the very early part of the process right now. But just to let you know, the department has started the process of gathering information for an ultimate report on that subject.

I have provided to you today in your package, a list of parcels that are currently under consideration for our land acquisition programs in the County. It's a package that says on the top of it, "Acquisition by Program Name." And this is just a printout from our Real Estate data base fill of parcels that have been by the Legislature for either full acquisition or for what's own as planning steps, which authorizes us to begin the process of getting appraisals and so forth. This is organized by programs, so you will see the different Quarter Percent Programs, Greenways Programs and so forth. And these are all parcels that are possible acquisition. Obviously, it depends on whether or not the seller, the property owner, is interested in selling and so forth as to whether or not we'll actually go forward with them. But in keeping with the idea of periodically updating the Planning Commission on current acquisitions so you are informed of that. I submit this to you for your use as we go forward. If you have any questions regarding any of the specific parcels or programs, certainly feel free to contact me on that.

We are once again setting up the summer meetings. We have a couple of ideas proposed for the August meeting including a possibly within the Town of Brookhaven. We've also had a discussion about doing something in the East End, possibly the Town of East Hampton, we're they're doing an update to their comprehensive plan. We've also had -- Commissioner Cremers has extended an invitation from the Cornell Cooperative Extension Horticultural Center as well as Fishers Island. The way it's shaping up at this point is that the July meeting is July 2nd, which is a holiday week. And some of the venues we've looked at have not -- are with not working out with scheduling and so forth. The one that seems to be -- there are two possibilities right now for July 2nd, one would be the Cornell Horticultural Center in Riverhead, and we can invite the Riverhead Planning Director to appear to give us an update on their plan and so forth.

The other option would be the Yaphank County farm that the County of Suffolk operates, that's in excess of 200 acres. A number of things are happening with that at the moment in terms of an interest of dedicating it to the County Farmland Program to more permanently preserve it. There's an interest in building a wind turbine at that location to support the farm activities. So that would be another option. And if you want to express a preference today for the July 2nd meeting, I can work on either one of those two. Or we could stay here if you would like to do it at this location. As far as the August meeting, any other comments you may have, please feel free to express them to me. Mr. Cyr had represented Shelter Island as a possibility too. And then we'll lock in an August 2nd date and perhaps even go to September.

The last item is just the housekeeping business. We do have a proclamation for former Commissioner, Mike Macco. And some of the members signed it at the last meeting. Anyone who hasn't signed it, we would ask that you give consideration to it, and we would like to invite Mr. Macco to a future meeting in July or August to present this to him. So I'll leave this with you today. At this point what I'd like to do is to ask Peter Lambert, our senior planner, Peter attends a lot of the commission meeting, and Peter does an extensive job in a number of things in this office, including monitoring economic and

demographic data for the County as well as providing certain services to the Long Island Regional Planning Board. We have an update on some of that information. So I'd like to ask Peter at this point just to give you a very brief overview on the latest statistics involving economic and demographic data.

MR. PETERSEN:

In your packet is a table of four pages of information. The first page covers economic data of unemployment. And as far as the number of persons unemployed, the figure for Suffolk County, 31,900 as of March 2003, which was a figure that has stabilized after increasing over the past few years. The latest numbers for April came out just the other day, and it shows some more stability, not an increasing scenario of unemployment. As far as the unemployment rate, in March it was 4.2%, again, that stabilized after increasing over the past few years. In terms of employment by industry, the table at the bottom of the page shows sort of a mix of increases and losses with the balance being on the negative side. The total employment for March was just under 1.2 million jobs in Nassau and Suffolk Counties, which reflected a decrease of 5000 jobs over the previous March.

On the next page, we have a historical view of unemployment rates and total employment in the Nassau-Suffolk region. The figure for 2002, which is the latest complete year that we have shows the first decrease in jobs overall for Nassau-Suffolk since 1992. The loss of 6600 jobs was small, but significant, because it was a turn around in the negative direction. We expect that for 2003 there may be another slight decline in jobs, because that's what we've been seeing so far. As far as inflation, inflation is pretty tame, around 2.5% for the past two years, and for this year, we expect it to be about the same. The next page discusses residential construction trends and building permits. In 2002, the total for residential construction, the value of construction, topped a billion dollars for the first time and has slowly and steadily been increasing along with the housing market.

In terms of the number of building permits issued in 2002, Suffolk County issued permits for 4300 new housing units, which has declined slightly in the past two years. And during 2003, so far we have a further decline over the same months in the Year 2002. The bottom of the page shows a historical trend of the number of units authorized by building permit. Again, it's been a pretty health rate in the past few years, but it's been slightly declining. Final page has a variety of statistics starting with the office vacancy rate, which has slowly been increasing over the past year or two. The Nassau-Suffolk rate, the latest figure that I have as of first quarter 2003, 11.5%, which is higher than it was throughout most of the 1990s.

As far as median home prices, everybody knows they have zoomed. March 2003, Western Suffolk County's median was 279,000, thousand which is actually an 82% increase in four years. The price increases seem to have stabilized over the past few years -- few months, and probably by the time we get numbers this summer, they're going to be relatively similar to summer of 2002. So they're expected to remain high, but not be increasing or at 15 or 25% a year like they have for the past couple of years. In terms of population in households, we're still seeing slow steady increases in both Nassau and Suffolk County. And

that's an overview of the economic trends. Any questions?

CHAIRMAN EVERSOLL:

Any questions? Thank you very much. Oh, yes, Nancy.

MS. GRABOSKI:

I had a question actually of Tom Isles. Forgive my ignorance, but when you are talking about -- when you're talking about a reverse auction for the land, could you just very briefly -- you know.

DIRECTOR ISLES:

Okay. The basic fact on that is actually incorporated in the original Farmland Program of the 1970s, was that in a typical auction, whoever bids the highest would buy the land. In a reverse auction, whoever bids the lowest would then sell the land. So the idea of being is that the County would open a process of a sealed bid process, we would entertain bids from farmers for the sale of development rites to their properties. So somebody might say, well, I'll sell you my development rights for \$25,000 an acre, somebody will say, I'll sell it for \$24,000 an acre. And you get to the point where you have a list of offers and you start with the lowest and you buy those. So that's the fundamental idea. There are some complications to it in the sense that obviously it all has to be supported by an appraisal to justify the price. There also has to be some adjustment for farms in different locations may have different values. So that's something we're looking at how we're going logistically account for that as well. So we're kind of curious to see how it's going to go.

MS. GRABOSKI:

Thank you.

CHAIRMAN EVERSOLL:

Thank you, Tom. Any other questions? It's my great regret that Rich O'Dea isn't here to led off the Commissioner's Roundtable, but he probably would take most of the session to tell us what's going on out in Riverhead. So, Ron, we'll start with you. What happening on Shelter Island other than the fact the ferries are running, right?

MR. CYR:

Shelter Island continues to work on the zoning issues, you know, with the intent of keeping Shelter Island rural. And as a result of that, there's three things that on the table now. There's a draft to look at the building proportionality heights and that kind of thing. And Shelter Island right now, the building footprint on the property can be 25% of the property. And the proposal now is to reduce that to 7%, and that effectively will not affect anybody on the island. I think we only have two houses now that are over that amount on the island. But, you know, that's with the idea of keeping things in the future within a reasonable size. They're also -- we're also trying to rewrite the section on nonconforming buildings and nonconforming uses.

If any of the towns have experience doing that, I'd like to get from you, you know, what your problems have been on that, or may be from Tom, you know what the problems have been and how did you resolve those problems.

And the last thing, flag lots, the town -- when I was on the Planning

Board, we were trying to do this, but the Planning Board is trying to get the authority to approve flag lots with the idea of not having to transfer or switch people over to the ZBA Department and then come back to the Planning Board for an approval. And this -- obviously, this would supercede 280A of the New York State Laws. But anyway, that's what Shelter Island is doing.

CHAIRMAN EVERSOLL:

Thank you very much. Bill, Southhold Town.

MR. CREMERS:

Very quiet. The only thing that's happening is the weather is fouling up our strawberry picking time. That's about it at this point.

CHAIRMAN EVERSOLL:

Probably lots of mold and everything else.

MR. CREMERS:

That's it. Not good weather for strawberries.

CHAIRMAN EVERSOLL:

Nancy, isn't there any sun on the South Fork?

MS. GRABOSKI:

No sun on the South Fork either. The town board passed a piece of legislation, essentially it's a coastal erosion law having to do with changing setbacks for reconstruction on the beach and a number of other provisions. One of the things that's occurred kind of as a result of some of the provisions of that legislation is that there are a number of residents between the edge of Southampton Village and the East Hampton line in Wainscott who are talking about seceding from the Town of Southampton and establishing their own village. So that's certainly of concern.

Another bill that's under consideration is -- has to do with critical watershed area and the wildlands. So the town board is currently also considering that legislation. The traffic on the weekends has really picked up a lot despite the weather. Memorial Day weekend there was quite a bit of traffic. Just referring back to what you said about the Planning Board having the authority to approve flag lots without having to go before the Zoning Board of Appeals, I know certainly in Southampton we do have that authority and have had, you know, for some time. I don't think it's an outlandish sort of request and could, you know, help streamline the process.

MR. CYR:

Thank you.

MS. GRABOSKI:

That's it.

CHAIRMAN EVERSOLL:

Thank you, Nancy. Frank.

MR. TANTONE:

We don't have too much going on. We do have a new a board member who

was recently appointed since I was here last, Alfonse {Quidagno} was appointed to replace Mr. O'Connell. We had been operating with one less board member all this time. So we're back up to full strength at this point.

CHAIRMAN EVERSOLL:

Good. Tom, anybody -- how's the traffic out in East Hampton?

MR. THORSEN:

I try not to observe it too much. I stay in my own backyard. When you are retired, you don't have to worry too much about being out on the road. So my dogs and I go for short walks and enjoy the scenery and the green grass.

CHAIRMAN EVERSOLL:

Very green.

MR. THORSEN:

It's like Ireland. And the rawness reminds me of Norway, which I visited a number of times.

CHAIRMAN EVERSOLL:

Things are fairly quiet in Amityville. They've -- well, I guess their relay team won the Nassau-Suffolk track meet. So they've been -- the high school does very well with that. Things are still pretty quiet and very wet and very green.

MR. MARTIN:

I want to ask something of Tom Isles. On the Long Island Railroad, the supervisor has been negotiating with the Long Island Railroad on a spot -- they seem to want to come to Smithtown. That's not really a happy moment. I would request that you keep in touch with Mr. (Inaudible) and what's going on and let him tell the town board just so that there's some input there from the town board. I'd like to see that.

DIRECTOR ISLES:

I will certainly keep in touch.

MR. MARTIN:

And the same thing for Lynne Nowick. She means well and all, but I think the town board should be involved in that too. It's for them the hometown, and whatever goes there, I would think again, the Town Board should have some input. And the other thing is the park over here, springs -- what's the name of that swamp.

DIRECTOR ISLES:

Hauppauge Springs.

MR. MARTIN:

Something with that too, because the Legislator is going to lay in front of the bulldozer, and it's got two little kids, I hate to see them squished. So lets' keep that on the agenda.

DIRECTOR ISLES:

That's on our acquisition list. Unfortunately, we're way apart on

price.

MR. MARTIN:

I will realize that. That's why the guy's filing on the map, but he is filing map. There has been a map. That's the only thing I have to say.

CHAIRMAN EVERSOLL:

Lou.

MR. DIETZ:

Everything is pretty quiet. The Narragansett Inn on Montauk Highway, the units there are approaching being completed. They're looking like for November or December having COs and putting people in them.

CHAIRMAN EVERSOLL:

Well needed.

MR. DIETZ:

I believe they are all sold out.

MR. LONDON:

A while back, I mentioned about the potential of Long Island Aquarium moving to the Pilgrim State Hospital site as well as a big development process that was going to go on between the housing and commercial and all. I've since spoken with Chris McManus, who is the current President of the Long Island Aquarium Project, and it seems that its about 99% not going to ever happen in our lifetime. They couldn't acquire funds, they have tried to do everything imaginable over the course of all the years that I've been involved there. And they just can't raise ten to \$12 million to show the state why the state should put money in to back it. Rick Lazio had gotten several hundred thousand for them as did the State Senator from Transportation down there -- not Trunzo -- Johnson, had also gotten close to a million dollars for the project and then Angie Carpenter also was able to get something through the Legislature.

In turn, all the money just was used mainly for office staff, and that was it. They couldn't produce any otherwise strong direct revenues. And the whole project seems to be a fait accompli, not going to happen. So unless some miracle that no one can predict is going to occur, this is probably the last you will hear about it until Newsday prints something to say it's over as well. Other than that, the only thing village wise to tell you is that the new church being built for St. Patrick's in Smithtown in village of the Branch is nearing completion. By the end of the year, they should be able to be in working order in the church. And you know, everybody I'm sure will want to come visit it. It's supposed to be, you know, quite beautiful when it's all put together. Other than that, I don't have anything except we all won't be in Riverhead next weekend.

CHAIRMAN EVERSOLL:

I hadn't planned on it.

MR. LONDON:

Well, Rich O'Dea did.

CHAIRMAN EVERSOLL:

Well, the only thing that I'm happy about is that you said it will take a miracle for that -- for the aquarium to happen. And since you said it wouldn't happen in our lifetime, that makes me hope that there's not a miracle. So we can live a long and healthy life. Linda.

MR. PETERSEN:

On Fire Island, the Fire Island National Seashore is going to be releasing their environmental assessment this week. It will be open for comments for a month, and that will dictate how erosion control projects are handled on Fire Island both in the Brookhaven and in the Islip sector probably in the future. And it's going to undoubtedly present a number of changes in how beach scrapings and beach renourishment projects go forward as well as protection of endangered species and piping plovers, things like that. So we're going to curiously watch for the comments that come in and see how we'll be able to proceed in the future with any projects we're doing on that island. Also, the Town of Brookhaven is instituting fines for tree clearing and problems in the Pine Barrens Compatible Growth Area within Brookhaven's jurisdiction.

CHAIRMAN EVERSOLL:

Thank you, Linda. John.

MR. CARACCIOLO:

Nothing to report in Huntington, but I did want to mention an event that's going to happen next week that I'm pretty confident will happen, Vision Long Island, a not-for-profit organization that promotes livability and environmentally responsible growth on Long Island will be holding an awards presentation and a presentation of some projects that they're doing. Assemblyman Tom DiNapoli will be speaking. It's June 13th at the Vanderbilt in Plainview. My company is a sponsor of that, and with the Chairman's permission, I'd like to donate some tickets so the Commission can attend. And if anybody wants to attend, I would welcome the presence of fellow commissioners to attend and have a stance there. John LaValle will be speaking, Bob Catell, Ed Hennessey. It's a pretty good organization, and they have a nice presentation of Smart Growth on Long Island, and it's June 13th at 11 o'clock at the Vanderbilt.

CHAIRMAN EVERSOLL:

Thank you.

MR. CARACCIOLO:

I'm pretty confident the event will take place.

MR. BERKOWITZ:

Thank you for the invitation. I don't have anything more to add about the Town of Brookhaven that isn't in Newsday every day. I thought the cameras downstairs were coming to this meeting. I was really surprised when I walked in, and I found there was no 7 o'clock news or Eyewitness News. So I guess there is some other activity or purpose.

MS. GRABOSKI:

Something more important than us, how could that be?

CHAIRMAN EVERSOLL:

Speak of the notoriety, I'm happen no one is here. Okay. Thank you.

S-BR-03-02

MR. FRELENG:

The first regulatory matter before the commission comes to us from the Town of Brookhaven. This is the application of the Bluffs at Shoreham. Okay. Jurisdiction for the commission is that the subject property is adjacent to Long Island Sound. The applicants are proposing the subdivision of approximately 19 acres into 19 lots in the A-1 and B-1 residential zoning categories. This is in the Hamlet of Shoreham. Minimum lot size in the two zoning categories is 40,000 and 22,500 square feet respectively. The map is not being processed pursuant to 278 cluster provisions, the lots range in area from 22,500 square feet to 52,923 square feet, roughly a half acre to 1.2 acres. The property abuts Long Island Sound to the north, to the east and west, the property abuts residential lots with dwellings. To the south, the subject property fronts on Cordwood Path, a town road. Now, there are no structures located on the property. And the air photo depicts the development pattern in the area, and you can see this cul-de-sac, Cordwood Path, Cordwood Road right at the bottom.

The character of the area surrounding the subject property is predominantly residential as you can see. The property itself can be characterized as being rolling with some slopes exceeding or reaching 15%. The parcels are located within Groundwater Management Zone 8, potable water to the lots are intended via public supply. Sanitary waste is to be collected and disposed of on site with individual systems. Soils on site consist of Carver Series cut and fill and beach soils associations. None of these soils are considered prime farm soils in Suffolk County. As mentioned, the parcel fronts on Long Island Sound, and it may contain tidal wetland vegetation along the shore. Slopes on the subject parcel are extreme in places exceeding 15% particularly along the bluff. You can see the change in the vegetation here, and that is a result of the steep grade and topography here. It drops from about 200 feet or so down to sea level, so it's a nice bluff.

Okay. With respect to the subdivision design, several of the building envelopes shown on the map, particularly lots 13, 16 and 17, they're on the west side of the map, they are problematic in terms of that the proposed locations for the building envelopes and the intended dwellings, they're situated on or directly adjacent to slopes exceeding 15%. The lots and the envelopes within staff believes should be redrawn to minimize the disturbance to slopes to the greatest extent possible. Staff believes that variations to dimensional requirements, i.e. front or side yard setbacks should be considered on a per lot buildings to situate the building envelopes and the building footprints away from steep grades. Staff believes that town law cluster provisions could be utilized to relax some of the dimensional requirements. We believe the steep slope area should be placed in conservation easements and considered open lands for the purposes of cluster development.

Access to the site is intended via the extension of Cordwood Path,

which is mentioned, a town street. A tap street to the east is provided to the adjacent subdivision, so they're going to extend this cul-de-sac, and here's a n tap street going off to the east to the subdivision here. It's approximately right here on the air photo. Issues related to the proposed subdivision stem from the commission's policies on subdivision design on steep slopes and development of subdivisions adjacent to the shoreline of Suffolk County. Staff is recommending to the Commission approval with the following conditions.

Condition number one is a reiteration of the logic and the staff report, but the functional sentence in that paragraph is the second sentence, which says that lots and envelopes within the map shall be redrawn to minimize the disturbance of those slopes to the greatest extent possible. So the condition would be that the map be redesigned to eliminate the building envelopes on the steep slope areas. And as mentioned, 278 cluster would allow you to relax the setbacks and really the design would be within the lots themselves on the building envelopes.

The second condition recommended to the Commission is that clearing and grading with each lot be limited to that necessary for siting a house and typical accessory structures. The third condition is that the top of bluff be flagged in the field by a qualified expert and picked up on the maps. The next condition is that the coastal erosion hazard line should be flagged in the field by an expert. You can see that there is some erosion that is not consistent along the shoreline here. Some areas to the west have some real rich blowouts while the subject property here doesn't seem to have too bad of an issue, however, there is a coast erosion hazard line that has been establishes and should be ap mapped in the field for future reference.

Okay.

The next condition is that no new residential structures or sanitary facilities be located within 100 feet of the top of bluff as would be flagged in the field. The next condition is that there be no individual access structures to the beach from the subdivision, and that one access structure suitable to serve the entire subdivision should be placed somewhere along the shoreline, probably it's most logical to place along lot line of one of these two lots. That is standard Commission policy to lessen the impacts to the shore. And staff is recommending to the Commission that they adopt that and send that along to the town. The next condition is that within 50 feet of the top edge of the bluff there not be any grading except for that that maybe required to control stormwater runoff. The following condition is that no stormwater runoff be allowed to run down the face of the bluff, which would cause further erosion to the bluff.

The next condition is that the subdivider acknowledge in writing that approval of this subdivision commits neither the County of Suffolk nor the Town of Brookhaven to any shoreline erosion stabilization measures, essentially if you read it between the lines, it's advising the applicant that there is a problem there, and that they should design accordingly. And the final condition is that 20% of the lots in this subdivision shall be set aside for affordable housing. And then there is a comment that the parcel is situated in two zoning districts, and that the zoning district lines should be modified to follow a lot line that makes things a lot simpler for taxing purposes

and other reasons. And that is the recommendation of staff.

CHAIRMAN EVERSOLL:

Okay. Do we have a motion? Ms. Graboski. Do we have a second?

MR. CYR:

Second.

CHAIRMAN EVERSOLL:

Mr. Cyr. Do we have any discussion? No discussion. All those in favor? Opposed? Any abstentions? Unanimous.

APPROVED. (VOTE:11-0-0-0)

S-SD-03-01

MR. FRELENG:

Okay. The next subdivision regulatory matter for the Commission comes to us from the Town of Southold. This is known as the Doroski Family Limited Partnership. The jurisdiction of the Commission is that the subject property is adjacent to North Road, which is County Road 48. Okay. The applicants are proposing the subdivision of approximately forty-one acres of land into four lots in the R-80 and A-C zoning categories, A-C standing for agricultural conservation. This is in the Hamlet of Southold. Minimum lot size in the two zoning categories is 8000 square feet each. The Town of Southold has purchased the development rights on the area of land that is to be lot four. So you can see we have a four lot division here, three of the lots are up front in the north of the property. The fourth lot is a large lot, which the Town of Southold has removed the development rights from.

The map is not being processed pursuant to 278 cluster provisions. The lots range in area from 80,000 square feet to 1,485,396 square feet or 34.1 acres, and obviously that is lot four, the agricultural parcel. The subject property abuts Soundview Avenue, a town road, to the north. To the east and west, the subject property abuts active farmland and vacant woodland. One of the parcels to the east is a Suffolk County development rights agricultural parcel. To the south, the subject property fronts on North Road, County Road 48. No structures are located on the subject parcel. A LIPA utility easement crosses east to west bisecting agricultural lot four. It shows up on the plan, also shows up in the air photo. Okay.

The character of the area surrounding subject property is predominantly agricultural, residential and some vacant woodland. The subject property itself can be characterized as being relatively level with slopes reaching 15%. I just want to point out this piece of the property across the street here is Peconic Dunes County Park. This is Gray Pond, which is associated with it. You can see that some of the wetlands from Gray Pond extend across the road, and we'll get into that in a second. 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 and disposed on site with individual systems. Soils on the subject property consist of Haven, Riverhead, Plymouth and Montauk series. Haven, Riverhead and Montauk soils are considered prime farm soils in Suffolk County. Okay.

The subject parcel itself contains freshwater wetlands at the north end of the site along Soundview Avenue. These wetlands are not mapped by the US Fish and wildlife Service or the New York DEC. Staff inspections, however, reveal pockets of wetlands along the road frontage characterized by extensive stands of maple highbush blueberry and swamp azalea. While the submitted map indicates wetlands delineated by Suffolk Environmental Consulting in October of '02, staff in the field were able to locate few flags, and the wetlands appear to be more extensive in actuality than indicated on the submitted map. Moreover, the wetlands were flagged in October and may have been problematic to identify indicator plant species in October. Staff believes the freshwater wetland should be reflagged.

In New York State, we don't map wetlands by standing water, we map it strictly by vegetation. So while we've had a deluge of rain and probably this whole front end of this property is underwater, the real indicators are the vegetation on site. When this was taken probably -- this air photo was taken in March or April with little vegetation, you can see there's a wetland pocket here, a pocket here, seems to be a pocket down at this end, which reaches into the back. The applicants on their map have flagged one wetland pocket right in the middle here, and very minimally flagged this pocket. And they don't show any wetlands here. When staff went out into the field, there were stands of all sort of wetland indicative of vegetation. So we believe that that line needs to be reflagged. It might have been difficult in October of '02, or the flags disappeared or they weren't represented, but we believe there's a strong need to have that reflagged.

The applicants are proposing access to the subdivision lots via the existing Soundview Avenue. A common driveway for at least two of the three lots should be considered to lessen any potential impacts to the wetland fronting on the roadway. Each one of the lots here are proposing an individual driveway. And with this pocket in the middle here, it's probably logical to link two of the driveways together to lessen any impacts to the wetlands. Okay. So issues related to the proposed subdivision stem from the Commission's policy on subdivision design adjacent to freshwater wetlands. The staff is recommending approval subject to the following conditions. First condition being that the most landward limit of freshwater wetlands be reflagged in the field. The second condition is that no new residential structure be located within 100 feet from the most landward limit of that freshwater wetland line.

Condition number three is that no stormwater runoff resulting from the development be allowed to drain into the freshwater wetland. Staff is recommending that the Commission condition a conservation easement or scenic easement having a minimum width of 75 feet established around the border of the freshwater wetlands. The following condition is that appropriate steps be taken to ensure the agricultural reserve areas shown on the map remains undeveloped except for those agricultural related structures, which are permitted by town law. Staff is also recommending that the Commission condition that a building envelope be drawn somewhere in the agricultural reserve for future farm related structures, whether they be riding arenas, barns, greenhouses so that there's some sort of degree of predictability for

adjacent property owners as to their viewshed across the farm.

Theoretically, this property could be developed. People could purchase lots with the expectation that they would have a view. And historically, my experience coming from the Town of Southampton is that the farmland operator has a legal right to construct a structure, whether it be an arena for horses or whether it be a greenhouse or a barn, and they wind up putting it right in somebody's backyard, which blocks their viewshed and causes a big issue. We found in Southampton that it was very practical and pragmatic to place a building envelope somewhere on the property where it would be logical for the farm operation that would give everybody a heads-up as to where future structure might be. So we recommended that the Commission relay that forward. Okay.

The following condition is that all perspective lot owners within the subdivision be advised that their lots would be adjacent to an agricultural reserve and that those lots may be subject to noise, fugitive dust or other issues normally associated with agricultural activities. And the last condition is that all stormwater runoff resulting from the development of the site be retained on site and not flow into County Road 48. Okay. There are two comments that staff would like the commission to relay to the Town of Southold. The first being the consideration of making a common driveway for two of the three lots. And the other comment is that the tax map information in the referral is incorrect and that really should be corrected prior to the final approval. That is the staff report.

CHAIRMAN EVERSOLL:

Do we have a motion? Ms. Petersen. Do we have a second?

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

Do we have any further discussion? Yes, Nancy.

MS. GRABOSKI:

Andy, how big is the ag reserve at this point in time?

MR. FRELENG:

The ag reserve is I think they said 34 acres.

MS. GRABOSKI:

34 acres. And am I correct --

MR. FRELENG:

Yes, 34 acres.

MS. GRABOSKI:

Am I correct in understanding that the Town of Southold has already purchased the development right off of that parcel?

MR. FRELENG:

That was the information related to us in the referral, yes.

MS. GRABOSKI:

It would be my understanding also if that's the case, then essentially what these people are doing, they have one lot, and what they're seeking to do is to actually designate a separate lot for the ag reserve and then create three additional residential lots.

MR. FRELENG:

I believe that's correct. My experience is the Town of Southold would buy a certain number of development rights from the property, leaving them with a certain number of development rights intact on site to be later decided how they would use those.

MS. GRABOSKI:

We've had similar projects come in in Southampton. One of the things that has occurred to me is that assuming the Town of Southold has already purchased the development rights to that land and listed them off of that 34 acres, there's an easement that governs that land in place already right now as we speak.

MR. FRELENG:

Yes.

MS. GRABOSKI:

That easement may or may not allow for the construction of buildings. Were we -- were this a piece of raw land totally, that easement would not be in place yet over that ag reserve. In other words, there's another way to designate ag reserve land and that could be through the subdivision process. In Southampton, we have done that through using the cluster law where the Planning Board has the authority, and this board has seen those projects as well, to preserve that 50%. I guess the question that I have is that if there is an easement already in place, can we ask the applicant to designate where the building envelope will be? You know what I mean? As opposed to if this is currently under review in the subdivision process and there's no easement in place yet, you know, you certainly could do that then. But I'm not sure that we can actually require of them that they designate in this instance where the building envelope will be.

MR. FRELENG:

Well, that's a good point. The short answer would be no, we can't. However, if I was in the Town of Southold, the Town of Southold could simply override that condition for pragmatic reasons; we already have an easement on site, there's no reason to go in and designate a building envelope, or we can't reverse that easement.

MS. GRABOSKI:

But the easement is the document -- is the governing document at this point. Even the Town of Southold can't come in because the farmer is going to say when he decides to go and build if he reserves that right, excuse me Town of Southold, you know, this is what my easement says. Unless they amend the easement, and that -- correct me if I'm wrong, could even require a referendum to do those things. I don't know, I just toss that out there because --

MR. FRELENG:

We do not have the easement in the referral to the Commission, and my

discussions with the Town didn't -- we didn't discuss that. But, again, if I -- I believe it's a valid point to raise, and they could keep that under consideration for the next farmland that they do. If we dropped it, they wouldn't have that, you know, food for thought. And I believe that the town could simply override that condition if it was problematic for them.

MS. GRABOSKI:
Okay.

MR. FRELENG:
But that is your prerogative, the commission's prerogative, on how you want to treat that.

MR. THORSEN:
Maybe that point can be made a comment instead of a requirement.

CHAIRMAN EVERSOLL:
Is that the pleasure of the -- Tom, Nancy, is that --

MS. GRABOSKI:
I think that's a good suggestion. I think it would be very difficult to require that from what I know about the process.

MR. THORSEN:
Make it a comment.

CHAIRMAN EVERSOLL:
Would you like to make that amendment then?

MS. GRABOSKI:
Please. Yes, I will recommend that condition five be made a recommendation as per Tom Thorsen's suggestion.

CHAIRMAN EVERSOLL:
Is that satisfactory to the affirmative? Okay. Any other questions? Any other comments? We'll vote on the amendment first to make the condition number five a recommendation -- a comment. All those in favor? Opposed? Any abstentions?

MR. CREMERS:
Abstain.

CHAIRMAN EVERSOLL:
Abstention, Mr. Cremers. On the motion itself, all those in favor? Any opposed? Any abstentions?

MR. CREMERS:
Abstain.

CHAIRMAN EVERSOLL:
Mr. Cremers. Thank you, sir. Okay. (APPROVED:10-0-1) (Abstention; Mr. Cremers)

MR. NEWMAN:

Today we have two applications on the agenda. They're both from the Town of Brookhaven. The first involves a rezoning of a 1.3 acre parcel of land from a single family one acre category to a general business category for the purpose of erecting a bank with drive-through facilities on land situated at the northeast corner of Route 25A, an unimproved land that the State of New York acquired for highway purposes. To give you some idea of the lands I'm referring to, the attached tax map would give you some indication, even though it's not on the aerial. That's 200 foot wide right-of-way that was acquired immediately to the south of the property. This land is situated in East Setauket. The preliminary site plan calls for the erection of a building comprising 3,669 square feet. There'll be four drive-through lanes, there'll be a queing area accommodating 25 vehicles, there'll be 29 on site parking spaces. There'll be one point of vehicular ingress and egress via route 25. There'll also be one point of vehicular ingress and egress immediately to the south of ther premises, which is via a roadway which provides access to a firm entitles Renaissance Technologies, which is a research firm.

The property is currently occupied by greenhouses. The property is bounded on the north by the post office in a J-2 business district, to the east by lands that are currently used for congregate care purposes. That is currently zoned PRCHC. To the south, again, by the unimproved state right-of-way, and to the west across Route 25A by the Detmer Farm and also a number of buildings that are used for nursery, farmstand, barn, greenhouse uses, and I believe there's also truck repair associated with that. That is all within the resident one acre district. On or about 1988, the town board upzoned lands in the locale along Route 25. That was also sanctioned by the Suffolk County Planning Commission, particularly lands to the north and west of the property. This land here and in this area here were formerly zoned J-2. As a part of that upzoning, that was reclassified from a J-2 business category to a residents A-1.

The 1996 comprehensive land use plan designates this property for single family residence purposes. It is the belief of the staff that this rezoning appears inappropriate as it constitutes the unwarranted further perpetuation of strip commercial zoning along Route 25. It would establish a precedent for further such commercial downzoning in the locale along 25A. It contravenes past actions of the town board in diminishing strip commercial zoning in the locale along 25A, as I had previously mentioned. And the staff believes the property could be easily developed and rezoned for non-commercial purposes. The bottom line on this is we don't object to the use, we are very concerned about the imposition of a J-2 general commercial category being recreated in an area that the town board had previously recommended elimination of J-2. So we're recommending disapproval.

CHAIRMAN EVERSOLL:

Is there a motion?

MS. PETERSEN:

I make a motion.

CHAIRMAN EVERSOLL:

Yes.

MR. CREMERS:

Second.

CHAIRMAN EVERSOLL:

Bill Cremers makes a second. Any discussion?

MR. CARACCIOLO:

Discussion.

CHAIRMAN EVERSOLL:

Sure, John.

MR. CARACCIOLO:

How close -- you say there's a proposal for a State Road, 5232, that's shown on the tax map. How close is that? Because it looks to me like on the tax map that if that road goes in, then this really would be -- this use would really be common sense use of the land. I mean, if that road goes in, it looks like a pretty wide highway.

MR. NEWMAN:

I'll defer to Tom on that.

DIRECTOR ISLES:

At the point in time there's no plan by the State of New York to put a highway in there. And in fact, there's an effort now to do a bike walking trail that would extend from Setauket to Port Jefferson Station actually using the right-of-way from this highway. So it appears to be very unlikely, although certainly not guaranteed. I think in terms of your comment about the use, we certainly have no problem with the use at this location. Our only quarrel is with the actual zoning category. So rather than a general J-4 zoning, we feel it could be accommodated -- as opposed to a J-2 a J-4 is what we're looking at. So we would suggest that they consider a modification which would still enable them to go for a bank, but under a more appropriate classification.

MR. CARACCIOLO:

Can we put that in as a comment maybe. It seems that if that roadway does go in or something goes in, this is just a wasted piece of land then, you know, on two major roadways bounded by a post office, a truck repair building and a senior center. I just don't think that anybody would build a house there.

DIRECTOR ISLES:

No. Here again, we don't have any problem with that. I think the staff report does discuss that as an alternative. We'd be happy to discuss that with the town.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN EVERSOLL:

Thank you. Then any other discussion? All those in favor? Any

opposed? Any abstentions? Unanimous. DISAPPROVED (VOTE:11-0-0)

BR-03-28

MR. NEWMAN:

Application number two again is also from the Town of Brookhaven. This is an application to the town board for a special exception to erect 140 multi residence units on an unimproved parcel of land comprising 25.4 acres. In this case, we're talking about a density of 5.5 units to the acre. That affects land situated approximately 590 feet west of Route 112 at the southerly terminus of Shady Lane in a multi use district at Coram. The preliminary site plan, I don't know if you could see this --

MR. BERKOWITZ:

Did we see this once before?

MR. NEWMAN:

Yes. We had an application on this once before, that's somewhere indicated in the staff report, last year, actually, about a year ago. The preliminary site plan here calls for the units to be split with 48 senior units only and 92 non-age restricted senior -- non age restricted units. Vehicular access to the property will be via right-of-way over adjoining unimproved lands, a 50 foot right-of-way to provide access to the subject property. There'll be 321 parking spaces, there'll be on site recreation facilities, and there'll be connection to the Brentwood Sewage Treatment Plant to the northwest of the property. This property is situated in the compatible growth area of the central pine bars. Under existing zoning in accordance with the residents D-1 requirements, the property can be developed for single family residence purposes in accordance with Residence D district requirements, in this case we're talking about a total of 51 single family residence units.

A previous application to rezone this property from a D-1 category to an MF-2 to erect 232 units at 9.1 to the acre was disapproved by the County Planning Commission on May 1st of 2002. The 1996 comprehensive land use plan for the Town of Brookhaven designates this area for high density residence purposes. However, that was predicated on the development of adjoining lands to the east of the property fronting on Route 112 being utilized for commercial purposes. Those lands were reclassified, lands in this area right here were reclassified to an NH nursing home category on 6/17/97. An impact statement associated with that rezoning indicated that the back portion of the property, namely, the subject property would be utilized for single family or residence purposes. The property is bounded on the north by unimproved land by single family residence in a one acre district. To the east by an office building, and that's the County Health Department building on 112, as well as unimproved lands again situated in NHH district. To the south by unimproved land in one acre district and to the west by clustered single family residence districts, also in the residence A-1 district.

It is the belief of the staff that this zoning action appears inappropriate as the property possesses limited amenities, locational amenities, for multi residence purposes. The primary amenity here

would the existence of a bus route along Route 112, which is about 600 feet to the east of the property. By the way, the property here is situated approximately three-quarters of a mile from Coram, immediately to the north of the property. The premises does not comply with the 200 foot road frontage requirement in the MF-1 district. The only frontage of this property is on Shady Lane, in this case, right in that area there, it's 50 feet. I might also point out that in accordance with the residence D-1 district any multi family development that takes place has to be on land situated, I quote the Brookhaven code, along a major roadway. In this case, we're talking about Route 112. In this case, the lands are situated near, whether or not they stated along that it meant in close proximity, I don't know. So I don't know how that would be interpreted. The property can be reasonably developed for single family residence purposed in accordance with the residence D-1 district. In this case, we're talking about 51 residents units. A local residential tap street on the north of the property indicates intended or planned single family residence development. And finally, it's inconsistent with the Central Suffolk West SGPA plan, which designates this area for cluster development purposes, namely, development in accordance with existing zoning, namely, permitted uses and namely, the 51 single family residences. The staff is recommending disapproval.

MR. BERKOWITZ:

Just a point. Is this the {Clar} Organization?

MR. NEWMAN:

This is the Yaphank Reality Corporation. That's -- I don't know if the {Clar} Organization.

MR. BERKOWITZ:

I just want to know for a conflict situation.

CHAIRMAN EVERSOLL:

Yes.

MR. LONDON:

Mr. Chairman, I'll recommend staff for this approval.

CHAIRMAN EVERSOLL:

Okay. Do we have a second?

MR. CYR:

I'll second that.

CHAIRMAN EVERSOLL:

Second. Is there any other discussion? Yes.

MS. GRABOSKI:

Jerry, just could you refresh my memory with what the action the Commission took last year.

MR. NEWMAN:

We disapproved it, and at that time, it was a rezoning. This is a special exception. And that was from the D-1 category, which is the underlying zoning to an MF-2 category, which permitted a maximum of 11

units to the acre. At that time, there was an overall density of 9.1 to the acre. In this case, it's now 5.5 to the acre. However, it's a special exception. It's coming down.

MS. GRABOSKI:

Just for my informational purposes, just looking at the aerial, talk to me a little bit about the shape of that land. Was it a sand pit or something?

MR. NEWMAN:

Former sand mine. Former sand mine.

MS. GRABOSKI:

Is there any sort of work that needs to be done in order to bring it backup to --

MR. NEWMAN:

Obviously, if this is approved, they'd have to relandscape and have some slope stabilization, whatever is necessary.

CHAIRMAN EVERSOLL:

Tom.

MR. THORSEN:

Jerry, what's that land use just to the south there on the other side of that strip?

MR. NEWMAN:

That's an industrial use.

MR. THORSEN:

Existing industrial?

MR. NEWMAN:

Yes, existing industrial use.

MR. THORSEN:

It's not zoned industry?

MR. NEWMAN:

Yes, that's also zoned. I believe that's zoned light industrial.

MR. THORSEN:

It is.

MR. NEWMAN:

Yes.

CHAIRMAN EVERSOLL:

Jerry, just for edification, what do you think an appropriate use would be here?

MR. NEWMAN:

Well, if this property were to be developed as a unit and came into a front piece, I would have no objection to multi family units at a reasonable density. However, since they removed that J-3 piece and

this piece is now being used for nursing home purposes, the staff feels that development in accordance with existing zoning appears reasonable and appropriate, namely, the 51 units, or if the Commission feels it has some merit, then some density increased over the 51 units is something that has to be considered.

CHAIRMAN EVERSOLL:

And the front you say is a nursing home?

MR. NEWMAN:

That's correct. It hasn't been developed just yet.

MS. GRABOSKI:

Has it been approved?

MR. NEWMAN:

Yes, it has been approved.

CHAIRMAN EVERSOLL:

That would be a difficult -- I mean, right now a Certificate of Need is just not in the offing. And it seems to me that a master plan that makes sense as opposed to doing it in individual or ad hoc, you know, cutting one side off, which I suspect will then go to a J zoning, you know, once the density is given in the back, I would suspect would happen -- if we could see something overall, we could --

MR. NEWMAN:

Right. This was formerly zoned J-3 then they put it in a D-1. After it was in a D-1, then they came in to change this portion to an NHH. The reason they went from a -- to a D-1, it provided a degree of protection for the town where a number of uses including shopping centers, offices and retail uses was a special exception.

CHAIRMAN EVERSOLL:

Yes, Linda.

MS. PETERSEN:

That site has been a bone of contention in the community for many years, because it was cleared the way it was, all the trees were removed from the site. And I don't know if there was permits involved, but the community points to that every time we have some kind of meeting as a poor example of planning, just from the fact that it looks like the Great Sahara Desert. And when it's windy and the sand blows, you wouldn't believe it. But we did a visioning area, which is a little bit north on 112 where 122 intersects with 25 and goes eastward to Ridge to Wading River Hollow Road. It was for smart growth, and the community's request was that any multi family units coming in should be developed in the centers that were a result of these smart growth principals, tying it with the visioning. And they felt that this was out of that area and that any kind of development along that way should be further north along 25 so that we could make walkable communities. At the present time, you really could not walk safely on 112 in that vicinity.

In addition, the Suffolk County Health Center, which you mentioned, which is that little piece on the north side is moving, hopefully

moving, up to 25 in Coram. They have had an approval from the Planning Board for a new facility for both Social Services and a health center. We were recently sued with an Article 78 by some people in the community, because they feel it didn't necessarily work with smart growth. They want the building to move forward, there were a number of issues. But that won't even be on this site at that point. So the bus was stopping there for the health center. I don't know if it will in the future. So it may not be a good site to have multi family developments.

MR. LONDON:

Also, there's nothing commercial within walking distance, no stores, no nothing.

MS. GRABOSKI:

Additionally, they're proposing a senior component as well. Just one more question. Am I correct in assuming the ownership of the two parts of this are still under the same owner?

MR. NEWMAN:

That's a good question.

CHAIRMAN EVERSOLL:

It's my understanding.

MR. NEWMAN:

I think they are, I'm not sure of that. I'm not sure of that.

CHAIRMAN EVERSOLL:

Any further discussion? All those in favor? All those opposed? Any abstentions? One abstention. DISAPPROVED (VOTE:10-0-1) (Abstention; Mr. Berkowitz)

CHAIRMAN EVERSOLL:

Is there any other business? Mr. Caracciolo moved that we adjourn and Mr. Cremers seconded. It was unanimous.

(*THE MEETING WAS ADJOURNED AT 1:15 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY