

SUFFOLK COUNTY PLANNING COMMISSION

MINUTES

A regular meeting of the Suffolk County Planning Commission was held at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, NY 11787 on February 2, 2005 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

MEMBERS PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Louis Dietz (Babylon)
Linda Petersen (At Large)
Thomas Thorsen (East Hampton)
Richard O'Dea (Riverhead)
Richard London (Village 5000 & Under)
Charla Bolton (At Large)
John Caracciolo, (Huntington)
Linda Holmes (Shelter Island)

MEMBERS ABSENT:

Frank Tantone (Islip)
Laure Nolan (Village 5000 & Over)

ALSO PRESENT:

Thomas Isles - Suffolk County Director of Planning
Andy Freleng - Suffolk County Principal Planner
Peter Freleng - Observer – Andy Freleng's son
Ted Klein - Suffolk County Planning
Claire Chorny - Suffolk County Planning Department
Chris Wrede - Suffolk County Planning Department
Peter Lambert - Suffolk County Planning Department
DeWitt Davies - Suffolk County Planning Department
Ronald Verbag - Suffolk County Planning Department
Christina Farrell - County Attorney's Office
Rick Brand - Newsday
Emi Endo - Newsday
Vincent Pizzelly - Attorney
Kevin LaValle - Aide to Legislator Losquadro
Lisa Greci - Self

Minutes taken by:

Eileen Schmidt - Secretary

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

ACTING CHAIRMAN MARTIN:

Good afternoon. The Suffolk County Planning Commission is now in session. Will you please rise and join us in the salute to the flag.

SALUATION

ACTING CHAIRMAN MARTIN:

We thank you.

MR. ISLES:

Mr. Chairman we have a pretty full agenda today. The first item on the agenda is the approval of the minutes of December 1st, which I believe were sent out in the package last week; you got another set today, but you can review them for the next meeting.

MR. THORSEN:

I'd like to approve the minutes for December 1st.

MR. CARACCIOLO:

Second.

ACTING CHAIRMAN MARTIN:

John Caracciolo is second. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-2 Absent: Nolan, Tantone)**

MR. ISLES:

Next item on the agenda is the election of the Commission officers which is typically done at the organizational meeting which is this meeting, February of each year. At this time I would like to request that you put this in abeyance for at least one meeting. There are certain vacancies of the Commission that are being contemplated by the Legislature at this time. So with your consent we'd like to put that off at this time for your consideration in a month or so.

MR. DIETZ:

Mr. Chairman I'd like to make a motion to postpone the election of the officers at this time.

MS. HOLMES:

Second.

ACTING CHAIRMAN MARTIN:

Second, Linda. All in favor signify by saying aye. Contrary minded. Abstentions. So postpone for one more month. **(Vote: 9-0-0-2 Absent: Nolan, Tantone)**

MR. ISLES:

Mr. Chairman the next item is the adoption of the meeting schedule for 2005 also a matter of business organization with the February meeting. We have sent that to you. The schedule continues the pattern of the Commission of holding their meetings on the first Wednesday of each month. What we have done is all the meetings will begin at 12 o'clock. Last year we had to adjust the meetings to have some at 10 o'clock in the morning based on the legislative committee schedules. So simply stated then it'll be the first Wednesday of every month at 12 o'clock. The meetings will be held either here in Hauppauge or out in Riverhead with the exception of certain meetings that the Commission chooses to do at specific sites in the County which is typically done during the summer months.

MR. CARACCILO:

I make a motion to accept.

ACTING CHAIRMAN MARTIN:

Do you all agree that its okay12 o'clock, right? Everybody agrees, okay.

MR. LONDON:

Second.

ACTING CHAIRMAN MARTIN:

Second, Dick London. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-2 Absent: Nolan, Tantone)**

MR. ISLES:

Next item is the public portion.

ACTING CHAIRMAN MARTIN:

Is there anybody here that wishes to address us in the audience, the public portion? I don't hear anyone.

MR. ISLES:

I will point out we do have Peter Freleng with us today Andy son whose joining to observe the Planning Commission and spend a little time in the Planning Department as well, and we welcome here today.

ACTING CHAIRMAN MARTIN:

He's way in the back in the corner.

MR. CARACCILO:

Recruiting young, there we go.

ACTING CHAIRMAN MARTIN:

Yeah, he's trying to get him on the payroll his father.

MR. ISLES:

Mr. Chairman, the next item is the Director's Report and correspondence. A few items to bring the Commission up-to-date on, the Suffolk County Legislature has indicated it's considering a couple of appointments to the Commission. The one that is most active is at this time is to replace the vacancy caused by the death of Frank Cichanowicz last summer. A candidate was reviewed by the Environment Committee in January and is expected to be further considered at the meeting next week. So possibly there could be appointment to that position in March here again depending on the actions of the Legislature. There are also positions pending or appointments pending in Riverhead and there was an appointment pending in East Hampton which I believe at this point is now expired. So at the present time there are four vacancies on the County Planning Commission and I appreciate the fact that those members that are in hold over are continuing to attend and participate, but we are rebuilding the ranks of the County Planning Commission. I will keep you posted on that.

I would like to point out that the County Planning Department has completed an official map of Suffolk County. This was a project that's been around for quite sometime; it was originally mandated in the early 70's. It was subsequently the subject of a resolution of the County Legislature in 1999 that directed the County Planning Department to complete the map. The purpose of an official map as defined in state law is to assist municipalities in planning in terms of identifying future road widenings, road corridors, facilities and land for public and governmental purposes. Capital projects are mapped on this so it's rather a significant effort of the County Planning Department principally the Cartographic staff as well as the Planning and Research staff. So that has been delivered to the Legislature as of yesterday.

It will now go through a process where the Legislature has until the end of 2006 to consider the final adoption of that plan. There is notification to the municipalities as well. So within your respective towns and villages you will receive individual copies of that map.

Continuing along, the Long Island Sound Study, the Land Use Plan is our land use inventory is also nearing completion. That's actually being done under both the Environmental Analysis section of the Planning Department headed by DeWitt Davies who is with us today as well as the Cartographic Unit. It is a very substantial update of the County's Land Use map of over 44,000 properties. It will also provide a population information in terms of future build out and population saturation within the North Shore study area. We'll have a full report on that at a subsequent meeting.

I would like to just discuss with you and bring to your attention briefly something that was mentioned by the County Executive in his State of the County message last week, and that deals with County property located in Yaphank. The County owns over 900 acres of land in Yaphank; about 200 acres approximately are

used for different County purposes presently including Public Works and Police Headquarters. In addition, the County also owns a farm out there that we use as part of an educational as well as a source of food supply for the County Jail and Infirmary. So that will remain as well, but we do have an excess of 400 acres of vacant land and the County Executive has directed the County Planning Department to look at that property more closely and develop a request for proposals to entertain ideas for the possible use of a portion of that property perhaps in the range of 250 to 300 acres as a maximum range.

So that is something the County Planning Department will be doing a significant amount of work on to prepare the RFP with the idea that the RFP would be open in the sense of entertaining creative ideas. Looking for excellence in terms of design solutions and featuring requests for proposals that include sports or entertainment type facilities, recreation, commercial recreation type uses. Then also possibly housing type uses that would be compatible based on the specific location of the property. There are uses in that location that maybe incompatible with residential use. The County's holdings extend for a distance of about a mile and a half so the sighting of those uses in any sensitive use such as homes would have to be carefully considered. I will keep you posted as that proceeds however.

Then just lastly, in terms of the update on the Director's Report is the County Real Estate Division is proceeding with the County's acquisition program. I do try to keep you updated on acquisitions that are completed. We currently have about \$20 million of real estate in contract and another \$20 million with accepted offers. We have hired three new appraisers in the Real Estate Division. So the rate of processing of acquisitions has been expanded very quickly now; but more specifically, we have completed the acquisition of what's known as the BDG parcel which is the former Marion Carl School in Commack an excellent acquisition in the sense that it's for an active recreation purpose. It's a former school site that is between a commercial area and a residential area that would have been another half a dozen homes. It will be now developed by the Town of Huntington into athletic fields and so forth for the community and it's really a perfect location for that type of use, preserving existing open space within the neighborhood.

At this time Mr. Chairman we have requested your permission to have a presentation to the Commission regarding a project that the County Planning Department has been working on and will be the subject of a symposium next week with Cornell Cooperative Extension. And this is dealing with the phenomenon of duck farms in Suffolk County which as we all know ducks were a primary industry in Suffolk County actually encompassing about 2,000 acres of land at one time. We do have a handful of duck farms left, but at one time we had about 90 duck farms. Historically that's interesting, but from a planning standpoint it does raise issues in terms of, what are the appropriate planning and environmental responses to these sites. There are for example applications that

come in for subdivision development that this Commission entertains including a recent one in the Terrell's River corridor. There are certain planning issues and environmental design issues that we feel should be considered and they represent opportunities for mitigation of former polluted sites and so forth. And also the point that the County owns upwards of 500 acres of County parkland that was formally duck farm use. So I've asked today if DeWitt Davies and Ron Verbarg who have worked on this report to give you a brief condensed version of that, here again, noting its relevance to the planning that this Commission will face on future applications on former duck farms site. So at this time I'd like to request DeWitt Davies from County Planning to give us a brief presentation on this.

ACTING CHAIRMAN MARTIN:

Just one question before you start. Riverhead Library, where is that right in the village?

MR. ISLES:

It's really across from the County Center essentially.

MR. THORSEN:

Right. It's a brand new building right across from the County Center.

ACTING CHAIRMAN MARTIN:

Right across from the County Center?

MR. ISLES:

Essentially; we can give you directions before the end of today.

ACTING CHAIRMAN MARTIN:

Okay, good. Mr. Davies.

MR. DAVIES:

Thank you very much. My name is DeWitt Davies and this is Ron Verbarg and we'll be giving you a synopsis of one of the presentations that we will be giving at this workshop which will be held on February 8th. I believe each member of the Commission has received a copy of the agenda for this meeting which describes the topics that are going to be addressed. I do have directions to the library and I'll pass this over to Claire and maybe she could pass that around if anyone would like to attend this meeting.

Just briefly, it has grown out of interest that we've expressed a few years ago in terms of our efforts to get federal funding for the restoration of an old duck farm on Mud Creek in East Patchogue, Town of Brookhaven. Since that time we've sort of expanded the scope of that investigation to include the tributary areas in Moriches Bay and Flanders Bay area. I was approached by an individual at Cornell Cooperative Extension his name is Chris Pickerell who's a wetland

ecologist. And he expressed interest in conducting a workshop to look at the restoration opportunities around Long Island on a regional basis that we're impacted by duck farms in the past. So we've been in the process of planning this workshop for the last six, seven months or so and just briefly it's interesting to note that just by almost like word of mouth about 90 people have signed up to attend this. So I think we hit a raw nerve in the sense that there is interest out there in terms of this particular development and restoration problem here in Suffolk County.

What we'll do today, there are a number of speakers and panels that are on the agenda and it is a day long affair, but what we'd like to do today is give you a synopsis of the presentation that Ron and I will give on the status of former duck farm sites today and discuss some of the issues that will be discussed in broader terms at this meeting. If you have the agenda you'll also note that there are many entities represented on both the Stakeholder Panel and the Regulatory and Management Panel. We hope to get feedback from the organizations and individuals that will be participating on those panels.

So without further ado here we'll start or again, an abbreviated presentation. This is a synopsis of something that will probably take an hour and a half to do at the meeting. We are again, looking only at two particular sites in detail and I guess we visited and taken a look at maybe 40 or so that are in the towns of Brookhaven, Southampton and Riverhead. So the purpose here is to identify where the old farms were located, who owns them today. How they are being used, are they available for development and what are the conditions like at the sites. That last point will be useful in determining what should be done with them from either a private or a public perspective in terms of restoring some semblance of natural resources at these sites.

(The presentation has pictures that will be pointed at for observation.)

This shows a 1963 map showing the distribution of duck farms that were in operation as of that time. It shows the cluster, eastern Great South Bay, Moriches Bay, Flanders Bay and the tributaries to the Peconic River. The most east farthest duck farm was out on the east end in Mecox Bay.

We are not talking about current duck farm operations of which there are four sites developed to this industry today. We are looking at those that were used in the past. This is a photo showing what was done at that time say in the 1950's ducks were raised right in the tributaries on the bays. You can see that fences went right out into the creeks and the ducks utilized yards that extended into the tributaries themselves. As a result of various regulatory programs etc. the first thing to do was to remove the ducks from the tributaries; they had berms and what have you established to segregate them from the water. And subsequent to that there was efforts to have primary and secondary treatment facilities

established to eliminate some of the waste loadings; that took a long time to try to get accomplished and in fact led to the demise of many of the farms.

One of the interesting facts here is that one acre of duck farm produces the same amount of nitrogen as that produced by over 1100 people. If you look at the population and density of Manhattan Island is over a 100 people per acre. Suffolk County its about 2½ people per acre, so in terms of the waste load of nitrogen the population equivalent of one acre of duck farms over ten times the population of Manhattan Island's density; a very extreme intense land use.

This is a sort of just a fun little thing to look at in terms of the magnitude of waste generated by these farms. This is a report that was done in 1968. Seventy tons of total solids per day, eleven tons of BOD and we get into the nutrients, for example, 2½ tons of nitrogen compounds per day. If you compare that to the Riverhead Sewage Treatment Plant which is only on the order 175 pounds per day.

MR. VERBARG:

This is index map of our first duck site that we'll be looking at and the one we're looking at in particular is Gallo Duck Farm. It's the one that's furthest west. It is north of Montauk Highway, south of Sunrise Highway and just east of CR 101. It's a site that was acquired by the County of Suffolk through tax liens a couple of years ago, it's currently vacant, it's in parklands. It's a site that's approximately 40 acres in size and there's probably about 15, 1600 foot of stream frontage.

MR. DAVIES:

This is an aerial view of the site in about 1950; it shows the extensive open areas, the so called duck yards the buildings in back of them on both sides of the stream corridor which is in the middle of the brushy area here. Here are swim ponds that were created for the ducks and various other impoundment structures across the creek itself.

MR. VERBARG:

We have two aerials side by side just to show you a comparison of the duck farm at its peak probably in 1966 and then currently one of the most recent one we have is 2001 aerial. But the duck farm the creek itself, Mud Creek goes from here, the northern most end, and it travels south and if you notice down here these are the waste lagoons that the duck sludge went into and was dried out and then chlorinated and went back down into the stream. The duck farm originally, if you look and I don't have that slide, but in the 1930's it was only on this side over here about this area then it expanded and included this area and then it moved over to the east side of Gazzola Drive. Gazzola Drive is right over here it splits the duck farm in half.

Again, this is about 40 acres; the stream, eventually, goes further south and goes down into Robertson's Pond which is also owned by the County of Suffolk.

Again, now this is 2001 aerial, these are not on the site. These particular greenhouses are a nursery business, but you can see that two of them existed in '66 just to give you a reference point. Again, Gazzola Drive over here there's a couple remnant buildings left here and here and there's I guess the slaughter house was over here wasn't it, DeWitt, right around there. Most of the area has as you can see is totally overgrown at this point and you can still make out the sludge pits over here and there's one large one over here.

MR. DAVIES:

Will jump out of the airplane and now we're going on a tour bus. So we're going to take a look at ground level at what some of these places look like. Again, this is just one example and its County owned. This is one of the buildings that Ron pointed out you can see here again the extent to which the area has already been re-vegetated.

The interior of these structures again, this happens to be in pretty good shape in terms that it's still standing. A lot of time we've seen, you know, dilapidated structures totally collapsed etc. Again, some structures on the site this was one of the buildings that was used for processing the ducks. Another facility without a roof, again, these buildings tend to be fairly large and not necessarily substantial maybe concrete walls, but basically open shelled structures where the ducks were housed. To the northeast of the site this is a natural stream that entered the farm site, you can tell here that, you know, the vegetation is basically in its natural state. The stream eventually becomes intermittent in a bog.

Again, it flows down they diverted water created ditches to create the framework within which they created their ponds. Again, today the way it looks it's all grown in with fragmities; you can see some of the stakes of the fencing that was used to segregate ducks from the actually stream bed. In some case they pumped water into these particular facilities.

MS. SCHMIDT:

Please talk into the mike.

MR. DAVIES:

Sorry, sorry. Next slide, this is Gazzola Drive that Ron talked about. Those pictures that curved to the right off the slide to the farm extended to the east to the left on the slide. It's basically now all the sand areas that you saw before have now reverted to some stage of succession of old fields and shrubs. You can see some of the low fencing here that was used again to segregate ducks by age. They only needed fences on the order of about maybe two feet high because White Peking Ducks do not fly. Debris at the site, access roads etc. more debris and junk and the back of this is the area where the ponds were located. Some of the water that's still apparent in these ponds, again, this was all clear sand 30 years ago. The water in these areas is obviously not pristine, choked with fragmities do to the high nutrient content in soils here. Complete

changes to the natural system per se and we have very dense stands here of fragmites, these tall reed grasses.

More pictures of the same again, with the swim pond in the area in the back. They had pump house structures to take waste from these ponds and pump it into the lagoon system that Ron pointed out. Here is one of the settling basins is obviously dried today and kids use it to race off road vehicles and things like that in. Another form of swim pond which owes its existence to a dam that's over in this particular area here. Off site to the west you come back into one of these maple black gum fresh water wetlands swampy areas with a stream running through it. It serves as a reference point for what the area looked like to begin with. Here's another view of that stream in good shape...proceeding down to a portion of this stream contains a heritage strain population of Brook Trout. It's unique to Long Island because it's in a stream that has never been stocked by the state. It is a heritage population being that it is of genetic significance; that stream enters into Robertson's Pond which Ron mentioned. It's about an eight acre lake owned by Suffolk County and probably has about 100,000 cubic yards of material from the operation of this duck farm. It empties across the culvert into a tributary to Great South Bay which ends up, this is Mud Creek, ends up in Great South Bay about a mile away. Second site there are only two.

MR. VERBARG:

Before we get to that one we didn't mention, but that duck farm ceased operation I think late 70' or early 80's so it just gives you an idea it's been dormant for about 20 years. The next site on our travel toward here it's essentially we're book ending here; we got the one furthest west now we're going to the one that's almost furthest east. It's right here Broad Cove it's at the intersection of Terry Creek and Meetinghouse Creek, right in this area. It's a fairly large site almost a 100 acres and again, its operation probably ceased about 20 years ago. It's currently privately owned; it had been targeted for acquisition by the County along with a number of other sites. And now we'll take you down on the ground.

MR. DAVIES:

This is Terry's Creek looking toward the Flanders Bay area; this is the Indian Island County Campground which was never subject to duck farm activity. Broad Cove was in this area over here.

MR. VERBARG:

Okay, again, we have a pictorial view of two different time periods 1966 and the 2001. Our latest duck farm operation was south of the railroad tracks in this area. This is Meetinghouse Creek was coming down this way; Terry's Creek is coming down this way. Again, you can spot some of the lagoon areas were down here and the duck were raised all along this area, all through here and around in here. It's almost 4,000 feet of shoreline used for the raising of ducks. On the current one you can see that most of the structures are gone or they're almost invisible at this point. Again, over on this side as DeWitt has mentioned

this is the County Campground site over at the Indian Island County facility. And over here DeWitt will talk more about some of the dredge spoil that was placed.

MR. DAVIES:

This is a view of Terry Creek here again, a County park. This was the site that was used for the waste treatment you see filled areas. This is typical of a lot of the duck farms sites here; they raise the elevation, fill wetlands. Today it's basically in some cases just grass is growing whatever. Fragmities ages along the creek itself. This is a more natural wetland out here. Same view again, this is a natural shoreline and many other places that we went to you can distinctively see the signature left by duck farms by the vegetation that's there today and the pattern of the land forms that are left there today. Many people don't realize I don't think that these sites were used for duck farms in the past because they weren't around to witness that. You have multiple million dollar homes going in these areas especially in the east end and in essence the title creeks are like they were when the duck farms ended their operation and they had been highly degraded and/or altered.

Again, some of the old structures are at this particular site. This happens to be a settling pit for the slaughter house waste. I don't know how deep that is, but it's a hole in the ground. I think these shots are good because they show the nature of the lagoons systems. These were created out of wetlands that are on the site. These are essentially mounded areas; you can see some of the spoil. Dug them out, mounded them, connected them to the open estuary. These were used again, for raising ducks; you can see the nature of the water quality.

Again, this is all created it's not natural; again, fragmities at the edge and shallow areas in between. The nature of the bottom is some, you know, larger mackerel algae growing in here. It's estrange you don't see any native wetland, you know, {spartonic} grasses. You might start to see an edge of that along in this particular segment of this lagoon. So just get the picture in your mind, we had, you know, 90 of these in various sizes around our tributaries all but three or four have gone out of business and in a minute Ron will talk about the summary of the statistics because I know we don't want to go to far here.

One of the talks in the afternoon that we will be giving will be devoted to the duck's sludge issue. The policy in the 60's when we had such rampant water quality problems in Great South Bay and the shell fish industry went into the tanks as a result of it was that the conventional wisdom was to dredge these creeks wall to wall; pump the sludge into the ocean and/or on a wetland. Here you see a picture of the County dredge Nissequogue at a project that Seatuck Creek near the cove out there in 1972.

Looking up the creek duck farms were apparent here on both sides. Again, the fragmities signature, this is the sludge layer in the creek. The dredge had to

literary dig its way in, go bank to bank; take that material and discharge it in the ocean.

MR. VERBARG:

Okay. Just to summarize and give you a brief idea of the statistics just as Tom had mentioned before. We came up with an acreage figure of approximately 2,000 acres for the 90 plus duck farms that we discovered on the aerals. That also came up with approximately 100,000 linear feet of shoreline that was disturbed by duck farming operations and that comes out to little over 19 miles of shoreline which is fairly extensive. Again, it was concentrated in three towns and Suffolk County has a stake in this because we currently own five duck farms. One of them the largest is the Indian Island Golf Course, but we have Gallo Duck Farm and we have three other ones. The Robertson's Duck Farm, Carmen's River and we have proposed in the 2004 master list for open space the acquisition of additional six duck farms. So we're talking about sizable number of duck farms that the County will be owning. Currently between the federal, state, county and the Town of Southampton about 400 acres of former duck farm property is zoned. It is very substantial and when you look at the total statistics we're talking about 400 plus acres that are in public ownership. We have about 550 acres that are still in private ownership that have not been developed and have not been subdivided. So if you do the math about half of the acreage has been developed and primarily for single family residential use. There are some other uses, but primarily single family; there are a couple of mariners, a golf course and things of that nature, but primarily single family use.

So we have about half the acreage still in an undeveloped state; half of that undeveloped property is in public ownership and half in private ownership. So that's a good summary of what's out there.

MR. LONDON:

I have a question Mr. Chairman.

ACTING CHAIRMAN MARTIN:

Go ahead.

MR. LONDON:

Just briefly, on these proposals that would come down what do you foresee for containment of nitrates and nitrites to keep it out of the groundwater?

MR. DAVIES:

Good question. What we have seen for some of the sites that have already been developed or subdivided for condominiums or homes there's been a conscious effort to leave the shoreline edge intact. Meaning that because of any permitting issues that might have come up if they did disturb, the developer did disturb the shoreline edge they probably wanted to avoid it. And you see these, essentially the upland, we don't have pictures here that we'll have on the other presentation.

You'll see the upland developed; you see a shoreline edge where it's essentially just fragmities and the remnant of these old swim lagoons with berms and everything else. They didn't go into those areas. I guess we're raising the question and for an item for discussion at this meeting is that the best state of affairs with respect to what the environment is in these locations and can it be improved. And if there is an answer yes, it can be improved how you do it; how do you get through the regulatory problem. The answer in some cases maybe clear by essentially creating better circulation in some of these lagoon areas by breaking through the berms. With respect to what's on the bottom today in some locations it's an unknown; you have to go out and find out wants there. Some of these areas were dredged wall to wall and there maybe no sludge left in those creeks. However, what's contained in the lagoons is another question; as far back as 25 years ago with the 2A-Plan it was recommended, in that particular document, that a determination be made as to what the contribution of the sediments was as far a nutrients was concerned to the overlying water column and to my knowledge that has never been done. So we've gone 25 years or 30 years with the basic question remaining unanswered. I think it's a good question and I don't know if there's a lot of good science right now.

MR. ISLES:

Yes. I think it's a very good question and it's really a big part of the reason for the seminar next week that planning boards at the town level, village level and certainly the County Planning Commission are getting these applications. And I think as DeWitt said the inclination by developers perhaps or regulators is to just stay away from the wetland and leave it alone and build your development beyond that. We'd like to use this seminar and including the other experts that will be present at that meeting to (a) get more information and (b) look at whatever options exist as DeWitt indicated. There maybe remediation restoration that can take place and more specifically to County owed properties which as Ron Verberg indicated is in the hundreds of acres of land. The County does have in the new quarter percent sales tax that went into effect in 2000 a component of about \$100 million that's available for restoration and related type purposes. So by having the additional information that this is providing the awareness and then the solutions for treatment we can access that money on County properties to improve water quality, surface water quality potentially groundwater quality in terms of restoring these sites.

This has been a condensed presentation, but when DeWitt and Ron were talking the Gallo Duck Farm we have been working with the Army Corp of Engineers on that too, trying to get them interested in a restoration of that location as well. It is not an insignificant project; it's to the tune of, you know, potentially a million or two million dollars to do it right, but it's going back and correcting mistakes of the past and recognizing that although these things have, you know, fragmities on them, they look okay and so forth they're really not functioning very well. In some respects I think the term has been as almost a rural Brownfield of sorts.

ACTING CHAIRMAN MARTIN:

Linda.

MS. PETERSEN:

(Inaudible)

ACTING CHAIRMAN MARTIN:

Would you please speak into the mike I don't think she can hear you.

MS. PETERSEN:

Would they still permit dumping of sludge in the ocean with today's environmental standards as a remediations of these areas?

MR. DAVIES:

They did allow it in the late 60's and the early 70's and then there was concern about the impacts that the operations had on not only the site of the dredging, but also at the site of disposal and that's when everything stopped. So I would -- I don't know if there's ever been an application to do it since that time and that's one of the issues that's still remains to be resolved because some of the old sites that was used for disposal upland are either filled to capacity, but still remain unvegetated after 30 years. And, you know, we're using public lands for that kind of a use which is something we'd have to think about, but there is a study proposed for Meetinghouse Creek which we'll look into the feasibility of removing what is in essence duck sludge sediments; how you would go about removing them and treating them and/or disposing them and what the options are. Very difficult question again, I don't it seems to me that they might not allow that today.

MS. PETERSEN:

If people were live on areas that contained the duck sludge, is that safe of healthy or does it have ramifications from health issues?

MR. DAVIES:

I have not heard of any reports about public health impacts for people living adjacent or near to these areas. When we had a lot of duck farms there was a lot of concern because of the potential of eating contaminated shell fish in these areas that were subject to this activity. They closed them and that was a danger. So today some of those areas are probably still closed, but I don't know the answer to the question, if you lived on an old duck farm if there was any potential health problem, I don't know the answer to that. I haven't heard anything brought up over the years about that either though so maybe there isn't any I just don't know.

ACTING CHAIRMAN MARTIN:

Charla.

MS. BOLTON:

I wanted to ask since the County owns, you said, about 400 acres of former duck farms, how and under what circumstances did the County acquire those properties since they seem to have, you know, some problems connected to them?

MR. DAVIES:

Okay. I think the most recent one, the most acquisitions and fill me in if I'm beyond my what I know about this was the Gallo Duck Farm on Mud Creek; that was from as a result of nonpayment of taxes. The Robertson Duck Farm which is adjacent to the Wertheim National Wildlife Refuge is a large piece and it was acquired essentially at that point I believe to prevent development. There's a large area when you go by on Montauk Highway the farm is just off to the right just before you get to the river itself; it's on the right hand side of the road you'll see a large field, all that area there was part of that duck farm. So it's a large parcel again, a portion of it devoted to the actual farming operation, but it had a large number of acres associated with the upland fields.

MR. VERBARG:

It's was about 75 acres and I think it was completely surrounded by the Wertheim Estate so it kind of made sense to purchase that one.

MS. BOLTON:

Okay.

MR. DAVIES:

The Indian Island Golf Course, I believe that purchase went through in the early 60's around 1964. There was a very large taking at that time; it included an area around it that involved the right-of-way to CR 105 and interesting enough it was a site of perhaps the largest duck farm in the world at that time. And again, there were multiple objectives in getting that piece. The site of the golf course today is on a former duck farm and there were other areas around that were also devoted to duck farms. And what did we miss –

MR. VERBARG:

That was about 160 acres and it had the largest shore front about 10,000 linear feet of shore front was devoted to duck farming. It's at the confluence of the Peconic River and Saw Mill Creek.

MR. DAVIES:

There were two other sites, one on the Forge River in the Town of Brookhaven that the County bought.

MR. VERBARG:

It's a shared one, it's on Fanning Landing Road; it's about 20 acres, about 1000 foot of shoreline and the last one we have is the Schubert Farm which is on Saw

Mill Creek. It straddles Route 58 and if you go along there you can still see it. The southern part is now BJ's, so that's how that piece was redeveloped.

MS. BOLTON:

I had one other question, is Long Island the only place that duck farms and if there were other duck farms in the state has the state developed any standards for approaching these properties for development?

MR. DAVIES:

Good question. At one time in the 40's and 50's Suffolk County was the premier producer and in the nation; more than half the ducks were grown here. As we speak say in 1959 there were eight million birds produced. When you get to the present day we have fewer farms more intense operations; semi-enclosed upland need no discharge standards. So the operation of the farm itself today has dramatically changed since back then and they raise about two million ducks on these few farms that are left.

The industry went out of business here for a lot of reasons. I think if you pick up a duck in the freeze today from a store you'll see its maybe from Wisconsin or out in the Midwest because of the feed production issue. Land values, people who are in the business wanted to get out of it; they had waterfront property; they new they could have a valuable resource to dispose of. They didn't want to continue with duck farming. The pollution questions, that was probably the biggest thing. The need to meet pollutions controls and a lot of the farmers just made the decision not to comply with them and decided to do other things. I don't know really how the industry operates in other sections of the country; there was a move afoot in the 60's to have dry farming where the ducks don't even touch the water. We have an individual who's at the conference who should be able to address those concerns. I don't know what the answer is to those.

MR. ISLES:

In terms of any state guidelines not that you're aware of; in terms of the restoration of sites it's really un-chartered territory in a way?

MR. DAVIES:

In terms of the restoration of the sites I'm not sure if there could be any literature associated with other types of animal feed lot operations like poultry, hogs and all that sort of thing which are very intensive land use in other sections of the country. We might be able to look into that.

MS. BOLTON:

And once again, Suffolk County will be charting new territory.

ACTING CHAIRMAN MARTIN:

Anybody on this side wish to be heard? Tom? Ron and DeWitt we thank you.

MR. ISLES:

Thank you.

ACTING CHAIRMAN MARTIN:

Is everybody ready? We're going to start the Commissioner's Roundtable now and we'll start with John.

MR. CARACCIOLO:

Nothing to report, Mr. Chairman.

ACTING CHAIRMAN MARTIN:

Linda.

MS. HOLMES:

Yes, I'm afraid Shelter Island has a traumatic experience, the town board did. They had been considering commercial site plan review as part of the town board's regulatory process and they didn't vet it well; they didn't consult business people. They scheduled the hearing right during the holidays and 80 or so very angry business people showed up and criticized the process as it is now it takes too long. The planning board doesn't apparently adequately layout for a person what they will require when the person comes before the planning board for commercial site plans. And the planning board seems to overstep it purview by going into architectural details which is not part of their purview and apparently the process through our building department is very, very slow. So there are a lot of angry people talking about the delays in procedure that exist now and they're very resistant to having any other procedure that will further delay projects. Evidently, this came up as a town concern because there was some rumor about franchise operation coming into the town and that prompted it, but they do have a lot more work to do.

On the brighter side we did finally make our report for our lot clearing committee to the town and that went very well. We have recommended that the town require individual lot owners to leave a vegetative buffer and we've given several recommendations about how the town can publicize that through enclosures in tax bills and at the building department and at the library and on our chamber of commerce maps and what not. So we are very hopeful that the town will adopt a procedure that will adequately protect people from runoff basically, making everyone responsible for taking steps to control runoff from their property. So we hope we're making progress in that way.

ACTING CHAIRMAN MARTIN:

Sure sounds like you are Linda. Thank you.

MS. HOLMES:

Thank you.

ACTING CHAIRMAN MARTIN:

Tom.

MR. THORSEN:

Nothing, Mr. Chairman.

ACTING CHAIRMAN MARTIN:

Lou.

MR. DIETZ:

Nothing.

ACTING CHAIRMAN MARTIN:

Mr. London.

MR. LONDON:

Just quickly, County Executive Levy at his State of the County message was talking about as well as Newsday has a lot printed everyday information on the affordable housing. So it seems like everybody is talking about it now and maybe things are going to actually happening, but from the point of the villages there's really not too much except we're all snowed in.

ACTING CHAIRMAN MARTIN:

Thank you, Dick. Linda.

MS. PETERSEN:

I just look forward to seeing what the Planning Department develops in conjunction with the Workforce Housing issue especially, on that parcel and the County lands in Yaphank.

ACTING CHAIRMAN MARTIN:

Thank you. Charla.

MS. BOLTON:

I just wanted to mention that the Long Island North Shore Heritage area master plan is going to have a public hearing today at four and again at seven at the Vanderbilt Museum; that plan has been in process for quite a long time. There were a number of public meetings held in Suffolk County as well as in Nassau County within the Heritage area. I don't know if anybody here is really followed it at all; I think there's still some serious questions about the plan itself, but it might be worth going to the public hearing.

ACTING CHAIRMAN MARTIN:

Thank you, Charla. Any other questions? Nothing. Let's move on to the next item the rural road policy.

MR. ISLES:

Yes. Maybe very briefly, but at the last meeting the Commission discussed once again the issue of rural road policy in particular as it relates east end applications that come before you. At the request of the Commission we've just prepared an overview of the policies and I'd like to turn it over to Andy Freleng now to just run through a short presentation that he's put together. Just to kind of review the policy and to get consensus on where you want to go in the future.

ACTING CHAIRMAN MARTIN:

Andy.

MR. FRELENG:

Good afternoon member of the board. Happy Ground Hogs Day. I use to lecture a class for a couple years in city planning and the semester always on Ground Hogs Day which was nice. Ground Hogs as you may or may not know live in communities where they have separate family dens and then they have communal dens. So it's always nice to start a city planning course talking about Ground Hogs, but here we're talking about what the Planning Commission last reviewed in 1999 what we call the rural road policy. The issue which is before the Commission, we have a quick sketch up on the screen here. The issue for the Commission comes from state law; I did give out a white paper, if you have that. So these captions are from exploded text on the white paper.

New York State Law requires that, no permit for the erection of any building be issued unless a street or highway giving access to the proposed structure has been placed on an official map or there's an existing state, county or town highway or that there's a street upon a plat approved by the planning board can provide access to that lot or structure or that a street filed and recorded map in the office of the county clerk is on file and that can provide access as well.

So essentially, what we do see is we see large parcels that are divided into three parcels where in this case Lot 2 and Lot 3 have no access so they cannot have a structure that is built that would have access to a public road. When we last visited that the Commission had policy on the books and we reviewed that policy that no landlocked parcel should be created that's Commission policy. I emphasize the word should; these are not laws they're Commission policies that help staff review applications.

Then there's a definition of what a landlocked parcel is; essentially it's a lot that has not access to a public road. Commission rationale for the creation of or not the creation of landlocked lots is that a landlocked lot has problems as far as access by emergency and service equipment is concerned. Obviously, if there is no assigned access to a structure whether it be a driveway number or a street name emergency vehicles would have a hard time getting there. In addition, there could be disputes over the use of maintenance of a right-of-way which good planning would have you try to avoid. When you layout lots you want to try

and avoid future disputes. So the Commission policy not to create landlocked lots stems from those issues. What staff has done and still does is where possible we try to create flag lots to the public road. If we had three landlocked lots we would try and provide access, Lot 1 has access, Lot 2 now would have access and Lot 3 would have access and there would be a common driveway that would run along the center line of the two lots. And therefore, everybody would have access physically as well as on paper they all have flag lots, they all have legal access to the road. State Law requires 15 feet, the Commission and staff usually require 20 feet of access to the road.

We recommend this where the distance from the bulk of the lot down the access pole to the right-of-way is approximately 300 feet. There's another Commission policy that does not allow flag lots to be created where the access pole of the flag is more than 300 feet. So in instances where staff can see that we can remedy the landlocked parcels by creating flag lots we try and do that. You had an application last week where you saw the staff wanted to recommend to the Commission where we exercise that.

The municipalities, this is their response to the landlocked lot issue. They created a local law, municipalities on the east end, this is an example. The exploded text is at the bottom of the white paper, but basically, they created a local law that gives the Planning Board the authority to waive that requirement if they create an access easement across the lots. This easement guarantees access to Lots 3 and Lot 2 over Lot 1 and I guess for Lot 3 over Lot 2. So that is the language of a local law out on the east end which allows them essentially, by Commission definition to create landlocked parcels; what they grant access to the public right-of-way through an easement.

Some of the local municipal comments with regard to their policy when we last reviewed it in '99 was that the requirement serves the town well. No lots in their definition is left without usable access. The towns believe that property owner disputes about maintenance and improvements of common driveways get worked out between parties of interest; that's what the Planning Commission I believe is trying to avoid where you have where you have private property owners trying to work out a disputed access issue over lands through an easement. So when we have the opportunity we want to avoid that in the future however the east end towns believe that once they setup the access easement if there are disputes that should be worked out privately and does not have any governmental interest.

The east end towns want to they wish to maintain their rural quality of the landscape and they believe that their constructing streets, the classic street does not address that desire to maintain their rural quality. Some of the east end towns speak to the fact that none of their town roads have curbs and their highway's department believe that creating access through easements is consist with the highway's departments issues. They find maintaining road with curbs to

be problematic as well as on the east end considering the low range of density; they believe that road drainage without curbs is not a problem. Also they need – well we'll get to conservation subdivisions which generally look like this. Conservation subdivisions need to remain in a minor applications stage and undergo expedited review. If they create a street on a three lot map and create a big street then they can't review it as a minor application and it goes into a major application process which requires engineering of the street, drainage, etc.

So the Planning Commission's compromise has been that in cases where there are landlocked lots being proposed in order to recognize the local laws on the east end which allow them to do this the Commission recommended and has a policy now where when you have a landlock lots the Commission would suggest that you create a 50 foot wide access easement. 50 foot right-of-way easement wherein the common driveway could be placed. The reason why we recommend 50 feet is for those instances then where there is property owner dispute. This gentleman can't get to the public road because this gentleman for whatever reason or lady as the case maybe has blocked the access. They have a dispute they've blocked the access. If this right-of-way is set up in such a way as to be easily dedicatable then if this right-of-way is dedicatable the town highway department would accept right-of-way and therefore there would be very little in way of issues in order to get that access into the town system. Therefore, you can have your services go up; you can have public water if there's a water issue on the back lot.

So that has been the compromise that staff is recommended to the Commission recognizing that the east end has local laws which allow the creation of landlocked lots and access over easements. So recognizing that we try and get that easement to be instead of 20 feet to be 50 feet so if in the future there is a dispute that easement can be dedicated over to the town and the town can take it over without issue on width and then they can go ahead and construct the street.

Okay, we're starting to see conservation subdivisions; conservation subdivisions are as you know where the majority of the legal as-of-right yield is reduced voluntarily by the applicant. A significant amount of open space usually around 65, 75 or 80% open space is provided however, what happens is the desirable lots that are carved out of these conservation subdivisions tend to be along some amenity. In this example we drew the Long Island Sound, so we would have three lots for example cut out of this huge piece of property where the access is being proposed through an easement because they don't want to create a street because that would nullify the expedited review of a minor subdivision. They don't want to go into a major subdivision process, which is a three step process, which involves the engineering of a road. So this is what they typically do; they typically create an access easement which could be as long as 1000 feet or more to the bulk of the lots.

Commission recommended compromise again to create the access easement as a 50 foot right-of-way. In this case this right-of-way is not going to the property line because there would be an opportunity here to create a future tap to the adjacent property. If this property was already developed then we would have to recommend an alternate access to the subdivision so we would probably bring this right-of-way to here. If there were – obviously, if there were more lots staff would recommend to the Commission that this be an actual street and not a right-of-way easement. So we tried to strike a compromise between the local laws that allow access by easement and not by right-of-way and the Commission's desires to set up access to lots which are legal and suitable for as far as emergency vehicles etc. So that's basically where we are; that's review of where the staff is coming from when we're faced with landlocked lots. We try to create the flag lots so we can recognize that they don't want to create the street. Where flag lots are not suitable we try and set up a right-of-way easement that would be easily dedicatable to the town in the future if there were issues.

So that is the position of the staff when we make our presentations to the Commission. We would recommend that we leave that as Commission policy to give all of us a little bit of flexibility when we review these maps and try to strike a balance between our objectives and the rural road objectives of the east end. Thank you.

ACTING CHAIRMAN MARTIN:

Andy, the important factor that you didn't hit at all, if you have a 50 foot right-of-way and let say you have a 40 foot right-of-way that 30 because last time they were willing to compromise. If the town whatever town it's in decides some day to take over that 50 or 40 or 30 foot right-of-way they don't get state aid, but 50 foot right-of-way qualifies them for state aid.

MR. FRELENG:

That's exactly the point.

ACTING CHAIRMAN MARTIN:

That's a very important factor because not only are you talking state aid we're talking down the line, you know, you might have a federal grant coming or something and you wouldn't qualify for any of it. If you take the right-of-way you're not building on it; they don't have to use the whole right-of-way they could use if they wanted to half of it 20 foot of it and you get the same thing and it's a much better operation. We went through this I don't know how many years ago, right, 15 or 20 years ago and the east end all realized that 50 foot right-of-way is the way to go.

MR. FRELENG:

The major objection of the highway departments is the fact that it's not a 50 foot right-of-way and they wouldn't get reimbursed through CHIPS.

ACTING CHAIRMAN MARTIN:

The rules today especially, something like what you showed there. If you ever did want to open that road up and the town take it over they would get no aid unless it was 50 foot wide and why wouldn't you want to. You still don't have to pave it 50 foot people don't understand that. You could pave it 20 foot, but you still qualify for the aid as long as you have the 50 foot right-of-way.

MR. FRELENG:

The exploded paragraph in the white paper does go into detail on what the Commission --

ACTING CHAIRMAN MARTIN:

I'd like to see you stay with it; I think since we did it 15 or 20 years it's improved a lot in the layouts I think. You don't hear of any problem out east at all and it's no harm you lose nothing and if they want to be fair and square they can leave the right-of-way into the people's property on a setback. They don't have to set the house back if they don't want to the town. They can move it up that 10 feet, you know, there's a lot of things you can work with, but you got to have the 50 foot right-of-way, you know, that's my feeling. Okay. Board member, yes, Linda.

MS. HOLMES:

I'd like to ask Andy, do all the towns understand how they can present this easement idea in a subdivision? I'm just thinking of Shelter Island wrestled quite a bit recently with the Nelson White subdivision because the people owning the property in their wanting a rural looking 15 foot road. And there was a whole lot of brouhaha because the fire department and police department in particular were worried about emergency vehicles and they seem to be back and forth about it so much. I am not sure that everyone involved understood that well the concept of the wisdom of having the 50 foot easement, but you could still have your pretty little rural road. And I just don't recollect that that was presented that well or that understandably. Do all the planning boards understand that or --

MR. FRELENG:

Well, I couldn't answer that specifically some do some don't. I can't answer that directly, but what we could do perhaps in the future is that the Commission could release one of our papers that we have done, I forget the name off the top of my head, but we could talk about that.

MS. HOLMES:

I think that would be very helpful to circulate particularly because I'm sure other towns like ours have a revolving group of people on a planning board and sometimes somebody who winds up being chairman isn't that well versed in all of these policies. So I think something like that particularly periodically would be very helpful. I know it would be on Shelter Island right at the moment.

MR. FRELENG:

That's a good point.

ACTING CHAIRMAN MARTIN:

Well, we'll make it a point that if any maps are in on Shelter Island that we give them a notation about the requirements and why we do it. We don't have to do it Carte Blanche; when we get a map in we'll send something back with it.

MR. FRELENG:

I would ask you Linda if you could look on the last page of the white paper when you get the chance. The Planning Commission compromised does have language in there about the common driveway being within the 50 foot right-of-way easement. So we try and relay this language to the localities when we put that condition on the map, but sometimes they need it explained to them a little bit better.

MS. HOLMES:

Yes, I can see that. They do, yes.

ACTING CHAIRMAN MARTIN:

Okay, Linda. Thank you.

MS. HOLMES:

Thank you.

ACTING CHAIRMAN MARTIN:

Tom.

MR. THORSEN:

We're going around a circle on this a lot of times. I think the essential difference between western Suffolk and eastern Suffolk is the fact that most this development is taking place as estates; wealthy individuals that like pebble driveways and some of them are rather long and the public has no business on them that doesn't have to pay for anything. The highway department doesn't have to mess around with it. The snow shoveling is done by private contractors. These people are wealthy enough to do this and they like that and I think that message has gotten very clear across to the planners both the professional planner and the Planning Board. There are some fire departments that are getting a little bit upset about this particularly if it's going through woodland because they think these driveways are too narrow for the big trucks that they have to have now. But you get staffs throughout the east end that wrestle with this all the time and we have one on the agenda today and I spoke to the planning director about it and she simply says, we'll override that's what the board is going to do with it. It's going to override you on this.

ACTING CHAIRMAN MARTIN:

They can do that I have no problem with that.

MR. THORSEN:

But she suggested something which is I think pretty good that maybe the town attorney's our attorney and the town attorney discuss the matter relative to this issue, you know, legalities and so forth in a way they feel comfortable with easements it might be a good idea because it hasn't be done.

ACTING CHAIRMAN MARTIN:

Well, I don't think we have to change our stand; we could still recommend it. Make it a practice to recommend 50 foot right-of-way, if they want to override it that's there right and prerogative. I mean, we never tell anybody not to override us. We say we'd like to make it as a recommendation that the flag lots should be 50 foot and we can state the reasons and you don't have to pave it. If you like the rural look you can do it. The condominiums that are built here in Smithtown all have 50 foot right-of-ways. They maintain their own roads; they do everything. The thing they do that make the road 20 foot wide maybe; they put cobblestone. They still got it under state specifications because we found out that sometimes these roads get turned back to the towns and we want the road to be in a position we can accept it, but you can override us. You know, I have no problem with that, but I think it's important that we make the recommendation so that people understand that there are other reasons, not just because we expect to see the road paved. We don't expect to see the road all paved 50 foot. They can do it 10 feet wide if they want as long as the fire truck can get down that's a town item not this item. It's up to them to protect their people.

If they figure 15 foot is wide enough, a fire truck can get down there, I don't think it can, but if they can get down there fine with me. I have no problem with that. But I think the initial thing to say is we should set a standard saying that all roads should have a 50 foot easement or right-of-way and for future development years from now. Maybe the wealthy people won't be there 50 years from now and the town will want to do the roads for other reasons. I mean, there's a lot of underground as water comes into an area you want to go underground with the water mains so you have the problem with that. You'd need a right-of-way to put them underground and the reason why 50 foot came into the history the way I understand it was because they figured that someday you might want to put a sidewalk on each side, of course, it would never be the case out there. Here in our town they're waiving sidewalks today, but the right-of-way is there and the people own the property and you would never know that it was a 50 foot right-of-way. I mean the people plant right to the edge and take care of it, but I don't see nothing wrong with recommending it and if they want to override it so be it.

MR. THORSEN:

Now I'm just explaining what the feeling is out there.

ACTING CHAIRMAN MARTIN:

Yeah, I'm saying it went through it out there, you know, rural {wines} and for years Gil Shepard was the one that probably really got them to listen to it and they override it when they want to. They want to override it that's fine with me I have no problem with that.

MR. THORSEN:

I'm personally not opposed to what the Commission rules are; I think it's a good thing to recommend.

ACTING CHAIRMAN MARTIN:

Yeah, recommend it. I don't think we ever say –

MR. THORSEN:

But I appreciate the fact that you don't mandate what –

ACTING CHAIRMAN MARTIN:

No, I don't want to mandate that, I think it should be a recommendation, but if a map comes in we'll recommend it. If they don't want to do it so be it; that's if all the board members feel the same way, I don't know. If it were me I would mandate it, but I have no problem with the recommendation.

MR. ISLES:

They're only guidelines anyway.

ACTING CHAIRMAN MARTIN:

What.

MR. ISLES:

They're only guidelines anyway.

ACTING CHAIRMAN MARTIN:

Okay. Dick, do you have anything you want to add to that?

MR. LONDON:

No, sir.

ACTING CHAIRMAN MARTIN:

Linda.

MS. PETERSEN:

I think its fine as long as it doesn't cause us to deny an application based on that specific item.

ACTING CHAIRMAN MARTIN:

We never did. We always made that as a recommendation when it came in and for that reason I think it's a better thing because then we're going back 30 years ago where people would come in and then they'd come back later and say, oh, we have to get to the back and we can't now and that's what's going to happen. You know, whoever thought what would happen today 50 years ago out on the east end. There weren't even cars. We've seen fire trucks that are four times the size that they were and you have to be prepared that you might have to widen the road. Maybe they can't live on a 50 foot road anymore; maybe it's got to be a 30, 40 foot road. Those are all the things you have to realize happening. So okay we'll go along Andy, you're happy with that? We'll recommend if it comes in and it doesn't show 50 foot we'll try to recommend what we say show wider is better. If you don't want to do it well so be it.

MR. ISLES:

Right. With the exception being the small flag lot not more than 300 feet in the current guidelines.

ACTING CHAIRMAN MARTIN:

Oh, yeah, I'm saying on small lots; I'm not talking about 50 lots subdivision.

MR. ISLES:

We are going to continue to see a lot of these especially now with the Town of Southold lifting their moratorium on subdivisions yesterday and encouraging now in their new subdivision regulations conservation subdivisions. So you're going to seeing that scenario a lot.

ACTING CHAIRMAN MARTIN:

You're going to see a lot of that. You're going to see the farms all take off the water sites and they're going that if you don't put a 50 foot road there how you going to connect them later. You're going to have a problem. I'm not saying every lot has to do it, but out there it's obvious you got to do that. We'll we started out there too, didn't we?

MR. ISLES:

Right.

ACTING CHAIRMAN MARTIN:

(inaudible)

MR. ISLES:

Southold has overridden us at least twice already.

ACTING CHAIRMAN MARTIN:

Already?

MR. ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

Okay. We can't do more than that, but at least let's do it. So they don't turnaround and say nobody told them.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

Okay. Tom, you think that's fair?

MR. ISLES:

Sure.

MR. CARACCIOLO:

Thank you, Andy. That was really informative, that was helpful, thank you.

MR. ISLES:

Thank you.

ACTING CHAIRMAN MARTIN:

Okay. Where are we now?

MR. ISLES:

Now we go to subdivisions.

ACTING CHAIRMAN MARTIN:

Almost forgot you, Tim.

MR. ISLES:

Ted.

ACTING CHAIRMAN MARTIN:

Ted. At least I didn't call you new man. Okay, Jerry, go ahead.

Laughing

MR. KLEIN:

Good afternoon everyone. The first application is subdivision by the name of Sears and it's sent to us by the Town of East Hampton. It's located on the northwest corner of Cross Highway to Devon and Fresh Pond Road in the Hamlet of Amagansett. The Commission's jurisdiction to Suffolk County Pine Barrens.

The applicants proposing to subdivide 10.33 acres into four lots. The property is zoned A-2 Residence which allows single family dwellings on lots having a minimum area of 84,000 sq. ft. The subdivision is being processed as a cluster. The applicant is proposing four lots that will range in size from 1.783 acres to 2.179 acres. The subject parcel is presently vacant wooded land; it has a significant topography with both high areas and low areas within its boundaries. The applicant proposes to set aside an area to preserve as open space which is designated as "Reserved Area" on the map. It contains roughly 2.6 acres or approximately 25% of the entire parcel.

Also with regards to preserving the overall natural ecstasics of the subject property from outside and within its boundaries there is a 3.5 acre scenic easement proposed that will wraparound the development area. I'll see if I can point that out to you. This is the scenic easement. This fits in with the character of the surrounding neighborhood which is predominately wooded and residential with several clusters of residential lots around short cul-de-sac streets in the immediate area of the subject property. Yes, you can see those, this is cul-de-sac street, cul-de-sac street, cul-de-sac street.

The staff's concern is a Lot 3 on the proposed map; it's only accessible from an access easement across the flag portion of Lot 2. This is part of the pole of Lot 2, so with this lot here it would be landlocked and a creation of such a landlocked parcel is contradictory to Commission guidelines.

The Planning staff recommends approval of the subdivision subject to the following conditions. The subdivision shall be redrawn so that the proposed access easement on Lot 2 is replaced with a 50 foot wide right-of-way suitable for dedication to the town. And 2) the applicant shall be required to file a covenant and restriction prohibiting the future subdivision of the Reserved Area and/or it shall be dedicated to the government agency, be controlled by a homeowners association or transferred to a bona fide conservation organization. That's application one.

ACTING CHAIRMAN MARTIN:

Members of the board.

MR. DIETZ:

Mr. Chairman, I make a motion for the staff.

ACTING CHAIRMAN MARTIN:

Yes, Linda.

MS. HOLMES:

I would add that if the recommendation #1, that when the 50 foot right-of-way is recommended that perhaps some verbiage be put in there making it clear that this would be an easement which did not have to be totally paved that, you know,

a more narrow rural road could be. In other words, what we were just talking about, but to underscore that in this particular recommendation so that the applicant understands the concept of an easement, a right-of-way easement that does not have to be a, you know, full 50 foot road. I think that would make it, you know, more palatable and perhaps possibly that they would agree to that. And certainly I would very much agree with #2, because Reserved Areas have a way creeping on to a filed map in the future and any restrictions that could be placed on it these suggestions are all very good and I think very necessary.

MR. LONDON:

Mr. Chairman.

ACTING CHAIRMAN MARTIN:

Yes.

MR. LONDON:

Additionally, I'd like to just say that in Firematics they do not like to take their equipment on hard paved roads, on to gravel or dirt or sand type of roadways. They like to keep them on the --

ACTING CHAIRMAN MARTIN:

I'm not disagreeing with you that, but it's been our and every town, the road improvements are done by the town highway department, the width of the roads and everything else and I'd like to leave it like that. If the fire department's have any problems they get a chance to review a map just like any other agency does, the schools and everything else. At that time let them make that decision because otherwise you to where we don't belong at all. We're just worried about the right-of-way for future state aid. The width of the road, the clearing of the road and how much they want cleared let that be a town functioning because all they ask for is all -- whether it be stone, whether it be oiled or whatever that's fine with us as long as we get the 50 foot right-of-way. Anything else? Now we have a motion for approval.

MR. CARACCILO:

Second.

ACTING CHAIRMAN MARTIN:

And John made a second. All in favor signify by saying aye. Contrary minded. Abstentions. So approved. **(Vote: 9-0-0-2 Absent: Nolan, Tantone)**

MR. KLEIN:

Okay. Application #2 is a subdivision by the name of Hector Feliciano sent to us by the Town of Islip. This application is located between Suffolk Avenue and Yarnell Street approximately 175 ft. west of Crooked Hill Road in the Hamlet of Brentwood. Commission's jurisdiction is CR 13, that's Crooked Hill Road.

The applicants proposing to subdivide 14,890 sq. ft. into two lots. The property is zoned Residential B allowing for single family dwellings on lots with a minimum area of 7,500 sq. ft. The applicants proposing two lots ranging in size from 7,190 to 7,700. The subject property, excuse me, the subject parcel is a double frontage lot presently improved with a single family dwelling having front yard along Suffolk Avenue with a rear fenced yard along Yarnell Avenue. There is no existing curb cut along Yarnell Avenue. I'd like to point out that to the Commission the proposed Lot 2 is only 7,190 sq. ft. and that this area is less than the minimum required by the zoning classification. A lot by Commission standards is a substandard lot and creation of such a lot is contrary to Commission guidelines.

Therefore, in accordance with the Commission policy on subdivisions with lots whose area does not meet the minimum lot area requirement of the zoning ordinance the Planning staff recommends disapproval. Creation of such a lot would constitute over intensification of land use in the area that's already densely developed and establish a precedence for subdivisions of other similar parcels which would lead to overloading the roads and over burdening the public facilities and services.

ACTING CHAIRMAN MARTIN:

Thank you, Ted. Motion is in order.

MR. CARACCIOLO:

Motion.

MR. LONDON:

Second with staff.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So disapproved according to staff's recommendation. **(Vote: 9-0-0-2 Absent: Nolan, Tantone)**

MR. FRELENG:

Okay. The first municipal zoning regulatory matter before the Commission comes to us from the Town of Brookhaven. This is the application of Sam's Real Estate Business Trust. Jurisdiction for the Commission is that the subject property is within 500 ft. of the Long Island Expressway, NYSR 112 and CR 16. The applicants are requesting a change of zone for approximately 18 acres from LI-1 which is Light Industrial 1 to J-2 and J-5 Business. Subject property fronts on Horseblock Road to the north. To the west the subject parcel is adjacent to existing retail/commercial in J-3 zoning. East of the subject parcel is vacant J-3 zoned land. To the south, the subject parcel fronts on the Long Island Expressway Service Road North.

The subject parcel is improved with 138,700 sq. ft. detached retail structure affectionately known as a big box and associated parking lot with 667 spaces. The petitioner is requesting a change of zone for 16.42 acres from LI-1 to J-2 to continue the existing retail commercial center for the sale of consumer merchandise and services. With respect to this change of zone the applicants will be seeking a building permit to expand the existing structure 3,000 sq. ft. for a first floor addition. So just to step off the staff's report for a second, for a majority of the property the applicants are requesting a change of zone from LI-1 to J-2. If they get that zone change approved they would be looking for an expansion of the building approximately 3,000 sq. foot expansion in the front that would come in under a site plan application. They're not asking for that at this time they're just asking for the change of zone.

Moreover, the petitioner is requesting on two acres in the northwest corner of the property a change of zone from the existing LI-1 to J-5 to erect a private motor vehicle gasoline filling station as part of the retail business on site. Sale of fuel is proposed to be limited to members of the on site retail establishment and let me just say at this time its Sam's Club is the retail establishment in the big box and the sale of fuel is not to be opened to the general public. With respect to this aspect of the zone change petition the applicant will be seeking at this time a special exception permit to operate a gasoline filling station. So on two acres in the northwest corner up here they're proposing a gasoline filling station for members of Sam's Club only.

As a result of the proposed improvements on site 60 parking spaces will be lost. An analysis of the character of the area indicates that the pattern of zoning predominately around the subject parcel is J-3 Business. The J-3 zoning pattern in the area is consistent with the 1996 Comprehensive Land Use Plan of the town which designated this area for commercial purposes. The petition itself is consistent with this pattern with the exception of the gasoline filling station in the opinion staff. The proposed filling station is proposed to partially remove some of the vegetated buffer along CR 16 and itself will result in the loss of 56 parking spaces. So if you just back up a step....so in order to construct the gasoline filling station they're going to lose 63 parking spaces in here; the balance of the parking spaces would be lost if the expansion of the Price Club (sic) building would be permitted. Okay, so the gasoline filling station we're going to lose 56 parking spaces, in addition, the gasoline filling station as proposed constitutes in the staffs opinion and unwarranted over intensification of the use of the premises. In addition, approving the J-5 zone and proposed use would tend to establish a precedent for future such land development pattern in the locale and throughout the town.

Back up to the air photos a second.

The staff did site inspections and we noted that there is a gasoline station on this corner. I believe, right on this corner here this is the Sam's Club, this is a King

Kullen. Over here is the Lowe's which is now constructed; Linda, maybe you can help me out here.

MS. PETERSEN:

In the wooded area.

MR. FRELENG:

The Target is being proposed here and a Kohl's is being proposed I believe adjacent to that. So we believe that permitting this gasoline filling station specifically for Sam's Club just may set precedence right on down the line for something like that to happen.

So staff is recommending then approval for the petition to change the 16.42 acres from LI-1 to J-2 to continue the existing retail commercial center for the sale of consumer merchandise and services that would setup for them the ability to go for their expansion to the additional 3,000 sq. ft. However, staff is recommending disapproval for the petition to change the zone on two acres in the northwest corner of the subject parcel from LI-1 to J-5 to erect a private motor vehicle gasoline filling station for the following reasons:

Staff believes that removing the vegetation would diminish the buffer to CR 16. In addition, there would be a lost of 56 parking spaces. The gasoline filling station as proposed would constitute an unwarranted over intensification of the use of the premises and in addition improving the J-5 zone and the proposed use would ten to establish a precedent for further such land development patterns in the locale. That's the staff report.

MR. THORSEN:

Mr. Chairman, I move the staff's recommendations.

MS. HOLMES:

I second it.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So carried, the staff's recommendations. **(Vote: 9-0-0-2 Absent: Nolan, Tantone)**

MR. FRELENG:

Okay. The next municipal zoning referral comes to us from the Town of Riverhead; this is the application of George Nunnaro. Jurisdiction for the Commission is that the subject site is adjacent to NYS Rte. 25. The applicants are requesting a dimensional and parking variance for an approximately 12,423 sq. ft. parcel of land zones Industrial A which is Light Industrial in the Town of Riverhead. This is in the Hamlet of Riverhead. The request is to allow the construction of a 2,800 sq. ft. warehouse building with a loading dock and second story office.

The subject property fronts on River Road to the south which is NYS 25. To the east and west the subject parcel is adjacent to improved Industrial-A land. To the north the subject parcel abuts Long Island Rail Road right-of-way. The subject parcel is unimproved, however the site has been cleared and has been disturbed by past activities, most recently there is truck and trailer storage on the site. You can see that in the air photo that this line of what appears to be structures are actually tractor trailers being stored on site in a various assortment of patterns.

The petitioner is requesting dimensional variances for an existing undersize lot for the construction of the warehouse. The petitioner is requesting a parking variance from the required 21 spaces to 5 spaces. This would constitute a 76% diminishment of the required parking for the use. It is the belief of the staff that such a reduction in the required parking would constitute an unwarranted over intensification of the use of the premises. Moreover, granting the parking variance may tend to necessitate the use of SR 25 for parking purposes thereby diminishing the safety and traffic carrying capacity of said road.

An analysis of the character of the area indicates the pattern of zoning is predominately Industrial-A north of SR 25 the proposed use, however is inconsistent with the July 2003 Comprehensive Land Use Plan for the Town of Riverhead which designates this area for Rural Corridor Tourism/Resort Campus purposes. So the master plan identifies the site for RC or TRC purposes not industrial purposes.

There are no wetlands or other environmental constraints evident on the subject parcel; however, the site is within the Peconic River Wild Scenic and Recreational River corridor as regulated by the NYS DEC. The applicants have secured a Wild Scenic and Recreational Rivers permit for the construction of the warehouse, loading dock, landscaping and nine parking spaces.

Staff recommendation is disapproval for the following reason that the application would require a reduction in the parking and that constitutes an unwarranted over intensification of the use of the premises. Just note that it is a 76% reduction in required parking. Moreover, granting the parking variance may tend to necessitate the use of NYS Rte. 25 for parking purposes thereby diminishing the safety and traffic carrying capacity of the road. That is the staff report.

ACTING CHAIRMAN MARTIN:

A motion is in order.

MR. LONDON:

I move the staff recommendation.

MS. PETERSEN:

Second.

ACTING CHAIRMAN MARTIN:

Second. All in favor signify by saying aye. Contrary minded. Abstentions. So recommended. **(Vote: 9-0-0-2 Absent: Nolan, Tantone)** That's all, we're done? Except one notice we have to read into the minutes.

MR. ISLES:

Mr. Chairman, I just want to point out that we did receive a request from the Village of Islandia to appear before this board at a future meeting mostly likely the next meeting. The Village of Islandia has submitted for your consideration an amendment to their zoning code regarding the MF18 zoning category. It's a category that would allow up to 18 dwelling units per acre, and multi-story structures I think approaching 14 stories. So it's part of their comprehensive plan amendment that was considered by this board last summer and they're now amending the text. So they've requested the opportunity Mr. Irving Like to appear before you at the next meeting.

ACTING CHAIRMAN MARTIN:

I'd like to state one thing. It's very important that the members come; I wouldn't want to send this back because we don't have a quorum. So if you know any other members please contact them and please ask them to come, okay, because we need a vote whether it's for or against. I'd like to have them here anyway.

MR. CARACCILO:

Are they going to be asking us to amend their –

MR. ISLES:

They have submitted a referral to change their zoning code. Typically, that's reviewed and sent back; in this case they actually want to make a presentation to you. The County Planning Commission last August did recommend disapproval –

MR. CARACCILO:

On their application?

MR. ISLES:

Yes, so they're amending the plan first which they did last summer. You recommended disapproval; they overrode the Commission. They're now actually implementing the plan by changing the zoning code which is the next step that needs your consideration at the Commission. And then a third step if they're ready to move forward would be the actually changing the zoning on that particular parcel which they're not doing yet.

MR. CARACCIOLO:

Thank you, Tom.

MR. ISLES:

So the answer is, is that it's okay to invite them in for the next meeting?

ACTING CHAIRMAN MARTIN:

Oh, sure.

MR. ISLES:

With a municipality.

ACTING CHAIRMAN MARTIN:

With a municipality, if it was only the developer I would say no to them, but being it is the town well, not the town the village and it looks like to me that they're in favor of it, right. It looks like it; so I'd like to have them.

MR. FRELENG:

I just wanted to point out that in addition to the municipality one to make a presentation we have had inquiries from the public that would also like to speak to the Commission regarding that as well.

ACTING CHAIRMAN MARTIN:

And that's the most important. Just make sure they have enough time to be notified.

MR. ISLES:

Right. Well, the public then would be given the opportunity to speak at the public portion of the meeting.

ACTING CHAIRMAN MARTIN:

Of course.

MS. HOLMES:

May I make sure I understand this because we disapproved of their development they are now changing the zoning. They want to change the zoning to implement their original idea?

MR. ISLES:

Right.

MS. HOLMES:

And to do it through a zoning change.

MR. ISLES:

Yes. It was originally proposed as changing the zoning code of the village. The first step in that was to change their plan which you recommended disapproval on. They disagreed and overrode you. In order to implement that plan they have to actually change the code and then change the map. So they're in the second step of the process which is to change the code.

MS. HOLMES:

I see, okay, and I'm going to see Irving again after all these years?

MR. ISLES:

Mr. Like wrote the letter. Claire, is the next meeting here?

MS. CHORNY:

Yes.

MR. ISLES:

Here okay, thank you.

MR. DIETZ:

Mr. Chairman, I make a motion to adjourn.

MR. THORSEN:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So adjourned.
(Vote: 9-0-0-2 Absent: Nolan, Tantone)

(*The meeting was adjourned at 1:40 P.M.*)

{ } Denotes Spelled Phonetically