

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 January 4, 2006 in the Rose Y. Caracappa Auditorium at 12:00 P.M.

PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Louis Dietz (Babylon)
Jesse Goodale, III (Riverhead)
Linda Holmes (Shelter Island)
John Caracciolo (Huntington)
Donald Fiore (Islip)
Sarah Lansdale (At Large)
Edward Pruitt (Brookhaven)

ABSENT:

Charla Bolton (At Large)
Mary Daum (At Large)
Laure Nolan (Village 5000 & Over)
Constantine Kontokosta (Village 5000 & Under)

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
Charles Bender - Aide to Presiding Officer Caracappa
Richard Raskin - Self

Minutes taken by:

Eileen Schmidt - Secretary

(THE MEETING WAS CALLED TO ORDER AT 12:25 P.M.)

ACTING CHAIRMAN MARTIN:

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

SALUTATION

ACTING CHAIRMAN MARTIN:

We thank you; we're sorry for the late start, but it seems the New Year the people weren't here on time, but from now on we should start on time.

MS. SCHMIDT:

Excuse me; I have to make sure everybody's mike is on. Okay, great, thank you.

MR. ISLES:

Thank you Mr. Chairman. We will modify the schedule and in a couple of minutes we will request that the Commission start the subdivision and the zoning review, but we do have a member who does have to leave by one thirty so that we are then able to do all the regulatory review items first. So it does give us enough time. Mr. Chairman and members of the board I would like to take the opportunity to welcome the newest member to the Suffolk County Planning Commission, Mr. Ed Pruitt who is representing the Town of Brookhaven. We welcome him to the Commission. Mr. Pruitt has an extensive background in leadership and administration and I knew him to some extent from the Hauppauge Industrial Association when he was the executive director for that, but we welcome him. Brookhaven is the largest town in the County and it has been a vacancy for sometime so we're glad to have him onboard. There was also another member appointed to the Commission by the Legislature; that gentleman was not able to make it today and that's Mr. Constantine Kontokosta. Mr. Kontokosta was appointed by the Legislature at the submission by the County Executive to replace Mr. Dick London representing villages of less than 5,000. Mr. Kontokosta lives in Greenport in the Incorporated Village of Greenport. So helpfully he can join us at the next meeting.

So with that the Commission now has a total membership of twelve members with three vacancies at this point. There are some expired terms, but you do obviously continue to serve even if your term is expired.

Just a couple of brief items before we go to regulatory review; for your information is that the Commission is required at the next meeting is your organizational meeting for the year in the February meeting under the County Charter. So under that procedure the Commission must adopt its calendar for the year and the staff will prepare a suggested calendar and what we typically do we'll have the meeting here again the first Wednesday of the month either in Hauppauge or Riverhead and then allowing times during the summer months for

field meetings. So we will draft a suggested schedule for your consideration. Also the Commission will then have the option to appoint its officers for the year; that's here again is your decision as to how you want to proceed with that and then the other customary business that the Commission may choose to address in terms of procedures and so forth. So just to make you aware of that.

The new site plan requirements that were adopted by the Legislature last year do go into effect at the beginning of this month. Here again, this is something we have talked about, but municipalities in the County under State Law are required to refer site plans to County Planning Commission. County Law was silent on the matter; that's now been rectified with the change. So it's something where some municipalities have been doing it and some haven't. We hope to make it clear to all the municipalities and we hope to utilize inter-municipal agreements as much as possible to separate out the minor from major applications. But you will likely see more site plan review applications coming before you.

We are going to bring back to you the 347 Project which we've discussed on a couple of occasions. At the last meeting we had a testimony from Frank DeRubeis as well as a traffic representative from Brookhaven. Frank is from the Town of Smithtown Planning Department. We are consolidating their comments and we'll be issuing a final recommendation to you in hopefully February if the schedule that day permits it. And just a couple of other finally closing items, the Department does prepare an annual report; we do a summary of the applications that have been referred to you. We will be doing that for you in the next few months. We have provided to you a summary of the 2005 accomplishments of the Department and here again, it's just for informational purposes to give you a sense of the types of work the Department is involved in. I did hear from a member who requested and I thought it was a pretty good idea the opportunity to have an orientation session with the staff and with the board members to kind of review the activities within the Department. To provide a little bit more time to hear presentations from the section heads and so forth. So that's something we will work on putting together for you to consider doing perhaps in March or something. But just to help in terms of giving more of a context in terms of the Department and the Commission's activities.

I would like to note that the Department did just complete a request for expressions of interest on about 250 acres of County owned land in Yaphank. It's something you may have heard about, but this is a rather interesting proposal where the County owns 800 acres in Yaphank and the County Executive has requested that the Department solicit ideas in the development community for some of the land that could be considered surplus. We issued the RVI last Friday and basically over the next four months developers will be given an opportunity to suggest to the County different ideas for the use of that land; and ideas that have been discussed so far include affordable workforce housing, include sports and entertainment type uses and the idea of creating a sense of place. Yaphank County Center is somewhat interesting in that it does have a

train station, it does have direct access to the Expressway. It has a sewage treatment plant; so it has a lot of the basic infrastructure available and it represents an opportunity for the County as owner of the land to potentially underwrite the land cost to make an affordable mixed use development possible at that location.

So with that and here again, understanding we have a limited amount of time today it's suggested Mr. Chairman that we go directly to the regulatory review and then maybe go back to the Commissioner's Roundtable and any other business the Commissioners may have.

ACTING CHAIRMAN MARTIN:

Okay. Is there anybody in the audience that wants to speak today on any of the items, public portion part? None. Okay, then we have no problem at all.

MR. ISLES:

Right.

ACTING CHAIRMAN MARTIN:

Ted Klein I guess first right.

MR. ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

Ted.

MR. KLEIN:

Good afternoon. The first application is the map of Acker-Kempster subdivision. It is sent to us by the Town of Brookhaven. The Commission's jurisdiction for review is that the property is located in the capable growth area of the Suffolk County Central Pine Barrens Zone. The property is located on the easterly side of Church Lane north of Middle County Road in the Hamlet of Middle Island.

The applicant is proposing to cluster -- a clustered subdivision of approximately 81/2 acres of land into six lots ranging in size from 35,268 sq. ft. to 58 excuse me 54, 082 sq. ft. with an open space parcel of 99,592 sq. ft. to be dedicated to the town. The subject is zoned A-1 Residence which permits single family development on minimum lot sizes of 40,000 sq. ft. and the Suffolk County Pine Barrens Clearance Standards limit the clearing of the site to 57% of the total area.

The subject can be categorized as mostly wooded having a rolling topography. It is presently improved with one single family dwelling and several accessory structures which include garages and a couple of sheds. As for the layout of the proposed map Lots 2,3,4,and 5 are designed to be panhandle or flag shaped parcels with the longest panhandle or flag strip having a length a total length of

824 ft. and a width of 15 ft. So as you can see from the map the longest panhandle right here is over 800 ft. Even though each of the proposed lots will have adequate road frontage and access to the proposed subdivision will be via a common driveway over a created cross access agreement. And that you can see it goes over the some of the flag strips and over here this is with the cross access agreement.

Issues concerning the staff regarding the proposed subdivision stem from the following Commission policies. Creation of a flag shape lot with a length of the flag poles or access strips are excessively long that would be greater than 300 ft. should be avoided because they create safety problems for the residents. Should a fire sweep through the area as does in the Pine Barrens Eco system residents can be cut off and not able to reach safety. And in the event of a house fire the fire department may find it difficulty located the house and thereby losing precious time. Furthermore, when three or more adjacent parcels share a common driveway as a means of access a right-of-way should be created and given a distinctive name and properly signed to facilitate the location of the property served.

Therefore, after a thorough review of the map and considering the possible alternative layouts staff recommends approval subject to the following conditions that deem necessary for good planning and land use.

A 50 ft wide right-of-way suitable for dedication to the town highway system should be created in place of the cross access {agreement} depicted on the proposed map. The second condition is the cluster design should be preserved and the dedicated open space shall remain as a component of the proposed map. The maximum clearing of the subject shall be limited to 57% of its total area and finally, all stormwater runoff resulting from the development of this subdivision shall be retained on site. That is the staff report.

ACTING CHAIRMAN MARTIN:

Thank you Tim.

MR. CARACCILO:

Motion to accept the staff report.

MS. LANSDALE:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So approved. **(Vote: 8-0-0-4 Absent: Bolton, Daum, Nolan, Kontokosta)** Andy.

MR. FRELENG:

Okay, thank you. Good afternoon members of the board. The first zoning action before the Commission comes to us from the Town of Babylon. This is the application of Island Block Manufacturing. Jurisdiction for the subject application is that the property is adjacent to Straight Path which is CR 2 in Suffolk County.

The applicant seek a change of zone approval from C-Residence E-Commercial and G-Industry to all G-Industry for the construction of a 35,280 sq. ft. industrial structure and associated site improvements. Subject parcel is located on the northwest corner of West Booker Avenue which is a town road and Straight Path which is CR 2 in the hamlet of Wyandanch.

An analysis of the land use and zoning pattern in the vicinity indicates that the subject parcel is in an area of mixed use zoning and uses. You can make that out from the antiquated zoning map that we have up here. Babylon has been digitized, but we haven't gotten that yet and we're hoping to get that. But as you can see the zoning in the area the subject parcel being here is a mixture of various different types of zoning. The site itself is split zoned as previously indicated. The E-Commercial designation runs along CR 2 while the western portion of the site is zoned C-Residential. The bulk of the property is designated G-Industry; so a bulk of this piece, if you go to the site plan, the bulk of this parcel a piece of it along here is zoned the commercial, the bulk of it is G-Industry and they're looking to expand into residential area over here so this piece here is actually currently zone residential.

Properties to the north and west are improved residential lots with the exception of a disturbed area associated with the existing use. This is not part of the proposed application, but you can see this is the subject property; again, this is the residential piece that they're expanding into. The commercially zoned pieces are up front. There's a piece here associated with the use of this property which is not part of the change of zone application. And discussions with the Town of Babylon indicate that this piece will revert to residential uses even though it is currently zoned residential, but it will after the application it is intended to revert to residential uses.

Now the subject properties you can see abuts West Booker Avenue to the south. Further south are residential properties with the exception of land along Straight Path which are commercial in nature. To the east the subject site fronts on Straight Path and long Straight Path is a mix of residential, commercial and industrial uses. So there's a scattering of uses going up and down Straight Path there's some commercial uses here as well as across the street from the site, but as you can see there's some mixed residential uses up and down Straight Path.

As indicated the applicant seek a change of zone approval on 3.51 acres of land from C-Residence, E-Commercial and G-Industry to all G-Industry for the construction of a 35,280 sq. ft. industrial structure and associated site improvements. The applicant manufactures concrete block products on-site; the

includes a wholesale retail facility. The applicant proposes to demolish and rebuild the existing site while expanding into adjacent residentially zoned parcels. Each multi-story masonry building, I'm sorry -- the existing multi-story masonry buildings are to be removed in their entirety after construction of the proposed new block manufacturing facility is operational. Required parking for the proposed industrial use is 98 spaces. Only 82 spaces are proposed and this equates to a 16% deficiency of the required amount.

Access to the subject parcel is from curb cut to West Booker Avenue. One curb cut is existing and one is proposed. No access is proposed to CR 2. You can see there's an access point back here and an access point over here. This is the existing access point currently.

The 1998 Town of Babylon Comprehensive Plan recommends single family residence uses for this parcel. As such, the proposed use is not in accordance with the '98 Plan. It's the opinion of the staff that the proposed use is incongruous with the residential uses on adjacent lands to the north, west and south. The premises could reasonably be developed for residential purposes in accordance with the Comprehensive Plan. The requested zoning designation would be an inappropriate non-comprehensive zoning approval for the locale. Moreover, an analysis of the site plan proposed does not indicate a substantial public benefit as a result of the requested zone change. For example, the buffers as compared to the existing use are not expanded between the industrial yard and the residences along the east and west side. The parking is deficient; they do not have the required parking on site. Thus in the opinion of the staff the site as proposed is an over intensification of the use of the premise. In addition, the building is set way back from the County right-of-way and in the set back area there is to be outdoor storage. This is a poor site design in terms of the view shed along the road corridor. The building should be moved away from the properties and towards Straight Path while allowing for an adequate front yard set back. The building should also be reduced in size until the ratio of required parking and building area is in conformance with the local zoning law. Outdoor storage and parking should be in the rear of the building and allow for adequate buffering substantially greater than the 10 ft. which is proposed.

Finally, the applicant provides no indication that the proposed use will be encumbered by appropriate operational restrictions to adequately protect nearby residences from lighting, inappropriate hours of operation, truck traffic, outdoor speaker systems, building alarms, some sort of operational noise, dust or the other effects of the industrial use.

Issues related to the subject application stem from the Commission's policies regarding development inconsistent with an adopted comprehensive land use plan and issues related to good site planning and land use.

Staff is recommending disapproval for the following reasons: the first being it that it is inconsistent with the 1998 Comprehensive Land Use Plan of the Town of Babylon which designates this area for residential purposes. Second, that it appears incongruous with the nearby residentially zoned and improved lands. Third, that the premises could be reasonably developed in accordance with residential district requirements in accordance with the objectives of the Town Comprehensive Plan. And fourth, the site plan as proposed is an over intensification of the use of the premises. The comment which follows is an excerpt from the staff report which defines the rationale of the staff's recommendations. That is the staff report.

ACTING CHAIRMAN MARTIN:

Thank you. Board members have any questions?

MS. HOLMES:

I move the adoption of the staff report.

ACTING CHAIRMAN MARTIN:

Linda.

MR. FIORE:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Oh, you want to speak.

MS. LANSDALE:

I'd just like to make a comment.

ACTING CHAIRMAN MARTIN:

Sure.

MS. LANSDALE:

That the company that I work for Sustainable Long Island has actually created a vision plan for an area north of this property so I can vote on this. I just wanted to disclose that Sustainable Long Island the organization that I do work for did a comprehensive plan, a vision plan for this corridor north of this project.

ACTING CHAIRMAN MARTIN:

Well, taken that under consideration we can't vote for it; we won't have a quorum.

MR. ISLES:

She's going to vote.

MS. LANSDALE:

Oh yes, I am I can vote.

ACTING CHAIRMAN MARTIN:

Oh, you are going to vote.

MS. LANSDALE:

Yes, I just wanted to disclose.

ACTING CHAIRMAN MARTIN:

Oh, you want to disclose that there could be a possibility of a conflict. Okay.

MR. ISLES:

But it's north of here.

ACTING CHAIRMAN MARTIN:

Okay. So we have a motion and a second. All in favor signify by saying aye. Contrary minded. Abstentions.

MR. DIETZ:

I abstain.

ACTING CHAIRMAN MARTIN:

So one abstention so it don't carry. **(Vote: 7-0-1-4 Abstain: Dietz, Absent: Bolton, Daum, Nolan, Kontokosta)**

MR. ISLES:

Right.

ACTING CHAIRMAN MARTIN:

Sending this back to the town now would you send it back with all the recommendations even though --

MR. FRELENG:

That's at the discretion of the Commission; what we can do is indicate that there were not enough votes to carry a motion. However the Commission wished to relay the comments.

ACTING CHAIRMAN MARTIN:

Well, I certainly like to see it go back with some kind of conditions; everybody agree to that? There's no harm in doing it that way. Okay, so that's what we'll do. Send it back with all your conditions and show them how the vote went. Okay, thank you.

MR. FRELENG:

Next application before the Commission comes to us from the Town of Brookhaven. This is the application of Dowling College; jurisdiction for the Commission on this application is that the subject property is adjacent to CR 46

which is William Floyd Parkway and it is also within one mile of Brookhaven Airport as you can see.

The applicant seeks Town Board authorized relief and site plan approval for the construction of an 87,000 sq. ft. Student Activity Center, associated parking and six seventy foot field lighting poles within the A-1 Residential zoning district.

The subject parcel is located on the south east corner of William Floyd Parkway which is CR 46 and Flower Hill Drive which is a town road in the hamlet of Shirley.

An analysis of the character of the land use and zoning pattern in the vicinity indicates that the subject parcel is in an area of predominantly residentially zoned. You can see that from the zoning map, Chris, please. The subject property abuts residential dwellings to the north and southwest. To the south and east the subject parcel abuts Brookhaven Airport which is a light general purpose airport. The property fronts on William Floyd Parkway to the west. Okay, so you can see this is a intensely residentially developed area. You have the airport, Brookhaven Airport and the proposed property is here.

As indicated the applicant seek approval for the next phase of construction at the subject site which is 33 acres of the overall 105.24 acre college property, for the construction of a 87,000 sq. ft. Student Activity Center, service buildings, 363 stall parking lot, walkways and various landscaping details as well as permission to erect six seventy foot field lighting poles. Proposal is part of an overall plan that includes a synthetic soccer field, four grass soccer fields, a woman's soccer I'm sorry a woman's softball field, six tennis courts and spectator bleachers for the various fields. The application before the Commission is phase four which includes the Student Activity Center, a couple of little buildings, this field here as well as this large 363 stall parking lot. Again, this is phase four of the overall plan for the college.

The applicant is specifically requesting relief from section 85-382 of the Brookhaven Zoning Law which prohibits structures larger than 20,000 sq. ft. The applicants were under the belief that there was a moratorium on structures larger than 20,000 sq. ft. so in their referral they indicated also sorts of moratorium information. After the writing of the staff report we spoke with the Town of Brookhaven and found out they in fact there was no moratorium which coincided with our records we didn't have a moratorium. So the staff's report is little bit in error, but I'll correct as I go through it. So they're looking for relief from section 85-382 of the Brookhaven Zoning Law. Moreover, the applicant seeks relief for the construction of lighting structures greater than 35 ft. in height. 35 ft. is the height restriction in the A-1 zone. It is important to note that according to the applicant's petition the Town had approved said construction the multi-phase construction as part of a site plan application in August of '04. This went before the Board of Zoning Appeals and Planning Department. As a result of a lot of

zoning revisions in the Town of Brookhaven this application got caught up and it's being re-reviewed and re-referred to the Commission.

Access to the subject parcel is to be from an existing curb cut to William Floyd Parkway. An additional access point is proposed via a curb cut to the north to Flower Hill Drive. I believe you can see that on the site plan. This is the additional curb cut; this is the existing access into Dowling College. We discussed earlier if you been to Dowling College you drive in right now through the existing entrance. This is all wooded and then the College facility is up over here. Chris, would you go to the air photo a second. So the existing College the buildings you may recall are over here and the proposed action right now this phase of the proposed action is the parking lot and then the Student Activity Center and the soccer fields would be here as well as the six lighting poles which would be I guess a bunch around the field and a bunch around the parking.

Okay, the issues related to the subject application stem from the Commission's policies regarding good site planning and land use. While the proposed Student Activity Center exceeds 20,000 sq. ft. imposed by section 85-382 of the Town of Brookhaven Code the facility is in line with campus facility structures of this type. It is the opinion of the staff that the requested relief will not be detrimental to the surrounding residential character of the community. A drainage reserve area is proposed along Flower Hill Drive which is about 100 ft. deep and this should be an adequate buffer to the residential community to the north. It should be pointed out that there's also a buffer along this side of the subject property about 100 ft. which would buffer properties across William Floyd Parkway, but of real concern are these residents up here and the Student Activity Center and the field would be buffer by 100 ft. of vegetation.

Staff is more concerned with the proposed field lighting poles. Field lighting poles tend to degrade the night time environment via light trespass that may include excessive and misdirected outdoor illumination. The potential for these light poles to cause glare that may blind or distract drivers on CR 46 or intrude onto private property in the residential areas to the north and west is significant. As well, the FAA should be consulted as to the effects of the proposed lighting field on the operations of aircraft. If you could go back to the air photo a second; so we have flight operations coming on and off the airport here, but we have high intensity lighting poles being proposed over here as well as possibly along the soccer field. Staff is concerned about the bleed out of the lighting that might impact the residential neighborhood as well as impacts to any flights that are coming on and off of the Brookhaven Airport. Most recently, I guess the Town of Brookhaven approved Baseball Heaven if you're familiar with that off of Sills Road. And if you drive by there in the evening when they're operating you can see that for miles around. It's a big glare in the sky and it grays out the entire sky. So staff was concerned that this might happen again; that operation is in an industrial zone so those 70 foot tall poles are permitted. This however is in a

residential zone. This application where 35 ft. is the height of the poles they're here for a variance to that.

Staff is recommending approval with the following conditions; that the applicant and the Town of Brookhaven shall consult material related to the availability and use of the most environmentally sensitive outdoor lighting available for public and private uses. Staff is aware of a night sky initiative and some pending legislation upstate in Albany; however, we did not refer to that directly. We felt the town and the applicant could research that. In addition, we felt in the comment below the condition that the FAA should be consulted as well to the effects of the proposed field lighting on operations of aircraft.

And the second condition for approval is that the premises shall be encumbered by appropriate operational restrictions to adequately protect nearby residences i.e. the hours of operation of the athletic fields. They should have shielded lighting and the outdoor speaker systems should be addressed etc. So staff is recommending approval with two conditions. That is the staff report.

MR. CARACCILO:

Motion to accept the staff report.

MS. LANSDALE:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. Abstentions. So carried.
(Vote: 8-0-0-4 Absent: Bolton, Daum, Nolan, Kontokosta)

MR. FRELENG:

The third zoning action before the Commission comes to us also from the Town of Brookhaven. This is the application of Fairfield at Rocky Point LLC. Jurisdiction for the Commission is that the subject property is within 500 ft. of SR 25A and NYS lands.

The applicant seek Town Board Change of Zone approval for 33.04 acre parcel from B-1 Residential to PDD (Planned Residential Development) in the Town of Brookhaven for the construction of 243 attached units, parking and amenities. The subject parcel is located on the east side of Hallock Landing Road approximately 375 ft. north of North Country Road; North Country road is NYS Rte. 25A and this is in the hamlet of Rocky Point.

An analysis of the character of the land use and zoning pattern in the vicinity indicates that the subject parcel is in an area of residential zoning backing on a commercial corridor. So you can see the pattern of zoning up on the screen; properties to the south were improved commercial properties fronting on North Country Road. To the east the subject site is adjacent to improved property of

the Rocky Point Union Free School District. The property also has access to North Rocky Point Landing Road in this direction. To the west the property is accessed to Hallock Landing Road in two locations and abuts some mixed residential and commercial uses in predominately residential zoning. To the north the property fronts on Long Island Power Authority right-of-way and then medium lot residential development. So you can see the application, the subject property has got three points of access, this to the local road, this also to a local road. This is the right-of-way for the power line and this would be 25A down here and they have a small access point over there.

As indicated the applicant seek a Town Board Change of Zone approval for 33.04 acre parcel from B-1 Residential to PDD for the construction of 243 unit community 235 units of which will be residential and eight units will be live/work commercial units. The development will be primarily designed for 55 and over populations, however, approximately 54 non-age restricted and some live/work units will be offered as part of the multi-generational and mixed use development. The structures are proposed to be a variety of building types featuring coordinated architectural styles. The clubhouse and other recreational features of the proposal include such amenities as a playground, putting green, shuffleboard, bocce, outdoor swimming pool, a pond surrounded by benches and a gazebo. So up here in the northwest corner of the property are the amenities proposed for this development. There are a couple of live/work unit buildings being proposed right here. We do not have a definition of live/work in the Town of Brookhaven as of yet, but you can envision that these would be in-home type offices. We don't know if they would be as intense as maybe a doctor's office or a dental office, but we're still looking into that. I'm trying to get a definition from Brookhaven.

Okay. Approximately 10% of the 235 residential units which are 23 of them are proposed to be offered as workforce housing and are to be more affordable in nature, and while those units will be offered to the general population, priority will be given to members of the local community and their families.

The proposal includes associated public benefits as part of the application including the construction of an 8,000 sq. ft. two-story administration building to be dedicated to the Rocky Point Union Free School District. It also includes dedication of 6.4 acres of land to the Rocky Point School District and in that that includes an area to be graded for a soccer field; the construction of an 11,000 sq. ft. indoor pool facility building is also proposed. The pool facility is proposed to be available for use by all residents of the Fairfield and Rocky Point development as well as residents of the North Shore Public Library District which includes residents of the surrounding hamlets. So the pool facility which is proposed over here is intended to be for residents of the community as well as residents of the greater library district which includes many residents and many hamlets surrounding the area. In addition, there's acreage here to be dedicated to the school and a soccer field which is going to be graded out and also dedicated to

the school. So there are a number of substantial public benefits related to this project.

The access to the subject parcel is to be from two new curb cuts to Hallock Landing Road and an alternate curb cut to North Rocky Point Landing Road. As a minor comment one of the access points to Hallock Landing Road should be closed except for emergency purposes to lessen the active curb cuts to the local road and decrease potential conflicting turn movements of motor vehicles. So staff is recommending that perhaps this one be left for emergency purposes only; this being the main entrance to the facility. In a minute you'll see why we also feel this would be a good idea to at least close this access except for emergency uses.

Issues related to the subject application stem from the Commission's policies regarding good site planning and land use. It is the belief of the staff that while the proposal is including senior and workforce housing it could be argued that the use is remotely situated and is not within a safe walking distance to grocery or other services. It should be pointed out that there is a McDonalds and a CVS which are just south of the property that would be over in here. Hallock Landing Road and North Rocky Point Road provide little in the way of a sidewalk for safe pedestrian travel. The proposed use should demonstrate that it is within a half mile of a Suffolk County Transit bus stop or Long Island Railroad train station or make van or shuttle services to and from downtown, transit locations and shopping services part of the amenities offered within the development. Because this is a, how did we call it, a mixed multi-generational facility here there are presumably elderly seniors who would live here that may not drive; they should have access to shopping and it's not walkable to the downtown of Rocky Point or Port Jefferson I guess would be the closest real downtown. However, they are certainly with a half mile of SR 25A which more than likely has a County bus route, but they should demonstrate that that is available to the seniors or the folks without cars living in the area. Otherwise they should provide some sort of shuttle service to groceries and other services that are necessary. So that is an observation of staff.

With respect to site design it is the opinion of the staff that the proposed use needs to provide for the internal circulation network to include multiple connections to adjacent land uses for pedestrians particularly to the commercial uses to the south that being the CVS and the McDonalds. The internal street system is not designed with a 50 ft. right-of-way. As such they will be an issue for local fire and emergency vehicles circulation as well as difficult to dedicate to the town highway system in the future should the need arise. Moreover, the internal street design includes relatively long straight street; that being this one. This should be redesigned as long straight streets encourage speeding and are aesthetically unpleasing. In addition, there are several cross street intersections within the development. Cross street intersections within a development are not satisfactory because of the traffic conflicts and the need for the installation and

maintenance of traffic control devices which are often ignored by careless drivers. You can see this is one potentially very dangerous intersection right here it's a cross street intersection. Staff and the Commission policies preferred T-type intersections; this intersection right here if it won't be designed with stop signs will shortly have stop signs and the history of Planning staff and our experience indicates that sooner or later they'll be some sort signalized traffic control device there. So that's just going to ramp up the cost of maintaining the road in the community and there's also a couple of cross street intersections right here. So this seems to be a problematic design internally in the opinion of the staff.

Okay, therefore, the staff is recommending approval with the following conditions. One that the applicant and the Town shall explore providing shuttle and/or van pool services for residents of the Fairfield at Rocky Point community. Paragraph which follows is an excerpt from the staff report. Two the internal street design shall be reexamined to eliminate the cross street intersections and the long straight-aways and provide for multiple connections to adjacent uses. Again, the paragraph which follows is excerpted from the staff report. And staff is recommending a third condition which is not in the staff report and that would be that the Town shall consider closing the most northern access point to Hallock Landing Road except for emergency purposes. This will lessen the potential for conflicting turn movements of motor vehicles and decrease the likelihood of congestion on the local road. That is the recommendations of staff.

ACTING CHAIRMAN MARTIN:

Andy, thank you. Members of the board.

MR. DIETZ:

I make a motion for staff.

MR. CARACCIOLO:

Second.

ACTING CHAIRMAN MARTIN:

Second, John. All in favor signify by saying aye. Contrary minded. Abstentions. So carried. **(Vote: 8-0-0-4 Absent: Bolton, Daum, Nolan, Kontokosta)** Thanks Andy.

MR. FRELENG:

The last one being referred to us again from the Town of Brookhaven this is the application of Country View Properties. Jurisdiction for the Commission is that the subject property is within 500 ft. of the Long Island Expressway. The applicants are seeking Town Board Change of Zone approval for a 7.61 acre parcel from A-1 Residential and L-1 Industrial to MF-1 which is Multi-Family Dwellings.

The subject parcel is located at the eastern terminus of Blossom Ave. which is a town road and on the south side of the Long Island Expressway South Service in the hamlet of Farmingville. An analysis of the character of the land use and zoning pattern in the vicinity indicates that the subject parcel is in an area of mixed zoning and land uses. Properties to the west of the subject site are zoned residential and mostly improved with dwelling units. South and east of the subject site are commercial and light industrial uses in complementary zoning districts. The subject property fronts on the Long Island Expressway Service Road which is NYS Rte. 495 and that's to the north. Immediately adjacent and to the east is NYS land in the form of a street storm water recharge basin.

The applicant seek Town Board Change of Zone approval for a 7.61 acre parcel from A-1 Residential and L-1 Industrial to MF-1 for the construction of 66 residential units. Twenty-four units are to be for workforce housing purposes which is 36% of the site. Twelve units are to be for age restricted 55 and over purposes while the remaining 30 units are to be for non-age restricted market rate units. No recreational amenities are proposed.

The proposal also includes the construction of a sewage treatment facility as well as expansion area and buffer. There is also approximately 2.4 acres of open space proposed at the far southern end of the property.

Access to the subject parcel is to be from an existing but improved curb cut to the South Service Road of the Long Island Expressway. It would appear that this access is problematic as no west bound turn movements can be made from this access point. We can take a look; Chris, go to the photo a second. Here we have an existing access to the site which currently has a bunch of trailers and some construction materials on it. The applicants are proposing to use this as the sole source of access into this development. As you can see this is the ramp, get them off if you will from the LIE and this is the South Service Road. There is no westbound turn movement here so in order to go west one presumes you would either come out and go to the Expressway and work your way west or somehow work your way south and then west.

There is proposed no alternative access to the site although at least three streets terminate at the western edge of the property. An alternative means of access must be provided for this development to insure access by emergency and service vehicles and proper circulation of flow of motor vehicles into and out of the site. See the site plan so there are if you can see from your staff report and the tax maps you can see three properties with terminate on the western side. None of these streets actually make their way, okay, you can see from the air photo up here none of these streets actually make their way into the design of the attached units.

The 1996 Town of Brookhaven Comprehensive Plan recommends residential housing at one unit per acre or less density. This use would be classified

technically as high density use and, therefore, technically not consistent with the plan. There are no mapped state or federal wetland on the subject site. However, the adjacent recharge basis is mapped by the U.S. Fish and Wildlife Service as a wetland.

Issues related to the subject application stem from the Commission's policies regarding good site planning and land use. It is the belief of the staff that while the proposal is including senior and workforce housing it could be argued that the use is remotely situated and is not within a safe walking distance to grocery or other services. The proposed use should demonstrate that it is within a half mile of a Suffolk County Transit bus stop or Long Island Railroad train station or make van or shuttle services to and from downtowns, transit locations and shopping services part of the amenities offered along with the development.

Staff is recommending approval with conditions; the first condition being that the applicant and the Town shall explore providing shuttle and/or van pool services. The second condition being that an alternate means of access shall be incorporated into the proposed development. By the way the paragraphs which follow the conditions are excerpted from the staff report. The third condition being that appropriate steps be taken to insure that open space area shown on the proposed map remain as open space excluded from future development. As you can see the bottom portion of the property just below the sewage treatment facility is proposed to be left into open space.

Staff is also recommending not in the staff report another condition, condition four, that do to the proximity of the LIE all residential structures on site shall be constructed using materials and techniques that will reduce interior noise levels in accordance with recommendations of the Department of Housing and Urban Development or other authority that is promulgated standards for reduction of interior noise levels. There's a bunch of units, these right here, I guess the tail end of this building here that will get the brunt of any kind of noise impact coming off the LIE up here or the South Service Road.

So staff is recommending that the Commission condition some sort of noise attenuation in the buildings. In addition, staff is recommending that the Commission forward the following comment to the Town of Brookhaven. It would appear that a number of off-street parking spaces are proposed to be in garages; this has been found to be an unsatisfactory way to accommodate off-street parking as garages tend to become storage area or converted living space. The Town should further analyze the availability of off-street parking should these conditions arise. So while the application does meet its parking requirements some of those parking stalls are proposed to be in garages and we have consistently discussed how parking in garages is problematic as they tend to fill up. So staff is recommending that the Commission relay that comment to the Town of Brookhaven. That is the staff report.

ACTING CHAIRMAN MARTIN:

Andy, we thank you. Board members have any questions? A motion is in order. John.

MS. HOLMES:

I move for the adoption of the staff report.

MR. CARACCIOLO:

Well, I'm Mike, you know, the new Caracciolo in the Suffolk County Legislature, uh? Yes, I motion to accept the staff report.

MS. HOLMES:

I seconded it.

ACTING CHAIRMAN MARTIN:

Linda.

MR. ISLES:

Linda seconded it.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So carried. **(Vote: 8-0-0-4 Absent: Bolton, Daum, Nolan, Kontokosta)**

MR. FRELENG:

That's the regulatory review then, that's all.

ACTING CHAIRMAN MARTIN:

Thank you Andy. Oh, before we do anything lets do the minutes of the meeting.

MR. ISLES:

Okay.

ACTING CHAIRMAN MARTIN:

Did you all receive the copy of the minutes of the meeting. Did you notice any errors or omissions?

MR. ISLES:

December 7th.

ACTING CHAIRMAN MARTIN:

December 7th that's last month. Linda, I see you looking; do you have anything?

MS. HOLMES:

I was just hoping we would get an opportunity to find out whether or not either the County Legislature or Mr. Caracciolo had gotten a copy of the proposed State legislation on increasing the power of the Planning Commission.

ACTING CHAIRMAN MARTIN:

I don't think that's proposed legislation. I just think he --

MS. HOLMES:

He said he was going --

ACTING CHAIRMAN MARTIN:

This is what I don't understand if I'm wrong you can correct me. I understand an Assemblyman said he would like to see it; till it's proposed it's got to be put before the whole body.

MS. HOLMES:

Right.

ACTING CHAIRMAN MARTIN:

And I think our understanding was that we would take a stand until the whole body acted.

MS. HOLMES:

We weren't being asked to take a stand; there was confusion in my mind whether or not we were going to be asked whether Assemblyman Raia was going to send a draft -- to me it would make sense sending it simultaneously to the County Executive and to us because if the County Executive gets his proposed legislation which I understand he was putting together for January for this month that the County Executive the first thing he would do would be to ask our Commission for what we think of the proposed legislation. So I was just anxious to know whether or not any follow through had been done to find out whether the proposed legislation was going to be ready to be sent.

ACTING CHAIRMAN MARTIN:

I see what you're saying, but I disagree with you that it's proposed that it's a proposed legislation.

MS. HOLMES:

Oh he said he was proposing it, didn't he?

ACTING CHAIRMAN MARTIN:

Mr. Raia has not come out --

MR. CARACCIOLO:

Mr. Chairman, if I may; you are correct and as I stated this is an idea that he has for proposed legislation as I stated last time.

MS. HOLMES:

Oh, I see.

MR. CARACCIOLO:

And I spoke to me Mr. Raia's office this is a first day in session and as soon as he formulates some ideas he will share them with us.

ACTING CHAIRMAN MARTIN:

Then we'll act on it at that point that's what I kept saying.

MS. HOLMES:

Good, okay.

ACTING CHAIRMAN MARTIN:

So until it's proposed I'm not acting on it.

MS. HOLMES:

I had thought that he was drafting a proposal.

ACTING CHAIRMAN MARTIN:

Then we'll have a different version of it; when it's a version that we know is going to go before the Legislature at that point we'll decide whether we wait until after the vote or before the vote. But we won't take any action until that point I think, right John?

MR. CARACCIOLO:

I agree, Mr. Chairman.

ACTING CHAIRMAN MARTIN:

I think that's the only way you can do that. You can't take everybody's word and then they don't -- we stick our neck out and where are we. We stick our neck out for no reason. I'm not going to do that as long as I'm here. Okay, everybody agree that we should wait until we get it? Okay. Anything else? That's it.

MR. ISLES:

The adoption of the minutes.

ACTING CHAIRMAN MARTIN:

Now we have the minutes. Did you notice any errors or omissions? No, nobody.

MR. DIETZ:

I make a motion to adopt.

MR. FIORE:

Second.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded. So adopted. **(Vote: 8-0-0-4 Absent: Bolton, Daum, Nolan, Kontokosta)** Okay, now the Commissioner's Roundtable.

MR. ISLES:

That's it.

ACTING CHAIRMAN MARTIN:

The older members here know what the Commissioner's Roundtable is except maybe for the new ones. What we do is go around and ask the Towns if there's anything new they want to share. So after the first time you'll know after that. Riverhead anything?

MR. GOODALE:

No, I would say not that I'm aware of.

ACTING CHAIRMAN MARTIN:

I know it's a holiday and that time of the month it's quiet.

MS. LANSDALE:

No, I'm at large.

MR. FIORE:

Nothing.

ACTING CHAIRMAN MARTIN:

Nothing from Smithtown. Lou?

MR. DIETZ:

Nothing.

MR. PRUITT:

Nothing from Brookhaven.

ACTING CHAIRMAN MARTIN:

Linda?

MR. HOLMES:

Well, I'm very pleased that our incoming supervisor is a twice former member of our planning board and I thank Andy Freleng for sending these -- an article on land use and involving land banks and what not which we've already done quite

a bit of. But I also thank Charla Bolton for putting me in touch with Craig Turner who is on the planning staff of the Town of Huntington. And evidently Huntington is the only town which has implemented special use districts for creation of workforce or senior housing and that is what our new supervisor has indicated he is most interested in doing. He believes in creating affordable housing and senior housing by zoning and we do have for years in our town books we do have legislation to create special use districts. So I appreciate the input I've gotten through staff and expect to get from Mr. Turner because we are very interested in moving ahead on the affordable housing proposed, the land proposed for that use. And we want to find the best way to do it so with your help we will. Thank you.

ACTING CHAIRMAN MARTIN:

Thank you Linda.

MR. CARACCILO:

Happy New Year, Mr. Chairman and the Commission.

ACTING CHAIRMAN MARTIN:

Everything is nice and quite.

MR. CARACCILO:

Everything is good.

ACTING CHAIRMAN MARTIN:

Okay, a motion is in order to adjourn.

MR. DIETZ:

Motion.

MR. CARACCILO:

Second.

ACTING CHAIRMAN MARTIN:

All in favor. So adjourned. **(Vote: 8-0-0-4 Absent: Bolton, Daum, Nolan, Kontokosta)**

(*The meeting was adjourned at 1:25 P.M.*)

{ } Denotes Spelled Phonetically