

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 September 7, 2005 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Louis Dietz (Babylon)
Frank Tantone (Islip)
Richard London (Village 5000 & Under)
Richard O'Dea (Riverhead)
Laure Nolan (Village 5000 & Over)
John Caracciolo (Huntington)
Linda Holmes (Shelter Island)
Linda Petersen (At Large)

ABSENT:

Charla Bolton (At Large)

ALSO PRESENT:

Thomas Isles - Suffolk County Director of Planning
Andy Freleng - Suffolk County Principal Planner
Claire Chorny - Suffolk County Planning Department
Chris Wrede - Suffolk County Planning Department
Christine Farrell - Suffolk County Attorney
Peter Lambert - Suffolk County Planning Department
Ted Klein - Suffolk County Planning Department
Pat Laparo - Suffolk Planning Department
Kevin LaValle - Aide to Legislator Losquadro
Nanette Essel - Aide to Presiding Officer Caracappa

Minute taken by:

Eileen Schmidt – Secretary

(THE MEETING WAS CALLED TO ORDER AT 12:00 P.M.)

ACTING CHAIRMAN MARTIN:

The Suffolk County Planning Commission is now in session. Will you please rise and join us in a salute to the flag lead by John Caracciolo.

SALUTATION

ACTING CHAIRMAN MARTIN:

We thank you. The first item on the agenda this morning is the minutes of the August 3rd meeting. Anybody notice any errors or omissions?

MS. HOLMES:

Move the minutes be adopted as is.

ACTING CHAIRMAN MARTIN:

A motion to adopt.

MR. CARACCIOLO:

Second.

ACTING CHAIRMAN MARTIN:

Second, John Caracciolo. All in favor signify by saying aye. Contrary minded. Abstentions. So adopted. **(Vote: 9-0-0-1 Absent: Bolton)** The second thing is the public portion. Anybody out here wish to be heard on the public portion? Hearing none we'll go on to the next on the agenda. Now we go to the Director's Report.

MR. ISLES:

Thank you Mr. Chairman. A few items to bring to your attention, number 1 would just like to point out that we did determine that there was an error in the minutes that were adopted in June indicating the Caithness Power Plant in Yaphank that had been before the Commission. The Commission had recommended a local determination to the Town of Brookhaven it was indicated in the minutes as a disapproval. The resolution was correct so we just wanted -- I just wanted to bring that to your attention. We're going to correct the minutes to accurately reflect what the Commission actually did on that day. I don't think it requires any action at this time it's just a ministerial correction at this point.

Secondly, the Pine Barrens Commission has asked the Suffolk County Planning Department to assist with the review of an application in the Town of Brookhaven which is known as Roanoke Sand and Gravel. This is a project that's in the Compatible Growth Area that the Commission has determined to be a project of regional significance. The Commission has the option of asking other agencies for assistance in the review of applications; they have done so with the County Planning Department on several occasions and so this will be one over the course over the next three or four months. We will be completing the review at the staff level and furnishing that back to the County pardon men, Pine Barrens Commission itself.

Related to the Commission I just want to make you aware that the Pine Barrens Commission is also looking at updating the land use plan. Commission Petersen is certainly aware of this and they are going through a process right now of doing a ten year update. The plan was adopted in 1995; they are focusing on the Compatible Grow Area and seeking to address a lot of things that were unspoken or somewhat vague in the original plan. They do intend as we go into 2006 to get into more public process and the SEQRA process. It does directly impact the three Towns of Brookhaven, Riverhead and Southampton. So certainly I'll keep you posted on that as well.

The County Executive has put in five new appointments to the County Planning Commission; I believe I mentioned these at the last meeting. They were laid on the table; they went before the committee about two weeks ago. They involve several town appointments, one at large appointment pardon me, two at large appointments, one for the Town of Brookhaven, one for the Town of Islip and I'm missing one here, oh one for the Town of Riverhead. At the committee all five resolutions were tabled and the committee will continue to study these matters...those appointments. So there's been no action taken at this time. I will keep you posted however of further appointments or any decisions that are made.

Another item I want to bring to your attention is something we talked about at the last meeting and that's the matter of the Wal-Mart - Home Depot application falling within the Town of Smithtown. The Commission had ruled on that sometime ago. As you may have heard recently the County Executive has announced an intention to have the County Department of Public Works undertake a review, a more comprehensive review of the traffic studies that are at play at that location. The County Department of Public Works was retaining a consultant to review the traffic study for Pilgrim State Hospital for the Heartland Development. They will now expand that with the assistance and financial assistance of the Town of Huntington to look at all of the developments in that area which includes the Wal-Mart as I mentioned. The Tanger proposal in Babylon, the New York State proposal for the inter-modal freight facility and the Heartland proposal. The affect of this will be that it will serve two purposes; one is to give information to the Department of Public Works that may help them in their review in determination of the traffic impacts and the necessary mitigation and so forth. Secondly, its information that can be available the different jurisdictions should they care to use this information in their analysis and improvements that may be required with these projects. That will take about six months at this point for that to be completed.

The Department is assisting in two efforts with villages in the County, I believe I mentioned these briefly, but we are finishing up some work we were doing for the Village of Patchogue. At this point it is relatively minor work in terms of providing some commentary back to the Village on density of attached residential units. There's no formal request for a report at this point in time. And as I believe we also mentioned the Village of Port Jefferson has approached the Department with the request for assistance in doing some waterfront planning. We are wrapping up within the next week or so a scope of work on that project and a timetable. And if the Village chooses to go forward

with requesting services from the County Planning Department we would then seek a resolution from the Village and bring that to you for your consideration. That completes the Director's Report at this time Mr. Chairman.

ACTING CHAIRMAN MARTIN:

We thank you. Any questions of Mr. Isles? Nothing.

MR. ISLES:

The next item which kind of goes into right after the Director's Report is, we have two resolutions for your consideration today which are number four and five on the agenda. I'd like to just make a brief presentation regarding item number four and then ask Andy Freleng to make a presentation regarding item number five. But item number four involves the County Official Map and just to give you a little bit of background on this; municipalities both at the town and village level as well as the County level have the ability under New York State law to create official maps. An official map is a document a binding document that can help communities in various planning functions such as highway planning, park planning and so forth and up until this point the County has not had an adopted official map. What happened is in 1999 the Legislature directed the County Planning Department to complete an official map of the County by January of 2005 and to submit that to the Legislature which has been done at this point in time. And then by December of 2006 the Legislature has to either adopt or not adopt the map as presented.

So what this map shows and we do have a copy of it which I will show you in a few moments is all of Suffolk County including all of the jurisdictions in the Suffolk County. Some of the required information based on State law and County law that has to be on the official map includes all federal lands, all state lands, all rights of way for highways in all those separate jurisdictions. All major water courses and drainage facilities within the County; all capital projects that are planned at both the federal, state and county level that involve land in some form. So all of this information has been put together for the official map.

The next step in the process is the Legislature has approved a resolution to begin two things, the referral process and a public hearing process. The referral process involves referral to different County agencies including the Suffolk County Planning Commission, the County Commissioner of Public Works. It also includes a referral to all of the municipal jurisdictions in the County so that all the towns and villages will get copies of the map. They will have a certain amount of time to respond. There will then be public hearing. If a town files an objection to the official map there are super majority requirements within the law that the Legislature would have to take to override a municipal objection. I don't anticipate that happening. Official maps are often times used for mapping undeveloped areas, putting new road corridors into place and so forth. Frankly, we're not at that point in our history; the official map does not show anything radical in terms of new highway corridors and so forth or drainage facilities. We did work very closely with the Department of Public Works on this and as I indicated we also met with New York State DOT and Federal Highway Administration personnel as well.

So we will then begin the process with the Clerk of the Legislature to circulate the map over the next couple of months to all of the jurisdictions. I'll just take a moment to show you the map and basically what we're are requesting today or at the next meeting if you'd like to have some time to look this over more carefully is for the Commission to adopt a resolution indicating their support of the official map at this point and referring it back to Legislature for formal consideration.

It's a little bulky to show; it's approximately 30 some odd sheets.

MS. SCHMIDT:

You have to use the mike.

MR. ISLES:

Okay. It's a little bit awkward to show you, but this is basically, you know, the physical copy of the map. This is also available through the County intranet site and so what we will be doing is actually carving out the sheets for the individual municipalities sending it to them. We will have it available on hopefully the County intranet site eventually. Here again, the municipalities have the option to review and to comment to make changes and so forth. This is just to give you a representative sample so it's color coded by the different jurisdictions. Here again, in many cases official maps are helpful to developing areas. In developed areas it's probably not as essential in the sense that we're not planning major highway corridors. It can still serve a useful planning purpose in terms of we already use it in the office for the identification of different jurisdictional lands, federal land, county land, state lands and so forth. So it just becomes a useful planning document.

The official map overall here again, I think it goes back to the 1930's when they were originally were created in General Municipal Law and town law. A lot of that I think has been superseded now by other standards, zoning standards, subdivision standards that require setbacks of property and so forth, but none the less it is something that the County Planning Department was required to complete. It is something that the County Planning Commission under state law must also review; here again, whether you care to do that today or do it at the next meeting would be fine. And then we'll begin the process with the towns and villages and the County Legislature conducting a public hearing. That's it.

ACTING CHAIRMAN MARTIN:

Will it expedite the process if we okay it today?

MR. ISLES:

Yes, a little bit.

ACTING CHAIRMAN MARTIN:

This way we get it moving.

MR. ISLES:

Sure. Here again, I don't think there's anything that's too controversial in that. There's no new highways proposed.

ACTING CHAIRMAN MARTIN:

Let me see what Laure has to say.

MS. NOLAN:

I would really like an opportunity to look at it. I would not feel comfortable.

ACTING CHAIRMAN MARTIN:

Okay, if one wants to look at it then we'll just wait.

MR. ISLES:

There's a companion report that goes with it too which we can make available to the Commissioners.

ACTING CHAIRMAN MARTIN:

Okay, so we'll just postpone it.

MR. ISLES:

Sure that's fine.

ACTING CHAIRMAN MARTIN:

Do we need a motion for that?

MR. ISLES:

No, no. Okay, the next item is item number five on the agenda which is a relatively new item now. It's a proposed Inter-Municipal Agreement with the Town of Southampton. We've been working with them for the past several months and I'd like to turn it over Andy Freleng to give a summary of the proposed agreement.

MR. FRELENG:

Okay, you may know that as you do know General Municipal Law Section 239 requires the referral of certain actions to the Suffolk County Planning Commission. You also may know that General Municipal Law Section 239 allows the County to enter into an agreement with the referring body to provide that certain proposed actions are of a local significance or not of an inter-community or countywide significance. The Town of Southampton Planning Board has noted that they get a lot of applications from minor facade renovations; the addition of an awning, fencing things like that which are pursuant to their local ordinance an expedited review process. Yet because it's a site plan it still needs to be referred to the County Planning Commission and that adds time to their expedited review. So the Southampton Planning Board aware of those sections of 239 has by resolution requested the Suffolk County Planning Commission to come up with a

table of uses if you will or actions that could be considered a local action at the town level and therefore it would -- we could expedite a review here.

So they have by resolution as stated requested that the County Planning Commission consider a list of those actions. The staff has worked with the staff of Department of Land Management in the Town of Southampton and has come up with a list of actions and in your packet there is a resolution, a blank resolution number. And the second page of that resolution speaks to the list of actions that at the local level that would by notification only to the Planning Commission satisfy the requirements of 239. So in plain English, basically, if they get an application for a lets just say a minor façade renovation they would notify the staff of the County Planning Commission that they're undertaking a façade renovation that would be normally in our jurisdiction, but because we've agreed to this they're just notifying us, but they're not referring a whole package to us and they're getting a local determination as a result.

So the second page of that resolution lists a bunch of actions under site plan and I'll go through them real quick, minor additions or the renovations less than 1500 sq. ft. of floor area with no change in the use or change in the occupancy or parking requirements. So if we just run through that if Southampton gets an addition to a John's Bargain Store of less than 1500 sq. ft. It doesn't require additional parking. There are no significant -- there's no change in use or anything like that. They would notify us if they have an addition of less than 1500 sq. ft. and we would send them back a receipt indicating that pursuant to this agreement it's a local determination. Other things on this list under site plan would be minor façade improvements; the replacement of windows and kind; the creation of freezer enclosures which meet the dimensional setback requirements. Interior renovations where there's no change in the use or the occupancy or the creation of handicap walkways. The addition of awnings; the placement of fencing except along the boundary of a county or state right-of-way or open space, parkland or shoreline. The Commission staff felt the Commission would still want to look at any kind of site plan application that required fencing along county right-of-way, the shoreline or adjacent to a county park.

And then the last item on the site plan is changing the use from one permitted use to another where there's no change in the parking requirements. So that would be those types of things that would be considered a local determination under this Inter-Municipal agreement and the Commission would receive notification of that and still be able to keep statistics on those types of things.

In addition subdivisions under the classification of subdivisions something that could be expedited at the local level, but tends to get delayed because it's referred to the County Planning Commission. We have to go through it and then prepare a local determination letter. Those actions which are lot line modifications where there's no increase in the degree of non-conformity, in other words, they're not creating a substandard lot. Basically, you have two lots that are in conformance, but the geometry of their lines are such that it's problematic for the land owners. They want to come in and rearrange the lot lines so they have equal area or whatever the complication may be. As long as it's not

creating a flag lot where the Commission may want to review the design of the flag lot. Or obviously where the lot line modification doesn't create a landlocked parcel or a parcel that does not access to a public road. We felt that when there's a lot line modification or a simple shift in the lot line that could be a local determination type thing that would require only notification to us. And so staff has -- there are exceptions; the one exception is that any action that receives a positive declaration pursuant to the State Environmental Quality Review Act (SEQRA) would not be allowed to go through this notification process it must be referred to the Commission. So even if you had the addition of awnings on the façade of a building and somehow triggered a Type I Action that would be referred to the Commission.

We have here in this resolution for the Commission to consider a notification process in other words if there is a minor addition or one of those two classes of minor projects the town would be required to notify us either by regular mail or by facsimile or by email to our offices and we would list that in our stats and they would get a receipt that we've received it. So staff did prepare a resolution for the Commission to consider as with the previous resolution if you wanted to sit on this one and consider it for our next meeting that would be perfectly fine. However, it's pretty much cut and dry; municipal law requires certain things to be referred. Municipal law allows the Commission to have local determinations and go into agreements with the localities on certain classes of projects. We worked this through with the Town of Southampton and come up with this list of actions. We feel this is in an adoptable form. We would like to do this with the ten towns and 31 pending 32 villages in Suffolk County and we would like to do it some sort of blanket format so we don't have 42 different agreements with municipalities. However Southampton was the first one out of the gate and they requested this so in the future we will come back to you with a more generalized agreement that we could send to the towns for their consideration, towns and villages, but that is it on this issue. If there are any questions?

MR. LONDON:

Andy, I have a question.

ACTING CHAIRMAN MARTIN:

You have a question, okay.

MR. LONDON:

It just seems like the logical thing to do to make it a uniformed --

MS. SCHMIDT:

Bring the mike to your face, please.

MR. LONDON:

It seems like the logical thing to do would be to have it as in uniformity so that it isn't back and forth between, you know, all the villages and towns in the County. This way there would be a structure of standard that we could all live by.

MR. FRELENG:

Yes, we wanted to do that when we were working with the Town of Southampton we realized we were working with the Planning Board and there's a whole list of things that zoning boards consider that we could also consider as local determination. So we really do want to go ahead and create a master list and send this to the localities for them to consider and we can come up with an omnibus LD if you will.

MR. LONDON:

Would it be appropriate then today to create a motion to begin the process?

MR. FRELENG:

Well that would be up to the Commission that certainly wouldn't hurt and it would get the ball rolling.

ACTING CHAIRMAN MARTIN:

Before we do anything Laure had here hand up and I'd like to get back to where we use to go. Let's go around the room once and everybody have their say and the next time around those who want to postpone it we certainly have no problem postpone it. If nobody wants to postpone it then we'll act on it. I think what you said before is fair it's up to the Commission, but I'd like the Commission to first have their say and to think it over this way if they want to postpone it we'll postpone it one meeting. We'll start at the end.

MR. O'DEA:

Yes, it's a good idea to make it uniform I think. Some of these are in Riverhead Planning Board doesn't come in contact with a lot of these items that are on the list. Town Board handles site plan situations so I don't know if that with us and with other municipalities whether that would be a bit of a problem for you, but I'm all in favor of the -- trying to get in a uniformed fashion.

MR. FRELENG:

I don't think it would be a problem because all we would do is we would just create three general categories, subdivisions, site plans, zoning actions and then we could have those agreements.

MR. O'DEA:

Okay.

MS. NOLAN:

I just want to clarify one thing; are these all actions that would not come before the Commission anyway; they would be done by the staff as local determination?

MR. FRELENG:

Yes. Technically, they are referred to the Suffolk County Planning Commission. You've delegated your authority to staff to review; these are such minor items that we wouldn't bother you with façade renovation.

MS. NOLAN:

That's what I wanted to clarify, that they're not things that would come to the Commission anyway.

MR. FRELENG:

You typically would not have them before you in deliberation.

MS. NOLAN:

Okay, thank you.

ACTING CHAIRMAN MARTIN:

Linda.

MS. PETERSEN:

I think it would be an excellent way to expedite applications and the uniformity would certainly make it work better for all the towns and they would be treated fairly.

ACTING CHAIRMAN MARTIN:

Lou.

MR. DIETZ

I agree it would move the applications a lot quicker and whenever we decide to do it.

ACTING CHAIRMAN MARTIN:

Frank.

MR. TANTONE:

If you were to adopt some sort of uniformed standard though how long would that take you to do it?

MR. FRELENG:

Well, to be candid we pretty much have it done.

MR. TANTONE:

Oh, okay.

MR. FRELENG:

So we could come back to the next Commission meeting with a draft of a general table and as well a draft of a cover letter that we could send to the municipalities to get the ball rolling for them to consider that.

MS. HOLMES:

I think it's very much a step in the right direction; I think it's a very good idea.

ACTING CHAIRMAN MARTIN:

John.

MR. CARACCILO:

I think it's a good step forward and I like it.

ACTING CHAIRMAN MARTIN:

Can we have it ready for the first of the year, the first meeting in January?

MR. ISLES:

Sooner than that.

ACTING CHAIRMAN MARTIN:

You have three months, right?

MR. FRELENG:

Well, sooner than that.

MR. ISLES:

No, we can do it sooner than that.

MR. FRELENG:

We can have a draft for your consideration next month with a draft cover letter. I would think that, you know, you take a look at it; we would send it to the municipalities they would consider it. They might want to make minor changes so we could probably adopt something officially by the beginning of the year.

ACTING CHAIRMAN MARTIN:

Okay. Now I have one more question of the board members. Do you want to act on it today or do you want to postpone it to the next regular meeting?

MR. FRELENG:

If I could just jump in Southampton would rather we do it as soon as possible rather than waiting for a general going out to all of them.

ACTING CHAIRMAN MARTIN:

Okay. Well, let's first see if they want to postpone it. Anybody, anybody have any reason they want to postpone it? Hearing none then we can act on it a motion would be in order.

MR. LONDON:

Here I'll make a motion that we enact this as per today's date for approval for you to come back as soon as it is practical with the final.

MS. PETERSEN:

I'll second it.

ACTING CHAIRMAN MARTIN:

Linda second it. All in favor signify by saying aye. Contrary minded. Abstentions. **(Vote: 9-0-0-1 Absent: Bolton)**

MR. ISLES:

Just one question.

MR. FRELENG:

I just want to make sure I understand Commission London's motion. Are you authorizing us to come up with the omnibus general one for all the municipalities or are you approving this draft resolution that we did for Southampton Town?

ACTING CHAIRMAN MARTIN:

Well, we sure only approve the one that's on here right?

MR. LONDON:

Right, for the one that's one here.

MR. FRELENG:

Southampton Town, okay.

MR. LONDON:

Correct.

ACTING CHAIRMAN MARTIN:

We shouldn't go beyond that.

MR. ISLES:

And this is the final version of this one anyway.

MR. FRELENG:

This would be the final version of this draft resolution, right.

ACTING CHAIRMAN MARTIN:

Then when you get the other one then we'll act on that one.

MR. ISLES:

Right.

MR. FRELENG:

Correct.

MR. TANTONE:

But will there be any difference between the two?

MR. FRELENG:

Yes, there would be. The problem with the Southampton one why we couldn't make this general is that the Planning Board requested us to do this. There are certain actions that would be on this general table that only the Zoning Board of Appeals has the jurisdiction to do and every municipality is different. The town board does site plans I understand in Riverhead so we would create this list of actions and we would send it to the clerk and the town board and let them filter it down to the appropriate board and let them be aware that these types of actions only require a notification to the Commission.

MR. ISLES:

Yeah, that may take a little time to work all that out and the fact that we're such variety and diversity in the towns and villages so they may say, that's okay with us, but another town may say, no, it's not okay. So I think we have to once we send that out it's going to take a little give and take to kind of come up with overall standards.

ACTING CHAIRMAN MARTIN:

Okay. Everybody agree, everybody's happy? Okay.

MR. ISLES:

Are you okay with the motion, Claire?

ACTING CHAIRMAN MARTIN:

Are you okay with the motion?

MR. ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

It was Dick London and Linda Petersen.

MS. CHORNY:

Yes.

ACTING CHAIRMAN MARTIN:

And it was unanimous.

MR. ISLES:

Right.

ACTING CHAIRMAN MARTIN:

Now the Commissioner's Roundtable. Anything new in Riverhead?

MR. O'DEA:

What's new in Riverhead, the Wilpon contract is in the hands of the attorney's for Wilpon and for the -- I think the Town of Riverhead has farmed it out and to get a upfront reading of the contract before it gets filtered through to the town board and that is where that

stands. On another issue I'll take a page from Mr. London's usual notice to us on West Nile Virus is alive and well in Eastern, Long Island. In the Village of Aquebogue which is right next to me there was a recent horse loss about two or three weeks ago. On my own property my wife happened to find a dead crow about a week ago; she gave it to the vet clinic who we have a good relationship with and last night a knocking on my door was a Suffolk County worker with it in his truck and asking permission to put up a mosquito trap that the crow happened to test positive for West Nile Virus. So just saying that it's still around and I know the County in different areas spays every day so beware it can hurt humans as well as animals. Thank you.

ACTING CHAIRMAN MARTIN:

Linda no, Laure

MS. NOLAN:

No.

ACTING CHAIRMAN MARTIN:

Now Linda.

MS. PETERSEN:

Town of Brookhaven is going to be having a planning seminar at the end of September, I think it's tentatively for the 29th and they're bringing in an expert who will be discussing conservation subdivision design. It's 5 to 8 at night and everyone is invited who would like to attend; it'll be announced and open to civics and public and anyone who might have an interest in that area.

ACTING CHAIRMAN MARTIN:

Would you notify everyone of that date? Why don't you get together with Tom so he can send everybody a notice?

MS. PETERSEN:

Sure, okay.

ACTING CHAIRMAN MARTIN:

Those who are able to attend I'm sure will. Okay, Dick.

MR. LONDON:

From the Villages we have a new one, Sagaponack number 32 on our long list of Villages and I understand there's a possible 33rd coming up out in Southampton Town. Somebody else may even know the name something Dunes is it or Hampton Dunes, Dune Hampton very, very close to happening. Maybe by next month we'll report on that, but seems to be some of the ways that we're going. And as far as the West Nile Virus, thanks Dick for reporting on that. Yeah, it's out there and you don't want to be getting that; that's like encephalitis you die from that kind of stuff. So keep the pools of water away, thank you.

ACTING CHAIRMAN MARTIN:

Frank.

MR. TANTONE:

Nothing.

ACTING CHAIRMAN MARTIN:

Linda.

MS. HOLMES:

Oh, yes. We are so happy to have just been told by our town that after at least five years of searching the town has had a very generous offer from an elderly couple to turn over five acres of their property which fronts as matter of fact on a County Road on Manantic Road; for not only affordable housing, workforce housing, but the design proposed for the unit would be a house for a working family or a working person who lives on Shelter Island and works on Shelter Island and a breeze way would connect that house to a small cottage which would be made available to a senior citizen who qualifies by virtue of income and residence on the Island. We're very excited about this; we had a discussion yesterday at the town board with Bill Klasky who's CEO of the Community Development Corp. and he worked with us ten years ago for the last affordable housing project we had which is six units, a matter of fact, right around the corner from this by coincidence. And also Marion Zucker who I know a lot of you remember she's now Director of Affordable Housing for the County and the purchase would be 1.2 million and it would create five home sites 40,000 square foot home sites.

The County according to Marion the County is looking to subsidize each unit for about \$50,000 they hope. So there would be quite an offset there and the couple has agreed to take a down payment from the town and payments over a period over ten years and then when they died their property there lot which contains their home would revert to the town so there would be an opportunity for more affordable housing on the site sometime down the road. Of course it's subject to a permissive referendum so we're all holding our breath for the next 30 days that nobody's mean enough to ask for a permissive referendum. But it may happen and then of course the County does not want to commit itself until there has been a subdivision improved by our planning board. So there are steps here, but everybody is trying to work together to expedite this and we're very happy to look forward to having a lottery for young families to apply for these homes and for seniors to apply for the cottage. With a little impute from the homeowner as to who's going to live there, but we are really very pleased that this couple has come forward and made this offer. It's just been a long time and it makes us very happy that we can look forward to a unique project, really unique for Shelter Island to have the combination of workforce housing and senior housing all in one piece of property. And now we're looking, the County is looking to help us simplify things by asking the Health Department to give one permit for each lot so that they don't have to get involved with two. We're not using the R word, no roads, we're using the existing driveway and we're going to have a plan where the lots would combine their driveways alongside one another so that it would meet a minimum safety requirement and the fire commissioner's are happy with that.

And so there are a lot of details to work out, but it looks like they're all workable and we're very happy.

ACTING CHAIRMAN MARTIN:

Thank you, Linda. John.

MR. CARACCILO:

Nothing.

ACTING CHAIRMAN MARTIN:

Nothing. The Town of Smithtown, of course, we've got all kinds of actions, but they're all in litigations so I'm not going to comment.

MS. HOLMES:

Oh, dear.

ACTING CHAIRMAN MARTIN:

Everything is in litigation I don't have to say a word anymore. Thank you. Let's go on to Section A-14-14.

MR. FRELENG:

Okay, moving on to the regulatory portion of the Commission meeting. The first regulatory matter is referred to us from the Town of Babylon. This is the application of Deer Park Enterprises LLC. The jurisdiction for the Suffolk County Planning Commission is that the subject property is adjacent to Commack Road which is CR 4. The applicants request Special Exception/Site Plan approval to develop an 805,000 sq. ft. Lifestyle center on approximately 81 acres of land zoned Ga-Industrial in the hamlet of Deer Park.

The parcel is located on the northeast corner of the intersection of Commack Road which is CR 4 and Grand Boulevard which is Town Road. The parcel is in an established industrial zone of the Town of Babylon. The subject property is the site of the former A.I.L. Systems an industrial manufacturing, electronic manufacturing plant. The property is situated behind the Home Depot, Stop and Shop and Kohl's to the west. To the north the subject site abuts the right-of-way to the Long Island Rail Road. To the south the site abuts Grand Boulevard and to the east the subject property abuts improved Light Industrially zoned properties.

So looking up at the air photo you can see that there are some big box retail right along Commack Road. This is all industrial, this is all light industrial, this is all light industrial. This building would come down and then they would build a complex of buildings in here. The applicant request site plan approval for the construction of 805,000 sq. ft. of outlet retail center for the erection of retail uses ranging from small retail space roughly 1500 to 5,000 sq. ft. A 50,000 sq. ft. median box to a multiplex movie theater which includes about 14 screens and multiple restaurant uses four to eight of them; two located on free standing pads. This is all proposed in an outdoor open air mail design. The site plan proposal also includes 4,712 parking stalls.

An analysis of the character of the area indicates that the subject property is located in a well established industrial area notwithstanding the big box retail to the west. If we could just go to the zoning map a second, Chris. Parcels to the immediate south and east are zoned for an improved with light industrial. The subject property is situated in an area of industrial zoning that remains consistent with the 1998 Town of Babylon Comprehensive Plan Update. The specific recommendations for land use of this property in the Master Plan is Planned Industry. The proposal is not consistent with the Town of Babylon Master Plan and appears to be incongruous with the remaining nearby industrially zoned lands. It is the belief of the staff that the site can reasonably be developed for light industry purposes. So you can see the subject property is surrounded by a sea of light industrial with the exception of that little nominally there and across the rail road tracks would be a bit of A-Residence.

The Suffolk County Planning Department's 2001 Study Shopping Centers and Central Business Districts states that there is a questionable need for major additional retail space in Suffolk County. So therefore the addition of 805,000 sq. ft. of retail shopping center where there is questionable need for such retail is problematic and could lead to an increase in retail vacancy rates in large shopping centers within ten miles of the site. This would contribute to, possibly contribute to retail blight. Staff also believes and coming from this shopping center study in central business district report that the reason - that the region is already presently adequately served by outlet shopping centers, including the Tanger Outlet Center in Riverhead. The addition of the Deer Park Tanger outlet would cannibalize sales at other outlet shopping centers possibly leading to retail blight and a loss of property tax revenue particularly in the Town of Riverhead. There is also questionable need for a large multiplex theater at this location. As we know plans are underway to redevelop the Commack Multiplex which is well located three miles north of the site and that is a 16 screen state of the art theatre being proposed in Commack.

The subject application is referred to the Commission as a Site Plan/Special Exception petition from the Clerk from the Town of Babylon. Retail uses in industrial zones constitute a Special Exception use, as well as, the placement of restaurants, taverns or bars and on premises food consumption establishments. Moreover, multiple buildings are proposed on site and also required a ZBA variance. The location of multiple buildings on site may constitute the unwarranted over intensification of the use of the premises.

It is the belief of the staff that the site plan is problematic in that the two main entrances to the site from Grand Boulevard funnel traffic to the immediate perimeter of the shopping center buildings. This design would cause conflicts between pedestrians and vehicles. Moreover this location is poorly suited for an 805,000 sq. ft. retail center as there is no visibility from the site from a major road and the site contains no access from a limited access highway. In fact, there are no limited access highways within two miles driving distance of the proposed shopping center. It should be noted that the Suffolk County Department of Public Works has expressed concern about significant offsite issues related to motor vehicle traffic congestion at certain intersections. There is a concern that traffic circulation patterns will be adversely affected in the area as a result of the proposed

project as compared to a light industrial use on site. So if I could just pause a second, the main access points off of Grand Boulevard are here and here and as you can see if you come in and drive around you're going to be running into conflict with those people who find parking spaces and are looking to enter into from here enter into the mall if you will. So you've got people coming and they would do the typical race right in until you see a parking space right about here somewhere and we believe that cause conflicts and we feel that there is a better circulation design.

In conclusion then, issues relate to the application stem from the Commission's policies related to the project being inconsistent with the pattern of zoning and land use in the immediate area. The project appears to be incongruous with the remaining adjacent and nearby industrial zoned lands. And staff observes that it is not in concert with the 1998 Master Plan.

The staff is recommending disapproval for the following reasons, that it is inconsistent with the 1998 Comprehensive Land Use Plan of the Town of Babylon which designates this area specifically for industrial use. The paragraph which follows is the rationale from the staff report.

The second reason for disapproval is that it constitutes the unwarranted over-intensification of the premises. The paragraph which follows is the rationale.

Third reason for disapproval is that it would tend to substantially undermine the effectiveness of the zoning ordinance. And that the fourth reason is elements in the site design are problematic specifically related to the traffic circulation flow. That is the staff report.

MS. NOLAN:

I make a motion.

MS. HOLMES:

I second it.

ACTING CHAIRMAN MARTIN:

Does anybody have any questions of Andy? Nobody all around, okay. A motions in order; Laure Nolan made to accept to staff.

MS. NOLAN:

Yes.

ACTING CHAIRMAN MARTIN:

Okay.

MS. PETERSEN:

I'm in favor.

MR. LONDON:

I abstain.

MR. DIETZ:

I abstain.

MR. TANTONE:

I'm going to abstain too.

ACTING CHAIRMAN MARTIN:

Linda.

MS. HOLMES:

I vote yes.

ACTING CHAIRMAN MARTIN:

John Caracciolo.

MR. CARACCIOLO:

Abstain.

ACTING CHAIRMAN MARTIN:

What.

MR. CARACCIOLO:

Abstain.

ACTING CHAIRMAN MARTIN:

And I abstain. One, two, three, four, five abstentions. The motion does not carry. Do we need a motion to send it back for local determination or does it just go back automatically?

MR. ISLES:

It's a no action by the Commission.

ACTING CHAIRMAN MARTIN:

So it's automatic that it goes back. Okay.

MR. FRELENG:

Okay, then so there is no action on the Commission on this matter. The next matter also comes from to us from the Town of Babylon. This is the application of Great Neck Lawns. Jurisdiction for the Commission is that the subject property is adjacent to Great Neck Creek. The applicant seeks a change of zone from E-Business to Multiple Residence (MR) in order to construct 38 residential condominiums, site improvement and parking and the provision of 40 boat slips.

Subject parcel is located on the south side of Schmeelk Place approximately 635 ft. east of Great Neck Road in the hamlet of Copiague. An analysis of the character of the area indicated that the subject parcel is located in an area of A and B residence zoning where 12,500 and 10,000 sq. ft minimum lot sizes are required respectively. The subject parcel is located in a mix of land uses. To the north are marine related uses including a boatyard and marina. To the south and west the property abuts improved residentially zoned land. To the east the site fronts on hardened bulkhead bordering Great Neck Creek.

As stated the applicant seek a change of zone on 2.44 acres from E Business to Multiple Residence in order to construct 38 condominiums, parking, site improvements and the provision of 40 boat slips. Variances for the project are required from the MR district including density of dwelling units, off street parking and dimensional variances for site, rear and height. So I just wanted to recap that we're going from E Business on this change of zone to Multiple Residence however the Multiple Residence category still requires certain variances under that zoning.

According to the Babylon Zoning Law in an MR district there shall be provided at least 4,000 sq. ft. of land area within the premises for each one-bedroom dwelling unit. The subject parcel of the proposed petition is only 2.44 acres and that the one bedroom limitation can only yield 26 units. As you can see if there's a two bedroom unit you're required more area of land. If there's a three bedroom unit you're required more area land so under lease restrictive 4,000 sq. ft. of land for every land unit you can only yield 26 and as you may recall the applicants are requesting 38 condominium units. So, therefore, the proposed action is 12 units in excess of the most permissible yield in the MR zone. It's the opinion of the staff that the proposed density is an unwarranted over intensification of the use of the premises.

According to the Town of Babylon Zoning Law in an MR district two paved off street parking spaces shall be provided for each dwelling unit plus a half a page space for each bedroom in excess of one bedroom unit. Garages may be substituted for such off street parking areas as the proposed 38 units -- I'm sorry, the proposed 38 units if they were all one bedroom units would require 76 parking stalls. Assuming that 38 of the garages are used for parking spaces you would still need 38 to be off street. The applicant proposes only 15 off street parking spaces. Again, presuming that the units are only one bedroom units the parking deficiency is 50% of the required amount and in the opinion of the staff also indicates an over intensification of the use of the premises. The excess units and the associated shortfall in parking may require the use of surrounding roadways for parking space -- for parking purposes.

Go back to the air photo, Chris. Access to the subject parcel currently is via Schmeelk Place which is a town roadway. That is coming in off of here into the subject property and to this boatyard. What the applicants are proposing is to improve this dirt road which is Sterns Lane as the major entrance way into the proposed development. Paving this unimproved dirt road for the main access into the condominium complex runs the road along the rear of several residential properties. So unofficially these properties which

front here on Schmeelk Road have access to this dirt road in the back and some of them actually do use it, but by institutionalizing this as a paved entrance way into this condominium complex you're going to wind up with front to back lots with a lot of traffic coming in and out of here. Front to backs are contrary to good planning.

Finally, the proposal includes the provision of 40 boat slips, two more than the number of units proposed presuming each boat owner -- excuse me, assuming that each dwelling unit has a boat the question arises as to what the additional slips are for. There's two more than the number of units. Moreover it is suspect that each dwelling unit owner will own a boat and those who don't may be tempted to rent or lease the available slip to a non-resident placing additional parking demand on the already stall deficient parking area. I just wanted mention this site is adjacent to Great Neck Creek separated by a bulkhead and while development on the subject property would require no permits from the DEC the construction of the marina, a 40 slip marina along the bulkhead would require permits from the DEC, probably the Army Corp of Engineers as well.

Therefore, issues related to the subject application stem from the Commission's policy regarding the over intensification of the use of land and issues related to good site planning. Staff is recommending disapproval for the following reasons; that it constitutes the unwarranted over intensification of the use of the premises for the excess in the number of dwelling units for the deficiency in the parking and for the 40 boat slips. That is the staff report.

MR. DIETZ:

Mr. Chairman I make a motion for staff.

MR. LONDON:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. Unanimous. **(Vote: 9-0-0-1 Absent: Bolton)** Only one comment I'd like to make here after the fact, on garage parking it's been my experience in the Town of Smithtown talking to adjacent builders that the garage are usually used for storage.

MR. FRELENG:

Yes.

ACTING CHAIRMAN MARTIN:

It seems people move out of a large house and they move into a condominium they put their extra furniture till they get rid of it in the garage. So if they're 38, if there's eight parking spaces you're going to get a whole lot because you'll find that's going to be the fact. And on the slips of the boats every place I've seen marinas they rent them out to the outside public; not everybody that wants to live on the water necessarily owns a boat or wants to keep the expense of a boat. So there's going to be a real big shortage of parking I think.

MR. FRELENG:

Staff had the same sentiments, yes.

ACTING CHAIRMAN MARTIN:

Okay Andy, thank you.

MR. FRELENG:

Okay, the next application comes to us from the Town of Southampton. This is the application of Norsic and Son Inc. Jurisdiction for the Commission is that the subject property is adjacent to CR 52 otherwise known as Sandy Hollow Road. The applicants seek a change of zone from residential to commercial industrial plan development districts CIPDD in order to legalize a pre-existing sanitation facility and construct a 12,500 sq. ft. demolition and construction processing building. The subject parcel is located on the east side of Sandy Hollow Road CR 52. To the west side of Henry Road and approximately 792 ft. north of Sebonac Road which is CR 39 in the hamlet of Tuckahoe.

An analysis of the character of the area indicates that the subject parcel is located in an area of predominately residential zoning with 20,000 sq. ft. being the minimum lot size. To the west across CR 39 the residential zoning minimum lot size increases to 40,000 sq. ft. and further south at the intersection of CR 52 and CR 39 is located some Highway Business District zoned property. So you can see from the zoning map up on the screen that this particular parcel is well situated in the heart of a residentially zoned area.

The applicant seek a change of zone on approximately six acres or 5.9 acres of land from R-20 to CIPDD in order to legalize a pre-existing non-conforming sanitation and cesspool business that includes residential trash, garbage and recyclables pick-up, cesspool service, processing of construction and demolition material, concrete and land clearing debris and disposal of same and the leasing of port-o-lavs and dumpsters. In addition the petitioners seeks to reconstruct existing buildings and construct a new 12,500 sq. ft. demolition and construction processing building and modify lot lines to separate pre-existing residential uses on site from the commercial operations.

The operation that is the subject of this application consists of four separate parcels owned by the Norsic family. They're a total of eight permanent roofed structures on the properties, three residences, a timber storage garage, two maintenance garages and two office trailers. One temporary storage structure is also located on the properties. It is proposed to demolish, reconstruct and renovate certain buildings on site and construct new buildings for a use as a sanitation solid waste and recyclable transfer facility with offices and specific designated storage areas.

It is important to note staff believes that the subject uses on the premises are pre-existing and non-conforming to the zoning district. While a smaller but similar use existed on the subject site prior to the institution of zoning in the town and that's approximately 1930 the uses on the subject property have multiplied and expanded without the benefit of town approval. It should be noted that the Town of Southampton upon preparation and

completion of the 1999 Comprehensive Plan Update and several hamlet and community studies have never had any specific recommendations for a Planned Development District that applied to the subject property to sanction it as a sanitation facility. Other areas of the town have received specific recommendations for the use of the Planned Development District zoning category.

It is the belief of the staff that this is indicative of the town's desire to leave the subject use a non-conforming with the intention of the use being phased out of the residential area as time passes on. Such facilities tend to produce noise, odor and vermin that is incompatible with residential development. I should point out here that the applicants are looking for the zone change and these approvals in other to mitigate some of the conflicts that they have been having with the adjacent communities in the residential neighborhoods. However, the unapproved expansion of the subject site constitutes the unwarranted over intensification of the premises and substantially under minds the effectiveness of the zoning ordinance. The proposed Planned Development District would be inconsistent with the pattern of zoning in the area and represents an unwarranted non-comprehensive alternation of the zoning pattern in the locale.

Moving on to the access; access to the subject parcel is via Sandy Hollow Road, a County right-of-way. Access to the premises is also via residences associated with the use fronting on Henry Road, a town road. The petitioners are proposing to end access to Henry Road and leave all access from the County right-of-way. Truck traffic may pose a visibility hazard to residences entering or leaving their premises on to Sandy Hollow Road as the road has a curve in the vicinity of the location of the entrance to the proposed use.

Let me just back up a second, here we have Henry Road there's a lot of truck traffic that goes up and down from Sebonac Road or from up here coming down to going into the facility through the Norsic's properties. They own one, two, three lots in the front here. They're proposing to end any of the truck traffic coming down through here and making all that traffic come down Sandy Hollow Road. Sandy Hollow Road has a curve here which makes viewing coming out of here problematic. If there's a truck coming down from here they've got the straight a way, but they're slowing down and I'm sorry the view coming around the curve here is problematic if you're making a right hand turn coming out. So while it's not the worst of all road alignments this curve here does make it kind of problematic for residences coming out of this road; for residences coming out of this dwelling and for business people visiting this business here.

In addition noise associated with truck traffic including acceleration and deceleration into and out of the site, and rear movement alarms as trucks back about the facility can be intrusive to residential uses in the vicinity. Issues related to the subject application stem from the Commission's policies regarding the non-comprehensive alteration of zoning patterns and issues related to good planning and land use.

Staff is recommending disapproval for the following reasons: It constitutes the unwarranted non-comprehensive alteration of zoning patterns in the locale. It is inconsistent with the 1999 Comprehensive Land Use Plan of the Town of Southampton

which designates this area for residential dwelling development. It is inconsistent with the pattern of zoning in the surrounding area. It is incongruous with remaining nearby residentially zoned lands. It would only tend to substantially undermine the effectiveness of the existing zoning ordinance. It constitutes the unwarranted over intensification of the use of the premises. And the premises could be reasonably developed in accordance with the exiting R-20 zoning district requirements.

In addition, staff is recommending that the comment regarding the non-conforming to the zoning district regarding the Comprehensive Plan Update and the comment relative to the Commission's belief that this is indicative of the towns desire to leave the subject premises is non-conforming with the intention of phasing it out over time. That is the staff report.

ACTING CHAIRMAN MARTIN:

What's your pleasure?

MR. LONDON:

Mr. Chairman, I vote disapproval with the staff report.

MS. PETERSEN:

Second.

ACTING CHAIRMAN MARTIN:

Dick London, Linda Petersen. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-1 Absent: Bolton)** Ted.

MR. KLEIN:

Thank you. On to subdivisions, the first application is the map of H. Lloyd Kanev. It sent to us by the Town of Southold. The Commission's jurisdiction is the shoreline of Long Island Sound. The property is located on the westerly side of Rocky Point Road and the west end of Stratmors Road in the hamlet of East Marin -- East Marion, excuse me. This is Rocky Point Road.

The applicants proposing the subdivide approximately 25½ acres of waterfront land into two lots ranging in from 2.9 acres to 22.5 acres. The subject is zoned R-40 which permit single-family residence on minimum lot sizes of 40,000 sq. ft.

The subject can be characterized as mostly woodlands having generally leveled topography until the bluff where it drops off to Long Island Sound. The parcel is currently improved with one single family dwelling and a garage structure situated along the bluff portion of the property. On the map that's where the house is. The smaller of the two proposed lots that's Lot (1) will contain the existing improvements and access will be proved over a right-of-way or driveway easement over Lot (2). So this is the driveway easement here they're proposing to Rocky Point Road. I'd also like to point out at this time that several homes along the bluff here on this side of the property also take access over at the easement on the subject property.

Since Lot (1) would only be accessible via the proposed easement over Lot (2) and will not have frontage on an existing right-of-way or public road. It is by Commission jurisdiction definition "landlocked" which is contrary to Commission guidelines and good planning principles.

Staff recommends approval subject to the following condition. The subdivision shall be redrawn so that each Lot will be provided with road frontage. This could be achieved either by a flay strip or creating a 15 foot wide right-a-way suitable for dedication. Another condition would be that the subdivider shall acknowledge that erosion may limit the relocation of the dwelling and that the subdivision -- that the subdivider shall acknowledge a creation of this subdivision does not commit the town or County to protect this property from shoreline erosion. That's the staff report.

ACTING CHAIRMAN MARTIN:

Ted, my question is how do you get such a Lot (2) such a big lot it's -- I think he's going to subdivide it in the future, right?

MR. KLEIN:

Yeah.

ACTING CHAIRMAN MARTIN:

Shouldn't he plot the whole thing out now so we can put the road where it belongs and include Lot (1) on that access of entry? We're not going to run one off of easement, a 20 ft. easement. He could put what there; ten more lots at least ten lots I would say, right? He's got 20 something acres you said, right?

MR. KLEIN:

I think 22 ½ acres would be the large lot.

ACTING CHAIRMAN MARTIN:

Well, I'm saying it's going to be up to near ten lots no matter what even if he uses two acre lots, right? So don't you think he should map it out now so that we can include this lot in the future so that we know which direction we want to got in time? We don't want him to come in, I don't anyway; I think to come in piecemeal with another lot somewhere and another easement. Before you know it we'll have no roads in there whatsoever.

MR. KLEIN:

Right. I had spoken to the applicant.

ACTING CHAIRMAN MARTIN:

I mean that's what we would do in our town if you had two pieces. You don't necessarily have to develop the second part, but you should have some sort of a lot layout so you know where you're going in the future. I mean you know that's my personal opinion I don't know how anybody else feels about it. And of course on the East End they don't

look at it the same way as we do on the West End because the developer is coming the next day, but I think some recommendations we should see how the other part is going to be.

MR. KLEIN:

Well, the staff is recommending conditional approval --

ACTING CHAIRMAN MARTIN:

You don't have to go into an engineering map just a lot layout map. I mean, you don't have to go to engineering, but just to get an idea how lots that will be built in the future and are going to be on what road and how. And we want to make sure we get the different right-of-way like we always have been trying to get and we've been successful. You know I think that's very important, if you let them piecemeal like this we're never going to see that. This is not farm where the guy is building a house for his son and he's going to farm the other 20 acres. This is to me looks like a future subdivision unless I haven't been out there. I can't tell, but that's what it looks like to me I don't know how the other board members feel about that, but I'll go along with them whatever they want to do. If they want to go with the one lot and leave it it's fine with me. Okay.

MR. O'DEA:

I would think Mr. Chairman if he came back at you he'd have to probably go on a major subdivision conditions and number two, he's got a Stratmor Road there that would -- looks like a pretty good access to any future.

MR. KLEIN:

If I could point out that Stratmor is minimally improved and it looks like they just kind of piecemealed that road as they went up the road each house kind of paved the 50 foot section.

MR. O'DEA:

What's the width approximately?

MR. KLEIN:

Of the paved part, because it is a 50 foot wide right-of-way, but the paved portion is one lane.

MR. O'DEA:

But the total would matter with the 50 foot --

ACTING CHAIRMAN MARTIN:

What do you call one lane how wide?

MR. KLEIN:

Probably ten feet, eight feet, ten feet pavement.

MR. ISLES:

But there is a right-of-way there.

ACTING CHAIRMAN MARTIN:

Oh, there is a right-of-way.

MR. KLEIN:

Yeah, there's a 50 foot wide right-o-way I'm saying the pavement portion is.

ACTING CHAIRMAN MARTIN:

Oh, as long as the town has the right-o-way they can always pave it or --

MR. KLEIN:

Yeah, sure.

ACTING CHAIRMAN MARTIN:

And tax each individual homeowner in the future. I mean, I'm not worried about that part I'm worried about that was done before we had control, but I think now in this part you should have some layout on the other ten lots, eleven lots, twelve lots I don't know how many lots he's going to want to get out of it.

MR. KLEIN:

Okay, I'm suggesting to the Commission they consider, you know, a conditional approval with the condition that they don't create any landlocked parcels.

ACTING CHAIRMAN MARTIN:

I know that --

MR. KLEIN:

Maybe they want to propose a 50 foot wide right-of-way where they're proposing the access to Lot --

ACTING CHAIRMAN MARTIN:

I'm saying though, but if they don't make sense with the rest of the development I'd rather see the whole development key into at least that one lot. I don't care I think you're missing what I'm trying to say. I think the rest of the lots should be plotted out so that we know where we're going later. I don't care who paves it.

MR. KLEIN:

I don't know if we can mandate that.

ACTING CHAIRMAN MARTIN:

You can't leave a blank 22 acre piece for one lot. I mean, we got to do the whole -- he owns land, he should show land and he should show how he intends in the future to

develop it. We don't have to hold them to it in the future, but at least we know that he's going to have roads and something in there.

MR. KLEIN:

Would you like to offer that as a comment?

ACTING CHAIRMAN MARTIN:

What are you going to do every time he comes in for one lot you're going to give it to him and we're going to wind up with what's along the other road nobody's going to pave anyway.

MR. TANTONE:

I have a question actually. Basically, this -- its development as-of-right. I mean, he's got the proper lot size for each lot, am I correct?

MR. KLEIN:

Correct.

MR. TANTONE:

So if he's got an as-of-right development I don't know that we can make him plot the rest out.

MR. ISLES:

I guess we could suggest it. We could suggest that they do some sort of picture road plan.

ACTING CHAIRMAN MARTIN:

We could suggest it.

MS. HOLMES:

Do we have a category where we haven't been given enough information to approve or disapprove unless he is willing to say that there will be no future subdivision of the large lot; I don't think we have enough information? I agree with you Mr. Chairman that there needs to be more information about his future intent because that would very much determine a better layout to do a proper layout now to provide for future plans.

MR. TANTONE:

I mean, you're totally glossing over the fact that he's got an as-of-right development here; you can't take away the right that he has.

ACTING CHAIRMAN MARTIN:

We're not taking away the -- he has no right --

MR. TANTONE:

Well, what you're doing is you're telling him we're not going to grant this unless you tell us what you're going to do with the rest of the parcel.

MS. PETERSEN:

He might just be doing estate planning.

ACTING CHAIRMAN MARTIN:

You're giving him an easement that's not his right; this is a subdivision, a major subdivision and he's not even telling you, he's not even giving you a road. I think something should be done with it.

MR. TANTONE:

Well, that's not true that's not what you said.

MR. KLEIN:

Well, I'm --

ACTING CHAIRMAN MARTIN:

I'll go with the rest of the staff.

MR. KLEIN:

We're not approving it as is; I'm suggesting --

MR. TANTONE:

Right, you're asking it to show you where the 50 foot right-of-way is going to be. So then it becomes incumbent to plan that 50 foot right-of-way with a view towards future expansion.

MS. HOLMES:

Yes.

MR. KLEIN:

Right.

MS. HOLMES:

Is he planning to dedicate the roads to the town?

MR. ISLES:

He's providing I think two access points directly to this road right here, Rocky Point Road. See each one would be essentially be a flag lot is that at that point?

MR. KLEIN:

See I'm just suggesting they create direct physical road frontage or another right-of-way. I don't know where the Commission stands on this particular subdivision whether they want to create a flag strip or --

MR. ISLES:

A right-of-way.

MR. KLEIN:

-- mandate him to, you know, provide for a right-of-way which would also provide for future access to any future lots, you know, you might want to create.

ACTING CHAIRMAN MARTIN:

Okay. So if it's a 50 foot right-of-way and it could be privately owned after; it could be a private road as long as he knows where the roads going that's what I think is important. I think that's what we're missing what I'm trying to say. I'm not saying that he has to plot it and build it that way; it should be something that in the future if he comes in again -- I don't want 50 foot roads coming out the road and that's it's frontage. I think the lot and the road should have frontage especially (inaudible) you don't have to pave the 50 foot. You only have to pave 20 feet if they feel safe with it, but at least what they do will be in the future what we want would be achieved on the south shore. We did that in Southampton; we denied flag lots in every (inaudible) now all of a sudden now we don't give flag lots anymore because it make more sense to plot the road now because down the road you're not going to get the land. Homeowners will say I'm not giving my land and then what do you got at least now you'll own the 50 foot. We'll have an idea where we're going even if its only one lot at a time you'll have an idea of where you're going. The other way if you give them all the edges or something where are you going to go after that?

MR. ISLES:

But we're really not boxing ourselves out, they're two other points of access to this larger parcel right here and right here.

ACTING CHAIRMAN MARTIN:

Yeah, and next time you'll come in over there and do the same thing again, that's what I don't want to happen.

MR. ISLES:

But here again, I think in terms of what the Commission can compel or the Town of Southold can compel this appears to conform to the requirements. I think it's a good idea to suggest that they do an overall site development plan.

ACTING CHAIRMAN MARTIN:

Right.

MR. ISLES:

But I don't think we can force him to subdivide the entire parcel.

ACTING CHAIRMAN MARTIN:

Oh no, I don't think force him -- if the Town of Southold wants to go further with it, yes. We're just making that recommendation it's their judgment. They could rule us overrule us and anything they want to do, but I think you should bring to their thing that we're aware that there could be a problem. If he's going to put a street if it's a loop street between the two streets makes a lot of sense and build on each side of them at least we should know.

MR. ISLES:

So you're suggesting that a comment that the Planning Board consider doing an overall site --

ACTING CHAIRMAN MARTIN:

Oh yeah, I don't want to make it a disapproval on the map because that's up to Southold Town to decide, but I think we should bring it to their attention that we are concerned with the future layout of the large piece.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

Maybe they'd want to cluster zone it later bring it altogether. I have no problem with that.

MR. ISLES:

Right.

ACTING CHAIRMAN MARTIN:

You know, but it's up to them, but I think they should be aware.

MR. KLEIN:

Sure.

MR. DIETZ:

Mr. Chairman could I make a motion on that we approve the staff with the addition that --

MR. ISLES:

Comment.

MR. DIETZ:

With a comment that Mr. Isles had given you there as far as what we're looking for.

MR. O'DEA:

I'll second it.

ACTING CHAIRMAN MARTIN:

Yeah, well, he knows what we're looking for; you'll write the comment, right. Okay.

MR. ISLES:

We have a second from Mr. O'Dea.

ACTING CHAIRMAN MARTIN:

Who, Mr. O'Dea. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 9-0-0-1 Absent: Bolton)**

MR. KLEIN:

The second subdivision is the map of Ann McQuade sent to us by the Town of Riverhead. Commission's jurisdiction is the shoreline also shoreline of Long Island Sound. This property is located along the North side of Sound Avenue in the hamlet of Roanoke.

The applicant is proposing excuse me -- after a small conveyance of land to the adjacent owner the applicant is proposing to subdivide approximately 77.88 acres of waterfront land into four lots ranging in size from two acres to 68.3 acres.

The subject property is zoned for Residence A-80 which permits single family development on minimum lot sizes of 80,000 sq. ft. The subject's land can be categorized as a large flag shaped parcel mostly wooded having a rolling topography until the bluff area an escarpment where it drops off to the shoreline of Long Island Sound. You might notice to the west here is the Traditional Links golf course and to the east and south is the 4H Nassau County Girl Scout Camp.

The parcel is currently improved one single family dwelling and two garage type structures and another out building. The house and one of the garages is situated along the bluff portion. You can barely see it I couldn't see it from the aerial right about here. The larger of the four proposed lots Lot (1) will contain the existing improvement and access to these improvements and the proposed Lot (2) this is proposed Lot (2). This is the Lot (1) here are the improvements. Access to these -- to the improvement and also to Lot (2) is proposed via a easement over Lot (2) which continues on from a existing right-of-way easement over the 4H Girl Scout Camp. Since Lot (2) will only be accessible via this proposed easement over Lot (1) and the lines of another is by Commission jurisdiction -- excuse me, definition landlocked a creation of which is contrary to Commission guidelines and good planning principles.

Furthermore another problem is in addition to the creation of a landlocked parcel is that Lot (3) will have an excessively long access strip. This is Lot (3) and the access strip that they propose is approximately 767 ft. long. This is considered unacceptable because it creates difficulties for emergency and service vehicles to locate and then get to the house.

The staff recommendation is disapproval for the following reasons. The subdivision will create a landlocked situation that is not correctable. And a flag lot should not be created where the length of the access strip or {flag} pole is greater than 300 feet. That's the staff report.

ACTING CHAIRMAN MARTIN:

Thank you Ted. What's your pleasure?

MR. TANTONE:

I move staff.

MS. HOLMES:

I second it.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions.

MR. O'DEA:

Abstain.

ACTING CHAIRMAN MARTIN:

One abstention, O'Dea. **(Vote: 8-0-1-0 Abstain: O'Dea, Absent: Bolton)**

ACTING CHAIRMAN MARTIN:

That's it. You've done a great job as usual.

MR. DIETZ:

I make a motion to adjourn.

MR. O'DEA:

Motion to adjourn.

MR. ISLES:

If any of the members want a copy of the official map for their jurisdiction just let me know and we can send it out to you.

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

{ } Denotes Spelled Phonetically