

# SUFFOLK COUNTY PLANNING COMMISSION

## MINUTES

A regular meeting of the Suffolk County Planning Commission was held at the Evans K. Griffing County Center in the Maxine S. Postal Legislative at 300 Center Drive, Riverhead, New York on May 5, 2004 at 10 A.M.

### **PRESENT:**

Robert Martin (Smithtown) - Acting Chairman  
Louis Dietz (Babylon)  
Thomas Thorsen (East Hampton)  
Frank Tantone (Islip)  
Richard London (Village 5000 & Under)  
Richard O'Dea (Riverhead)  
Frank Cichanowicz (Southold)  
Laure Nolan (Village 5000 & Over)

### **MEMBERS ABSENT:**

Linda Petersen (At Large)  
John Caracciolo (Huntington)  
Linda Holmes (Shelter Island)

### **ALSO PRESENT:**

Thomas Isles - Suffolk County Director of Planning  
Gerald Newman - Suffolk County Chief Planner  
Andy Freleng - Suffolk County Principal Planner  
Claire Chorney - Suffolk County Planning Department  
Chris Wrede - Suffolk County Planning Department  
Basia Braddish - Suffolk County Attorney  
Charles Bender - Aide to Presiding Officer Caracappa  
Kim Kennedy - Aide to Legislator Caracciolo  
Jefferson Murphree - Southampton Town & Development Administrator  
Richard Hanley - Riverhead Director of Planning  
Eric Rosen - Riverhead Planning

### **MINUTES TAKEN BY:**

**Eileen Schmidt - Secretary**

**(THIS MEETING WAS CALLED TO ORDER AT 10:23 A.M.)**

**ACTING CHAIRMAN MARTIN:**

The Suffolk County Planning Commission is now in session. We apologize for its lateness. It seems that a lot of the people can't really find the place right away, but we assure in the future that we'll all be here on time or before time and we'll be on the right track. Will you please rise and join us in the salute to the flag. Lou, please.

**SALUTATION**

**ACTING CHAIRMAN MARTIN:**

We thank you. We want to introduce the new member of the board, the reappointment of the new member of the board.

**DIRECTOR ISLES:**

I'll start off today's meeting with noting that there have been two new appointments to the Suffolk County Planning Commission. One of those appointees is joining us today and that is Frank Cichanowicz representing the Town of Southold. Mr. Cichanowicz was a member of the Commission several years back as some of you might remember and we certainly welcome him at this time to resume his post with the Planning Commission. The Legislature also approved a second appointment representing the Town of Shelter Island a person by the name of Linda Holmes. Unfortunately, she was not able to make it today; she's indicated to us that she will attend the next meeting which is on June 2nd, I believe. I don't believe we have any minutes prepared today so we'll bring those up when they're completed. We don't have any correspondence to report to you today and just in terms of a couple of items and I'll keep it brief because we have a pretty full agenda today.

As I indicated, the appointments to the Commission we now have eleven members appointed to the Commission. Many of you are on hold over terms; I certainly appreciate your continued participation on the Commission it certainly is helpful to the department. The County Exec's Office is aware of this and we're hopeful of completing the vacancies in the near future. Just a second item is the Department of Planning has been working has been working for quite sometime on a project known as the North Shore Land Use Study. This is a sub-component of a study that the Health Department is doing on the land on the Long Island Sound. It involved doing a land use inventory of 348,000 properties along the North Shore of Suffolk County extending into as far as into the Town of Islip for example along the Nissequogue corridor. It includes all of the incorporated villages on the North Shore in the western part of the County. That report is now complete; it's going on our website by the end of the week. So municipalities and other interested parties will have the ability to access that land use data.

The next component of that project well, it's actually population build outs of that area. Here again, it all feeds back to the Long Island Sound Study, but it has, you know, collateral benefits rather planning efforts as well. And certainly for those communities

that are included in that study area there is information that is up to date good inventory information. I will provide a brief presentation of that at the next meeting in June as well.

And just two other things to make you aware of is County Executive is convened to Commissions both involving extensive work by the County Planning Department, so just that you're aware of that. One is a Workforce Housing Commission, which is on a very rapid cycle of investigation. It includes a broad representation about 30 elected officials, union representatives, business contracting, environmental and so forth. So the Planning Department staff both the Affordable Housing staff and the Planning staff are providing extensive research for that committee and support of that committee and I'll keep you posted in terms of the findings and recommendations.

And then lastly, there's also a Transportation Commission that's been formed. We're also very involved with that and the Commission at this point is beginning to scope out an appropriate topic of focus and here again, I'll keep you posted on that one as well. If you want to move, we have the public portion if you just want to go through that.

**ACTING CHAIRMAN MARTIN:**

Is there anyone from the public that wants to be heard? Hearing none. Mr. Isles.

**DIRECTOR ISLES:**

We'll go to the roundtable, I guess.

**ACTING CHAIRMAN MARTIN:**

Oh, the roundtable. Laure anything new in Northport, Huntington.

**MS. NOLAN:**

In Northport, well, if you've read the paper today we finally wrapped up -- Oh, I'm sorry. Am I supposed to push this button? Northport finally wrapped up the Police Commission issue, which was very nice. In Huntington, the visioning statement process is moving along, in fact, today and tomorrow the consultants are back in town meeting with various elected officials on what they found so far and holding a final forum tonight for anyone who missed the first four. And in June we will have wrap up meetings with the community to go back over what the original public hearings that were -- public meeting that were held in February. Asharoken is having a -- the Planning Board is having a public hearing on Friday night on their new master plan and after that they will be proceeding with a village board hearing. So that's pretty much it.

**ACTING CHAIRMAN MARTIN:**

Okay. Thank you Laure. Richard.

**MR. O'DEA:**

Okay. Riverhead is moving along with their master plan process, which we'll hear in a little while here, held a series of public hearings on different zoning districts and members of the town and Rick Hanley and his staff are putting mucho time into it to get

it done. And on the other front things that are not going to happen, the ownership of the proposed ownership of the Suffolk Theater. It looks like its not going to go forward with their agenda and theme park is a dead issue also. So that's about all that's new.

**ACTING CHAIRMAN MARTIN:**

Thank you. Tom.

**MR. THORSEN:**

In East Hampton the town board is still working on the comprehensive plan and we expect to see a lot more about details of it through the summer months, but they also have heard a number or are hearing of local laws. The most interesting one is limitation on residential inground fuel oil tanks and that they have a program also that they're working on to get some payback to certain individuals with certain incomes as help to do to remove the tanks. In cellar tanks are okay, above ground tank and so forth would be all right. So that's an interesting thing.

**ACTING CHAIRMAN MARTIN:**

Okay, Tom, thank you. Frank.

**MR. CICHANOWICZ:**

Yes, since I'm new on this thing we're just getting breaking back in, but I guess Tom knows as well that this whole town is working on quite a study right now I guess to with the housing and things like that. So I'll be more informed as we go along.

**ACTING CHAIRMAN MARTIN:**

Frank, thank you. Dick.

**MR. LONDON:**

The only thing I have to report is, is that spraying for West Nile Virus will be commencing quite soon throughout the County. Mostly likely it'll start down again around the south shore. I know last year the heavy infestations were in the Bay Shore and Islip areas along those areas where the swampland was. It's suppose to be unfortunately, a banner year for mosquitoes because of all the heavy rains and now the warm weather won't help it any. So that's what we have to look forward to. That's it.

**ACTING CHAIRMAN MARTIN:**

Thank you, Dick. Frank.

**MR. TANTONE:**

Actually, there are -- right now it's kind of quite in Islip. I mentioned last month we had a number of larger applications that we heard and are still pending so those are just on hold right now. And there's one or two large ones on the horizon, but in between there's not a lot going on.

**ACTING CHAIRMAN MARTIN:**

Thank you, Frank. Lou.

**MR. DIETZ:**

Nothing.

**ACTING CHAIRMAN MARTIN:**

The Town of Smithtown same quite small subdivisions only, but we're looking for Kings Park State Hospital something's going to happen there. There is somebody waiting to buy it I understand they made an offer. I don't think it's been closed, well, it hasn't been closed as far as we know. And as it goes on I'll bring you up to date.

**MR. ISLES:**

There is one last item I wanted to mention too is that if any of the Commissioners have any suggestions for any of our summer meetings that we often times will do out in the field, other parts of the County and so forth, please feel free to pass them along to me. Meanwhile we will look at some options and present them to you at next months meeting as well. At this time the next item on the agenda is a matter that's been referred to the Commission from the Town of Riverhead. The Town of Riverhead as you know has been involved in a very significant planning effort, a town wide comprehensive planning effort for the past several years.

The comprehensive plan was presented to you in the fall of 2003 and acted upon by you with a referral back to the town board of the Town of Riverhead suggesting conceptual approval of the comprehensive plan. The town has now made a referral to you to start implementing that plan through the amendment of the zoning ordinance both the text of the ordinance and the map of the ordinance affecting a number of residential zones. It is most likely that there will then be a subsequent submittal for commercial zones within the town as well, but what you're seeing today and we have the Director of Planning for the Town of Riverhead, Rick Hanley present today. And we'll turn it over to Rick to provide a presentation to you on a rezoning that potentially affects I think something in the order of 26,000 acres of land, so very dramatic. So with that I'd like to request that Mr. Hanley start the presentation.

**MR. HANLEY:**

Thank you, Tom. Good morning all. Since November 3rd of 2003 the town board has been diligently working on the residential portion of the comprehensive plan. We decided to break it up between commercial and residential zoning districts in that there has been ongoing moratoria in Riverhead Town I guess for about two years now. And we wanted to insure that we had the residential districts adopted prior to the end of this current moratoria. Essentially, what we've done with the residential districts is with respect to the recommendations of the master plan Riverhead Town for the most part up until the plan was adopted was zoned basically one dwelling unit per acre of 40,000 sq. ft. There have been a number of opportunities in the past to try to up zone the town, which we were unsuccessful, and we've finally been able to do that. The residential districts essentially were written in such a way we are trying to maintain

what's called in the town the Fairness Doctrine such that if a parcel was zoned for one unit per acre it would be up zoned to two. If a parcel or a track of land was zoned at 20,000 sq. ft. it would be up zoned to one. So what we were trying to spread the pain out in terms of landowner equity throughout the town.

What we've done is we've written seven new residential districts the most notable being if you take a look at this map behind me you'll see a very large area that's in green that is our agricultural belt. And what we've done with that area in order to conserve as much of the prime soils as we possibly can here we've developed or written an ordinance which would allow for clustered subdivisions within that area. The Planning Board according to the law must conserve 70% of the prime agricultural soils within any subdivision. So essentially it's 70/30 split in terms of the cluster; the intent of the cluster is to provide that 70%, which are the AG soils to be privately held. Its not to be dedicated to homeowners association or -- what we're trying to do is to allow for residential, one residential homestead on each one of those large tracks. However, there is also a transfer of development ordinance that was written in such a way as to encourage that these rights would move from this farm belt to receiving areas which you see behind me in yellow. And the way that we expect to encourage that is to allow for a transfer and this gets a little technical, but if you were to assume a 100-acre track in that farm belt the way the ordinance is written that would yield 43 lots. The master plan suggested that in order to discourage the subdivision and encourage the transfer that there should be some bonus. And the plan suggested one right per acre, which is a real bonus because if you assume existing zoning on a 100-acre track that would yield 86 lots. The up zoning would change that to 43 and if the grower or owner decides to send his rights he's entitled to 100 rights so we think that's a major benefit.

What's happen since the new administration came into Riverhead after November is that they've re-thought that to a certain extent and they went to public hearing on reducing that ratio from one right per acre to .65 rights per acre. It is being hotly debated. The growers were not happy with that ratio; they expect the board to eventually adopt what the master plan stated as far as the tranfer. The transfer program also has a commercial element to it and we're not dealing with the commercial districts today, but just to give you an idea. There are commercial areas in the town that we think can accept rights as well: most notably the large yellow area that you see at the Calverton facility. And we expect to do some rezonings there to try to encourage rights to be converted from residential to either commercial or industrial.

Essentially, this plan and the zoning is designed to discourage subdivision within that farm belt. We understand that there will be subdivision. We see it as somewhat problematic when there's a residential development that's surrounded by parcels that where the rights have been either stripped by the County or sent on a TDR that there's a certain incompatibility between residential development and agricultural use. But we're hoping that with the transfer program we'll minimize the total numbers of subdivision in that farm belt. And I think that's essentially our proposal; it's a result of a plan that was sent to this Commission that this Commission supported and we would just hope that you would support our zoning ordinance as well. Thank you.

**ACTING CHAIRMAN MARTIN:**

Thank you. Board members have any questions? Laure?

**MS. NOLAN:**

No.

**ACTING CHAIRMAN MARTIN:**

Richard.

**MR. O'DEA:**

Rick, what's the Planning Board's position after this -- the Planning Board in June sent signed and sent the plan that you referred to as the what's call it the one acre transfer out one for one --

**MR. HANLEY:**

Right. The master plan called for a ratio of one development right per acre of real property. Correct.

**MR. O'DEA:**

Would with -- what's going on with the TDR? What's going on with the .65? What's the Planning Board's next step in this? For me to vote on this is a little difficult.

**MR. HANLEY:**

Our zoning code is somewhat odd with respect to our referral to the Planning Board. Our code requires that any application for a zone change from a private party to the town board must be referred to the Planning Board for their recommendation. And there's a nuance to our code that suggests that if it's a motion of the town board does not have to be referred, but the town informally referred it to the Planning Board. I think at the last meeting we handed out all the districts to all the members. You certainly have the opportunity between now and adoption, which we expect, will be at the June 1st. meeting to suggest the board's position on that ratio. And I would imagine that the board's position would be very similar to what you had sent over with the master plan.

**MR. O'DEA:**

Okay. Thank you.

**ACTING CHAIRMAN MARTIN:**

Tom.

**MR. THORSEN:**

Rick, I want to commend you on this effort. It's extremely important to all of the towns in Suffolk County to have at least one solid town with agriculture because if Riverhead's agriculture disappeared we wouldn't get the support industries to help the rest of us. So it's extremely important. I only have one question, there seems to be a proposal that you could drop to 10 acre building parcels, agricultural building parcels.

**MR. HANLEY:**

Yes.

**MR. THORSEN:**

Do you feel that, I mean, if that becomes the norm then we've got a lot of big estates out there.

**MR. HANLEY:**

I think your question has to do with the minimum size of an agricult -- or a farm parcel or AG parcel in a clustered subdivision map. If we take that 100 acre tracked example and there's a subdivision within the farm belt and there's 43 let's say there's 42 residential lots which are about 30,000 sq. ft. and there's the one large 70 acre parcel, that could be further sub-divided in to 10 acre parcels. The reason we thought about that was the farm community believes that the average size of or the necessary size of a AG lot is over time has been -- being reduced. Our thought here was to take advantage of the AG and Markets tax exemption or tax relief and at the time we were doing the plan there was a minimum size for that for 10 acres. So that's where that comes from. Our hope is that those 10-acre parcels would be tilled. I would appreciate the Commission's thoughts on that because if you think that that's too small a parcel we might want to revisit that idea. I should also mention to the Commission that the town is expecting the planning department to keep statistics over time here with respect to what's happening with subdivision. What's happening with transfer rights; how many rights are left. How many acres are kept tilled and if we notice that these 10-acre parcels are turning into mini-estates as opposed to tilled land then we would have to revisit it definitely.

**MR. THORSEN:**

I raise that because several years ago in Southampton we had someone come in that wanted to do just that because we're trying to preserve the farmland acreage.

**MR. HANLEY:**

Yes.

**MR. THORSEN:**

And it come in with horse setup, you know, 10-acre estate lots and while I can see that happening I would hope it would not be a significant move on farmland preservation. It should be more contiguous acres of farmland.

**MR. HANLEY:**

Yes. If you look at the zoning district for the APZ you probably have the text in front of you or back in your officers, but we define agricultural production is the same way the AG and Markets people define it.

**MR. THORSEN:**

Right. Ag and Markets sets a minimum of seven acres I believe.



**MR. HANLEY:**

Now it's seven, yes, but when we were writing this as 10 we just decided we would keep it at 10.

**MR. THORSEN:**

Right, right.

**MR. HANLEY:**

So our thought is to have a 10 acre parcel with at least an acre set aside to allow for homestead barn to support the tilled area.

**ACTING CHAIRMAN MARTIN:**

Frank.

**MR. CICHANOWICZ:**

I'm Frank Cichanowicz from Southold and I am a farmer so I can appreciate this more than anybody else. We raise 700 acres of sod and trees and stuff so --

**MR. HANLEY:**

I think you have a relative in Riverhead, don't you?

**MR. CICHANOWICZ:**

Yes, a few of them, but anyway a 10 acre piece is not feasible in most farming things, you know, unless it's contiguous to something else. We find that you know we have people all the time calling up and saying they have a parcel they want to rent us because they want to see sod on it, but yet you can't it's not feasible on small parcels like that to really do it easily.

**MR. HANLEY:**

Do you have any thoughts about what a minimum size would be appropriate?

**MR. CICHANOWICZ:**

Probably more at least 20 acres, you know, almost like they did in Hallockville when they cut up that LILCO property or KeySpan property. You need 20 or 30 acres at least and if it is contiguous you can farm it even if it's in separate ownerships, but you can farm it as a unit. I think that'll be more feasible because otherwise we're going to have nothing but {Harbey Farms} out here which is happening all over the south shore and I think its very important. I mean, there are still some real farmers out here and you know, and you want to really address it to them and I think this is what -- it happen in Southold Town and you just had the farm tractor parade in Riverhead. You know, and people don't listen to them a lot of times, but there are some real viable farmers that definitely want to stay here.

**MR. HANLEY:**

Well, the trend in Riverhead is really not subdivision of these tracks. We're hoping that between a very active purchase program on the part of the County and we've had promises from others in Riverhead that the County's going to concentrate on Riverhead and Southold in terms of investing County funds for purchase. And the town's transfer program it's our fervent hope that we don't get a lot of these subdivisions in that farm belt. We would just rather not had happened, but we had to zone it something so hopefully, the TDR Program will be able to conserve these large tracks without any residential development whatsoever.

**MR. CICHANOWICZ:**

All right. How about where the receiving areas are, do you have any guarantee of them receiving it because I haven't been on this Planning Commission for a while? But I remember our first one with the Pine Barrens and we tried to transfer something in the Hampton Bays in Southampton Town says that's fine you send back to the County, you know.

**MR. HANLEY:**

Well, our transfer program was devised to not require a change of zone or a special permit on the receiving parcel. It's as of right use or a as of right right to be able to have the Planning Board accept additional lots within the area. Also all of our transfer areas meet Health Department flows in terms of Article 6. So there's no sterilization of {descending} parcel so we're hoping between that balance and the fact that it meets Health Department rules that it will be a successful program in terms of moving the rights and it's not encumbered by governmental bureaucracy.

**MR. CICHANOWICZ:**

Well, God bless you, you got a big {hands} to take care of.

**ACTING CHAIRMAN MARTIN:**

Dick.

**MR. LONDON:**

I just want to second that everything that Frank just alluded to. I think he's absolutely right on base with it. And I'm the representative for the Cornell Cooperative Extension for Suffolk County and I'm sure everybody knows, but in case somebody doesn't know Suffolk County is the leading agricultural county in the State of New York at this very moment as we sit here and I'd certainly like to see to it that we remain that way. Thank you.

**ACTING CHAIRMAN MARTIN:**

Thank you Dick. The only problem I have is that if it develops where you say, but if they don't transfer and every piece of land gets 15 or 20 houses, how is the farmer going to be able to farm behind these houses or along side?

**MR. HANLEY:**

It's a concern of ours --

**ACTING CHAIRMAN MARTIN:**

Every farmer tells you the same thing.

**MR. HANLEY:**

You know it's a concern of ours.

**ACTING CHAIRMAN MARTIN:**

Well, you know it's got to be done.

**MR. HANLEY:**

There's a couple of things that we've thought about since we've been even prior to this master plan the Riverhead Planning Board has been dealing with subdivisions within this area. And {hell} be it under one acre zoning which is even worst situation in terms of the incompatibility, but what we thought about are a couple of things. One the town adopted a farmer bill of rights a couple of years ago and there is a requirement that there be a note on each subdivision map that states that this map is a clustered subdivision map. That there's a agricultural lot and there's a right to farm on that agricultural lot so it's buyer beware. And we want to avoid individuals coming to town board meetings complaining about nuisances resulting from agricultural use when that individual bought that lot they were aware of the fact that there was a farm lot associated with the subdivision. Secondly, the Planning Board is going to be very exacting in terms of locating the agricultural lot properly on the prime soils. And we're going to be requiring that the sub-divider actually create vegetative bumpers or hedge rows such that at least we'd be able to keep the dust nuisances and those kinds of nuisances or even sound nuisances down somewhat with the hedge row. So that's one of the elements of subdivision we're going to be employing in order to try to bank those two uses more compatible.

**ACTING CHAIRMAN MARTIN:**

Well, I wish you luck because I don't care where they buy and I come from a small town with no farms anymore. People come in honestly and stood there in front of me and said I never thought it would be developed or I never thought that. They admitted that they read it, but their attorney of course didn't press the issue and I don't want to see this happening, I can see this happening here. Farming is a nuisance industry if you live next to it.

**MR. HANLEY:**

There's no question about it.

**ACTING CHAIRMAN MARTIN:**

If you ride by and look at it it's beautiful. I like farms; I don't know if I'd want to live next to a farm basically.

**MR. HANLEY:**

Well, the intent of this plan and this zoning districts in front of you is not to create open space, it's to create tilled agricultural land and that's what we expect to have in Riverhead Town and keeping that industry intact.

**MR. CICHANOWICZ:**

Dick, can it be on a covenant within the property?

**ACTING CHAIRMAN MARTIN:**

Yes.

**MR. CICHANOWICZ:**

Because I know we had one person that bought a piece right at the end of our sod field and they called and they said you know we're having a party Saturday afternoon, why are you irrigating. They said well we don't want to, but the grass is drying. So we had to shut the pumps off or they were calling the police, but you know the real estate guy who sold it to them said don't worry about it they'll turn it off whenever you want and what have you. But these people were not aware that they're living next to an agricultural area and whether it should be in the deed somewhere so that their lawyers are aware because the real estate people want to sell real estate and the people said well, nobody told me about this. And that farmer's bill of rights should be in there very clearly so that the lawyers know it and then nobody gets in problems with it because you know the real estate people are out there for their commission and that's it. And that way I think you'd have very good covenant to put into that just like you have for sound areas around airports and what have you.

**MR. HANLEY:**

Well, we'll pass that suggestion along to our counsel to the Planning Board and possibly just a note on the map as well as a recording of a restrictive covenant would be, would be helpful.

**MR. CICHANOWICZ:**

Right. Because the buffers most people buy because they want to see the view. They want to see the vineyards, they want to see the grasses and to put a buffer in there doesn't -- it's not going to stop the noise, it's not going to stop the, you know, the drift or whatever, you know.

**MR. HANLEY:**

Okay. We've wrestled with it.

**ACTING CHAIRMAN MARTIN:**

Once more around.

**MR. THORSEN:**

Rick, will there be any consideration in here to transfer from farmland into areas that you could treat as smart growth development areas?

**MR. HANLEY:**

Yes. There are suggestions for transfer into the downtown for increase coverage and height. There is consideration for transfer onto some sites on Rte. 58 so to a certain extent, yes.

**MR. THORSEN:**

Okay.

**MR. HANLEY:**

There isn't a lot of receiving areas in downtown, but there is some.

**MR. THORSEN:**

And would you be also able to convert residential units to maybe commercial units?

**MR. HANLEY:**

Yes. And also we're considering, as a function of the master plan there was a suggestion that the town should make every effort it can to try to get more residential development downtown in terms of the second and third stories and we're using transfer rights for that as well.

**MR. THORSEN:**

Maybe you can uplift Riverhead to a great extent, Riverhead Hamlet.

**MR. HANLEY:**

Exactly.

**MR. THORSEN:**

Very good.

**ACTING CHAIRMAN MARTIN:**

Richard.

**MR. THORSEN:**

One other point, Rick and I have tossed this around a lot. In your old maps were you looking to get notification of neighbors or new buyers the process has to get into the building department some how cause no matter what your maps is when somebody comes with a survey that sort of gets lost. The overall feature of the map the attorney's want to skip it or whatever and that's when the surprise also hits. It's not in the process of that building; all the paperwork anywhere to get the CO and something has to be worked out with that.

**MR. HANLEY:**

Well, I've spoken to the building department head and I've agreed to do a tutorial with the building department after we adopt this ordinance and maybe that will help.

**MR. THORSEN:**

Okay.

**ACTING CHAIRMAN MARTIN:**

Well, I think we've asked all the important questions. I'm certain you have to save farmland; I think it's very important, but I don't think this ratio or the method we're going about it that we can save the farmland. And I still say they don't enhance each other; you can't farm and build houses at the same time. I think it's got to go further than that and I don't know if I'd be ready to vote for the plan complete. Conceptually, I like the idea preserving the farmland and move forward, but to say it's better than nothing I don't believe in that. I think if you do something it's got to be good and you got to go with that in heart not that, well, this is better than nothing, you know, that kind of worries me.

**MR. O'DEA:**

Tom, could you make any comment on the present rumors, proposals of all the money that's going to be spent in Riverhead and Southold?

**MR. ISLES:**

Okay. Well, I think that's a very good point and that's certainly this is not proposed as I gathered as being the only tool that's being used to preserve farmland in Riverhead. That is it's a tool that's complimenting other tools that are already in effect or perhaps will come into effect. The County does have a very active farmland preservation program. We've bought more farmland in Riverhead than in any other town in the County at this point. There is certainly a commitment to continue buying farmland there's no question about that by virtue of the fact that Riverhead has a lot of farmland as well as Southold that's where most of our efforts will go. I certainly can't say that we're going to spend X-amount of dollars there at this point. We will continue to buy farmland on the South Fork and in western Suffolk, but probably much less than that because there's less farmland and it's typically more expensive. So most of our efforts I think will continue to be focused on the North Fork. We do by the way have six farms in contract; I think all of them, five out of the six, are on the North Fork. There's just one indicator there. In terms of the amount of money we have and here again it's a variable thing. Deals come and go and so forth, you know, my last estimate was somewhere around \$15 million in contract in accepted offers. And about 10 million available for the balance of this year in terms of uncommitted funds. Those funds are replenished every year, but they are obviously finite no question about it.

Just to keep in mind in terms of your review of this ordinance amendment and the map changes. The County Planning Commission has the role of looking at countywide issues, things that impact on the County and also to look at inter-community issues so other towns the adjacent towns are notified and given an opportunity to comment or

object. In terms of the countywide issues, Jerry Newman has prepared a staff report for you, which I give him credit for in terms of the thoroughness of it. But one of the other aspects of this proposal is that the plan had called for reduction in the build out population of Riverhead. I think the prior population build out was around 59,000 people; you're currently around 29 or 30,000; this would reduce population I think by at least 10,000. And so it's -- the component of this is farmland protection which is certainly a key part of it. It's one tool in a tool of mixed tools in a tool box. Another component is a density reduction in the town in terms of the build out having other implications for community services and so forth.

And in terms of Commissioner Martin's comment on, you know, the compatibility or incompatibility, no question that that's an issue and it's a bit of a trade off. But I think it's also a factor in the subdivision process as those 30% development lots come in that block studies are done. That the development is not put smack in the middle of the farmland to the extent possible where you try to avoid conflicts, cluster the development and attached adjacent sites that are being developed so that it's at least a little bit more separated in that in that sense, but that becomes a more site specific type of planning issue.

I am pleased to hear that the mandatory cluster provision that this commission had talked about in the master plan review last has been taken into consideration. And as you'll see in the staff report we are recommending approval of the matter before you the code amendments and the taxed amendments.

**ACTING CHAIRMAN MARTIN:**

Thank you, Tom.

**MR. HANLEY:**

If it would alleviate the concerns of the Commissioner this is antidotal, but I'm hearing that the normal dividers of land within this farm belt are looking around to buy rights speculatively. And it appears that the rights are worth more at this point with the residential development going elsewhere than in the middle of the farm fields. So that's a positive note.

**ACTING CHAIRMAN MARTIN:**

Well, I'm not concerned with the dollars; what I'm concerned about, you know, is the concept. I like the concept, but I don't think I can sit here and honestly vote for all these different zones and that one I really don't understand them. I mean, we never really went over them to the point that you say, yes, this is the best we can do. And conceptually I think it's a good idea save the farmland. If I make a judgement even if it's my own town or here I don't put a dollar value that's not our job. Our job is, does it serve the public; does it do the right job is this what we want to do with the County not how much money somebody's going to make or lose.

**MR. HANLEY:**

No, I wasn't suggesting that. I was just suggesting that with the market of a transfer right being strong that your thoughts about incompatibility with subdivision and agricultural maybe alleviated.

**ACTING CHAIRMAN MARTIN:**

Oh, well.

**MR. ISLES:**

I think it's rather interesting because it's not just a clustering thing where the only option a property owner has is to cluster on the 30%. They're given this other option where they can preserve the entire farmland, continue to farm it to have the sod farms and so forth, but to sell off the rights to the rest of the land. And so it's win-win in a certain situation because the farmland is protected in full in that alternative, but also the farmland, you know, the equity is preserved, and some of the development is then accommodated. And the receiving sites, which are capable of supporting that without compromising farm belts.

**ACTING CHAIRMAN MARTIN:**

A motions in order.

**MR. THORSEN:**

Mr. Chairman, I would move the staff report, which is for approval.

**MS. NOLAN:**

I'll second it.

**ACTING CHAIRMAN MARTIN:**

Second, Laure. All in favor signify by saying I. Raise your hand really. Okay. So it's --

**MR. ISLES:**

It's seven votes in favor.

**ACTING CHAIRMAN MARTIN:**

All of us 1,2,3,4,5,6,7 and Richard?

**MR. O'DEA:**

Abstain.

**MR. ISLES:**

Okay. So the motion fails to carry, but this will now be referred back to the Town of Riverhead.

RH-04-6 (Vote: 7-0-1-3 Absent: Caracciolo, Holmes, Petersen)



**MR. HANLEY:**

Thank you very much all.

**MR. ISLES:**

Okay. Our next item on the agenda Mr. Chairman is a presentation from the Town of Southampton regarding a hamlet center study that they've recently completed for the Noyac community and here to present the plan today is Jefferson Murphree from the town planning and development administrator. This is a much more focused plan at this point; we're in a planning stage not a town wide hamlet study oh, pardon me, a town wide study and at this point we'll turn it over to Mr. Murphree. I will point out that Andy Freleng our subdivision planner has prepared a staff report, which is included in your package.

**MR. MURPHREE:**

Good morning again. If I could stand while I do my presentation. Can you hear me now? I have a loud voice to begin with I don't want to scare anybody. Good morning once again. I've seen you I think three times this year and we have three more hamlet studies in the works so you'll be seeing me a lot more again.

**MR. THORSEN:**

You're going to wind up here soon.

**MR. MURPHREE:**

I appreciate having the meeting in Riverhead it saves on the community time a little bit for at least one person in this room. So anyway the purpose for today's meeting is we have prepared a hamlet study. It's a draft right now for the Hamlet of Noyac. For those of you who are not familiar where Noyac is, it's just north of Bridgehampton and to the east of it the Incorporated Village of Sag Harbor to the north is the Incorporated Village of North Haven. In 1999 the town completed its 1999 Comprehensive Plan Update; as part of its recommendations was for each of the hamlets to look at themselves individually and prepare their own hamlet studies.

If you take a look at the first map that I have for you it is from the 1999 Comprehensive Plan Update, if I could just take some of these boards down, this is the main street of Noyac. Long Beach Road is down off to my lower right; this is Noyac Road going through the heart of the hamlet center strategy. The 1999 Update recommends certain things such as keeping small-scale development, maintaining community character, traffic {calming} devices, and community aesthetics in terms of street trees.

The study area basically was -- is not a hamlet study per se it's a corridor study. This is basically the whole Hamlet of Noyac. Basically, the study area focus on this is Elizabeth Morton Wildlife Refuge. This is Noyac Road coming down through the middle of Noyac and this is Long Beach and then the Hamlet of North Haven is up in the upper right hand corner. This is actually our historic map. One of the elements of this plan was to identify all the different historic resources. The one things that we're finding out as we do these hamlet plans is maintaining community character is a very important

element by the residents in the area. And they really want to know where their historic and cultural resources are located so the next step would be the protection of those resources. So this is the map that identifies all the historic and cultural resources in Noyac.

Some of the existing conditions of Noyac, it's a very small hamlet. Right now because of Noyac Road and it's location it's a major bypass for traffic coming from west of Southampton going to either East Hampton, Sag Harbor, North Haven or Shelter Island and even on to the North Fork to Orient Point. It's a very narrow road and, you know, traffic speed limits are 50 miles an hour when its posted speed limit is 30. Right now it's mostly built out community mostly senior citizens. A lot are second homes and summer cottages. A lot of the smaller houses are in the area. And two years ago the town hired the firm of Vince Ferrandino & Associates along with Ernie Hutton to prepare a hamlet study plan. This is what it looks like. We also hired McLean Associates to do the traffic-engineering component of the study. To get to the point where we are today we had a large number of advisory committee meetings. We had a three-day very intensive design {cherit} or the public was invited to come in and work with the planner; look over our shoulders to see what we were doing based upon the issues raised during the committee meeting and the design {cherits}. We've also held two community meetings; the first one was a kick off meeting where we came in, presented the background information and asked the community what are your issues, what are your concerns for your community. And then based on that based on the design {cherits} based on the advisory committee came back and the consultant presented its recommendations for interest in those issues.

As a result of these community meetings four really key issues stood out. One being traffic; the second obviously is affordable housing. Every time we go to hamlet and talk about doing a hamlet study affordable housing is always a very big issue. The third issue is that the community really wants a community center. They want its own identity; they want its own community center; a place where the community can get together. And then the fourth issue is the community really wants to maintain its community character; small scale with the historic charm that is unique to Noyac.

The consultants recommendations on each of these issues with regard to traffic, being a bypass and only one of two, you have really three ways to get to the east end Montauk Highway, Sunrise Highway which becomes County Road 39 which then becomes Montauk Highway again. And the only other way to get to the east end is along Noyac Road so there's no real way you can cut down the number of amount of traffic coming through that area. So the consultant really focused on traffic calming and traffic safety and through the recommendations of the hamlet study they're recommending to reduce the speed limit. In some areas there's some very dangerous curves especially by Trout Pond, if I have a map of that area and I don't. One of the recommendations is to have bump outs in the commercial nodes. This is where the proposed commercial nodes right now a lot of its not developed at this point and as you can see we got bump outs where pedestrians have the right of way in terms of crossing the road there'd be signage perhaps blinking lights. Narrowing the road with right a way

to slow people down in these highly traveled areas.

The other recommendations include one of the more dangerous areas is by the Cromer's Market that's one of the more popular small scaled deli's/grocery stores in the area. Right now if you can see in this aerial, cars have backed directly out of the parking lot on to the road on a turn in the curve in the road. So you don't know what's coming around that curve when you're backing out on the road. Cars are frequently doing 40 miles an hour in that area it's very dangerous and the consultant has come up with conceptual plan to have off street parking to put a landscape median in front of the building and rearrange some of the traffic circulation in the area.

The fourth recommendation was to have a roundabout at Long Beach. This intersection of Long Beach it's over a mile long beach very active in the summer time. This Noyac Road and there's actually kind of a half hearted roundabout right now that does not work very well; has high traffic and (inaudible) volume right now. And actually we just heard within the last few weeks that we got the federal grant to actually put a full scale roundabout like you see at Rte. 114 in North Haven along with dedicated bike lanes going from that intersection all the way up to the Village of North Haven. So that's already been approved and hopefully we'll begin construction in the next year or two.

The second issue as I mentioned was the affordable housing. There's only been one community meeting that I've ever been to where people were actually in favor of affordable housing. This was not it. Noyac was quite vocal and, in fact, the one group actually wanted me to put in the report, we're not in favor of affordable housing. Obviously, we did not put that statement in there, but through working with the community we at least tried to come up with some areas where there was agreement in terms of how to provide, one issue was disperse it, do not concentrate it in any one area. They liked the idea of having apartments over stores and, in fact, we just approved I think it's approximately 10 to 15,000 square foot office, retail mixed use center that has apartment over the stores. The fourth area was we have a couple of vacant sites. We have a former motel site and then we also have a vacant property south of the golf course that's being used for industrial use right now and identify those as potential sites for multi-family housing small scale where you could put some affordable housing units.

The third issue had to do with the community center. The community right now meets in an old one-room schoolhouse; it's not really big enough when you have a hundred people show up to a meeting. So there is a need in the area for a community center the question is where does it go. There's so many environmentally sensitive areas every time you identify a site it's next to a wetland, it's next to a pond, it's next to a beach, it's problematic. So the study comes up with three or four recommendations none of them are ideal, but at least get some general perimeters as to where a community center could be located.

The fourth issue had to do with community character. The map that you see on my left is current zoning. Right now this large red area is village business; that allows 15,000 square foot buildings and 30,000 square foot retail centers. If you take a look at Noyac that's not in keeping with the small scale character of the existing land use patterns. It's not what the community wanted to see. Approximately two years ago and I gave this presentation I think to you last year, was that we created this hamlet commercial and hamlet office residential zoning which only allows 3,000 square foot buildings. And also allows duplexes and threeplexes and fourplexes providing -- provide development rights with those. So it provides opportunities for additional affordable housing areas, small scale commercial development. And if you take a look at the map on the right we replaced the majority of the village business zoning in the area and replaced it with either hamlet office or hamlet commercial. The only village business is what's already been approved and in place.

The last issue had to do with protection of historic resources as I mentioned at the beginning of my presentation. Protecting historic resources is a very important to each of the hamlets. Through this effort we identified each of the historic sites in the Noyac area. A very hot issue with the town board right now is to come up with authorization to protect those resources. We have kind of a divided board even amongst the individuals between protecting historic properties and structures and individual property rights and that has not been resolved at this point. The next steps this Friday we have a work session with the town board. Consultants are coming in to give a presentation and then the first public hearing is scheduled for next Tuesday. The planning board has already heard a presentation on this and have lend their support. They obviously want some more additional studies especially in terms of traffic to try to see if there's anyway to mitigate the traffic coming through the area. And I'd be happy to answer any questions you may have.

**ACTING CHAIRMAN MARTIN:**

When you talked about the affordable housing, in what price range were you talking?

**MR. MURPHREE:**

Right now it's a moderate income is 80% of the Nassau/Suffolk income levels so your looking at approximately 180,000 to \$200,000. It's funny when I was looking to buy a house three years ago the cheapest house I saw in East Hampton and in Southampton was in Noyac. It was a two bedroom one bath and it was selling for \$265,000 that was three years ago. It's back up on the market this year for \$350,000, two bedrooms, one bath. So anybody who says that there's not -- that there's affordable housing in Noyac, I would challenge them on that issue.

**ACTING CHAIRMAN MARTIN:**

Okay. Thank you. Board members?

**MR. O'DEA:**

Population, what's,how's the breakdown? Some are all year --

**MR. MURPHREE:**

Right now it's approximately 60-40. 60% is summer population and about 40% is year-round.

**MR. O'DEA:**

Do you have figures on them? How many people are in total?

**MR. MURPHREE:**

Oh, I don't know, I don't have that information.

**MR. O'DEA:**

In the hamlet any rough ideas?

**MR. MURPHREE:**

We did not do a population build up for the hamlet study.

**ACTING CHAIRMAN MARTIN:**

Tom.

**MR. THORSEN:**

I think your traffic section here indicated that there should be a bypass system down by the Montauk Highway or something, you know, I believe I read that in the -- so I was wondering if you had an answer to that.

**MR. MURPHREE:**

Noyac Road is already the bypass, unfortunately.

**MR. THORSEN:**

Because the only thing I can think of is maybe using the railroad tracks.

**MR. MURPHREE:**

Yes. We've done -- that's a separate study that we did a bypass along the MTA right a way, but that was a separate study not a part of this study.

**MR. THORSEN:**

Right. Well, maybe it was in the staff report on this.

**MR. MURPHREE:**

If anybody has any ideas about that and by the way if you want to travel along County Road 39 tomorrow morning Sunrise Highway by Shinnicock it's going to be closed for approximately half an hour while they install the pedestrian bridge for the US Open. So I'd advise you to avoid that area, the US Open is coming.

**ACTING CHAIRMAN MARTIN:**

It's coming. Frank do you have any comments?

**MR. CICHANOWICZ:**

No, I just think it's a great community and it's nice over there. Any of these additions you can do to it would definitely enhance it, but it is definitely a bypass route right now. And people do roll along there quite often, but I don't see anything wrong with it. And there's that trout area, that trout pond area is a gorgeous area too. I don't think people even realize it exist.

**MR. MURPHREE:**

Many people who realize it exists as a very sharp turn and if they're doing 50 miles an hour and can't hold the turn they know it's there that's for sure.

**MR. CICHANOWICZ:**

That's for sure; that's a good study.

**ACTING CHAIRMAN MARTIN:**

Mr. London.

**MR. LONDON:**

Is the land a state road?

**MR. MURPHREE:**

It's actually under County ownership, but it's town maintained.

**ACTING CHAIRMAN MARTIN:**

Thank you. Frank?

**MR. CICHANOWICZ:**

No questions.

**ACTING CHAIRMAN MARTIN:**

Lou?

**MR. DIETZ:**

Nothing.

**ACTING CHAIRMAN MARTIN:**

A motion is in order. Yes, Laure.

**MS. NOLAN:**

Motion to staff.

**ACTING CHAIRMAN MARTIN:**

Is there a second?

**MR. DIETZ:**

Second.

**ACTING CHAIRMAN MARTIN:**

All in favor signify by saying aye. So carried everybody. Okay, thank you.

**SH-04-14 (Vote: 8-0-0-3 Absent: Caracciolo, Holmes, Petersen)**

**MR. ISLES:**

Good job.

**MR. FRELENG:**

Good afternoon members of the board. The first matter with regard to regulatory subdivision review comes to us from the Town of Brookhaven. This is the application of Manorville Meadows. I just want to note that in the staff report you have the subdivision map in the back as well as the tax map and we are moving into the twenty first century in trying to get all our subdivision maps electronically presented to you. It makes it a little easier to move around the County when we can do that, but we are working out the bugs. So if you can't see something up on the hopefully the staff report maps will help you. And we'll be flipping back and forth if you would rather see the air photo than the map on the screen just say so and we can flip back and forth at anytime.

The jurisdiction for the referral of Manorville Meadows is the fact that subdivision is located in the Pine Barrens zone. The applicants proposed a subdivision of approximately thirty-nine acres of land into nineteen lots in the A-2 residential zoning category in the hamlet of South Manor. South Manor is a further division of the hamlet of Manorville. The minimum lot size in the zoning category is 80,000 sq. ft. The map is not being processed pursuant to 278 cluster provisions of town law. The lots do range in area from 80,000 sq. ft. to 80,211 sq. ft. The subject parcel fronts on South Street, which is a town road that's to the south. Residentially zoned and farmed land abuts the parcel to the east, west and north. Further to the south across South Street is located South Manor School and that's that cluster of buildings just to the south of the subdivision.

Access for the proposed lots is intended via the extension of a cul-de-sac some 2,100 feet long north from South Street and you can see that on the subdivision map. The length of the proposed cul-de-sac is contrary to Commission policy. In addition, the proposed layout does not have an alternate means of access, which is also contrary to Commission policy. Now it should be noted if you look at the air photo that land to the north, east, and west is subdividable and should be coordinated for future coordinated access.

The character of the area surrounding the subject property is predominately agricultural with a mix of housing types. A small hamlet center exists along South Street extending from the school across the street west to Wading River Road. At the intersection is located several churches and a small commercial establishment. The character of the

property itself can be described as level, sloping slightly to the north and there is an existing dwelling on site as well as barns and several sheds.

Stepping to the air photo for a second, there's a church located on the northwest corner of this intersection, which is term of art, is considered a 100% intersection. There's also a church on the southwest corner; there's a cemetery, which is over here, which makes theoretically some nice public open space. There's also the school that was identified here. So you have a small hamlet center; a very rural and very characteristic of the east end and that is budding over there.

The parcel is located within Ground Water Management Zone III. Portable water is intended via public supply. Sanitary waste is to be collected in and disposed of on site via individual sanitary systems. The subject site is located in the Central Suffolk Special Groundwater Protection Area. The site is in a Critical Environmental Area of Long Island the Central Pine Barrens. The parcel is located in the Compatible Growth Area of the Central Pine Barrens Zone. There are mapped wetlands by the New York State DEC and the US Fish and Wildlife Service on adjacent property to the northeast. You can see that on the air photo. The wetlands are considered potential habitat for the endangered New York Tiger Salamander. The New York State DEC policy for salamanders is to attempt to preserve 50% of the natural habitat in a 1,000 foot radius from a breeding pond. This radius would capture the northeast corner of the subject parcel, roughly something like that.

Soils on the subject parcel consist of Riverhead, Plymouth, and Berryland Associations. The Riverhead Association is considered prime farm soil in Suffolk County. Slopes on the subject parcel range in the area of 0-3%. The subject property is not located in Suffolk County Agricultural District, but is located in a block of active agricultural parcels. It is recommend by staff to the Commission that the town planning consider causing the preparation of a block study for the coordinated development and simultaneous preservation of some of the agricultural lands and activities in the area. Such an overall development plan should be developed showing the areas that can be utilized for houses and the areas of farmland that will be preserved. Such a plan will insure that parcels to be reserved as farmland will be contiguous to one another and of an area and shape that will insure their economic and practical use. The plan can also help to avoid any conflicts between residential and farmland uses.

The staff feels that a greater effort should have been made to preserve the northern portion of the subject parcel. The size of the tract is conducive to cluster layout. Cluster layout would allow the preservation of agricultural land or allow native Pine Barren habitat to succeed discontinued agricultural use on site. Moreover, cluster design would allow for the consideration of contributing to the open space habitat requirements of the endangered salamander potentially breeding in the adjacent pond to the north.

Finally, cluster layout would allow the placing of housing units in a pattern conducive to integrating on a pedestrian scale with the budding hamlet center along South Street.



Issues with respect to this application in summary then relayed from this Commission policy with respect to poor road design and also issues related to good planning and land use. The staff is recommending to the Commission disapproval for the following reasons. Number one, that the length of the proposed cul de sac is contrary to Commission policy. The paragraph below explains the rationale as described in the staff report. Also in one, is that the proposed layout does not have an alternate means of access, that is also contrary to Commission policy. Another reason for staff recommending disapproval is that the town planning board should consider causing the preparation of a block study for the coordinated development and simultaneous preservation of some of the agricultural lands and activities in the area. Also with respect to that in the description in item (2) the staff is recommending that the Commission recommend to the Town of Brookhaven that the tract is conducive to cluster layout. Also in item (3) is that 20% of the proposed lots should have been placed aside for affordable housing purposes. There was no indication in the referral that the town considered that. That is the staff report and staff recommendation.

**ACTING CHAIRMAN MARTIN:**

Thank you. Board member?

**MR. DIETZ:**

I make a motion.

**ACTING CHAIRMAN MARTIN:**

Board members, any comments? The motion's in order.

**MR. TANTONE:**

Second.

**ACTING CHAIRMAN MARTIN:**

All in favor signal by aye. Contrary minded? Abstentions? So carried.

**S-BR-04-05 (Vote: 8-0-0-3 Absent: Caracciolo, Holmes, Petersen)**

**MR. FRELENG:**

Thank you. The next subdivision matter for regulatory review comes to us from the Incorporated Village of Amityville. This is the application of Wesley O. Werner and Paul Canarik of the jurisdiction for the Planning Commission is that the subject application is adjacent to Montauk Highway, New York State, Rte. 27A.

The applicants proposing the subdivision approximately one acre of land into twelve condominium parcels in the "C" residential zoning category in the Village of Amityville. In the "C" residential zoning category the minimum lot size is 6,000 sq. ft.

The proposed division is multidimensional in that there is proposed a minor subdivision of a parcel, after the fact, where in the resultant parcel contain a mixed use building (first floor office and two bedroom apartments) on parcel one and a ten one-bedroom

condominium units on parcel two. Moreover the applicants are seeking after the fact the approval from the Suffolk County Planning Commission for the creation of condominiums on parcel two. The application has received all approvals from the Village of Amityville for condominiums, however, the applicant is responding to a court summons for subdivision without approval. That is why its before us today its been referred.

The map is not being considered a cluster pursuant to Section 7-738 "cluster provisions" of Village law. Lots range in area from 17,000 sq. ft. roughly to 34,472 sq. ft. No open space is proposed. Common area exits related to the condominium however, it is not "open space" in the traditional sense. It is paved and used for parking and access. The subject parcel fronts on Merrick Road and is surrounded by improved lands.

Access for the proposed lots is intended from Merrick Road. You can see on the subdivision map that parcel one has approximately 120 feet of road frontage. It is intended however, to provide access to parcel two by easement across parcel one. This makes parcel two a "land locked" parcel by definition and contrary to Commission policy. While staff acknowledges that the condominium complex has existed for some time and this access arrangement the maps were not properly processed. The Suffolk County Planning Commission in staff's opinion cannot condone the design of the two lots. An approvable form of the subdivision map would be if parcel two was re-configured on paper into a flag lot wherein the access pole of the lot could be situated along the west side of the lot. The access could be 15 feet wide. Rights on the existing conditions related to parking spaces and access could be guaranteed. Physically, there would be no alteration in the field, however, the subdivision design would be in conformance with Commission guidelines. Should parcel one and parcel two in the future no longer be integrated, parcel two would be in a position to have access to State Rte. 27A. So let me just sum up.

You have an existing condominium complex they want to subdivide, create parcel one and parcel two. Parcel two is landlocked; they're providing access however, to parcel two through an easement which runs along the west side and then crosses into parcel two. What staff is recommending is to create parcel two on paper as a flag lot where rights of access and parking can be guaranteed to parcel one, however that creates the subdivision in an approvable form for the Commission. It changes nothing in the field, however on paper you have two conforming lots, which could act independently if the need did arise in the future.

The character of the surrounding area on the subject property can be described as predominately developed commercial land. The character of the property itself can be described as level, highly improved land. There are two existing condominium buildings on site as well as a mixed-use building.

The parcel is located within Ground Water Management Zone VII. Potable water to the lots is intended via public supply and sanitary waste is to be collected and disposed of via public system. There are no mapped wetlands on the subject parcel, however

beyond an adjacent -- however adjacent beyond to the east is a freshwater wetland. You can see that there.

Soils on the subject parcel consist of Made Land. This association is not considered prime farm soil in Suffolk County. Slopes on the subject parcel range in the area of 0 to 3% and issues related to the subdivision stem from the Commission's policy and the creation of landlocked parcels.

Staff is recommending disapproval for the following reasons, number one, that the subdivision will result in the creation of the landlocked parcel. The paragraph below explains the rationale in the staff report and item number two, indicates that 20% of the units in the subdivision, that should read should have been set aside for affordable housing purposes. There was no indication that they considered that in their application. Staff did discuss that comment a little and thought perhaps it might be a little too late considering the units are occupied however, we're trying to be consistent. That is the staff report.

**ACTING CHAIRMAN MARTIN:**

Thank you Ed. Board, any comments? None.

**MR. THORSEN:**

Motion.

**MR. LONDON:**

Second.

**ACTING CHAIRMAN MARTIN:**

Motion by Tom and second by you, Dick?

**MR. LONDON:**

Yes.

**ACTING CHAIRMAN MARTIN:**

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

**S-AM-04-01 (Vote: 8-0-0-3 Absent: Caracciolo, Holmes, Petersen)**

**MR. FRELENG:**

Thank you.

**MR. NEWMAN:**

Today we have four additional zoning actions on the agenda. The first is from the Town of Brookhaven. This is an application to rezone a 4.5-acre parcel of land from a single family half acre category to a J-4 business category for the purpose of erecting two office buildings comprising 27,000 sq. ft. on land situated on the eastside of Terryville Road north of NYS Rte. 347 at Port Jeff. Station. There's no site plan available at this

time and the property under existing zoning can accommodate approximately six single-family residences. The property is bounded on the north by a LILCO power line right-of-way. To the east and southeast by retail uses and car dealerships in a J-2 Business District. And to the west across Terryville Road by a library and single family residences in a single family residence district.

It is the belief of the staff that this rezoning is inappropriate as it constitutes the unwarranted further encroachment of intensified business development into the resident district. We're talking about the significant depth extension. It constitutes the unwarranted further perpetuation of intensified strip business development along Terryville Road. It would tend to establish a precedent for further such down zonings along Terryville Road and the immediate vicinity. The property can be reasonably developed for alternate residence/diminished intensity business purposes. What the staff is referring to there is an alternate less intensive -- less intensive office district where the buildings would have a residential character and design to them and be utilized for office purposes. In other words, it's much of a low-density residence use. And finally, it's inconsistent with the town plan, which designates this area for residence purposes. We're recommending disapproval primarily on the grounds that the zoning district being sort is inappropriate.

**ACTING CHAIRMAN MARTIN:**

Any comments? A motion is in order.

**MR. TANTONE:**

Motion

**MR. LONDON:**

Second.

**ACTING CHAIRMAN MARTIN:**

Frank and Dick. All in favor signify by saying aye. Contrary minded? Abstentions? So carried.

**BR-04-36 (Vote: 8-0-0-3 Absent: Caracciolo, Holmes, Petersen)**

**MR. NEWMAN:**

Application #2 is also from the Town of Brookhaven.

**ACTING CHAIRMAN MARTIN:**

Wait, wait a minute. It's actually four applications #4, right?

**MR. NEWMAN:**

I'm sorry, 4. Right, you're right it's 4.

**ACTING CHAIRMAN MARTIN:**

She's writing it down I don't want it to go to the wrong numbers. Okay, caught up.

**MR. NEWMAN:**

I stand corrected it is application 4. Application 4 is also from the Town of Brookhaven. This is an application to rezone an unimproved parcel of land comprising 1.5 acres from a single family one acre category as well as a general business category to an office category for the purpose of a erecting a nursery school on land situated on the south side of Middle Country Road west of Red Maple Road at Ridge. In this case we're talking about a zoning depth extension of approximately 175 feet where the entire frontage of the property along the main road is zoned for business purposes to a depth of 100 feet and comprising 23,900 sq. ft. The preliminary site plan calls for the erection of a one-story building comprising 7,271 sq. ft. There's one point of vehicular access via Rte. 25, 49 spaces and roughly the rear ¼ of the property remaining in its natural wooded state. The property is situated within the compatible growth area of the Central Pine Barrens as well as the Central Suffolk West Special Groundwater Protection Area.

The Brookhaven Town zoning code Section 85-396 authorizes the intended use in both the residence and business districts upon issuance of special permits from the town board -- from the Board of Appeals as well as the Planning Board. In this case the Planning Board would be allowed to issue a special permit in the J-2 business portion. The ZBA would have authority over the residence A portion. Additionally, within the petition submitted to the offices of Planning Commission there was a note in the application that indicated that the applicant was previously granted a special permit for the intended use by the Zoning Board of Appeals in accordance with a court ordered stipulation. The property is bound on the north across Rte. 25 by unimproved land and a retail center in the Residence A-2 and J-2 Business Districts. To the east by a post office in a general business district, to the south by a single family residence and to the west by a retail enterprise and unimproved land in the J-2 and A-1 Districts respectively.

It is the belief of the staff that this rezoning is inappropriate as: the contemplated uses can be accommodated in accordance with existing zoning upon the issuance of special permits from the Town Planning Board and the ZBA. It constitutes the unwarranted further perpetuation of deep lot business zoning along Rte. 25. It would establish -- correspondingly would establish a precedent for further such downzonings and intensified commercial development along the state roadway and finally its inconsistent with their town plan which designates this area for development that is consistent with existing zoning. We're recommending disapproval.

**ACTING CHAIRMAN MARTIN:**

Any comments? Motion is in order.

**MR. CICHANOWICZ:**

I'll make the motion and Frank, new Frank.

**MR. THORSEN:**

Me, second.

**ACTING CHAIRMAN MARTIN:**

The new Frank and Tom.

**MR. CICHANOWICZ:**

Got one in on you Frank.

**ACTING CHAIRMAN MARTIN:**

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

**BR-04-38 (Vote: 8-0-0-3 Absent: Caracciolo, Holmes, Petersen)**

**MR. NEWMAN:**

Application #5 is from the Town of Riverhead. This is an application to the Town Board for a special permit to erect a gas station with accessory convenience store and a car wash on a 6.2-acre parcel of land situated on the north side of C.R. 58 east of Ostrander Avenue in a Business B shopping district at Riverhead.

The preliminary planning calls for the erection of a convenience store comprising 3,900 sq. ft. and in front of that they'll be a 4,406 foot -- square foot canopy over seven gas dispensing islands. And also a car wash and a separate building comprising 1,152 sq. ft. with a queuing area accommodating 10 cars. The preliminary development plan also calls for coordinated development of the property with two points of vehicular egress and ingress via the C.R. as well as 29 onsite-parking spaces. The property is currently occupied by three vacant buildings to be demolished.

There are no provisions in the Riverhead zoning code that allows car washes in the Business B District. Additionally, there's a prohibition on gas stations with a 1/2 mile of existing facilities and within 500 ft. of the Residence Districts. There are currently three gas stations within a 1/2 mile of the site and there's also a Residence C District situated within 500 ft. to the north of the property and in this case I believe it's about 100 ft. It is the belief of the staff that this proposal is inappropriate, as the property does not comply with established locational criteria for gas stations in the town zoning code. There are no provisions in the ordinance authorizing car washes in the Business B District. It would establish a precedent for the continuance of such a practice in the locale and throughout the town. Sufficient information has not been submitted to demonstrate compliance with applicable special permit criteria namely, that the intended use is in harmony with the appropriate and orderly development of the district. And finally, the property can be reasonably developed in accordance with existing zoning. The staff recommendation is for disapproval and I might point out that the town planning board in the Town of Riverhead has also recommended disapproval of this application.

**ACTING CHAIRMAN MARTIN:**

Are there any comments? The motions in order.

**MR. DIETZ:**

I'll make a motion.

**MR. TANTONE:**

Second.

**ACTING CHAIRMAN MARTIN:**

Lou Dietz and Frank Tantone. All in favor signify by saying aye. Contrary minded. So carried.

**RH-04-5 B (Vote: 8-0-0-3 Absent: Caracciolo, Holmes, Petersen)**

**MR. NEWMAN:**

The final application #6 is from the Town of Huntington. This is an appeal to the Zoning Board of Appeals for a variance to diminish parking from twelve spaces to six spaces in connection with the erection of addition to a building for retail purposes on a 8,215 sq. ft. parcel of land situated between New York Avenue Rte. 110 and Nassau Road south of Tuthill Road in a general business district at Huntington Station.

The preliminary site plan calls for one point of ingress only via Rte. 110 at one point of egress only via Nassau Road which is at the back portion of the property. It is the belief of the staff that this proposal is inappropriate as it constitutes the unwarranted over intensification of use of the property. In this particular case there's not enough parking on site for the existing building no less the building addition. It would tend to necessitate use of adjoining roadways for parking purposes; it would establish a precedent for further such actions. The existing building can be reasonably utilized for retail purposes with the remaining on site area used for parking purposes and sufficient information has not been submitted to demonstrate compliance with applicable variance criteria. We're recommending disapproval.

**ACTING CHAIRMAN MARTIN:**

Any comments? A motions in order.

**MR. LONDON:**

Motion.

**MR. TANTONE:**

Second.

**ACTING CHAIRMAN MARTIN:**

Dick London and old Frank. Good, right? All in favor by signify by saying aye. Contrary minded? So carried.

**HU-04-9 (Vote: 8-0-0-3 Absent: Caracciolo, Holmes, Petersen)**

**ACTING CHAIRMAN MARTIN:**

One thing before we close. The next meeting is in Hauppauge, but it's not in the Dennison Building it's across the way in the old Legislature building.

**MR. ISLES:**

We're in Riverhead the next meeting.

**ACTING CHAIRMAN MARTIN:**

Oh, June 2nd, I'm sorry the next meeting after that. Now here's a question I have we can take up from our attorney. Are you listening? If we have things on the agenda that come from Smithtown where I abstain because I was told to; the attorney from the Supervisor's office -- from the Suffolk County Executive's Office says that we have to recuse ourselves if anything come in our town, right?

**MS. BRADDISH:**

Right.

**ACTING CHAIRMAN MARTIN:**

What do we do then if we only have eight people here? We're not going to ever have a quorum. There could be a chance Islip and Smithtown could have something on there.

**MS. BRADDISH:**

The policy is that you recuse.

**ACTING CHAIRMAN MARTIN:**

I'm mean the letter I got, I mean, you can't even do --

**MR. TANTONE:**

Well, look today with Riverhead.

**ACTING CHAIRMAN MARTIN:**

Well, I'm saying we're going to --

**MS. BRADDISH:**

Well, I understand the difficulty and it comes from really not having a full committee and hopefully that will be --

**ACTING CHAIRMAN MARTIN:**

I just want that to be brought to somebody's attention that could be more than the attendance because I got a letter saying I can't do what I used to do before.

**MR. TANTONE:**

You could also wind up with a situation where you have to know the applicant and you'll have two people abstaining and then you'll really going to have a problem.

**ACTING CHAIRMAN MARTIN:**

Yeah, that's what I'm saying. Okay, so it's brought to their attention that's all.



**SPEAKER:**

I'll make a motion to adjourn.

**ACTING CHAIRMAN MARTIN:**

All in favor?

**MR. O'DEA:**

Hold it. No. Is there clarity -- the policy used to be if it was coming back before anybody on the board then you would recuse yourself. If its already been heard for which is in this gas station issue and I've already indicated my vote, I voted on it. And I think the old policy was what we used to go by. Now if it's in writing that you don't vote on anything in your town that I'd like to see.

**MS. BRADDISH:**

Okay.

**MS. NOLAN:**

(inaudible)

**ACTING CHAIRMAN MARTIN:**

Well, take what used to happen Laure, when something came up we always had twelve or fourteen members. I always abstained when it came in mine whether zoning board or that, but sometimes we ran short a vote and it happened then, I would vote saying just to send it back without carte blanche then we got a letter saying that we shouldn't do that. I mean, we shouldn't vote on anything (inaudible) if you're a member of the board, a planning board, a zoning board, or whatever. I'm the chairman of the Planning Board of the Town of Smithtown so that means that I can't do that anymore. So anything that comes in here from Smithtown if we don't have more than eight members it ain't going to pass and that could happen in the whole agenda, Tom's and Frank's is the same way. Yeah, Dick.

**MR. LONDON:**

My question is now I'm supposed to represent the villages. There's 29 of them, what happens if one of the applicants is one of those villages?

**MR. CICHANOWICZ:**

You're not on a board.

**ACTING CHAIRMAN MARTIN:**

You're not on a board in a village. This is only for board members. So that's just what I wanted you to understand that, it's not that we want to be contrary it's that we have no choice.

**MR. O'DEA:**

Rick Hanley's presentation is something that's still active and probably will come back in front of the Planning Board and its is complicated and controversial.

**ACTING CHAIRMAN MARTIN:**

Well, that I didn't see any real problem with that anyway. When the zone changes something else or map, you know, I always abstain. Okay.

**MR. O'DEA:**

So that's where we're at.

**ACTING CHAIRMAN MARTIN:**

She's going to take care of that.

**MS. BRADDISH:**

Bring it to their attention, I will.

**ACTING CHAIRMAN MARTIN:**

Okay. Good. There was a motion to adjourn and we did it. Thanks everybody for coming and know it was close, but at least we made it. See you next month.

**(The meeting was adjourned at 11:50 A.M.)**

**{ } DENOTES BEING SPELLED PHONETICALLY.**