

SUFFOLK COUNTY PLANNING COMMISSION

MINUTES

A regular meeting of the Suffolk County Planning Commission was held in the auditorium of the Evans K. Griffing Building located at 400 Center Drive, Riverhead, New York on April 7, 2004.

PRESENT:

Robert Martin (Smithtown) - Chairman
Louis Dietz (Babylon)
Thomas Thorsen (East Hampton)
John Caracciolo (Huntington)
William Cremers (Southold)
Linda Petersen (at large)
Frank Tantone (Islip)
Richard O'Dea (Riverhead)

ALSO PRESENT:

Thomas Isles - Director of Planning
Gerald Newman - Chief Planner
Andrew Freleng - Principal Planner
Claire Chorny - Planning Commission
Kyle Collins, Southampton Town Planning Director
Jeff Murphree, Southampton Town Planning Development Administrator
Marty Shea, Chief Environmental Analyst

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

(THE MEETING WAS CONVENED AT 10:14 AM)

CHAIRMAN MARTIN:

Good morning, ladies and gentlemen. Suffolk County Planning Commission is now in session. Would you please rise and join us in the salute to the flag.

(SALUTATION)

CHAIRMAN MARTIN:

We thank you.

Tom. The first thing on the agenda for this meeting is the minutes of March 3, 2004. Have you noticed any errors or omissions? Motion, please.

MR. THORSEN:

Motion.

CHAIRMAN MARTIN:

Thank you. Is there a second?

MS. PETERSEN:

Second.

CHAIRMAN MARTIN:

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

MR. ISLES:

Okay. The first item is just to suggest that we continue to table the elections of the Planning Commission at this point in anticipation of the vacancies ultimately being filled. So, we would just request that the tabling motion that you did at the last meeting on the election of officers, that we continue that at this meeting. So, we'll just maintain it in that status, then.

Just a couple of items to bring to your attention. In the nature of correspondence, we did receive a copy of a resolution from the Town of Southold, Town Board. It was provided to us by the Town Clerk. The resolution is dated February 24th. We received it after that date, but it -- I'll speak on it briefly, which is to state that the Town of Southold is committed to farmland preservation and promoting affordable housing through Smart Growth development principals and recognizes that these initiatives could work together in achieving much needed affordable housing to the transferring of development rights from farmland to overcome and comply with County Health Department sanitary flow restrictions. And whereas current Health Department policy development rights from active agricultural lands do not qualify as sanitary flow credits, thereby eliminating the possibility to jointly promote farmland preservation with Smart Growth

affordable housing initiatives; resolve that the Town Board of the Town of Southold hereby calls upon the Suffolk County Executive, the Suffolk County Legislature, the Suffolk County Department of Health and the Suffolk County Planning Commission to review the current Health Department policy that prohibits the transference of development rights in the form of sanitary flow credits off of active agricultural lands. And resolve that this be sent to the respective agencies that are mentioned. So, I just bring this to your attention. The County Planning Commission does not have jurisdiction on the Suffolk County sanitary code. This has been, as I said, sent to the Legislature, the County Executive and the Health Department itself. Obviously, we would want the Health Department to comment on this if the Planning Commission were asked to weigh in an opinion. But I will point out that the Health Department, number one, doesn't allow sanitary credits off of farmland because of the fact that farmland is not benign; that it does have impacts to groundwater and so forth. That's the reason why there is a restriction on it.

Secondly, the Health Department is commencing an update to a 1987 plan called the Comprehensive Water Resources Management Plan. That will be looking at a number of things in terms of public water supply including the density calculations that are currently used. Whether they will change as a result of that plan is not known at this point. The Planning Department, by the way, will be providing and having a role. We will be providing services for that study and have a role in that study as well. There's no action required of you at this point in time but I did want to bring this to your attention. And certainly if you want copies, we can make that available.

Two other things I'd just like to bring to -- three other things I'd like to bring to your attention. Number one, there are pending appointments for the Planning Commission that are -- that have been filed with the Legislature. There are three appointments. And, here again, some of this has been talked about at prior meetings. The appointment of Mr. Cicanowitz from the Town of Southold is still pending with the Committee. The Committee has not yet interviewed the candidate or made any motions on it.

The second candidate from the Town of Riverhead is a Mr. Edwin Tuccio. His resolution was approved out of Committee. He went to the full Legislature and the resolution failed at the meeting of about two weeks ago.

The third appointment is Linda Holmes from the Town of Shelter Island, a currently vacant position. She was also reported out of Committee with a favorable recommendation. Her resolution was tabled at the Legislature. That will be reconsidered possibly at the next meeting of the Legislature on April 20th. There have been no other nominations put forward that I'm aware of at this point in for any of the other commission appointments.

Two other items to bring to your attention. The County Executive has put forth a proposal to create a new department known as the Department of Environment and Energy. This was laid on the table at the last meeting of the Legislature and was the subject of a committee review yesterday at the Ways and Means Committee. The impact, just so you know, in terms of the

Department of Planning is that essentially it would pull the Real Estate Division of the Department of Planning into this new department, as well as the functions of the Council of Environmental Quality. There may be also one position of a Chief Environmental Analyst that's currently occupied by Mr. Proios that might also be folded into that department if it were to go forward. That was discussed also at the Committee yesterday. And my understanding is that the resolution failed. So, it doesn't appear at the moment that that's going forward. I'll keep you posted if there's any significant events that do affect the department further on.

And the Last update item is that the County Executive has also put a bill in to put forth a master list of acquisition parcels for consideration in the County's Open Space and Farmland Protection Program. This list was a compilation of a number of lists that have been submitted to the County over the past few months including from the Long Island Regional Planning Board, the Pine Barrens Society, the various town lists, the Nature Conservancy and Peconic Land Trust. The Planning Department, and principally Laretta Fischer, conducted a review of that list in a very prompt period of time. So, that list at this point puts forth about 4,000 acres of land for open space preservation possibilities and about 1200 acres of farmland. The farmland list was recommended by the Farmland Committee in January. That will be considered by the Environment Committee at their next meeting, which is now scheduled for next week, April 11th or 12th, yeah. Okay. It was scheduled for today but it's been postponed.

Related to that is -- I did provide to you a copy of an Open Space Policy Plan that we prepared and sent out to the Commission a week or two ago. What I'd like to do at this point is just give you a very brief overview of that plan. And we have it out for review and comment. It is a only a draft plan at this particular point in time. At a subsequent meeting I may ask for your consideration of a resolution in support of the plan. The basic idea on this is that the County has had a number of open space planning documents over the years including the Greenways Plan in 1998, the Park Policy Plan in 1994. The -- last year, as you know, we did a land acquisition summary report, which did a review of all the County's programs. The County has had a forty-year history in the preservation of open space. One thing we wanted to do with this is just as we've had these specific plans on special groundwater protection areas, on farmland policy in the 1996 Farmland Protection Plan, in the Greenways Plan, which here again, are very specific categorical type plans, what we wanted to do was step back and look at an overall plan in terms of all of the programs, all of the preservation efforts of the County for both open space, for active parkland and for farmland protection. So, that was the purpose of this report; is to look at it in more of a global manner. The plan at this time does not include specific lists of acquisition sites. It's intended to be a guide for those lists. And, here again, relating directly to what the County Executive has currently put forward, it's intended to be a document that will have a long-term benefit to the County in terms of clarifying County policy. And one example before moving on with this is that the current Quarter Percent Program has an open space component to it. A substantial amount of funding, over a hundred million dollars is planned to go towards that program. The program has five primary criteria. The parcels that are acquired under that program must meet one of those five criterias such as groundwater protection, surface water protection, areas of stream corridor protection, estuarian protection and so forth. But, in fact, that

takes in a substantial part of the County. So, in terms of it being a defining document in terms of helping and planning decisions of which parcels to acquire, it's a very broad brush guide that's contained in the statute. What we hope to do with this report is to now fine-tune that into policy recommendations; that can take the statute and then put it into more specific tangible, practical guidance for the County Executive and Legislature on individual area-wide acquisition decisions.

So, the purpose of the report, then, is to provide that kind of overall guidance. We begin the report by talking a little bit about the environmental setting of the County. We have several unique aspects to us in terms of the island, environment, the coastal environment, the sole source aquifer that we depend upon for water supply. Some of our unique environmental assets in terms of river valleys, the five main river valleys, stream corridors and so forth, we have a dependence on the environment for our existence, our economic and environmental existence. It's an important part of who and what we are. We also looked at demographic and economic aspects of the County. And looking at the fact that we are one of the most densely developed regions in the country, we have a population of about one and a half million people, slightly less than that at the moment. We still have potential for growth of about 20% in the County. Obviously, a lot of that here in eastern Brookhaven Town and the eastern towns itself. We are still growing. And we are still encountering diminishing open space. But also understanding demographically and economically the relation between open space protection, environmental protection and our economy. And that's manifested in many different ways. We are, for example, the sixth largest county in the United States out of over 3,100 counties in terms of seasonal home dwelling units. So, we have a very substantial, for example, seasonal population of people that reside here seasonally. It's a very big part of our economy. We, obviously, have a very large tourism economy. But there are links between our farming economy, which is the number one agricultural economy in New York State and our tourism economy, our seasonal home economy; and just the quality of life that the County offers. So, in terms of the environmental setting, the demographic and economic setting, those become the foundations in terms of moving forward in terms of defining our open space program.

We do note in the report that there are a number of open space preservation techniques that the County is involved heavily in the acquisition of open space, the acquisition of development rights in the Farmland Protection Program. But as many of the towns have done and villages, there are many other methods that are out there; many of those are in active discussion and use including zoning tools, clustering, Transferred Development Rights Program, heavily under discussion now in the Town of Riverhead in activating their program that they've had in effect for a number of years; agricultural districts, which this Commission reviews as part of state law, which provide tax incentives for the preservation of farmland at least on a short-term basis; various environmental regulations such as wetlands protection regulations, overlay districts and so forth. All of these add up to different tools that can be used for the preservation of open space. Our County Open Space Policy has evolved over the years. And we look back in the report in 1959,

for example, we note the opening of the Smith Point county park bridge and visitors center and so forth. And a very heavy emphasis on active recreational type uses.

Going into 1970, the County adopted an Environmental Bill of Rights that talked about it is the policy of Suffolk County to preserve important wetlands, coastal resources and so forth. So, shifting of policy from active parkland-type uses to more environmental conservation uses. Moving forward in the 1980's, the County -- pardon me -- into the '70's, the late '70's, the county did adopt a Farmland Protection Program, the first in the nation of a development rights acquisition program. That's the granddaddy of our farmland program at this time.

Moving into the '80's, the County then got into two new big programs, the Drinking Water Protection Program and the Open Space Program. And then moving into the '90's, we had a proliferation of sub programs such as the Land Preservation Partnership Program, the Greenways Program, which includes active recreation, open space and farmland. And in noting the 1998 Greenways Plan talked about kind of an evolution in our open space policies to look more at quality of life issues, the social, psychological benefit of an open space preservation program; and kind of accepting the fact that we're passed a certain stage in terms of the broad brush open space protections of the Pine Barrens and so forth.

So, then, we wanted to look at that in terms of the current -- you can keep moving, Chris, a couple of slides in -- we then wanted to look at the -- in terms of where do we stand now with the County's Open Space Program in terms of policies and goals. And the current program -- two programs that we have going forward include the Quarter Percent Sales Tax Program, which funds both farmland and open space purchases as well as the Multi-faceted Program which is more of a -- it's a Capital Program and it's more of a mixed bag in terms of the -- it's an accumulation of many other programs that have previously existed in the County including farmland, including land preservation partnership, including active recreation.

So, what we have done with that, the County -- as we look at what is the County policy for open space preservation, we look at the original language of the statutes, we look at the decisions of the County Legislature and the County Executive, and the plans and programs that have historically been put into effect. And, here again, the intent of this plan is to provide a compilation. And, so what we've identified is the County programs are divided into three major overall areas. Number one is the protection of natural resources including protection of drinking water supply, coastal resource protection, wetlands, watersheds, habitats; things of that nature.

The second major category is farmland which is very obvious and is identifiable. And the third and last category is recreational, which includes both passive, active recreation, cultural, historic resources, coastal access. And then to some extent downtown parks which has been a relatively new policy direction of the Legislature where the County has gone in with management agreements with localities in some downtown locations; a rather significant departure from prior policy. So, essentially what this set, then, is in terms of our recommendations going forward is

that any acquisition in the County must meet one of those three primary criteria that it must either protect natural resources, it must protect farmland or it must provide a recreational benefit to the County.

So, from that we've put forth 18 policy suggestions for the County, which I'll just briefly touch upon, but the first is that it meet one of the three objectives that I just mentioned. Secondly, we think the County programs should be criteria-based. And what we have done in the past, we have had criteria sheets that we've used rating sheets for the farmland program. Based on the Greenways Program, there was also a rating sheet for natural resource protection. Those sheets had been -- had been -- not been updated in quite sometime. They did not necessarily reflect the statutes or the requirements of the program. So, one of the outputs of this report are suggested changes to the rating sheets for the County programs.

It also includes a new rating sheet for recreational, historic uses that we had not previously had. And we think it's a much more accurate measurement of, here again, current statutes and programs. We do suggest in the recommendations use of the number of techniques for preservation, here again, acquisition. Fee acquisition is one technique but there are many other techniques as well. We're suggesting to avoid fragmentation of open space, that we consolidate ownership of County parcels in areas or shared management areas with other entities of government. We favor acquisitions of open space that provide multiple benefits. An acquisition example might be the Scully Preserve in Islip, which was a 70 acre title and fresh water wetland parcel across from the national wildlife refuge that also had a rather significant historic house on the property. There could be several benefits achieved in terms of cultural historic preservation as well as environmental protection. Active recreational uses should be -- appropriate to the site on which they're located; obviously should not conflict with environmental protection goals. Parcels should be held in perpetuity. Public access should be provided to county-owned open space at least in limited form; but certainly the public should not be prohibited from it in most cases. We should leverage financing with partners. And we have done that extensively with the towns and villages, some state and federal grants in some cases. But where we can maximize county dollars, obviously that makes sense. We do emphasize the purchase of larger parcels defined by at least fifty acres. Where we are buying smaller parcels, that they been done, here again, in partnership with other entities for management purposes primarily.

So, we also recommend that the County consider the purchase of residual fee and meaning that if a parcel has been the subject to the removal of development rights, such as in the Pine Barrens core as part of the Transferred Development Rights Program in the Pine Barrens, the residual fee then remains. There are instances where we think the County should consider acquisition of the residual fee such as in a critical resource area such as the dwarf pine plains and where there may be substantial County ownership already. And it would give us the ability to consolidate our holdings to provide for better management opportunities. Obviously, if we're buying the parcel without any development rights, it's going to cost less than the full fee acquisition. And we would only pay that amount.

The downtown parks I mentioned do need to be done very carefully. And we feel it should not be a de facto urban renewal program. It should be done with local management and it should be done in accordance with the plan. It can't be done in a haphazard basis. We recommend that we limit the acquisition of improved parcels. There was a proposal put forth to buy a building in downtown Amityville that was occupied with three businesses. We had argued against that. The Legislature did not approve it. And we think the program should concentrate on undeveloped parcels. Obviously, if there's a minor building on the site, that is probably okay. But we should generally avoid buying occupied sites that are already built. We suggest the purchase of conservation easements in some cases where, here again, there's a justifiable county purchase, a reason for buying a conservation easement as opposed to a full fee acquisition. We also recommend that the County consider using a density population density factor meaning that if we're dealing with a very densely developed area, there is something to be said that the open space that's being considered may be more important in the sense that it's a last open space in the area. So, we are suggesting in the rating sheets that there be a factor at least in the recreational rating sheet that's currently drafted in the report that would give extra points for that situation. We have found in western Suffolk County that there's a tremendous demand for active recreation sites for ball fields, soccer, baseball fields and so forth. And the availability of land that's suited for that use is diminishing. So, they become more important. There are opportunity sites that do exist. And there should be some consideration for the fact that there's competition for that land and they are geographically required to be in certain locations to serve communities that cannot necessarily be in eastern Suffolk County.

So, that essentially summarizes the key policy recommendations. Here again, the output of this product is the revised rating forms that we are suggesting for consideration by the Legislature. We have circulated this report. And obviously the Legislature has copies of it. And we would welcome any comments from this committee, this Commission, and we will then be reporting back to the County Executive in early May with a consolidation of the comments and deciding then how to move forward if we will then move forward with a formal resolution of the Legislature to adopt the plan as a policy plan and to revise the rating forms.

CHAIRMAN MARTIN:

Thank you. Thank you, Tom. Board members have any questions of the plan at this time?

MR. THORSEN:

Mr. Chairman, I've read it. And I certainly could support it. I certainly think it's a good report and I'd endorse it.

MR. ISLES:

Thanks. There's a question over here, too.

CHAIRMAN MARTIN:

We'll go around.

MR. ISLES:

Okay.

MS. PETERSEN:

I would concur with those comments. I thought you did an excellent job. Okay? Okay. I would concur with the comments. I feel that you did an excellent job researching all the programs and analyzing them and giving us a really good analysis of everything that presently exists in the County. And I would certainly endorse your work. Thank you.

MR. ISLES:

Thank you. Let me just point out, too, that the report was done by the Planning Department. And the chief author was Peter Lambert, who is here today. Another key participant was Laretta Fischer and then Carol Walsh helping as well extensively as well as the cartographic staff. Thanks.

MS. PETERSEN:

They did a very fine job. Thank you.

MR. CREMERS:

I'll second the motion of all the other statements that were made already. I think it's excellent.

MR. CARACCILO:

Excellent plan. I would endorse it 100 percent.

MR. TANTONE:

I agree. And it's typical for the work output that comes from this department.

MR. ISLES:

Thank you, Frank.

CHAIRMAN MARTIN:

Richard?

MR. O'DEA:

Could you elaborate a little on the fifty acre aspect that you just mentioned and the management agreement aspect of this proposal?

MR. ISLES:

Yes. Sure. The County has had a policy, kind of an unwritten policy for many years in the past that the minimum site the County would consider acquiring was 100 acres. The reason for that is that the County serves a certain role in the program, that there are many other levels of government. And it could be said that the County has a regional governmental body. It should

be dealing with the preservation of open space that serves the regional purpose; serving the full citizens of Suffolk County. Examples of that would be large County parks, Indian Island County Park out here is several hundred acres, serving regional park needs.

Another example would be groundwater resource protection serving, here again, County regional needs such as within the Pine Barrens core area. Over the years, however, the County has purchased many parcels less than a 100 acres. And the nature of the County program has changed over the years in the sense that with these new funding programs, for example, the Greenways Program, the Land Preservation Partnership, as well as through the actions of the Legislature, the County has definitely acquired smaller parcels. And in part that makes sense from the standpoint that the number of large parcels is very limited. Interestingly the average parcel size in 1990 that we purchased was about 100 acres, 110 acres or so. The average parcel size now is about 12 acres. The availability of large parcels is becoming less and less as acquisitions and development are proceeding. So, what we looked at is, it still doesn't make sense for the County to go out and buy half acre parcels in the middle of a neighborhood to build a neighborhood park generally speaking. The county should still have a regional focus to its preservation program. But we also acknowledge the fact that those large parcels aren't there; that what we are suggesting, then, is that the threshold be dropped a little bit, here again, even though it's never been formally adopted. We should try to still stick with the large parcels. Where we can't do that, where the Legislature deems it in the best interest of County citizens to buy smaller parcels, such as five acres, ten acres, twelve acres is the average these days and so forth, then that should be done in one of two ways. Either it should be part of a larger purpose to a county program. And we have a great example of that in acquisitions we're currently doing in Mud Creek in Patchogue, whereby we're buying half acre, one acre, two acre parcels; but it's part of 140 acre County preserve we're developing there. So, even though it's a small transaction, it's obviously part of a larger plan that can be managed effectively at the County level.

Secondly, in terms of the land preservation partnership program, where a town or a village is willing to come in and say we want to partner with you and the program is designed for that to leverage County dollars, it would allow that to go forward providing the County has not been saddled with a significant burden on managing and maintaining that property, picking up tires and things like that, that accumulate. And that's where we like to enter into agreements with municipalities whereby we'll chip in on the acquisition if the municipality will then carry on the responsibility of going forward on management and maintenance. Looking at the fact that the County Parks Department is strained at best at the moment with the management of the properties we currently own and that the isolated fragmented ownership of small parcels can be difficult for them to do. Obviously cost impacting on them to do. And that's where we want to then partner with the localities on that. And, here again, the purpose of this is that a policy guide is a guide. My observation in the past couple of years that I've been with the County is the -- trying to clarify when we go in solely as a county and when we should be going in with a town or a village. And trying to use the rating forms to assist in that, trying to work out these management agreements with localities in those instances.

MR. O'DEA:

Thank you.

CHAIRMAN MARTIN:

Okay, Richard?

MR. O'DEA:

Yes. Thank you.

CHAIRMAN MARTIN:

Everybody satisfied? Do you want to entertain a motion or anything?
To adopt it or anything like that?

MR. ISLES:

Well, sure.

CHAIRMAN MARTIN:

Would you like that now?

MR. ISLES:

Yeah.

CHAIRMAN MARTIN:

We need a motion in order to adopt the report for Mr. Isles.

MR. THORSEN:

I move.

MS. PETERSEN:

Second.

CHAIRMAN MARTIN:

Linda and Tom. All in favor signify by saying aye. Contrary minded? Abstained? So carried.

MR. ISLES:

Thank you for your support.

CHAIRMAN MARTIN:

This is a new thing we've been starting or had to start. I want to ask the audience is there anybody in the audience who would like to be heard? Or have any questions of what's going on? Nobody? Everybody is -- understands. Okay. The only thing I was going to say, when you stand up, please state your name, where you're from, what town or organization included in the town, and then we'll hear you. There will be time limits, but it's only according to the crowd and how important we feel the issue might be or could be. And we'll do it that way. But seeing nobody wants to speak today, we'll leave that for another meeting at another time. Okay, Tom.

MR. ISLES:

Okay, now we go to Commissioner's round table

CHAIRMAN MARTIN:

Okay, now the round table. Linda.

MS. PETERSEN:

Brookhaven Town is still working on their code amendments and changes. We have a number of moratoriums in place. We expect the bulk of the work to be completed by the fall. That's basically all that's new.

CHAIRMAN MARTIN:

Tom.

MR. THORSEN:

We got a battle brewing out on the east end between the two forks on ferry boats. You probably saw it in Newsday this morning. But hopefully it will work out.

The other thing is that I had mentioned that our town had problems with the Hornrose report for Smart Growth. And then we had a turnover politically in the town. Now, the new board is moving on its ideas of the plan. But the local American Institute of Architects has gotten involved with -- which is -- it's a smart growth aspect, but it goes in a little deeper and so maybe something will come out of that program. Keep our fingers crossed. I think they're a little more sensitive than the Hornrose. Hornrose came out too -- too much with large core development schemes, which would overwhelm, for example, Amagansette, which is -- has developed historically with an openness to it. But there are -- the architects pointed out where there are opportunities to make changes in Amagansette without creating havoc. So, I found that an interesting meeting I had with them.

MR. CREMERS:

Even though the two towns are battling each other, we still sit next to each other, so, it's fine. I don't think we'll ever -- I won't see a ferry boat coming out of East Hampton in my lifetime, but these are battles that are brewing still.

The other things that are happening in the town, we're still working on our subdivision regulations, which will be all new. And that's taken a little time, but that should be coming before the summer I would assume. And that's about what we we're doing.

CHAIRMAN MARTIN:

John?

MR. CARACCILO:

You mean I'm going to have to sit between them next time?

CHAIRMAN MARTIN:

No, we'll separate them. Put one down here and the other guy in the parking lot.

MR. CARACCILO:

Okay. During the first two weeks of March, the Town of Huntington invited residents to participate in four community input sessions that would lay the ground work for a new comprehensive plan. And we're very pleased with the outcome. The firm we were working with, WRT, tells us the turnout was much better than expected. Participating in the forum, we had ten

to fifteen people gathered. And they discussed the strengths and the weaknesses of the town for today and the future opportunities and threats. Judging by the positive comments received from the many participants, they enjoyed the meeting and then they candidly shared some views for the town.

The next steps in the coming weeks WRT will complete a telephone survey and tabulation forms. In early April we'll post that on the website and we'll invite people that were unable to attend the forums an opportunity to participate on the website and once again to lay their opinion. At the end of the April they'll close the input portion of the process and allow the planners to begin the first drafts. And then they'll come back to Huntington in June with the draft and an opportunity for additional feedback; make the draft available once again 'till the end of the summer months. At the end of September will be the final public hearing and then look to adopt division statement which the intent of moving forward to the next phase, which will be drafting a new comprehensive plan for the Town of Huntington. And I will keep the board members updated on the progress of this.

CHAIRMAN MARTIN:

Thank you, John. Frank.

MR. TANTONE:

The real issue of significance in Islip over the past month or so has -- we have completed the public hearing portion of the former Pilgrim State property. And I'm happy to say that it went very well. The meeting was very well attended. There were several hundred -- about 500 to 700 people. But for a meeting of that size and in my almost now ten years of being on the Planning Board, it was very pleasant to see that the meeting was very positive. There was no negative impact. The biggest complaint basically was whether they were going to use union labor in order to do the construction, which was clearly not a planning issue. But other than that, the project itself seemed to be well received. The plan seemed to be well thought out. It's now being kicked around or -- I shouldn't use that term so lightly. It's being examined by the staff and we'll come back obviously at a future date for a decision. But it's off to a very positive and -- we're very optimistic about such a large plan. If the meeting is any indication of how the overall plan is going to go, we could be in for a very pleasant surprise over there because everything seemed to go very well that night. And both the developer and the audience left with very positive feelings about what's going to happen over there.

MR. CARACCILO:

Mr. Chairman, I just want to echo that thought, you know, that even in Huntington there's such a positive response and I think it's the way that finally towns and, of course, reaching out to the community and that's really what people want. They want to be heard. And by doing so, it's really, you know, we're seeing the same result as Islip. And people are leaving very positive. There's really no negativity at these meetings.

CHAIRMAN MARTIN:

Thanks, John.

MR. DIETZ:

Nothing.

CHAIRMAN MARTIN:

Town of Smithtown, we're quiet. We're the smallest of the towns on the west. And we kind of keep quiet.

MR. O'DEA:

Riverhead is quiet. Welcome to Riverhead everybody. That's a nice report, Tom. And the County, I've been critical in the past of acquisition programs and I must say being a long-term member of the town committee that I do see increased activity on a county and town level. And hope to -- the Town Board is considering in a conversation fashion so far future bonding. And I'm sure they would be willing to partner where possible with the County. The Town Board is currently -- some members of the Town Board and an implementation committee, the Planning Director are doing the zoning and involving the master plan, which they adopted November 3rd of this past year. That's about it.

CHAIRMAN MARTIN:

Thank you. We'll start with Andy.

MR. ISLES:

Yeah. We have a --

MR. THORSEN:

I have one question. The annual report?

MR. ISLES:

Yes. We are working on the annual report. We have provided a summary of the zoning and subdivision statistics at the last meeting. We will have it to you perhaps in May. I can't guarantee it at this point. Unfortunately a couple of other reports have gotten ahead of it. So, hopefully in May. If not in May, in June at the latest, we'll have it done. It's nearing completion.

We have a subdivision agenda as well as zoning matters. So, perhaps we can do the subdivision agenda now and then --

MR. FRELENG:

We have guests from the Town of Southampton if you want to take them first.

MR. ISLES:

We can do that.

MR. O'DEA:

May I say one more thing? What is the format for the public? What's the ground rules for the public speaking? I know that's over but I have been asked a question and --

MR. ISLES:

Okay. The public is free to speak at any Commission meeting. They are given three minutes. They have to fill out a card. They're given three minutes to speak. They can borrow three minutes from somebody else or take three minutes from somebody else to speak for a total of six

minutes if that other person agrees to it. But they can't take anymore than three additional minutes. So the maximum they can speak would be six minutes.

In terms of the presentation today, one of the items on your agenda, which is on the zoning side of the agenda, is the review of the critical wildlands plan that's proposed by the Town of Southampton. So, we can go into that now. What we have today is the Town Planning and Zoning Administrator.

CHAIRMAN MARTIN:

Go ahead.

MR. ISLES:

Jefferson Murphree. And Town Planning Director Kyle Collins as well as Marty Shea who's the Chief Environmental Analyst for the Town of Southampton. We are actually in the Town of Southampton; though we are in the Riverhead County Center. One of those schizophrenic things we have here. So, at this point, then, we'd like to request that the Town of Southampton be given a brief period of time to provide a presentation on the critical wildlands protection plan.

CHAIRMAN MARTIN:

We're not going to hold them to three minutes?

MR. ISLES:

No, no, this would be a presentation.

CHAIRMAN MARTIN:

This is the town. I don't think we should hold them to three minutes.

MR. ISLES:

No, no.

CHAIRMAN MARTIN:

I think the three-minute rule will be people in the audience so they don't repeat and repeat. But we'd like to give you as much time as you need. If you see us starting to yawn, time to quit. Okay, go ahead. You can start anytime you want.

MR. MURPHREE:

Good morning. My name is Jefferson Murphree. I'm the Town Planning and Development Administrator.

MR. COLLINS:

Kyle Collins, Town Planning Director.

MR. SHEA:

Marty Shea, Chief Environmental Analyst.

MR. MURPHREE:

Good morning everybody. The timing of our presentation today couldn't have been better following the presentation by Tom Isles on the County's efforts for open space preservation and groundwater protection. The Town of Southampton shares that vision. And in 1986 we actually

created an aquifer protection overlay district throughout the Town of Southampton in those areas where groundwater recharge is most critical. We have really stringent clearing restrictions and fertilized limitations in those areas. However, as Tom mentioned, the development pressure especially in the east end towns is rapidly increasing. And the town felt that additional protection measures especially in the east half of the town were necessary. And in 1999 the town embarked upon what is called the Critical Wildlands and Groundwater Protection Plan. The document that you have in your office, and this is actually the second version of it -- we actually went through one version of this -- that Marty Shea will speak to. This is actually the second volume of the document. So, you can see the town has spent a lot of time and effort looking at this issue.

I'm going to keep my comments brief. I'm going to have Marty Shea give you an overview as to the subject area; the goals and objectives of the Critical Wildlands and Groundwater Protection Plan and where we are in the process. Given that we have approximately 1200 acres left in the area that need preservation, and we've had an appraisal done, the estimated cost is somewhere between 140 and 150 million dollars just for acquisition, the town felt that there needs to be a transfer development rights component of the plan. And Kyle Collins will speak to that part of this initiative.

In your package, you should have two documents; one is -- one dated February 24th. It's a summary of where we are and gives a very good summary so in case you didn't want to have to read two volumes of this, we have approximately a 13-page version of it for you. We also have based on what Kyle will be presenting today a summary of the TDR program. And, again, if you don't have a copy of one of those, I have copies with me. I can share those with you.

Seeing no questions, I'm going to turn the presentation over to Marty Shea. Marty is our Chief Environmental Analyst.

MR. SHEA:

Good morning. The goals of this planning effort are to implement the goals of the Peconic Estuary programs, Comprehensive Conservation and Management Plan by protecting critical watershed lands for the estuary, thereby reducing the amount of nitrogen inputs into the bay system. The second goal of this planning effort is to protect critical aquifer recharge areas, those deep flow aquifer areas that are most important with regard to drinking water protection.

Within the area of study, the Suffolk County Water Authority has established public drinking water wells. We also still have quite a network of private domestic wells. So, the intent of the plan is to better protect this area so we can prevent contamination of these well sites. The focus area is also the South Fork Pine Barrens. This is an area with a very unique ecology, an area where we have very important wildlife habitats. It's an area where quite a lot of investment has been made by the town and the County with respect to protecting our open space. And what we're trying to do is consolidate the protected open space thereby better protecting critical wildlife habitat throughout this region.

An additional goal of this planning effort is to provide and protect recreational opportunities. You're all familiar with the 100 mile plus Paumanok Path system. That trail system extends through this study area. And what we're intending to do is to protect the remaining critical linkages in the east end portion of the town so the Paumanok Path can be established. We have several maps available today. The map to my left shows you the focus area. Jeff had indicated that this is an area where we already have an aquifer protection overlay district to protect drinking water. As indicated it's also the critical watershed area for the Peconic Bay system in the town. And if you look at the current status of land use in this focus area, you'll see that approximately the entire preservation area that is proposed would be approximately 4,630 acres. Approximately 60% of that area has already been protected. That's approximately 2,776 acres. We're seeking to protect an additional 1168 acres in this area, which would be about 25%. That would be accomplished both through protection out right of vacant parcels in this region as well as through conservation easements.

Within the focus area there are also two golf courses, Golf at the Bridge and the Noyac Course. And there is also some existing development. Essentially we're looking to create a core preservation area. This would essentially become a no-build area. The remaining vacant parcels in this area would be protected several ways. The primary tool for protection would be acquisition. That acquisition would be accomplished by the town as well as the town in partnership with the County and New York State. The second tool which would be used is conservation easements. The parcels that you're seeing on the map that are colored in blue are actually opportunities to protect key properties using conservation easements either partial conservation easements that protect the most sensitive portions of the property or conservation easements that would be landed on parcels where the developing credits are transferred off to buildable lots. This is in the case of the old file map areas. We have some pretty extensive old file maps in the Great Hill area.

The preservation area, if you look at the western most portion which is separate from the main area, that would cover the Tuckahoe woods area. Then going east it picks up again in the Great Hill area North Sea. It goes up to the Roses Grove area through Deer Field, Noyac, Bridgehampton; and finally down into the Long Pond Greenbelt and Sagaponack. In addition to fee simple acquisition and conservation easements, there would also be an opportunity to transfer development credits out of this area. And as Jeff had indicated, Kyle Collins, our Planning Director, is going to speak about the details of the transfer development rights program.

The program would also allow for the filing for hardship exemptions. In the cases of extraordinary hardship or compelling public need, if that was demonstrated, you might get the opportunity to build on that parcel. The way this would all be accomplished is by zoning amendments. It would be to create a sub district in the town's current aquifer protection overlay district. And this sub district would be a preservation area district where lands would be preserved through these means. So, that just gives you a general summary of this planning effort. If there are any questions, I'd be happy to answer them; otherwise I'll turn it over to Kyle.

CHAIRMAN MARTIN:

Board members have any questions of Mr. Shea? Hearing none, I'll turn it over to Mr. Collins.

MR. COLLINS:

Thank you. I'll speak briefly about the TDR program and the objectives of the TDR programs. Can you hear me now? Got it? And the table that I've passed out to you should have in front of you outline. The intended number of development rights coming out of the protection area as well as identifies the potential receiving sites. As Marty alluded to before, the TDR's only one component and it is anticipated that the TDR's will represent approximately 25% of the tool to be used to preserve the subject properties. However, to be on the conservative side in our analysis, we did the calculations based on if all the parcels were used as TDR. And utilizing the receiving sites for landing sites of these TDR's, we used existing sections of the code that already exist. There are no new proposed receiving sites in terms of landing sites. Right now the town under section 330-9 has a density incentive program which allows the transferred development rights for say, carriage houses, which is in effect a second dwelling unit on a lot. There are size restrictions in terms of the structure as well as diminimal lot size; as well as there's also under the existing code permitted further subdivision of a lot to create two -- one additional lot for a lot that otherwise couldn't be subdivided. And that is, again, subject to the transferred development right.

There's one other mechanism in the code which would allow you to get an increase in density on your yield on a subdivision. Right now the maximum increase in density would be a 30% of your as-of-right-yield on a subdivision. And that would be achieved, again, through the transferred development rights.

There's one other item listed on that table in the bottom table. It's transferred development rights to meet Suffolk County Department of Health Services regulations. Right now we do have some zoning that permits higher density than the Department of Health would otherwise permit. So, those would also be a potential receiving site for the landing of, in effect, sewage credits in this case because our zoning would permit the density that would be permitted but Suffolk County Department of Health would not. As well as to determine the potential impacts to the hamlets as well as more importantly the school districts. The table has been broken down by school district. And we're trying to achieve. And under the existing code right now, the primary objective is to transfer transferred development rights within the same school district. However, the code does permit transferred development rights across school district lines, but in a different ratio. Within existing school districts or transfers within the districts, it's at a one to one ration. If you're doing adjoining school districts, it's one and a half to one. And if they're non-adjoining, it's two to one.

That's basically -- I mean I could go through the numbers. I don't know if you really want me to go the numbers on the table, but that gives you the gist of the TDR program. And the numbers speak for themselves. If you have any other questions, I can answer them or --

MR. MURPHREE:

The one thing is that -- you're looking at about 20% for TDR component, Kyle?

MR. COLLINS: 25%.

MR. MURPHREE: 25%.

MR. COLLINS:

So, it's 75 at 25.

CHAIRMAN MARTIN:

Do board members have any questions? No? Tom.

MR. THORSEN:

One question of -- are you allowing for consideration of a sending site being converted to a commercial entity? Or it just residential residential?

MR. COLLINS:

I'm trying to think if we have any pre-existing non-conforming -- because there's no commercial zones in the sending site now, but I'm sure there's probably some preexisting non-conforming uses in that zone. And we do have the mechanism which I did not allude to because it was hard to determine. We do have the mechanism under that density incentive to transfer development rights to increase your commercial yield as well. So, yes, you would be able to do that.

MR. THORSEN:

Yeah, that's what I was wondering.

MR. COLLINS:

It was just hard to determine what that increase in density as it relates to commercial because of the factors involved in determining what those -- you know, it's not a dwelling unit to increase in square footage or -- again -- or it's a sewage credit.

MS. PETERSEN:

I have a question. In you have a pre-existing single and separate lot that does not meet the current zoning standards, and it's being used in the TDR program, do they get a full credit for that lot?

MR. COLLINS:

It depends. If it's in an old file map, because we have the old file map provisions, you don't. You only get a partial credit. If it's a single and separate lot that is not an old file map, you would get one credit.

MS. PETERSEN:

Thank you.

CHAIRMAN MARTIN:

Anybody else. Bill, John, Frank, Lou? Thank you. You answered the question.

MR. ISLES:

Just one question on the staff's side. In terms of the variance procedure that Marty mentioned, where does that go through? Does that go through the Town Board on a hardship case?

MR. MURPHREE:

Yes. It would be basically copying what we do at the Pine Barrens Commission.

MR. ISLES:

Okay. And the administration of the TDR program would be handled through which department or what method?

MR. MURPHREE:

It would be handled through the Department of Land Management. And, in fact, that's one of the critical issues in terms of staffing is, you know, that whole process. And we're finding that as we speak.

MR. ISLES:

Okay. The only thing I'd like to say, too, is that the -- obviously the reason this is before you is that under General Municipal Law, towns must refer comprehensive plans, comprehensive plan updates to the County Planning Commission. Within General Municipal Law are criteria that you must look at. The Planning Department staff, principally, Andy Freleng, has prepared a staff report for your consideration today. We have been provided with a summary of the report from the town. We're required to look at the impacts regionally to a number of different factors. What we would suggest to you today is that you give consideration to granting conceptual approval of this plan. I will note that the plan does call for, as mentioned, the preservation of a certain amount of land 1168 acres -- additional acres within this area through methods of acquisition as well as transferred development rights up to 25%. The County of Suffolk may be a participant in that. And I think that's perhaps anticipated by the town. Obviously this Commission cannot bind the County Legislature in terms of committing to what we will or will not be doing in the future. Obviously the County is interested in the protection of this area. But -- so in terms of the conceptual approval that perhaps you can consider it at this time, it would also relate to any County involvement and future acquisitions; would obviously be dependent upon legislative approval, funding appropriations and competition with other County acquisitions.

CHAIRMAN MARTIN:

But, what we're doing is just recommending approval?

MR. ISLES: Right.

CHAIRMAN MARTIN:

But we would get the --

MR. ISLES:

The motion, then, back to the town would be to conceptually approve the plan that's been presented to you today.

CHAIRMAN MARTIN:

Andy? Is Andy going to make a presentation --

MR. ISLES:

No, that's pretty much it right there.

CHAIRMAN MARTIN:

It's also done?

MR. ISLES:

Yes.

CHAIRMAN MARTIN:

Board members, what's your pleasure?

MR. THORSEN:

Mr. Chairman, I'd like to move this proposal.

MR. CREMERS:

I'll second.

CHAIRMAN MARTIN:

Thank you, Tom. There's a second. All in favor signify by saying aye? Contrary minded? So recommended for approval.

MR. MURPHREE:

Thank you very much.

CHAIRMAN MARTIN:

Thank you. Thank you for your time.

MR. FRELENG:

Okay. The first regulatory matter before the Suffolk County Planning Commission, then, comes to us from the Town of Southampton. This is the referral of Robert Romeo. Jurisdiction for the Planning Commission is that the subject property is adjacent to Shinnecock Bay and State Route 27. The applicants are proposing the subdivision of approximately 13 acres of land into four lots in the R-40 residential zoning category in the hamlet of Shinnecock Hills. The minimum lot size in the zoning category is 40,000 square feet. The theoretical permitted yield on site pursuant to the R-40 zoning is approximately 11 lots. The map is a voluntary reduction in yield. The project sponsors have chosen to limit the yield on site to four lots for an average lot lost size of approximately 3.3 acres. We're trying -- if I can just interject -- we're trying a little bit new technology here. So, we have the subdivision map on the power points. So, we're going to switch back and forth every now and then to do that. This is limiting the amount of material that we have to carry around with us now. So, we're experimenting. So, if the board could just bear

with us as we work out the bugs, that would be appreciated.

Getting back to the referral, then, the map is not being processed pursuant to 278 cluster provisions. No open space is created on site. Lots range in area from 93,607 square feet to 207,810 square feet. Easements on the proposed map include 100 foot wide scenic easement along the road frontage. And an access easement for common driveway. This subject parcel fronts on County Road 80, Montauk Highway to the north. The site abuts improved residential land to the east and west and Shinnecock Bay to the south.

Okay, that give us again showing Montauk Highway to the north and improved residential land to the east and west. Flip back again, Chris. Access for the proposed lots is intended via an irregularly shaped two pronged common driveway and an access easement over the underlying four lot pattern. Two of the proposed lots front on County Road 80. Two of the proposed lots are flag lots designed in contradiction to Commission policy. Flag lot 4 has an access of 430 feet; and flag lot 2 has an access of 390 feet and a dog leg in the access strip. You can see the dog leg here from the second lot. And this lot number 4 has an exceedingly long access strip along the eastern property boundary.

If you can flip back to the air photo. The character of the area surrounding the subject property can be described as predominantly large lot residential. The character of the property itself can be described as sloping to the south partially developed land. There is a single family dwelling, a cottage, garage, pool and a shed on-site. And you can see them clustered roughly center of your photo. The parcel is located within groundwater management zone IV. Potable water to the lots is intended via on site wells. A sanitary waste is to be collected individually with septic tank and leeching pools. There are mapped tidal wetlands on the subject property. And the submitted plat does not -- the submitted plat does not indicate that the most landward limit of wetland was field verified by the appropriate regulatory agency. So, you can see on the air photo that there's shoreline to Shinnecock Bay. And there are DEC regulated wetlands on-site.

Soils on the subject property consist of Carver-Plymouth associations. This association is not considered prime farm soil in Suffolk County. A bluff is situated on site along the shore. The submitted plat does not indicate that the top of bluff is field verified by the appropriate regulatory agency. Slopes on the subject property range in the area of three to 35%. The steeper slopes are along the bluff near the shore. Issues related to the proposed subdivision stems from the Commission's policy on subdivisions created with poorly designed flag lots and issues related to good planning and land use. Flip back. Thank you, that's good.

Staff is recommending then disapproval for the following reasons. Two of the proposed lots are flag lots designed in contradiction to Commission guidelines. And again that is with respect to the dog leg. And the exceedingly long access strip. In addition, the submitted map does not indicate that the most landward limit of wetland was field verified by the appropriate regulatory agency. In addition, a bluff is situated on site along the shore. The submitted plat does not indicate that the top of bluff is field verified by the appropriate regulatory agency.

Staff would also like to add a comment that is not in the staff report with respect to archeology. Staff has learned that -- can you flip back to the air photo? This particular area of Shinnecock Hills is highly sensitive with regard to Aboriginal settlements and artifacts. So, with that regard, staff would like for recommend to the Commission that we add the standard commission comment with regard to archeological artifacts being investigated, a phase I be conducted on site before any final approval is granted. The exact language to that is found in a later application that we'll review. So, that is the staff report.

CHAIRMAN MARTIN:

Board members have any comments?

MR. CARACCIOLO:

I make a motion to accept the staff report.

MR. TANTONE:

Second.

CHAIRMAN MARTIN:

All in favor, signify by saying aye. Contrary minded? Abstentions? So carried. For disapproval, right?

MR. ISLES:

Right.

MR. FRELENG:

The next matter is also referred to us from the Town of Southampton. This is the application of Perlbindler, Stephen and Barton Mark. The jurisdiction for the Ccommission -- I just want to make a correction there. Jurisdiction for the Commission is that the subject property is adjacent to the Atlantic Ocean. These applicants are proposing the subdivision of approximately 28 acres of land into three lots in the R-120 residential zoning category in the hamlet of Sagaponack. The map is also subject to a tidal flood plain overlay, an ocean beach overlay and an agricultural overlay. The minimum lot size in the underlying zoning category is 120,000 square feet. The theoretical permitted yield on site pursuant to the R-120 zoning category is approximately eight lots. The map is not being processed pursuant to 278 cluster provisions. No open space is created on-site. Lots range in area from 219,114 square feet or roughly five acres to 758,396 square feet roughly 17 acres. An easement on the adjacent property provides access to the existing dwellings on site.

The subject parcel fronts on Daniels Lane, which is a town road to the north. And the site abuts improved residential land to the east and west and the Atlantic Ocean to the south. Okay. Access for the proposed lots is intended via an existing 25 foot private right-of-way on adjacent property that extends south from the town road. The right-of-way splits into two ten foot wide bluestone driveways. One driveway traverses across lot 3 and lot 2 for access to lot one. And the other continues across track -- another track southeast to lot 2. Two of the three lots created are

contrary to Commission policy. Lot one is a land lock parcel. Moreover, lot 2 is a flag lot with an exceedingly long access strip. The Commission policy is 300 feet. The proposed lot includes a 1,106 foot access strip.

So, we have here the land lock parcel to the left of the subdivision map. And we have here the flag lot with the exceedingly long access strip and the remaining parcel is left over. The character of the area surrounding the subject property can be described as predominantly large lot residential. The character the property itself can be described as sloping to the south partially developed land. There is a single family dwelling, garage, pool, a pool house and shed on-site. And they are clustered roughly towards the ocean.

The parcel is located within groundwater management zone four. Public water to the lots is intended via individual on-site wells. Sanitary waste is to be treated on site with individual systems. There are map tidal wetlands on the subject property as well as fresh water wetland including a man-made pond and the shoreline of the Atlantic Ocean. So, the DEC and the US Fish and Wildlife regulate this property with respect to the wetlands. The submitted plat does not indicate that the most landward limit of wetland was field verified by the appropriate regulatory agency. In addition, the subject parcel is subject to coastal erosion as is evident by the placement of a coastal erosion hazard designation on the submitted plat. However, the subject plat does not indicate that the coastal erosion hazard line was field verified by the appropriate regulatory agency. Soils on the subject property consist of Bridgehampton, Haven, Beach and Dune Associations. The Bridgehampton and Haven Associations are considered prime farm soil in Suffolk County. The subject property is located in a Suffolk County agricultural district. Just to note on ag districts, I understand that you can opt out of an agriculture district at any time without penalty. But if you are in an agricultural district, you do get some tax reductions. So, the applicants are processing this map and apparently are looking to opt out of the agricultural district.

MR. ISLES:

There would be a penalty, though, if they do opt out; yeah, they have to pay the back taxes.

MR. FRELENG:

I stand corrected. The submitted plat does not indicate that the top of bluff is field verified by the appropriate regulatory agency. And that bluff is located along the shore. Slopes on the subject parcel range in the area of zero to 6%; steeper slopes are nearer the shore.

Issues for the Commission stem from the Commission's policy on subdivisions created with land lock lots and poorly designed flag lots and issues relating to good planning and land use. Staff is recommending disapproval for the following reason: Lot 1 is a land lock parcel. Lot 2 is a flag lot with an exceedingly long access strip. In addition, the landward limit of wetland was not field verified by the appropriate regulatory agency as well as the coastal erosion hazard line was not field verified by the appropriate regulatory agency; and that the submitted plat does not indicate that the top of bluff was field verified by the regulatory agency. Staff is recommending disapproval.

MR. O'DEA:

I make a motion to accept staff recommendation.

MR. DIETZ:

Second.

CHAIRMAN MARTIN:

In favor signify by saying aye. Contrary minded? Abstentions? So carried.

MR. FRELENG:

All set? Okay. The Third subdivision matter before the Commission is referred to us, again, from the Town of Southampton. This is the matter of John C. White, Jr. The jurisdiction for the Commission is that the subject property is adjacent to the Atlantic Ocean. The applicants proposed a re-subdivision of approximately 32 acres of land into three lots in the R-120 residential zoning category in the hamlet of Sagaponack. The property is also subject to the Town of Southampton agricultural overlay district and partially within an area of sensitivity as identified by the New York State Archeological Sensitivity Map. The minimum lot size in the underlying zoning category is 120,000 square feet, roughly three acres. The theoretical permitted yield on-site pursuant to the R-120 zoning category is approximately nine lots.

The map is being processed pursuant -- is being processed pursuant to 278 cluster provisions of town law. Open space in the form of a future agricultural reserve is created on-site. The applicant seeks to modify the map by increasing the size of lots 6 from approximately 1.5 acres to approximately 3.1 acres. Okay. And at the same time decreasing the size of lot 5 from six acres to one acre. The ocean frontage on lot 6 will be increased by approximately 52 feet. Lot five will no longer have any ocean frontage. The balance of lot 5 approximately 3.4 acres will be incorporated into lot 7, which will be enlarged to approximately 27.5 acres. The remainder of the prior subdivision will be unaffected. Lots range in area from 43,560 square feet roughly one acre to 1,197,627 square feet or roughly 27 acres.

The subject parcel fronts on Sundune Court, which is a town road and residential dwellings to the west. To the north the property fronts on -- fronts agricultural reserve land. The subjects parcel is adjacent to the Atlantic Ocean to the south and fronts on Trees Lane which is a private road and residential dwellings to the east.

Access for the proposed lots is intended via existing frontage on Sandune Court. Previous comments by the Suffolk County Planning Commission regarding access to lot 7 has been addressed by the proposed modification wherein a portion of the existing lot 5 is to be transferred to revised lot 7 providing direct access to Sandune Court. This matter was before the Commission back in 1999. This lot here had a lot line that went down here. And staff and the Commission commented that access to this lot would be problematic via this dog leg access strip. In this re-subdivision this portion of the former lot is being transferred to the larger parcel. And, therefore, now they can take access off of Sandune Court. So, a previous comment of the Commission has been addressed by this re-subdivision.

The character of the area surrounding the subject property can be described as predominantly large lot residential and agricultural uses. The character of the property itself can be described as sloping to the south, what would be called intensely developed land. There is a single-family dwelling, several cottages and accessory structure as well as the subject parcel is farmed. The parcel is located within groundwater management zone four. Potable water to the left is intended via public supply. Sanitary waste is to be collected and disposed of via individual sanitary systems. There are mapped wetlands by the DEC and US Fish and Wildlife on adjacent property and the shoreline of the Atlantic Ocean. The submitted plat does not indicate that the most landward limit of wetland was field verified by the appropriate regulatory agency. In addition, the subject parcel may be subject to coastal erosion; however, Coastal Erosion Hazard Line is not indicated on the submitted plat.

Soils on the subject parcel consist of Bridgehampton Beach and Dune association. The Bridgehampton association is considered prime farm soil in Suffolk County. The subject property is located in the Suffolk County agriculture district. A bluff is situated on-site along the shore. The submitted plat does not indicate that the top of bluff is field verified by the appropriate regulatory agency. Slopes on the subject parcel range in the area of zero to 6%. Steeper slopes are nearer the shore. Issues related to the proposed subdivision stem from the Commission's policy on subdivisions created adjacent to the shoreline of Suffolk County and issues related to good planning and land use. It's the staff recommendation to conditionally approve this matter with the following conditions: That the most landward limit of fresh water wetland be field flagged and verified; that the coastal erosion hazard line be field flagged and verified; that the top of bluff be field flagged and verified; that the subdivider acknowledge in writing to the Planning Board that the subdivision in no way commits either the Town of Southampton or the County of Suffolk to any program to protect the property from shoreline erosion. The next condition is that no new residential structure, sanitary disposal facility be constructed within 100 feet of the top of bluff. The following condition is the note with respect to the archeological significance of the site; that a phase I archeological investigation be done; and that if material of archeological value be found, that one, the site should be preserved; or two, that the clearing and excavation construction be phased in such a way that the artifacts can be recovered.

The next condition is that appropriate steps be taken to ensure that the agricultural reserve remain undeveloped except for agricultural related structures in the future. And, the final condition is that all perspective lot owners of the subdivision be advised that they are adjacent to a farm and that they may be subject to typical agricultural activities including noise, dust, odors, etcetera. And that is the staff report.

CHAIRMAN MARTIN:

Thank you, Andy. What's your pleasure?

MR. THORSEN:

Just a comment here. If my memory suits me, this is one of the oldest farms in Southampton. The White family -- in continuous White ownership. So, it's interesting to see an additional reserved area being added to the farm. I'd like to move this for adoption, the staff report.

MS. PETERSEN:

I'll second it.

CHAIRMAN MARTIN:

Second? All in favor, signify by saying aye. Oh, you have a comment?

MR. O'DEA:

You don't have the phase I wording itself in this report?

MR. FRELENG:

The actual -- no. To answer your question directly, we don't quote a phase I archeological investigation.

MR. O'DEA:

You don't want that in there?

MR. FRELENG:

That would be the pleasure of the Commission. I think the condition that reads that there's a possibility that the site may contain material of archeological value and that an archeological survey be made by qualified archeologists implies a phase I archeological investigation. But if you'd like, we could reword that to specify that.

MR. O'DEA:

It's your call. If you feel it should -- a determination should be made by the archeologist.

MR. FRELENG:

I think the town -- I think the town would know that an archeological investigation would include a phase I in the first instance. And then if they do discover an artifact, the consultant would recommend a phase II and further --

MR. O'DEA:

Okay. The agricultural preserved area is -- development rights are gone? Or how is this property divided up?

MR. FRELENG:

I believe the agricultural development rights were removed from the parcel.

MR. O'DEA:

The development rights. All right. 27-acre parcel still can be further subdivided?

MR. FRELENG:

Are you referring to the parcel down here?

MR. O'DEA:

The larger parcel.

MR. FRELENG:

The parcels along the shoreline can be developed; subdivided. The agricultural reserve would not be able to be further subdivided, no.

MR. O'DEA:

Okay.

MR. THORSEN:

That's a summer colony down on the shore there that's been in the White family for quite a while. And there's been discussion as to whether those should be taken off or not by the town. That was several years ago.

CHAIRMAN MARTIN:

We have a motion. We have a second. All in favor, signify by saying aye. Contrary minded? So approved.

MR. FRELENG:

The final subdivision matter before the Commission, then, is referred to us from the Town of Brookhaven. This is the application of Vistas at East Moriches. The jurisdiction for the Commission is that the subject property is within one mile of Spadaro Airport. The applicants propose a subdivision of approximately 17 acres of land into 17 lots in the A-one residential zoning category in the hamlet of East Moriches. The minimum lot size in the zoning category is 40,000 square feet. The Theoretical permitted yield on the site pursuant to the A-one zoning including roads and drainage is approximately 12 lots. It is not clear where the additional yield of five lots originates. The proposed subdivision overlays an old file map area and an unapproved yield map submitted with the town's referral material demonstrates the 17 lots. The submitted EAF and the town's referral material indicates that a zoning variance will be sought.

The referral material from the town did not include the said variance. Conversations with town planning staff indicate that the applicant has been made aware of the yield issue. And the applicant attains to claim single and separate status to 17 lots before the Town Zoning Board of Appeals. The Town Planning Board is waiting receipt of the Zone Board of Appeals's determination from the applicant. However, the matter is before the Commission. The yield notwithstanding the map is being processed pursuant to section 278 cluster provisions. Approximately the six acres of open space in the form of a buffer surrounding the proposed lots is proposed. Lots range in area from 20,00 square feet to 26,743 square feet, roughly point four or point five acres to point six acres.

The subject parcel fronts on Harts Road which is a town road and residential dwellings to the south. Residentially zoned and partially improved land abuts the property to the west. Residentially zoned and tilled agricultural land is found adjacent and to the north and east. The

subject parcel is located within one mile of Spadaro Airport as indicated. Access from the proposed lots is intended via the extension of Prospect Road, an existing tap street from the south. The extension is proposed to be a cul-de-sac some 1,200 feet long. The length of the proposed cul-de-sac is contrary to Commission policy.

The subject property includes several paper streets that are proposed to be abandoned. Land to the northeast and west is subdividable and should be coordinated for access. Can we see the air photo, again, Chris? The land all around the subject property is subdividable. And as you see from the site plan in the staff report, subdivision map and the staff report that there are paper streets in and around the area that could be tapped into. Pine or Cedar Road should be considered to be extended to the property line for future coordinated access. Land to the north should also be considered for future coordinated access. Can we go back to the subdivision map, please.

The character of the area surrounding the subject property can be described as predominantly medium to small lot residential and agriculture. The character of the property itself can be described as level, sloping slightly to the south. There are no structures on site. The subject parcel is located within groundwater management zone six. Portable water to the lots is intended via public supply. Sanitary waste is to be collected and disposed of via individual sanitary systems. The subject parcel is located within one mile west of Spadaro Airport. Conditions should have been placed on the map that indicate that residential structures will be erected using materials and techniques that will reduce interior noise levels in accordance with recommendations of the Department of Housing and Urban Development or another authority that is promulgated standards for reduction of interior noise levels.

Soils on the subject property consist of Riverhead and Plymouth associations. The Riverhead association is considered prime farm soil in Suffolk County. However, the subject property is not located in a Suffolk County agricultural district but may be adjacent to one to the north. Slopes on the parcel range in the area of zero to 3%. Issues related to the proposed subdivisions stem from the Commission's policy related to good planning and land use. Staff is recommending disapproval for the following reasons: It is not clear where the additional yield of the five lots originates from. Also, the length of the proposed cul-de-sac is contrary to Commission policy in that the proposed layout does not have an alternate means of access. In addition the subject property is located within one mile of Spadaro Airport. And there is no notation on the map that indicates that any kind of sound-proofing should be required. And, also 20% of the proposed lots should have been placed aside for a affordable housing purposes. That is recommendation of the staff and the staff report.

CHAIRMAN MARTIN:

Andy, if he's going to provide another street on either side, wherever he puts it, he's going to lose another lot. At least one more lot he'll lose. So, twelve is even going to be -- right?

MR. FRELENG:

It is possible that he would lose a lot if he provided another access.

CHAIRMAN MARTIN:

Well, it's hard to say. About 12. He didn't say 12. You said about.

MR. FRELENG:

Well, that again the 12 lots is the theoretical yield. A realistic zoning map would demonstrate that he may get all 12; maybe they can squeak out another one. But just based on a calculation, it would be 12.

CHAIRMAN MARTIN:

Okay, good. Any other questions? Motion is in order.

MR. O'DEA:

I'll make a motion.

MR. CARACCILO:

Second.

CHAIRMAN MARTIN:

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

MR. NEWMAN:

Today there's only one zoning action on the agenda. It's an application in the Town of Smithtown. It's an appeal to the Zoning Board of Appeals for a variance of diminished parking from a required 359 spaces to 225 spaces; or a reduction of approximately 37%. In connection with the conversion of an existing building comprising 53,780 square feet from an existing warehouse office use to an entire office use on a 4.24 acre L-shaped parcel of land situated on the north side of Long Island Motor Parkway, which is County Road 67 west of Kennedy Drive and the light industrial district at Hauppauge. In this case the property is situated within John V. N. Klein industrial Park. The site plan calls for the maintenance of the one point of vehicular ingress and egress via the County roadway and a slight increase in the number of existing on-site spaces from 222 to 225. It is the belief of the staff that this proposal appears inappropriate as it constitutes the unwarranted over-intensification of use of the property. It would tend to necessitate use of the County roadway for parking purposes thereby limiting the safety and traffic carrying capacity of said facility. It would establish a precedent for the continuance of such a practice not only in this area along the County roadway but throughout on the Town of Smithtown. The property can be reasonably utilized for alternative uses with diminished parking needs or an alternative enhanced parking arrangement reasonably commensurate with required parking. We feel if this development proceeds as proposed, that there will be a chance the County roadway will be utilized; however, they would have to use some of the landscape islands for parking purposes.

And, finally we feel that sufficient information has not been submitted to demonstrate compliance with applicable variance criteria. We're recommending disapproval.

CHAIRMAN MARTIN:

What's your pleasure?

MR. TANTONE:

I move staff.

MR. DIETZ:

Second.

CHAIRMAN MARTIN:

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

MR. ISLES:

If I could just say just one thing before we leave, the American Planning Association is having its annual scholarship breakfast on April 21st. The scholarship is in memory of Arthur Kunz, the former Director of Planning. The guest speaker will be Steve Levy. It'll be held at the New York Institute of Technology Culinary Center in Central Islip. And lastly, I appreciate the cooperation of the members in making this meeting. We hope to have at least one new member for the next meeting and not be right on the edge; but I appreciate everybody getting here today.

MR. DIETZ:

Motion to adjourn.

CHAIRMAN MARTIN:

So adjourned twenty minutes to twelve.

(THE MEETING CONCLUDED AT 10:42 AM)