

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 November 2, 2005 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Louis Dietz (Babylon)
Jesse Goodale, III (Riverhead)
Laure Nolan (Village 5000 & Over)
Linda Holmes (Shelter Island)
Charla Bolton (At Large)
Mary Daum (At Large)
John Caracciolo (Huntington)
Donald Fiore (Islip)
Richard London (Village 5000 & Under)

ABSENT:

Sarah Lansdale (At Large)

ALSO PRESENT:

Thomas Isles - Suffolk County Director of Planning
Andy Freleng - Suffolk County Chief Planner
Claire Chorny - Suffolk County Planning Department
Chris Wrede - Suffolk County Planning Department
Christina Farrell - Suffolk County Attorney
Peter Lambert - Suffolk County Planning Department
Ted Klein - Suffolk County Planning Department
Kevin LaValle - Aide to Legislator Losquadro
Lisa Keys - Aide to Presiding Officer Caracappa
Peter Quinn - L.I. Coalition for Democracy

Minutes taken by:

Alison Mahoney - Court Stenographer

Transcribed by:

Eileen Schmidt - Secretary

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

ACTING CHAIRMAN MARTIN:

Good afternoon ladies and gentlemen, the Suffolk County Planning Commission is now in order. Please rise and join us in the salute to the flag.

SALUTATION

ACTING CHAIRMAN MARTIN:

We thank you. Tom.

MR. ISLES:

Good afternoon members of the Planning Commission. I would like to remind you to try to use the microphones as much as possible so that we can get an accurate record of the meeting today. I would also like to start by introducing the members to our newest member of the County Planning Commission and that is Mr. Donald Fiore who is to my right. And Mr. Fiore was appointed by the County Executive and confirmed by the Legislature to represent the Town of Islip and he replaces Frank Tantone on the Commission. So we welcome Mr. Fiore today to the Commission.

Mr. Chairman the first item on the business then under the business would be the adoption of the minutes from the October 5th meeting which were mailed out to you.

ACTING CHAIRMAN MARTIN:

Members of the board have any errors or omissions?

MS. HOLMES:

Just a couple of --

ACTING CHAIRMAN MARTIN:

Okay, Linda just take your time. Okay I'll go around this way and I'll come back to you okay.

MS. HOLMES:

Okay.

ACTING CHAIRMAN MARTIN:

Charla.

MS. BOLTON:

I did have one marked, but I have to find it now. So just keep going.

ACTING CHAIRMAN MARTIN:

Well, still go around.

MS. BOLTON:

And it's not major it's a typo.

ACTING CHAIRMAN MARTIN:

Dick.

MR. LONDON:

No.

ACTING CHAIRMAN MARTIN:

I have none. Lou.

MR. DIETZ:

No.

ACTING CHAIRMAN MARTIN:

John do you have any.

MR. CARACCILO:

No.

ACTING CHAIRMAN MARTIN:

Mary.

MS. DAUM:

No.

MR. ISLES:

Just Linda.

ACTING CHAIRMAN MARTIN:

It's between Linda and Charla.

MS. HOLMES:

Just a couple of typo's.

MS. BOLTON:

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MR. ISLES:

Wait we have two people going at the same time.

ACTING CHAIRMAN MARTIN:

Okay, you have to talk one at a time because the girl has to take it down.

MS. BOLTON:

All right. Is this on? Page 18, three paragraphs the third paragraph line eight is says one our of six Suffolk County residents and it should be one out of six is Hispanic.

ACTING CHAIRMAN MARTIN:

Okay.

MS. BOLTON:

Okay, that's it.

ACTING CHAIRMAN MARTIN:

Linda.

MS. HOLMES:

Page 10, just a couple of typos. In paragraph one line five the word you've typed is thematic the name of the pesticide is Temik T-E-M-I-K and the company named it that way because it's a systemic pesticide that is poured into the ground and the roots of the potato were supposed to suck it up, but it leached into the groundwater and nobody seems to know how long it will take to get it out. And on page 11 just because this will probably come up again the site of our affordable housing it's Menantic, M-E-N-A-N-T-I-C. A little native American name. So I just wanted to make those -- that's all.

ACTING CHAIRMAN MARTIN:

Okay Linda, thank you. Anybody else? A motions in order.

MR. DIETZ:

So moved.

ACTING CHAIRMAN MARTIN:

So moved. All in favor signify by saying aye. Contrary minded. So approved.
(Vote: 9-0-0-2 Absent: Nolan, Lansdale)

MR. ISLES:

Mr. Chairman the next item is the public portion of the meeting, but obviously there's no one present from the public today.

ACTING CHAIRMAN MARTIN:

Okay.

MR. ISLES:

So we'll just note that.

ACTING CHAIRMAN MARTIN:

So we'll go on to the next thing Director's Report.

MR. ISLES:

Okay. We have a couple of items before you today that are provided in your packages. The first item I'll bring to your attention is the yellow folder is just part of the materials we distributed last week at the annual basic training session of the Suffolk County Planning Federation. Suffolk County Planning Federation is an entity organized and directed through the County Planning Department for the purpose of providing training primarily to zoning and planning board members.

There were several members of the Commission at the meeting including Chairman Martin; Mary Daum was present at the meeting and Laure Nolan as well. The meeting was very successful; we did nine classes this year which was three more than last year and prior years. We increased our attendance by about 25% so we're in the vicinity of 170 people. So we provided the information just as a reference for you and if you have any questions of any of the information certainly feel free to contact me.

Secondly, I just want to bring to your attention another item that we have before you and that is a schedule of public meetings on the Yaphank Center Development Committee. As I indicated at previous meetings that we've had this Commission the County Executive has directed the County Planning Department to prepare a request for proposals expressions of interest by the end of this year. The Legislature worked to enact a committee to advise the County in the preparation of that document and we are now beginning the public meeting phase. The first meeting will be held on November 14th at Longwood High School. We will be conducting the meeting with the committee. We then have a meeting on November 21st which will be a design workshop and then a final meeting on November 30th for the committee to issue the recommendations. Keep in mind that this is part of a much longer process that will result in the issuance of the RFP at the beginning of 2006. A period of time for the RFP is to be put together and then a period of evaluations. So this will still require a review by the Town of Brookhaven most likely; so we're still some time away from actual decisions to do anything with this property, but just so you are aware of that.

And lastly, just to bring to your attention that the -- I try to keep you posted on the meetings of the Long Island Regional Planning Board. The Regional Planning Board at the last meeting did adopt changes to their bylaws that a lot of those are housekeeping changes. A lot of them are for the purpose of conforming the operations of the Regional Planning Board to General Municipal Law. The next meeting of the Regional Planning Board is November 22nd at 10 o'clock in Nassau County. The topic is expected to be Transportation and Demographic Information. That completes the Director's Report at this time. If you have any questions, if not we can move on the item 4 on the agenda.

Item 4 is the Suffolk County Official Map; what I would like to bring to your attention on this one is the Commission has received a copy of the draft map. I did meet with the -- Mr. Barton the Clerk of the Legislature a couple of weeks ago and the Legislature has the obligation to conduct a hearing on this and also the Clerk of the Legislature has to distribute the map to the municipalities in the County. What we did discuss is that the Legislature's obligated to complete their review of the map by the end of 2006; so Mr. Barton will be distributing the map in January and February of 2006 and then scheduling a hearing probably in March or April of 2006. At that time he would then have the opportunity to receive comments back from municipalities. So at this point I'd like to defer any decision on the official map until that process is completed. It's a little bit further out into the future than I expected it to be, but there's really no need for the Commission to act at this point. And the Commission should have the benefit of the information that may come back from municipalities in a more complete manner. So we will then put that on for a future schedule that is timed with the legislative review, but certainly if you have any points anybody wants to bring up today.

ACTING CHAIRMAN MARTIN:

I think we went over it last time.

MS. HOLMES:

No, we didn't we deferred it because I feel very strongly about the mislabeling on page five, the word Greenport is written entirely across the Town of Shelter Island. And if you'd like I'll ask our town board to write you about that, but you did indicate Tom when we spoke on the phone that the County was following the US Geological Survey designations and for some reason they designate this particular quadrant as Greenport on their map and -- but they've placed the word across the entire area of Shelter Island which is not only a little insulting, but it's really quite misleading and inaccurate because undoubtedly when the map is adopted people will get this smaller version for reference convenience. And I just wanted to point out I certainly feel very strongly and I know our town board will that Shelter Island is a municipality. It is one of the five east end towns whereas Greenport is an incorporated village within the Town of Southold. So that is a designation that should be corrected on this small map. You and I discussed that the larger map doesn't have that label on Shelter Island, but the print face for Shelter Island is very small. And it's just that this is really quite misleading to have Shelter Island labeled as Greenport.

MR. ISLES:

As we talked about that is the key map that the actual way that the USGS assigns a name to a key map panel is by population and so they'll select the location with the highest population that's what they'll call it. So actually if you look out further I think one of them is called New London actually as you get out by --

MS. HOLMES:

Really, but Greenport I wasn't aware if Greenport has a higher population than Shelter Island?

MR. ISLES:

Well, that's the basis of it. Here again, these are maps that we receive and we don't normally change them because that's a common identification. So if start changing --

MS. HOLMES:

But it's quite bad to have that identification.

MR. ISLES:

I don't think it should be interpreted that way, but your point is well taken. The map itself for Shelter Island has no mention of Greenport on it's a key map we use. For us to then adopt a different map standard than the State or the federal government uses may have its own set of problems in terms of being able to relay information, but your comment is well taken on behalf of Shelter Island. We are not making any changes to the map until we complete the impute process in the feedback so as we proceed into the winter and the spring we will take all the comments.

MS. HOLMES:

Then the town could request to have that label removed from Shelter Island. They could make that request that would to me be a rather minor amendment to the key map.

MR. ISLES:

The can certainly make that request, sure.

MS. HOLMES:

Yeah. Okay.

ACTING CHAIRMAN MARTIN:

Well, the town is going to have a look at it anyway.

MR. ISLES:

Right.

MS. HOLMES:

Yeah.

ACTING CHAIRMAN MARTIN:

To agree or disagree and let them make the comment at that point.

MS. HOLMES:

Right. They're going to get this, when -- when about is --

ACTING CHAIRMAN MARTIN:

Spring time probably.

MR. ISLES:

Yes, February or March perhaps.

MS. HOLMES:

Okay. So I'll ask when they receive it. Okay.

ACTING CHAIRMAN MARTIN:

Yes, let them do it. Anybody else?

MS. NOLAN:

Mr. Chairman, could I just also make one comment.

ACTING CHAIRMAN MARTIN:

Yes, Laure.

MS. NOLAN:

I think that those of you who represent towns may want to be sure that your town planning department takes a careful look at the map because there are many roads that were previously classified as County roads which are no longer showing as County roads at least in the Town of Huntington. And that there's an underlining issue with regard to who maintains some of those roads; so I think it's a very good idea have it sent out to the towns and that each town should really take a very careful look at it from that perspective.

MR. ISLES:

Right. The information on the road jurisdictions came directly from DPW, but that's fine. It identifies perhaps things that need to be addressed or aren't clear.

ACTING CHAIRMAN MARTIN:

Anybody else? Okay, let's move on right we don't have to take any action.

MR. ISLES:

That's all, that's fine.

ACTING CHAIRMAN MARTIN:

Okay, Suffolk County map -- that's yours Inter-Municipal Agreements.

MR. ISLES:

Right. This is another carryover from the last meeting. As the Commission remembers several months ago the Commission authorized an Inter-Municipal

Agreement with the Town of Southampton at their request with the idea that certain minor applications would not have to go through the full County review process if they were below certain thresholds of the size of the building addition and so forth. From that idea this is now making the option available countywide to all the municipalities in the County it's not compulsory they certainly don't have to do it. So what we have done is drafted a suggested letter that would go out to the municipalities to suggest that they want to participate in this program to save having to send the maps and the referrals to the County Planning Commission on items here again, that are considered to be minor deminimis they would be able to do so. Part of the context of this too as I've explained is that there is legislation pending in the County Legislature to make some changes to the jurisdiction of the County Planning Commission to conform it to the General Municipal Law. So where it's not expressly spoken of in the County Charter and Administrative Code that site plans must be referred to the County Planning Commission within the distance parameters of State law. It is in State law and so we're clarifying now that State law will match County law and vice versa. In addition, current County law does not recognize agricultural districts as being a criteria for referral so all of that is being cleaned up. My point in that is that may prompt more referrals to the Commission. But here again, where the option is that those are minor referrals that both the County and the municipality can agree that there not of countywide significance or inter-municipal issues associated with them that the two parties the County and the town or the village could agree to not have to make the referral in those cases except for an electronic -- electronic or fax referral. So the only purpose of this then is to seek your consent to the idea of sending a letter to the municipalities to inform them of the option of entering into agreements should they choose to do so.

ACTING CHAIRMAN MARTIN:

Did you want to make a comment on that other map that we got in the mail?

MR. ISLES:

Well, we're going to talk about that map on Item #7 on the agenda on 347, right.

ACTING CHAIRMAN MARTIN:

Yeah.

MR. ISLES:

Okay. So if it's acceptable to you we'll polish up the letter; it's prepared for the signature Mr. Martin as the Acting Chairman of the Planning Commission. Here again, if any members have any questions on that or comments on the content of the letter certainly let us know, but the idea is to a) streamline the process for the municipalities and quite honestly not to bog down the County Planning Commission with applications that are not of, you know, a fence variance or something like that that really isn't of countywide significance.

MR. DIETZ;

Mr. Chairman, I make a motion to send the letter.

MS. NOLAN:

I would second that.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So approved the letter will be sent. **(Vote: 10-0-0-1 Absent: Lansdale)**

MR. ISLES:

Now we have the Roundtable.

ACTING CHAIRMAN MARTIN:

We'll do the Roundtable and then come back?

MR. ISLES:

Yeah.

ACTING CHAIRMAN MARTIN:

Okay. Now the Commission's Roundtable if you have anything from your town.

MR. GOODALE:

No, sir.

ACTING CHAIRMAN MARTIN:

Laure.

MS. NOLAN:

No.

MS. BOLTON:

No.

ACTING CHAIRMAN MARTIN:

Dick.

MR. LONDON:

Nothing.

ACTING CHAIRMAN MARTIN:

Lou.

MR. DIETZ:

No.

MS. HOLMES:

Yes. We finally as I reported a couple of months ago we finally have a new affordable housing option which our town board voted to approve, but there has been a petition successfully filed for a permissive referendum which will take place on December 9th. And apparently there's quite a bit of ambivalence among our town's people about the plan as presented with five stand alone affordable houses connected by a breezeway to a small cottage which would be for senior affordable housing. And there is just been a number of questions about the best way to handle this newest initiative and the talk is about cluster although the County people have pointed out to our town planning chairman that having less than 40,000 sq. ft. per unit invites a lot of problems with the County Health Department. So there are a number of issues that the town needs to have an informational meeting about which they will be doing between now and December 9th. So we are helpful that something can be agreed upon that will move this forward. It's been ten years since we've tried to do any affordable housing and it's been a long time coming. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you, Linda. John.

MR. CARACCILO:

Nothing.

ACTING CHAIRMAN MARTIN:

Mary.

MS. DAUM:

Nothing.

ACTING CHAIRMAN MARTIN:

Nothing? We'll go on to the next item.

MR. ISLES:

Okay. The next item Mr. Chairman is a referral the New York State Department of Transportation on the reconstruction of State Route 347 otherwise known as Nesconset Highway. And this has been a long standing project it's a proposal by the State of New York just to get a clarification on your jurisdiction. General Municipal Law requires that both State and County agencies refer highway reconstruction or improvement plans to the County Planning Commission and the County Planning Commission is then given the opportunity to provide suggestions. So your jurisdiction is mandatory in the sense that it must be referred to you, however, your jurisdiction is limited in that you do not have the power to yes or no to the project, but you can offer suggestions back to the State of New York or to the County of Suffolk if it's a County project as it proceeds.

Here today to make the presentation on this is Peter Lambert from the County Planning Department staff. In terms of where the State is in the process here again, they've been going through a process of considering improvements to this corridor for many years. They did conduct public meetings this past summer to present a new alternative which is what we've sent to you in the package that was provided this week. We've done some analysis of that and we'd like to share that with you and offer some comments on and suggestions on that project at this point and what I'd like to do at this point is turn it over to Peter. I mean, this is rather significant in terms of Suffolk County; it's directly through the Town of Smithtown and Town of Brookhaven so it does have countywide or regional implications. So Peter, thank you.

MR. LAMBERT:

Good afternoon. I'm just going to go through a short summary of the proposal and an analysis from the staff's point of view and then offer some comments and suggestions. The State of New York is proposing to reconstruct Route 347 as an eight-lane arterial between Northern State Parkway and Route 454 and as a six-lane arterial between Route 454 and Route 25A. They're going to introduce separations at three large intersections westbound Route 454 which is Veterans Memorial Highway, Route 25 which is Middle Country Road and also Nicolls Road.

So in other words, the State is actually proposing to add one travel lane in each direction for most of the length of Route 347. Three bridge overpasses are proposed to be added which would eliminate the traffic signals on Route 347 at the three locations that I mentioned.

Route 347 serves a large area of Suffolk County, the entire north-central section and it attracts traffic from a wide area because there aren't that many high quality roads or arterials in the area. It's sort of a diagonal link where most of our major roads are north-south or east-west it's more of a diagonal link and it also intersects two major -- two County roads. The major one is Route 97 Nicolls Road; it also intersects Terry Road and it also is a major server of the County facilities in Hauppauge. It's a very important commercial and residential corridor with more than 400,000 sq. ft. of office space directly on Route 347. There are also 3100 units of multi-unit housing immediately along 347. Almost half of those units have been built since the year 2000; these are directly on Route 347. Route 347 makes its way through Lake Grove which is our largest concentration of retail space in Suffolk County.

The Smithhaven Mall is the largest shopping center in the County and of course is on Route 347. 22% of the shopping center space on Route 347 has been built since 1990. So there's significant development in the corridor. Additional growth is expected in terms of office space especially residential and also retail in the corridor. Traffic counts supplied by the New York State Department of Transportation show that the most heavily traveled segment is, of course, in the

Lake Grove area with all the retail that's there. This segment carried 65,000 vehicles per day on average in the year 2003 which was an increase of 50% over the count in 1996. Overall, Route 347 carries roughly 55,000 vehicles per day and this figure has increased roughly 20% in the eight years between 1995 and 2003.

So based on this information we came up -- the staff came up with some comments and suggestions. Based on existing conditions and growth expectations the traffic carrying capacity of Route 347 does need to be expanded. Support for the proposed improvements to the roadway capacity is therefore recommended. However the improvements as proposed may not go far enough to allow for this road to adequately support traffic volumes and traffic growth into the future. The State's Corridor Planning Study Alternative 8 might be a more beneficial alternative for Suffolk County. This alternative is a six-lane limited access highway with two-lane, one-way service roads between Northern State Parkway and Route 454 and a six-lane arterial between Route 454 and Route 25A at the end with jug handles introduced and also some grade separations.

Impacts to nearby residences regardless of which type of improvement is done the impacts need to be adequately mitigated through measures including noise barriers and landscaping. The aesthetics of the highway itself should be improved by attractive bridge design adding landscaping and also the needs of pedestrians and bicyclists should be considered carefully. In locations where significant pedestrian crossing of Route 347 takes place, the possibility of pedestrian overpasses should be explored. And, in addition, New York State should coordinate with the towns of Smithtown, Islip and Brookhaven regarding the existing and proposed comprehensive plans for each town. In this way recommendations concerning zoning and land use in the Route 347 corridor can be addressed and coordinated.

Our staff recommendation, therefore, is for approval with the suggestions that I've outlined in the presentation.

ACTING CHAIRMAN MARTIN:

Thank you, Peter. Are there any comments? That's it. Board members have any comments? Yes.

MR. GOODALE:

Yeah, first I'll just say 347 needs to be fixed up.

MS. MAHONEY:

Please use the microphone.

MR. GOODALE:

I'm sorry. Is it on? No. Sorry. Sorry about that. Yeah, I personally believe they need to be fixed up. If you were to go as far as a limited access what kind of

impact would that have on all the commercial businesses along 347 and the use as you suggest here of the side roads people wanting to get to the commercial centers off the road?

MR. LAMBERT:

The thinking about the side roads is generally that if they're improvements to the highway people will tend to use the side roads less and will be sort of attracted to Route 347. But as far as all the commercial businesses it really does vary by each unit, by each shopping center or stand alone business. Many of them would not be impacted beyond maybe some of the parking would be taken, but as far as access I think it would -- it probably would be similar if not better.

MR. GOODALE:

But would it seem to be the case in my limited experience it is true that getting on and off 347 in a number of places is rather confusing and somewhat dangerous in my feeling as far as getting on and off.

MR. LAMBERT:

Well, there's lots of crossings, median crossings and of course all the traffic signals.

ACTING CHAIRMAN MARTIN:

Yes, Charla.

MS. BOLTON:

I have one question. I noticed in the report that you said a lot of the retail and residential development is really in the last five or six years. I mean, these plans take forever to really come to gestation and I'm wondering if these plans were available to the towns and whether the towns -- why is there such a disjunct between because it seems to me that the plan for this roadway especially the plan we're recommending is really a huge difference to the people who bought property or of trying to run a business in that area. And I'm just a little concerned; I'm not saying it's not warranted because I'm not a traffic engineer and I really can't say that, but I am concerned that there -- where was the information so that people were actually doing proper planning? I don't know if you can answer that I just --

MR. LAMBERT:

I'm not sure I can, but that's one of the problems with this road was it was originally it was designed to be limited access and the towns apparently to get ratables approved a lot of commercial development right along the road.

MS. BOLTON:

Without being aware of these plans -- did the State for example make the development of the plans part of the town's planning? You know, that's what I'm wondering.

MR. LAMBERT:

Right. I'm not quite sure how far back the proposal for limited access or talk of returning it limited access goes back I'm not sure.

MS. BOLTON:

I think the recommendation we're making as far as the alternative 8 which I haven't really seen it fully developed here is, you know, pretty problematic. I guess is a gentle way of putting it.

MR. ISLES:

In terms of the impact on those properties?

MS. BOLTON:

Yes.

MR. ISLES:

I mean, it's definitely a difficult situation in the sense that we've had this significant growth in the northern part of the County extending out to Brookhaven. This was built as Peter's indicated as the Nesconset By Pass because 25A was getting traffic. It's now actually the reverse in that people take 25A to bypass 347; so we have had a lot of development. This is the project of the next 50 to 75 years so this is it in terms of looking at the regional and the countywide issues of the efficient and safe movement of vehicles and people versus the development both commercial development and residential impact. And, you know, where do you fall in terms of doing this as a modest project which does increase capacity a little bit adding the one lane does help; adding the three bridges does help, but if you look at the growth in traffic that's going to be happening anyway you're probably not buying a lot of extra capacity. So, therefore, you're probably going to have the congestion levels you're seeing now for a long time into the future and potentially worst as development continues. So we've wrestled with this a little bit; we know our role is somewhat limited. We know that we're not seeing and the Commission is not seeing the context of public hearing with citizens' presence and business owners present. So we're seeing a little bit in a limited circumstance, but I think with the Commission should appreciate the weight of this project in the sense that for the next several generations whatever the State does decide to do we're going to be living with that for a long period of time. So some suggestions well, maybe it's bite the bullet a little bit and, you know, address the issues of the impacts to the property certainly, but also design it to have a decent capacity to accommodate the need. And that's why I think Peter also had the suggestion on the parkway effect and so forth so that it's respective of the communities that it goes through and divides, but that's how we came down on it. And I think the other comment that Peter had said in here too in terms of, you asked the question what happened over the past five years certainly, both towns. Smithtown Town I know very well has been active in monitoring the progress of this project, monitoring land development along 347. And

Brookhaven as well, but we're also suggesting is that the State work closely with those towns and their plans in the future because certainly, in Brookhaven there's a lot more that can happen and this project needs to meld with that as well.

MS. BOLTON:

It strikes me also that if that alternative aid is implemented that it involves taking a significant amount of property in places.

MR. ISLES:

In places, yes, right.

MS. BOLTON:

And I just, you know, there isn't a real, you know, maybe we just can't micro-manage anything at this point. Obviously, we're just making general recommendations.

MR. ISLES:

Right. I mean, it's still a significant recommendation I'm not sure what the State's going to do with this. It's a statement of the Commission so it is important so I don't want to, you know, reduce that you're weight. So I think you should treat it as a significant as it is. I think it's an important -- I think it's a County Planning issue and I think your comments are important to the process.

MS. BOLTON:

Okay. I think that's all I'll say wait for other people.

ACTING CHAIRMAN MARTIN:

Okay, Charla, thank you. Does anybody have anything to say? Linda.

MS. HOLMES:

No, other than to recommend the staff suggestions.

ACTING CHAIRMAN MARTIN:

John Caracciolo.

MR. CARACCILOLO:

What's the timeline on this? I mean, this is a preliminary draft, you know, what's the next step? Where does it go and when do you see this?

MR. LAMBERT:

I'm not exactly how it works.

MR. ISLES:

They're pretty far away still.

MR. LAMBERT:

The State is usually -- they usually work in ten year increments.

MR. ISLES:

Right. So they're going through a SEQRA process right now to the State Environmental Quality Review Act to obtain comments. That will probably continue into next year as they go through a draft environmental impact statement, a final environmental impact statement and then doing, you know, findings and then a determination and then they select a project. It then becomes a matter of capital programming. My understanding, my recollection at this point is that earliest the shovel would go in the ground and that's under the best scenario for them would be 2008. And this is intended to be done in phases --

MR. CARACCILO:

Kind of like the HOV lane?

MR. ISLES:

Yeah, I guess so, yeah. We did invite the State to appear today too and they were not able to attend and we thought that maybe it would be best if they could explain what they had in mind, but here again they had a schedule in conflict apparently.

ACTING CHAIRMAN MARTIN:

But the last time they did any repairs along 347, but it was to widen the road; it took the lanes that were there and condensed them and they didn't make them any bigger. That was supposed to be the end of all the improvements on 347. They've talked about a limited access road fifty years ago when they built that road; that road was built in the early 50's. Okay, that was going to be a limited access road; there was going to be a tremendous cloverleaf at 25 and 347. In fact, they even acquired the land; they acquired where the motel was and that bar, but that also went down now. They asked us when we were zoning the property along 347 to hold everything off the road put them to the back which cost money and time for everybody. And after they abandon that idea too then they said well, if the guy owns the land build it the State has no money to buy it and that's where we are today. So I would say this is probably further away then the one we did fifty years ago.

MS. HOLMES:

Oh boy.

ACTING CHAIRMAN MARTIN:

But I think before we make any kind of commitment to this map we should wait until the towns see it and then we can work with the towns or you can so work with the towns and make sure the towns get what they want because the towns are pretty much committed to what the road are going to be especially,

Smithtown and Brookhaven. I mean, you know, this has got to be a joint effort between those two towns over what they're going to do. You know, we're in no hurry to approve this, right?

MR. ISLES:

No, we're not. We did speak with the towns during the summer months as we were gathering information about this. What would you like us to do with that? Would you like us to ask for a specific --

ACTING CHAIRMAN MARTIN:

Let's hold it until we get to the next step and then when the towns get the maps then if the towns going to put input --

MR. ISLES:

No, the towns do have the maps no question about it.

ACTING CHAIRMAN MARTIN:

Do they?

MR. ISLES:

Yes, they do as part of the environmental review process.

ACTING CHAIRMAN MARTIN:

Okay.

MR. ISLES:

If you would like us to ask for comment from the town we can do that.

ACTING CHAIRMAN MARTIN:

Yeah, that's what I mean this way we can put it all together.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

I realize with the County, but I think it's important for us to work with the town. You know if you want to be anything in the County the towns have to agree. We certainly don't want to start a war between the County and Brookhaven and that.

MR. ISLES:

Oh, no. And we met with both towns actually to try to get their comments as well at least with staff level anyway.

ACTING CHAIRMAN MARTIN:

I mean, our town planning department you would have no trouble whatsoever.

MR. ISLES:

Right.

ACTING CHAIRMAN MARTIN:

In fact, Frank DeRubeis is very, very cooperative. You know, so then we can make our commitments according to what they want because they got to be the ones living with it, you know, and me I'm right off it. Okay. So we'll do that we'll postpone it? Everybody agree to that? Everybody, good.

MR. ISLES:

Okay. So we'll send a letter to what the town planning directors or the supervisors?

ACTING CHAIRMAN MARTIN:

Send to both of them.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

And the same for Brookhaven Town.

MR. ISLES:

Yes. Okay.

ACTING CHAIRMAN MARTIN:

Huntington doesn't get too much involved, but even they should be notified because it's going to someday have some impact on them with 454, right?

MR. ISLES:

It doesn't extend into Huntington at this point we'll 347 doesn't actually; 454 does.

MR. LAMBERT:

It's closer to Islip actually.

ACTING CHAIRMAN MARTIN:

454 --

MR. LAMBERT:

The Dennison Building is actually in the Town of Islip.

MR. ISLES:

That's true.

MR. LAMBERT:

So those entrances come out of the Town of Islip.

ACTING CHAIRMAN MARTIN:

Doesn't hurt to notify them.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

I mean, so if they don't want to appear that's up to them, but not to notify them you see what happened last time. Okay, let's go along.

MR. ISLES:

Okay. So we'll contact them and let you know the outcome of that.

ACTING CHAIRMAN MARTIN:

Okay. Andy you're on.

MR. ISLES:

Okay.

MR. FRELENG:

The next regulatory items before the Commission are pursuant to General Municipal Law 239M also the Administrative Code of the County of Suffolk sections 814-14 to 23. The first matter before the Commission then is Wagstaff Partners Ltd. This comes to us from the Town of Babylon. Jurisdiction for the Commission is that the subject property is adjacent to NYS Rte. 231 Deer Park Avenue. The applicant seeks a change of zone on approximately 26,456 sq. ft. from C-Residence to E-Business in order to construct a 6,757 sq. ft. two-story commercial building. Just focus that in a second. Maybe the lights would help.

The parcel is located on the northeast corner of Old Country Road which is a town road and Deer Park Avenue NYS Rte 231 and this is in the hamlet of Deer Park.

An analysis of the character of the area indicates that the subject parcel is located in an intermittent strip of C-Residential and E-Business zoning. If you could take a look at the zoning map for second. You can make that out that there's -- it's patchy along this strip of State Rt. 231. East of the subject parcel is improved residentially zoned property. If you could go back to the air photo Chris, please. South and west are located Old Country Road and Deer Park Road respectively; south of Old Country Road is improved residential properties. North of the subject property is situated an office building on E-Business zoned property.

As stated the applicant seeks a change of zone on approximately 26,456 sq. ft. This is a parcel that is currently zoned C-Residence; they'd like to go E-Business. This includes the demolition of two existing one-family dwellings and construction of a 6757 sq. ft. commercial two-story building for retail, office and coffee shop with drive-thru services. On the site plan there it was hard to see may be in the staff report, but you can see access coming in off of Deer Park Avenue here for a drive-thru to a window which would serve coffee. You might have seen them around now there. Chock Full of Nuts' have a drive-thru I'm not sure if Starbucks has one yet, but there are a couple of brand names that have a drive-thru that serves brand name coffee.

Okay, so access to the subject parcel is proposed via curb cuts onto Deer Park Avenue and Old Country Road. It is the belief of the staff that access from Deer Park Avenue is problematic for two reasons. First Deer Park Avenue is a busy street and curb cuts this right-of-way should be kept to a minimum if alternate site access is available; and as you can see it is available off of Old Country Road. Second, cueing for the coffee house drive-thru window may back up during peak hours to the beginning of the cue land and block access or complicate ingress turn from Deer Park Avenue on to the site and this could possibly backup traffic on to the State right-of-way.

What staff is concerned about then is that the cueing may actually backup all the way to here where there's an entrance coming in off of Deer Park Avenue. And if you have cars backed up here it might make turn movements coming on to the site difficult if not impossible depending on how far back the cue goes. It's also the belief of the staff that the proposed triple use on the subject half-acre site is bordering on an over intensification of the use of the promises and establishes further strip commercial development along the State right-of-way. It's the belief of the staff that this site would be better improved for a low key professional office or remain as residential property.

Issues related to the subject application stem from the Commission's policies regarding the extension of strip development along road corridors, over intensification of the use a parcel and issues related to good site planning.

Staff is recommending for the following reasons and these reasons come from the staff report. Access -- we copied these paragraphs from the staff reports so those reasons are with regard to access off of State Route 231. The issues regarding cueing and the proposed triple use of the subject property is bordering on an over intensification of the use of the premise and establishes further strip commercial development. That is the staff report.

ACTING CHAIRMAN MARTIN:
Members of the board.

MR. DIETZ:

Mr. Chairman, I make a motion for staff.

MR. CARACCIOLO:

Second.

MS. HOLMES:

Second.

ACTING CHAIRMAN MARTIN:

Second. All in favor signify by saying aye. Contrary minded. So carried. **(Vote: 10-0-0-1 Absent: Lansdale)**

MR. FRELENG:

Okay. The next application comes to us from the Town of Brookhaven. This is the application of Tanglewood Medical Offices. Jurisdiction for the Commission is that the subject property is adjacent to NYS Rte. 112.

The applicant seeks site plan approval for the construction of 5,840 sq. ft., two-story medical office building on J-2 Business property. The subject parcel is located on the southwest corner of Hawkins Path which is a town road and Port Jefferson Patchogue Road otherwise known as NYS Rte112. This is in the hamlet of Coram.

An analysis of the character of the area indicates that the subject parcel is located in a corridor of J-2 Business zoning along NYS Rte. 112. Take a look at the zoning map for a second you can see that. Okay there is a piece zoned A-1 just to the south; this is the only exception. To the west over an adjacent paper street Wyandanch Trail is a large area of residentially zoned and improved land.

As mentioned, the applicant seeks site plan approval for the construction of 5,840 sq. ft., two-story medical building on J-2 Business property. The proposed area the medical office building would require (39) parking spaces. The applicant is proposing only (30), a twenty-three percent (23%) shortfall. Medical office buildings in the opinion of the staff tend to be high intensity, high parking demand uses. It is the belief of the staff that the use as proposed is an over intensification of the use of the parcel. The building should be reduced by 1350 sq. ft. in order to conform to the size of the site and its parking requirement. The Town of Brookhaven 1996 Comprehensive Plan recommends high density use for this site.

Looking at access to the site this is intended to be from Hawkins Path, which is a town road as mentioned. The paper street to the west Wyandanch Road is to be abandoned according to the referral materials. The proposed building is to be 25 ft. from NYS Rte. 112 right-of-way and no access is proposed to NYS Rte. 112. Issues related to the application stem from the Commission's policies regarding

the over intensification of the use of a parcel and issues related to good site planning.

Staff is recommending approval with the following condition. That the building be reduced by 1350 sq. ft in order to conform to the size of the site and it's parking requirements. And the paragraph which follows is the rationale from the staff report. So in a nutshell we have an approved -- I'm sorry a permitted use in the zone however the size of the building is too large for the required parking. If you shave this building down somewhat you could then conform to the number of parking spaces provided or go into some ratio where you could have the number of square feet equals the number of parking spaces provided. That is the staff report.

ACTING CHAIRMAN MARTIN:

Thank you, Andy. Board members. Yes.

SPEAKER:

So if it was possible and I don't know if it is if they were able to adjust the parking what we're looking for is the number of parking spaces that are required for the size of the building. What you're recommending is if that the size of the building should be reduced with the number of parking spaces shown. If they're able to increase the number of parking spaces would you then say that they could have built a larger building?

MR. FRELENG:

I believe, if I understand what you're saying, yes. If they can if they could meet code and provide the number of parking -- off site parking spaces on site then the building would be fine. The problem is they can't.

SPEAKER:

Looking at it I can't see how they would do that, but okay. Thank you.

ACTING CHAIRMAN MARTIN:

Charla.

MS. BOLTON:

I did have a question. Have you checked the Town of Brookhaven parking standard for medical offices? Is it fairly recently adopted or is it an old standard?

MR. FRELENG:

We did check their standards; they have currently overhauled their code and this is part of the section that they did overhaul the J-2. So, yes, we did check it.

MS. BOLTON:

I'm talking about the parking requirements specifically .

MR. FRELENG:

Yes, the parking requirements are specific to the uses in the Town of Brookhaven.

MS. BOLTON:

The only reason I mentioned that is, I mean, I'm going to go with the staff report, but I've been in a lot of medical offices lately and almost all of them have parking problems. You know it's just gotten to be a very high impact use.

MR. FRELENG:

That's the observation of the staff that medical office buildings tend to be a high turnover, high intensity use.

SPEAKER:

On that new code Andy, did it go up or down for the parking requirements?

MR. FRELENG:

That I couldn't tell you; I believe the requirement was space per 150 sq. ft. which is a general -- a typical requirement for retail and office use. So it didn't look to me like they looked very hard at upping the requirement, but they did overhaul that section of the code.

MS. HOLMES:

Does it --

ACTING CHAIRMAN MARTIN:

Yes, Linda.

MS. HOLMES:

Following that, it would be very interesting to know whether they would increase the size of a space because SUV's take up an awful lot more space than a passenger car, a standard passenger car. And very often that is, you know, a very big factor in finding space and I just wondered if they had at all taken that into act in upping their -- or overhauling their requirements?

MR. FRELENG:

I couldn't answer that question directly; I don't know, but generally when the applicant has the ability they provide a range of sizes of parking spaces typically a 10 by 20 would handle an SUV and sometimes they go down to 9 by 18 or some combination.

MS. HOLMES:

Yeah, like to mark off some spaces for compact cars or something which some --

MR. FRELENG:

I can't recall if we scaled these off when we reviewed them, but I would hazard a guess that these are at best 10 by 12 spaces.

MS. HOLMES:

Yeah. All right, thank you.

ACTING CHAIRMAN MARTIN:

Mary. Nothing.

MS. DAUM:

Nothing.

ACTING CHAIRMAN MARTIN:

Okay. Members a motion is in order.

MR. LONDON:

I move the staff.

MS. HOLMES:

I second it.

ACTING CHAIRMAN MARTIN:

Second. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-0-1 Absent: Lansdale)**

MR. FRELENG:

Thank you. Okay. If you're following along the next application is the CVS of Patchogue coming to us from the Town of Brookhaven. It just got flip flop on the agenda, so the next application is Z-3. CVS Patchogue referred to us from the Town of Brookhaven. The jurisdiction for the Commission is that the subject property is adjacent to NYS Rte. 27A Swan Lake which is a fresh water body and Suffolk County property.

The applicant seeks site plan approval for the construction of a 13,013 sq. ft. pharmacy which a double width drive-thru window. The drive-thru requires a special permit. This is located on J-2 Business zoned property. The parcel is located on the northeast corner of Phyllis Drive which is a town road and East Main Street otherwise known as Montauk Highway which is NYS Rte. 27A. This is in the hamlet of Patchogue.

An analysis of the character of the area indicates that the subject parcel is located in a corridor of J Business zoning along NYS Rte. 27A. You can see the zoning map right there. To the north is a Town of Brookhaven open space parcel associated with Swan Lake to the east. Also to the east is Suffolk County land known as Foley Park. That's misspelled in the staff report its Foley. The subject

property fronts on Montauk Highway and Phyllis Drive otherwise known as Schoenfeld Boulevard to the south and west respectfully. So if I could just recap from the air photo, you have the subject parcel, you have Montauk Highway. This is Phyllis Drive and Schoenfeld Drive splits off right here at an access point into the site.

As indicated the applicant seeks site plan approval for the construction of 13,013 sq. ft. pharmacy with a double width drive-thru window which requires a special permit on J-2 Business zoned property. The project consists of the demolition of an existing 7,800 sq. ft. structure which is a restaurant. You saw that on the site on the air photo and the removal of existing asphalt paved parking area. The area of the proposed pharmacy would require 95 parking spaces pursuant the town's zoning law. The applicant provides only 72 spaces on site which is a 27% shortfall of the required amount. Of the 72 spaces provided 21 are proposed to be land banked at the north end of the site.

It is the belief of the staff that the use as proposed is an over intensification of the use of the parcel. The subject use is in addition to a pharmacy a location for general retail use and what is meant by that is that a brand name pharmacy isn't just a pharmacy. They do an awful lot of retail; sometimes they have food, you know, packaged food that they sell like a grocery store in addition to other items. The applicant is provided no analysis which would include an industry standard or otherwise to the Planning Commission to demonstrate that the proposed number of spaces to be constructed would be adequate for the proposed use at peaked times. Moreover, the County of Suffolk is contemplating road improvements to this section of Montauk Highway and that may impact the area and availability of provided parking along the road right-of-way. Only a minimal setback from the parking lot to the curb to the County right-of-way has been provided. Finally, regulatory setbacks associated with the freshwater wetland associated with Swan Pond to the east make providing any future additional parking problematic.

It should be noted that the Brookhaven 1996 Comprehensive Plan recommends commercial use for this site. Access to the use is intended to be from two curb cuts, one from Montauk Highway and one from Phyllis Drive. Egress from the site to Montauk Highway appears to be westbound only. Egress from the site to Phyllis Drive is problematic as Schoenfeld Boulevard intersects with Phyllis Drive at this location make observing the line of sight for the two roads at the same time difficult. So if we take a look either at the site plan which is up on the screen you can see Schoenfeld Drive which is a one-way street going this way splits off of Phyllis Drive. So if you're coming out and you want to make a left hand turn here you have to look over the median here to Phyllis Drive so this line of sight is a little difficult because of Schoenfeld Drive here.

It should also be noted if you can go to the air photo a second, Chris, that there are mapped wetlands adjacent to the site. These wetlands are mapped by the

State DEC, this is the B-3 wetlands system: it's a class I wetland system and it's also mapped by the Federal Army Corps of Engineers. Okay. And it should also be noted there are regulatory setbacks from the most land with limited wetlands that would impact the subject property along the northeastern corner here which may make additional parking back here problematic.

Issues related to the subject application stem from the Commission's policies regarding the over intensification of the use of a parcel and issues related to good site planning. Staff is recommending to the Commission disapproval for the following reason. The use as proposed is an over intensification of the use of the parcel and the paragraph which follows is the rationale from the staff report. That is the staff report.

MS. BOLTON:

I move the staff report.

ACTING CHAIRMAN MARTIN:

Thank you, Andy. Board members. Yes.

MS. BOLTON:

I said I'll move the staff report.

MS. HOLMES:

I second it.

ACTING CHAIRMAN MARTIN:

Second Linda. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-0-1 Absent: Lansdale)**

MR. FRELENG:

Thank you. The next application is also to us from the Town of Brookhaven. This is the application of Figel, LLC. Jurisdiction for the Commission is that the subject property is adjacent to NYS Rte. 27A Montauk Highway.

The applicants are seeking a change of zone from J-2 Business and A-1 Residential to all J-2 Business. Subject parcel is located on the northeast corner of Kennedy Avenue and Montauk Highway which is NYS Rte. 27A in the hamlet of Blue Point.

An analysis of the character of the area indicates that the subject parcel is located in a corridor of J-2 Business zoning along NYS Rte. 27A. To the north, east and west are residentially zoned and improved properties with the exception of a corridor of about 100 ft. deep off of Montauk Highway. To the east of the subject property and west across Kennedy Drive in this corridor is located a gas station, auto repair use. The subject parcel fronts on Montauk Highway to the south and across the highway is residentially zoned and improved land. So if

you could take a look at the air photo up here a second you can see that we have Montauk Highway; most of Montauk Highway is zoned J-2 and we'll see that in a second on the zoning map. To the west of the subject parcel is a gas station there is an I believe a gas station also on this corner right here and across the way is residential and around the property are residential uses. Could you just backup to the zoning map a second? You can see that the subject property is split between two zoning designations and the applicants are requesting to extend this zoning line -- the zoning of the property all the way back.

So as indicated the applicants seek a change of zone from J-2 Business and A-1 Residential to all J-2 Business for the purposes of avoiding having one parcel split zoned. The parcel is currently used as a hardware store in conformance with the use restrictions of the zone. I did fail to mention that there is an Ace Hardware Store on the subject site. Fifty feet north of the existing zoning line is area reserved for future parking if required by any future change of use of the building as previously approved by the Town Zoning Board of Appeals. So if you look at the site plan you can see an area behind the zoning line that is designated for future parking if required by the Planning Board or if needed by some sort of change of use on the subject property and this was previously approved by the Zoning Board of Appeals. Hence, it is the belief of the staff that approval of the zone change would allow the unwarranted encroachment of commercial zoning into a residentially zoned and developed area. This would provide potential conflicts between the adjacent residential dwellings and any expansion of a business, its parking or accessory structures that may be proposed on site in the future.

The Town of Brookhaven 1996 Comprehensive Plan recommends commercial uses for a 100 foot corridor along SR 27A and medium density residential housing behind the corridor. Access to the use is intended to be from existing curb cut to Montauk Highway. No changes to the site plan are proposed by the applicant at this time. Therefore, issues related to the subject application stem from the Commission's policies regarding issues related to compatibility of adjacent land uses and good site planning.

Staff is recommending disapproval for the following reasons. Primarily that approval of the zone change would allow the unwarranted encroachment of commercial zoning into a residentially zoned and developed area. And that there is already 50 ft. approved for future parking if required by any change of use of the site. That is the staff report.

ACTING CHAIRMAN MARTIN:

Thank you, Andy. Board members a motion is in order.

MR. LONDON:

I make a motion for staff.

MR. DIETZ:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So carried.
(Vote: 10-0-0-1 Absent: Lansdale)

MR. FRELENG:

Okay. I'm going to take a little break a second and let Chris do the next application.

MR. WREDE:

Good afternoon Commission members. The next application is from the Town of Islip, Village Green at Sayville, LLC. The applicant seeks a change of zone for the erection of 38 single-family attached condominium units. The subject parcel is located on the southeast corner of Sunrise Highway and Lincoln Avenue in the hamlet of Sayville. Our jurisdiction for this application is that it is adjacent to Sunrise Highway.

An analysis of the character of the area indicates the subject parcel is located in an area of high density residential development along the State right-of-way. To the north the subject property abuts Sunrise Highway and the Sayville Motor Lodge, this property right here is the Sayville Motor Lodge. To the west Lincoln Avenue and to the south and east the subject site abuts single-family residences.

The applicant seeks a change of zone from Business 1 to Residence CA to develop the parcel with 38 owner occupied two bedroom attached condominium units. A maximum of six dwelling units per acre is permitted in the residential CA zone. The area property is 7.4 acres so that 44 units is the maximum allowed by code. The residential CA zone also requires two spaces per unit so 76 spaces is required. The application proposes to have 43 on site parking spaces and 34 spaces in the form of garage space for a total of 77 spaces. This is the zoning in the area; the property is one of the last vestiges of business zoned property in the area. There's a lot of multi along Sunrise Highway to the west which is here and also to the north on the other side of Sunrise Highway.

We're recommending approval of the change of zone subject to the following conditions that are deemed necessary for good planning and land use. This is a copy of the site plan. A conservation easement of at least 50 ft. in width along the State right-of-way shall be created to help preserve the natural vegetation along the road so as to enhance the aesthetics of the road and to contribute to the buffering of residential amenities from traffic and noise from Sunrise Highway.

The applicant shall be required to obtain all the required permits and approvals from the New York State Department of Transportation. An alternative means of access shall be provided from Juliet Drive or Ort Court for emergency and

service vehicle purposes. I'm just going to go back to the aerial photo. This is Ort Court and this is Juliet Drive. The Town of Islip owns property along Ort Court so they can go in there or there is access off of Juliet Drive.

A Homeowner's Association shall be created to provide for supervision, restoration and maintenance of the common areas and roadways system. Twenty percent of the total number of units shall be set-aside for affordable housing purposes.

In addition, the staff would like to make some comments. Consideration should be given to land banking or increasing the amount of on-street parking spaces for the proposed application. The reliance on garage space for parking can be problematic in that they are often used for storage rather than parking and consideration should be given in moving units 35 to 38 further east to ensure smooth ingress and egress from the condominium complex. Units 35 to 38 are located in this area; staff felt it was -- it could be problematic from cars going in and out from the condominium complex and that's the staff report.

ACTING CHAIRMAN MARTIN:

Is that it?

MR. ISLES:

Yes, that completes his presentation.

ACTING CHAIRMAN MARTIN:

Board members a motion is in order.

MR. FIORE:

I have a question.

MR. ISLES:

Yes, Mr. Fiore.

MR. FIORE:

I'm new to this process I just want to ask a question on the egress and the entrance onto the south service road. Was there any type of an impact study with the traffic going on? I know that area and that traffic moves very well there and fast.

MR. WREDE:

Well, there is Lincoln Avenue is signalized.

MR. FIORE:

Right, but there was -- there is no entrance on Lincoln Avenue. Off to the left I believe there's another project there, a condominium project and I think --

MR. WREDE:

Right here?

MR. FIORE:

Yeah, right there or there's development in there and the egress is and the entrance is on Lincoln Avenue itself.

MR. WREDE:

Right. For this application their going in approximately over in here. There are going to be traffic impacts, however, with the existing zoning staff felt that there would less of an impact with these units than business zoning.

MR. FIORE:

Again, that traffic on that road moves extremely well and it moves fast there especially when -- there's a light right there at Lincoln Avenue.

MR. WREDE:

Right.

MR. FIORE:

And like, you know, with cars trying to get across that light even when she turns yellow --

MR. ISLES:

One of the conditions that's recommended by staff is that this be subject to permit approval from the State of New York. They've jurisdiction over the access to Sunrise Highway. I think what the project is intending to do is to put the curb cut for the project further, you know, as far east as they possibly can so as somebody exits the intersection with Lincoln Avenue they've got time to see somebody pulling in or out of this particular development. So also on the outside curve of the service road system so you have pretty good sight distance in terms of if you're pulling out of this development you can see to your left pretty well. As Chris has indicated certainly it will have an impact; whether that impact is to the point where we would recommend against the project we don't think so at this case we think it can be mitigated, but, you know, your concerns are well taken. I think we just have to be taken into consideration. Ideally, the best access would be Julbet or Juliet to the east or that may become a community issue in terms of the public hearing process, but we think this is acceptable as an alternative if given the volumes you're talking about here.

MR. FRELENG:

There was no traffic report provided to the Commission in the referral from the Town of Islip, however, when we did do our site inspection we did notice that the, well, it is further down. The access to the motel also comes off the service road and we would anticipate that there would be a deceleration lane going into the proposed use in order to accommodate, you know, the speed of traffic and then

cars slowing down to go into the site, but that is why there is the condition to go to the State DOT for permits.

ACTING CHAIRMAN MARTIN:

Okay. Anybody else have any comments? Hearing none a motion is in order.

MR. CARACCIOLO:

A motion to accept the staff.

MR. FIORE:

Second.

ACTING CHAIRMAN MARTIN:

Second. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 10-0-0-1 Absent: Lansdale)**

MR. FRELENG:

Okay. The next application referred to the Commission comes to us from the Inc. Village of Patchogue. This is the application of Village on Main. The jurisdiction for the Commission is that the subject property is adjacent to NYS Rte. 27A and it is within 500 ft. of the Town of Brookhaven.

The applicant seeks a special exception permit for the construction of a 36-unit condominium project on 80,474 sq. ft. of land. The subject parcel is located on the southwest corner of West Main Street which is NYS Rte. 27A and South Prospect Avenue which is a Village street in the Inc. Village of Patchogue.

An analysis of the character of the area indicates that the subject parcels are in a corridor of D-2 Business zoning along NYS Rte. 27A. To the north the subject property fronts on West Main Street, NYS Rte. 27A and across the street are various improved commercial properties. To the east the subject site fronts on South Prospect Avenue. South and west of the site is improved residential and commercially zoned properties respectively.

The applicant seeks a special exception permit for the construction of a 36-unit condominium project on a total of 80,474 sq. ft. The subject site is a compilation nine tax map parcels. Principal access to the use is intended to be from South Prospect Avenue with an emergency access to West Main Street. So if we take a look at the site plan a second we have access from the South Prospect Avenue from the east of the site coming in there's an emergency access that goes back to Montauk Highway. Open space is provided in four parcels totaling approximately 4,210 sq. ft., you can see the parcels are broken up. This piece here, a piece here, there's a green right here and I think the other pieces are in here.

Parking for the proposed action is to be in driveways and garage space. It is the belief of the staff that achieving parking requirements in garage space is problematic as garage space tends to fill with storage items and becomes unavailable for parking thereby forcing vehicles to park in the street right-of-way. In addition, to potential street parking issues the proposed access to the site ends in a cul-de-sac. The internal radius of the cul-de-sac appears to be insufficient to allow large service or emergency vehicles the necessary room for maneuvers or to turn around. The parking issue and the cul-de-sac radii issue leads the staff to conclude that the subject application is approaching an over intensification of the use of the parcel.

There is no indication in the referral to the Commission whether any of the units in the proposed action are to be dedicated for affordable housing purposes. Commission policy is to require 20% of the total units to be set-aside for such purposes. There are no Village Comprehensive Plan recommendations for the parcel. It should be pointed out though that visual aspects of the proposed use should be investigating regarding those units that backup to SR 27A. The Village of Patchogue does have a couple of attached unit complexes where the backs of the buildings front on a major roadway. These are at best poorly screened and we believe that the Village should take another look at this. The proposed landscape area along 27A should be sufficiently planted with trees and vegetation that will screen dwellings from the roadway. Moreover, the vegetation will tend to buffer residents from impacts associated with the roadway.

Several other minor issues with respect to details on the submitted plan need to be addressed by the applicant in order to perfect the accuracy of the submission. We've outlined those in the comments 1 thru 4 below. Overall, the issues related to the subject application stem from the Commission's policies regarding issues related to good site planning and land use.

Staff is recommending approval with the following conditions. The first being that 20% of the proposed units be set aside for affordable housing purposes. The paragraph which follows is the rationale from the staff report. The second condition of approval is that the number of units shall be reduced accordingly to provide for better engineering of the cul-de-sac street for safety purposes. The paragraph which follows is from the staff report. So we did not specify the number of units that should be reduced; we just indicated that a certain number of units should be reduced in order to make the site plan flow better. And then the comments with regard to the submission or which are just minor comments from staff to staff is that the site plan shows 17 buildings, but the referral material included 18 buildings.

The boundaries of the tax maps don't coincide with the tax map parcels that they indicated. We believe that there's an extra tax map involved. They've indicated while this is a site plan application that the use is to be a condominium which is a form of subdivision which would require another referral to the Planning

Commission and that this use is proposing an extension of the Patchogue Sewer District to the site. And while the sewer district is not a County sewer district we're recommending that the applicant speak with the County of Suffolk for technical impute. And a fifth comment which I failed to put on the staff report which I'd like to include is the comment related to the visual impacts of the units backing on the roadway and that is the staff report.

ACTING CHAIRMAN MARTIN:

Thank you, Andy. Board members a motion is in order.

MR. LONDON:

I have a question.

ACTING CHAIRMAN MARTIN:

Yes.

MR. LONDON:

Andy, is the --

MS. MAHONEY:

Use the microphone please.

MR. LONDON:

Andy, if the cul-de-sac or the turnaround radius is too small for the standards that we normally set, how could we approve this?

MR. FRELENG:

Well, we're recommending approval because this is a conditional use in the zone, I believe, a special exception is similar same thing which would be a use that is otherwise permit able if they can meet the conditions which they do. They meet the general conditions of attached units in a business zone. So in the first instances we wouldn't be looking to deny this thing which is why we've made the recommendation of reducing the number of units so they can expand the radius of the cul-de-sac and do other amenities on site.

MR. LONDON:

Thank you.

MR. DIETZ:

I make a motion to staff.

MR. CARACCILO:

Second.

ACTING CHAIRMAN MARTIN:

Second, John. All in favor signify by saying aye. Contrary minded. Abstentions.

MR. LONDON:
Contrary minded.

ACTING CHAIRMAN MARTIN:
Contrary minded.

MR. ISLES:
9-1.

ACTING CHAIRMAN MARTIN:
One contrary minded. Are we still all right, right? **(Vote: 8-1-0-2 Contrary minded: London, Absent: Goodale, Lansdale)**

MR. ISLES:
Yes.

MS. CHORNY:
Mr. Goodale is gone.

MR. WREDE:
Okay. The last application for your consideration is from the town of Smithtown, Bruce Ahmes. The applicant seeks variances to erect a two-story commercial building. The subject parcel is located at the southeast corner of Smithtown Blvd. and Locust Street in the hamlet of Smithtown. Our jurisdiction for this application is that it is adjacent to Smithtown Blvd.

Analysis of the character of the area indicates the subject parcel is located in a corridor of Neighborhood Business zoning. To the north the subject property abuts Smithtown Blvd.; to the west Locust Street and to the south and the east the property abuts single family residences. The subject property is 22,586 sq. ft. in area and improved with an existing retail building. Site inspection indicated that while the property is improved it appears vacant and there's no rear retail activities going on.

The applicant seeks variances to redevelop the site with an 8,763 sq. ft. two-story commercial building. The subject application proposes to have 4,442 sq. ft. of retail on the first floor; 4,321 sq. ft. of office space on the second floor and 4,442 sq. ft. of basement storage. The request of variances associated with the application are as follows: To reduce the front yard setback from 50 ft. to 19 ft. To reduce the rear yard setback 20 ft. to 6 ft. To reduce the minimum parking spaces from 82 to 32. To reduce the number of loading spaces from 1 to 0 and to reduce side yard parking setback 10 ft. to 3 ft.

Issues related to the subject application stem from the Commission's policies regarding the over intensification of land use and issues related to good planning

and land use. We're recommending disapproval of the variances for the following reasons: The proposed request for the variances constitutes the unwarranted over intensification of the use of the premises. The total parking requirements for the proposed use on site is 82 spaces. The applicant is proposing 32. The deficiency in required parking is 61%. And approval of the variance may then necessitate the use of Smithtown Blvd. for parking purposes, thereby diminishing the safety and traffic capacity of the County road and that's the recommendation of staff.

ACTING CHAIRMAN MARTIN:

A motion is in order.

MS. BOLTON:

I'll move the staff report.

MS. HOLMES:

I'll second it. I almost feel like adding the comment, what were they thinking.

ACTING CHAIRMAN MARTIN:

We have a motion and a second, right. All in favor signify by saying aye. Contrary minded.

MR. LONDON:

Contrary minded.

ACTING CHAIRMAN MARTIN:

You're contrary minded.

MR. LONDON:

Contrary minded.

ACTING CHAIRMAN MARTIN:

Okay. Abstention is me, that's no good wait a minute. We don't have enough to carry it.

MR. ISLES:

Its seven votes so the motion doesn't carry.

ACTING CHAIRMAN MARTIN:

But I have too --

MR. ISLES:

One, two, three, four, five, six, seven, eight, nine, we have nine members present.

ACTING CHAIRMAN MARTIN:

I have to abstain. We need eight yes's or eight no's.

MR. ISLES:

There were ten, but there's nine now.

ACTING CHAIRMAN MARTIN:

There's only nine of us and I have to abstain so I have no choice.

MR. ISLES:

So it goes back as an approval.

MR. LONDON:

As an approval.

MS. HOLMES:

Oh, no.

MR. CARACCIOLO:

It's a horrible application.

MS. HOLMES:

It's terrible.

ACTING CHAIRMAN MARTIN:

It's the worst application I've ever heard.

MS. HOLMES:

Who's approving of it?

MR. CARACCIOLO:

Commissioner London.

MR. ISLES:

Well, he voted against the motion.

MR. LONDON

I'm disapproving.

MR. FIORE:

We're all disapproving.

MS. HOLMES:

We're all disapproving.

ACTING CHAIRMAN MARTIN:

Ahh --

MS. HOLMES:

Ahh, thank goodness we clarified that.

ACTING CHAIRMAN MARTIN:

We voted on the motion.

MR. LONDON:

I'm sorry.

ACTING CHAIRMAN MARTIN:

Okay. So the motion was for disapproval. So we're okay now. I abstained, one abstention and eight no's. Eight yes's on the motion.

MR. ISLES:

The motion to disapprove.

ACTING CHAIRMAN MARTIN:

A motion to

MR. ISLES:

Okay, you're done.

MR. CARACCIOLO:

Amen.

MR. DIETZ:

I make a motion to adjourn.

MR. CARACCIOLO:

Second.

ACTING CHAIRMAN MARTIN:

Second. All in favor signify by saying aye. Contrary minded. **(Vote: 9-0-0-2 Absent: Goodale, Lansdale)** We all go home. Okay. Thanks for coming and I wish you all a very Happy Thanksgiving and we'll see you in December.

(*The meeting was adjourned at 1:35 P.M.*)

{ } Denotes Spelled Phonetically