

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

PRESENT:

John Caracciolo, Chairman (Huntington)
Charla Bolton (At Large)
Adrienne Esposito (Village 5,000 & Over)
Donald Fiore (Islip)
Jesse Goodale, III (Riverhead)
Linda Holmes (Shelter Island)
Constantine Kontokosta (Village 5,000 & Under)
Sarah Lansdale (At Large)
Edward Pruitt (Brookhaven)

ABSENT:

Louis Dietz (Babylon)

ALSO PRESENT:

Thomas Isles - SC Director of Planning
Carrie Meek-Gallagher - SC Asst. Director of Planning
Andy Freleng - Suffolk County Chief Planner
Claire Chorny - Suffolk County Planning Department
Roy Fedelem - Suffolk County Planning Department
Chris Wrede - Suffolk County Planning Department
Christina Farrell - Suffolk County Attorney's Office
Ted Klein - Suffolk County Planning Department
Peter Lambert - Suffolk County Principal Planner
Victoria McGrath - Suffolk County Planning Aide
John Baker - PJ Ventures
Peter Hans - Smithtown Planning
Deborah Harris - Legislative Aide to Leg. Stern #16
Dean Rosenzweig - Starbucks Coffee Co.

Minutes taken by

Eileen Schmidt - Secretary

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

CHAIRMAN CARACCILO:

The meeting of the Suffolk County Planning Commission is now in session. Linda, could you please lead us in the Pledge of Allegiance.

SALUTATION

CHAIRMAN CARACCILO:

Thank you, Linda. We are going to go over the minutes and approve the minutes or if there are any correction as we have a couple to here to do. May 3rd, June 7th, July 5th and Sept. 6th. So does everyone have their minutes with them? I have one correction on September, page 3, you have Chairman Caracciolo speaking, but that should be Director Isles.

MS. HOLMES:

September?

CHAIRMAN CARACCILO:

September, page 3. Any other corrections on the minutes for the four months? If not can I have a motion to accept all four?

MR. FIORE:

Motion.

CHAIRMAN CARACCILO:

Could I have a second?

MR. PRUITT:

Second by Commissioner Pruitt.

CHAIRMAN CARACCILO:

All those in favor? **(Vote: 9-0-0-1 Absent: Dietz)** On to the public portion we have one person to speak, Deborah Harris. How are you Deborah? Three minutes, okay.

CHAIRMAN CARACCILO:

Oh, we have a couple more.

MS. SCHMIDT:

No, just one more.

CHAIRMAN CARACCILO:

Oh, okay. Just make sure that mike is on, Deborah, I don't think it is.

MS. HARRIS:

Okay?

CHAIRMAN CARACCILO:

Loud and clear.

MS. HARRIS:

My name is Deborah Harris and I'm from the office of Legislator Steven Stern. I'd like to address the Commission with respect to the PJ Ventures/Starbucks and Homegoods. Very briefly, when this project was initially recommended the Planning Commission recommended against it. The Town of Smithtown by super majority overruled the decision of the Planning Commission. It was not a good idea then, it's not a good idea now and to continue to add additional elements and aspects and businesses to this development as existing will only exacerbate the effects of this project as a whole is going to have on traffic, on infrastructure and on residents of adjoining communities. And we're concerned that this segmentation will continue that there will be continual incremental additions to the project and we'd like to just voice our opposition to it. Thank you.

CHAIRMAN CARACCILO:

Thank you, Deborah. Mr. Baker, is it?

MR. BAKER:

Good afternoon Suffolk County Planning Commission. My name is John Baker with PJ Venture. The application before you is PJ Venture the one Miss Harris spoke of was PJ Venture II. The original project was approved by the Suffolk County Planning Commission; the addition of Starbucks and the second floor of Homegoods was part of a TDR land swap with the town of the {Som} property up on about 25A in Smithtown. That was the change of that wetlands for this square footage uses at this site and it was a recommended approved subdivision, PJ Venture, originally.

CHAIRMAN CARACCILO:

Thank you, Mr. Baker, appreciate it. No one else left to speak we will close the public portion. Next, the Director's Report, Director Isles.

MR. ISLES:

Thank you, Mr. Chairman. Three items to bring to the Commission's attention at this time, number one is, the Department did conduct a public hearing in early September in Riverhead. We did have some minimal public participation, but we did conduct the hearing in accordance with the law and we will do so next spring for a hearing to be held in western Suffolk County. The second item is the County annually runs a training event; we are planning one and will be conducting one this month on October 25th at the Hyatt Hotel which was formally the Wind Watch Hotel in Hauppauge and formally it was the Colony Hill Hotel, I think, before that.

The program has been growing every year in attendance; this year we're actually doing nine courses we're offering beginning at 3:30 in the afternoon and we do so at no charge. We encourage participation by municipalities both planning board members, zoning board members, town board member, civic groups and so forth. And here again, the idea is to help foster better planning through better information for those decision makers and certainly any member of the County Planning Commission is welcome to attend. And we do have copies of the brochure if you didn't happen to get one sent to you. The last item, here again, just for informational purposes is to let you know that the Long Island Regional Planning Board will be meeting next week. They're on a monthly meeting cycle at this point; the meeting next week is next Tuesday the 11th I believe it is, 10th pardon me October 10th. That will be held here in Hauppauge in the Media Room of the Dennison Building beginning at 9 o'clock in the morning. The Planning Board has chosen to have a topic or a theme to each of their meetings; the meeting on Tuesday will be centered around the topic of housing. The Long Island Regional Planning Board is continuing their search for an Executive Director which is a board function to do a scoping for candidates and they are proceeding with that. They are taking care of other business aspects with budgets and so forth, but this is part of what they're doing that's more towards the substantive planning side of it. So that completes it in terms of the update.

The only other point, actually, I forgot to mentioned is we did hand out in your package today a copy of a newspaper article that just points out and you may have heard about this or read about it, but there was, if you don't have a copy I'll make sure you do get one. But the Town of Brookhaven had submitted a -- had done a number of rezonings back in 2003 in one of the rezoning actions they rezoned 795 parcels on the town board zone motion. That resulted in litigation by at least one of those property owners and the court recently put aside the town's rezoning and remanded it back to the town and the reason they did that is they felt that they did not, the town did not, adequately comply with procedures required of the Suffolk County Planning Commission. We find that interesting because it was referred to the Commission back at that time. The application was deemed complete and was returned to the Town of Brookhaven at that time as a local determination. We're not aware where it was incomplete, but obviously, we're not going to second guess the court so at this point the town will either appeal or re-file with the Planning Commission to whatever extent they need to to satisfy the completeness aspect.

So I bring it to your attention in terms of, here again, another aspect of the relevance of the County Planning Commission that in some ways the local determinations are sometimes {feud} as pro forma and we all know the recommendation of the County Planning Commission is advisory in that it can be overridden by super majority, but it's a mandatory advisory recommendations. So they must make it; if they fail to make it, if the municipality fails to make the referral it is a fatal defect. So here again, just to make you aware of that and, in fact, the history of involvement of the County Planning Commission is that with

changes to state law and so forth and with there's more involvement these days than there was in the past and so there's an increasing role of the County Planning Commission. So it has a relevance and here again, this is an example of that in this case. That's it.

CHAIRMAN CARACCILO:

Thank you, Director Isles. On a note, you do have to register, pre-register for the planning sessions, correct?

MR. ISLES:

We would like -- we would encourage that strongly. It would help us in terms of how we assign the rooms in terms of the number of people in each class.

MS. HOLMES:

And do I understand that this session is not mandatory, but after January 1st such sessions will be mandatory for us, is that correct?

MR. ISLES:

Well, after January 1st to remain a member of the County Planning Commission as well as local planning and zoning boards you must have completed four hours of training per year. And that training has to be, you know, authorized or approved by the County and I assume the legislative body in this case and so this would be one example where going to a training session like this would I'm sure satisfy that. There maybe other methods where if you go to national planning conference or other forms of training that are available that may also be approved, but we've seen increased attendance in this and that's why we move into a hotel. We couldn't conduct it in any of our County facilities easily. We get positive feedback and we try to make it as user friendly as possible in terms of the convenience of the time, of not having to do payment vouchers and all that sort of stuff. So it's a service the County provides and I think it's a positive one and also I think it's something where we're dealing with municipalities and civics and so forth, but especially municipalities in a positive way that it's not just we're telling them not to build this or that, but it's more proactive and positive I think in that sense.

MS. HOLMES:

And that -- so that the next one that you conducted would be in October of next year or in the fall?

MR. ISLES:

Most -- well, we definitely do one next fall no question about it; we try to do it in October. Whether we can do additional programs --

MS. HOLMES:

To help satisfy that requirement after January 1st.

MR. ISLES:

What we are doing is we're anticipating seeking some state help in some funding to run these programs now that they have the training which --

MS. HOLMES:

Yeah, now that they're making it mandatory lets get them to help and pay for it.

MR. ISLES:

So we're going to suggest to the County Executive in terms of a proposal in terms of the County's proposal to the state agenda.

MS. HOLMES:

Okay.

CHAIRMAN CARACCILO:

Thank you, Director Isles. We have a report from the Suffolk County Planning Department Research Unit on Economically Distressed and Minority Communities. Roy.

MR. ISLES:

If I could just maybe set the stage for Roy's presentation today?

CHAIRMAN CARACCILO:

Sure.

MR. ISLES:

There's two things that Roy's going to be speaking about; the first one it refers back to a resolution approved by the Legislature last, pardon me, this year which is resolution 102-2006. And as you recall this was the resolution it's entitled, A Charter Law to promote non-political, professional diverse County Planning Commission. What this resolution speaks to is requirements for qualification, qualifications for membership on the Commission. As you will recall there's now requirement of the Commission that there must be representation from an occupational or vocational standpoint in terms of labor, the environmental community, real estate and so forth. There's prohibitions against, you know, appointment to a local planning board and being on the County Planning Commission.

One other new requirement that was a result of that bill or that law speaks as follows: it says that in any -- to you as the members of the County Planning Commission. In connection with any proposed project under consideration by the Commission an appointee shall take into account the potential for any such project to have a disproportionately high and adverse health and or environmental impact on a minority or economically distress community. So this is something that you are now obligated to consider when you consider applications.

What we wanted to do today is Roy Fedelem heads up our Planning and Research Unit as a tomographer and handles our census information. Roy has put together some information to help classify what would be considered an economically distressed and minority community so we can start to define that and then if the Commission accepts that then we will apply this in the Regulatory Review Unit with Andy's section in terms of as the cases come before you we will then know what's the threshold for that type of classification. So it will be identified in your report and therefore you will then have that information available to take it under consideration.

So Roy's here to give that presentation; Roy also has a second and unrelated part an update for you on some new census information that came out yesterday I think regarding housing principally, but I'll turn it over to Roy Fedelem at this point.

CHAIRMAN CARACCILO:

Thank you.

MR. FEDELEM:

Thanks, Tom. In your packets you should have a little sheet that explains how I developed economic distress index and you'll see a little packet that's stapled together which has a bunch of charts. So the first chart refers to economically distressed areas and what I had done to develop this, this was done a few years ago. Basically, it was done to not knock different areas, but to show what areas need more grants to help to improve them; areas that might need a little bit more attention. There's really no good definition of economic distress, I mean, there are economic indicators such as poverty or income and a number of other things that you can use to denote economic distress, but there really is no strict definition of what an economic distressed area is. That's why I developed kind of my own index here and if you look at the chart what I've done was I took unemployment and I ranked all the communities by unemployment. Then I took public assistance, median family income, poverty, median home value and high school graduates. Oddly enough the high school graduates was the best indicator of economic distress of the six indicators. And then I added all those rankings up and I came up with an overall economic distress ranking and that's what you see on the first sheet in front of you. You'll see Wyandanch at the top of the list there and there's a map over here which basically shows the economic distressed areas are in blue and minority areas are in red and the purple ones are both minority and economic distressed areas.

So what I did here was I took the top 12; there's actually about 155 places and we took the top 12 economically distressed areas. We could take 20, we could take 30, 12 seemed to be a good breaking point and if you look at those 12 they all rank as in the top 10 in one of the categories whether it be poverty or unemployment. So that's how I developed the economic distress index.

The second page refers to minority areas and there again there's no definition of what a minority area is; you could use 50% and say well, it's got to be a majority minority area. And we now have four states in the country that are majority minority state where they have over 50%. In this case I took 40% and above which just includes two more areas than if I had taken 50%. So what I did was rank all the communities based on minority population and I took the top 11 communities, all those communities over 40% minority. If you have any questions on that how that was designated I'd be happy to answer them.

MR. ISLES:

So Roy, what's the total number six of the minority communities I don't have it in from of me?

MR. FEDELEM:

Well, there are 12 economically distressed in communities; there are 11 minority communities. There are seven that fit in both categories and I'm very happy to say that there are five areas that are economically distressed that are not minority communities. And there are four minority communities that aren't economically distressed. So I want to stress that minority does not equal economic distress and visa versa; we have mixtures of both.

CHAIRMAN CARACCILO:

Any questions from the Commission? Thank you, Roy. You have something on the latest census for us as well?

MR. FEDELEM:

Yes. You'll notice from those economic distress figures and minority figures they are all from the 2000 US Census. The census is done every ten years and to get that type of data we have to wait till the 2010 Census. The Census Bureau has started a program call the American Community Survey which started a few years ago which is a monthly survey. Every month they survey about one-tenth of one percent of the population so over five years they will have surveyed 6% which is basically the sample part of the US Census. As this builds up evidentially what it will entail is every year we will get census information for every place and we won't have to go back to 2000 and say well, this is what it was in 2000. However, right now last year they only did for places over 250,000 as they're building up this sample. This year was the first year that they released information for places of 65,000 or more; and you'll see a chart on race and Hispanic origin for Long Island and you'll see all the communities that we have data for from this year's American Community Survey. They include Nassau/Suffolk Counties, the five western towns and five school districts in Nassau/Suffolk, three in Suffolk, two in Nassau.

I should mention that the ACS right now is a household based survey which means it's only the population that's living in households. It does not include

group quarters population. So if you were to compare these numbers say for age groups to the US Census it would look like certain age groups declined such as the kids who are in colleges are listed as group quarters. There's quite a few in group quarters and the elderly that are in nursing homes. So you really can't compare this data directly to the US Census, but there are certain things you can compare. So I've given you chart on race and Hispanic origin; there's a chart on incomes and then there's a chart ranking incomes. I put this one in here specifically so you can see how the data is being presented; it gives you a number then it gives you a margin or error and the margin of error includes an upper bound and a lower bound. It's a little different from the way we look at the census because of sampling size and everything if you see a large margin of error the data is not as useful for comparing to other areas. In this particular case you'll see Suffolk County ranks as the fourth highest income in New York State.

If you look at the margin of error it could be number one, it could be number two, it could be number three or it could be number four, but it's safe to say we rank in the top four counties in income out of the 38 that appeared in this survey. There's median age by sex and by town in here. You'll see the minority population here is relatively young; for the Town of Babylon the median age for Hispanics was 30.6 whereas for white non-Hispanics it was 39.1. So you can see the younger minority population there.

There's information just about anything that you can find in the US Census will be in the ACS, like education and I just put this one in here just to show you the big change in education. In Suffolk County in the 2005 ACS 90% of the people were high school graduates. Back in 1940 it was only 23% so there has been a huge shift in education. Yesterday they released the housing statistics so I threw this chart together very quickly. This includes information on median house value. Peter Lambert on our staff does a -- he keeps track of median sales using multiple listing service in New York State Realtors and these numbers look pretty comparable to what we find happening with the realty services. The median home value in Suffolk County was 412,000 as of 2005. Median rent was among the highest in the state about 1287. Median taxes interesting, in fact, I gave this data to the Tax Commission which met before and they were very interested to see the median tax was \$5,619 median real estate tax. And then you can see the difference between a house that's mortgaged and a house that's not. The house that has a mortgage averages about \$2200 a month in payments; whereas a house that doesn't have a mortgage is under a thousand basically.

There's one more interesting thing in the ACS if we go to the next slide, oh, you have it. This is called PUMA, Public Use Microdata Areas. This was defined in the 2000 Census and I found them to be of rather little use because you needed a special package to be able to read it. SPSS and you had to do a lot of computer programming and such. However, in the ACS they are giving us data for PUMA'S and the most interesting one here is the next slide is the east end

PUMA. So while we -- so while the east end towns aren't large enough to have individual data like the western towns we do have data especially for the eastern five towns in the ACS for the first time. The last sheet shows you the different PUMA'S where they are; I've broken it down north shore, south shore in some cases. A couple of minority PUMA'S so you can see where those line up and the east end. And that is -- they also have poverty rate, Suffolk County was at 4.8% which is down from the Census at 6%. And there is all sorts of other information so I won't go into all of that. If you have any questions you can give me a call or I can give you other information.

CHAIRMAN CARACCILO:

Go ahead, Charla.

MS. BOLTON:

Roy, the table that's housing statistics for Long Island which is just recent data as in yesterday they you received it?

MR. FEDELEM:

Yes, that's right.

MS. BOLTON:

Is that data going to be used to update the HUD, you know, the amounts that are allowed for, you know, I'm trying to think subsidies. In other words, rent subsidies is that -- I can't think of the right term now, but, you know, as a way of supporting the need for higher subsidies in our area?

MR. FEDELEM:

Typically, HUD uses the Consumer Price Index to update those and I don't know of any plans for them to change that policy. One thing I had wanted to mention was you're familiar with SONYMAE target areas? These are economically distressed areas, however, we could not use that to denote and because there is only four, one of them is North Haven Village, the other one is Sag Harbor and there's a couple of small areas in Bay Shore. Obviously, there is something wrong with the way SONYMAE designates their target areas and that's something that I think housing people should look into.

CHAIRMAN CARACCILO:

Thank you, Charla. Anything else Charla?

MS. BOLTON:

No, that's it, thank you.

CHAIRMAN CARACCILO:

Okay. Linda.

MS. HOLMES:

Roy, I must say I was a little disappointed to see eastern Suffolk lumped together in the housing statistics because on Shelter Island we were so proud to learn last year that for the first time ever the median house value in Shelter Island was greater than either Southampton or East Hampton. We were very proud of that.

CHAIRMAN CARACCILO:

You show them Linda.

MS. ESPOSITO:

But she's not competitive at all.

MS. HOLMES:

That's right.

CHAIRMAN CARACCILO:

Thank you, Linda.

MR. FEDELEM:

In about four years we'll have that data.

MS. HOLMES:

Really?

CHAIRMAN CARACCILO:

Commissioner Esposito.

MS. ESPOSITO:

Does the classification of poverty, is that the same throughout the State of New York or is it adjusted based on regional cost and expenses?

MR. FEDELEM:

Okay. It's a national index and that's one of the problems with using that as an economic indicator because it's a national index high income areas like Long Island are understated because obviously, our incomes are much higher than the nation as a whole. The way they setup the index, again, is inflation adjusted; so each year they apply the inflation rate to their statistics and they've been doing this for many, many years and that's how they come up with a poverty index.

MS. ESPOSITO:

Okay, so although the poverty index has decreased a little bit in Suffolk it may not be an accurate reflection of actual poverty?

MR. FEDELEM:

That's correct.

MS. ESPOSITO:

Okay, thank you.

CHAIRMAN CARACCILO:

Thank you, Commissioner. Anybody else? Thank you, Roy, appreciate it very much.

MR. FRELENG:

Mr. Chairman, a motion would be in order to adopt the criteria and map is recommended by the staff so we can use that as a criteria.

CHAIRMAN CARACCILO:

Okay, thank you Andy. Do I have a motion?

MS. BOLTON:

So moved.

MS. LANSDALE:

Second.

CHAIRMAN CARACCILO:

Moved and seconded. All those in favor? Opposed? Motion carries. **(Vote: 9-0-0-1 Absent: Dietz)** Thank you, Andy. If it's okay with the Commissioners I'd just like to right into our business for the day; we'll come back, is that okay? Thank you. All right, Andy, do you want to -- you're on today.

MR. ISLES:

He's doing the whole thing.

CHAIRMAN CARACCILO:

Okay.

MR. FRELENG:

I'm on just me solo today, but I would like to point out that we do have a new staff member as an addition to our Regulatory Review Unit; Vickie McGrath has joined us as a Planning Aide. So she'll be helping us with the file management and hopefully very soon reviewing the referrals that we get. So we have a new face in the unit and I did want to introduce her to the board.

CHAIRMAN CARACCILO:

Welcome to the family, Vickie.

MS. MCGRATH:

Thank you.

MR. FRELENG:

The first matter that is referred to the Commission is the application of Country View Properties. This is referred to us from the Town of Brookhaven; jurisdiction for the Commission is that the subject property is adjacent to Sagtikos State Parkway, NYS Rte. 495 and within 500 ft. of the Town of Islip.

The applicants are seeking Town Board change of zone approval from A1-Residence and J-2 Business to MF-Residential for the construction of 30 detached single family homes. The subject application is situated on approximately 16.78 acres of land. There are proposed to be 17 detached single family home lots ranging in area from 21,800 sq. ft. to 40,860 sq. ft. In addition, there are to be 13 senior units located on the northwest corner of the property on one approximately 3.78 acre lot.

The subject parcel is located on the west side of Blue Point Avenue approximately 260 ft. north of Maple Street in the hamlet of Blue Point. So if we could just scroll ahead for a second, Chris. A character of the land use and zoning pattern in the vicinity indicates that the subject parcel is situated in a predominately A-1 zoning designation. A corridor of J-2 Business is located along Blue Point Avenue and to the north along Montauk Hwy. Planned Retirement Community zoning is located to the north and east of the subject property. The subject site is bound to the north by right-of-way of the Long Island Rail Road and property owned by the Bayport/Blue Point Union Free School District. If you could back up to the aerial, please, Chris. There is multi-family development community to the northwest and that's in the Town of Islip and retail and commercial uses in the J-2 zoning designations to the north and east. So you can see the development pattern; there's the railroad obviously. This is the subject parcel and we have the PRC over here, we have attached complex over here and they're some retail along Montauk Hwy.

Access to the proposed development is to be in the form of approximately 1,200 ft. long cul-de-sac from Maple Street to the south. No alternate or emergency access is proposed. A loop street is proposed off of the cul-de-sac to service the 13 senior units.

The 1996 Town of Brookhaven Comprehensive Land Use Plan recommends one acre or less density for the subject area. The proposal would be consistent with this recommendation as the density is proposed to be 1.8 dwelling units per acre. The premises are currently occupied by a non-conforming nursery and greenhouse facility that is proposed to be removed prior to the construction of the intended development. It's the belief of the staff that much attention should be paid by the town to the removal of demolition debris from the property and no debris should be left on site or buried on the property for fill purposes. An environmental remediation or reclamation plan for the removal of the debris should be submitted by the applicant before any new construction begins.

Access to the proposed development is to be in the form of a 1,200 foot long cul-de-sac from Maple Street as indicated. There is no alternate or emergency access proposed for the property. It's the belief of the staff that the proposed cul-de-sac is not in conformance with Commission guidelines; pursuant to Commission guidelines the maximum length of a cul-de-sac street within a residential subdivision should not exceed 1,000 feet. An alternate means of access must be provided pursuant to Commission guidelines to assure access by emergency and service vehicles. And also in the Commission guidelines it indicates where a second street for an alternate means of access can not be provided a special right-of-way much be created for this purpose.

The subject property has been before the Suffolk County Planning Commission on a previous occasion. Said application was for a change of zone to MF-1 to build 68 multi-family residences. The application was reviewed and conditionally approved by the Suffolk County Planning Commission on July 2, 2003. According to submitted referral materials the applicant subsequently met with local civic association and a clear and loud message was delivered by that civic association to the project sponsors that no attached condominiums with the proposed density would be acceptable to that community. Accordingly, according to submitted materials a small working group was formed to redesign the application into a single-family home layout and design. The map before the Commission is a result of those working meetings.

It should be pointed out that the prior Suffolk County Planning Commission approval included a condition for the provision of 20% of affordable units on site. This application before the Commission does not have that. It is the belief of the staff that the proposed rezoning appears conditionally appropriate considering the prevailing pattern of zoning and the character of the surrounding area. This use is appropriate as a complimentary alternative use as eliminating a significant non-conforming wholesale nursery facility and as a site reasonably accessible to nearby amenities including a public bus route along Blue Point Avenue.

Staff is recommending approval with the following conditions: one, that the premises be limited to 30 detached dwellings. Two, that 20% of the housing units be set aside for affordable workforce housing purposes. Three, that there shall be an alternate point of emergency vehicular access available to the premises. Four, that in accordance with Smart Growth policies of Suffolk County a pedestrian access way be provided to Blue Point Avenue to enhance the accessibility to nearby retail and transportation amenities. Staff is recommending that a comment from the Commission be sent to the Brookhaven Town that the premises are currently occupied by a non-conforming nursery greenhouse and that an environmental remediation or reclamation plan for the removal of the debris should be submitted by the applicant before any new construction begins. That's the staff report.

CHAIRMAN CARACCILO:
Thank you, Andy. Questions or comments?

MR. FIORE:
Yes.

CHAIRMAN CARACCILO:
Don.

MR. FIORE:
Yes, Andy, on the staff recommendation you recommended that there should be an alternate --

MS. SCHMIDT:
Please speak into the mike.

MR. FIORE:
I'm sorry. You recommended that an alternate point of emergency vehicle accessibility that is available to the premises.

MR. FRELENG:
Yes.

MR. FIORE:
All right. You're just recommending that?

MR. FRELENG:
That's correct.

MR. FIORE:
Okay. Is there some sort of --

MR. FRELENG:
Well, maybe I can clarify that. Condition number three, this is a conditional approval; so if the Planning Commission accepts the recommendations of staff that would be a condition of approval from this body to the town board that an alternate point of emergency vehicular access be available to the premises.

MR. FIORE:
I'm going to question the staff as to why you didn't ask, you know, where would you put an additional access or egress on that map site right there, on that plan site right there without taking out something?

MR. FRELENG:
Well, if the emergency access point or the alternate access point is obviously to come from the east, I think that's Blue Point Avenue here you can't see it, but --

MR. FIORE:

That I understand, but where would -- that whole plan map would change; it would have to change the way I'm looking at it right now.

MR. FRELENG:

In emergency access could certainly be a 12 or 15 foot wide right-of-way that could go through the open space area and connect between the lots. It could run as an easement along the property line and then to the street. That would be an emergency access if the Town of Brookhaven chose to go with an alternate access, you are correct that they would have to rearrange the map to move these two structures out of the way.

CHAIRMAN CARACCILO:

So would that change the, I guess right Don, you think would change dramatically right?

MR. FRELENG:

Staff doesn't believe it would substantively change the map if they had to shift the buildings around a little bit to accommodate an alternate access.

MR. ISLES:

The 12 foot could be done pretty easily and then whether they want a full road that would require moving probably those two units at the end.

MR. FIORE:

Cause it's almost like a dead end, I mean, it is a dead end what am I saying, but I'm just saying, you know from entrance that's just nothing but a turnaround to get back out there again. What would you do in an emergency?

MR. FRELENG:

Well, there would be, again, if this was set up as an emergency access there would be a crash gate over here; if this was fully wooded then they would clear a path that would be maintained as a grass or an overgrown area. So if there was an emergency, an emergency vehicle could break the crash gate and get through the right-of-way area to get in. Let's say there was a hurricane and a tree came down and blocked the road you couldn't get an emergency vehicle up here they could come around through here to get to a structure on the interior. So in the least they would prepare an emergency access that has a crash gate and a drivable right-of-way to the tail end of the street. The ultimate would be to rearrange the map in order to get an alternate point of access which would be a regular street coming from Blue Point Ave.

MR. FIORE:

And that's what I think I'd like to see before I put my approval on it; I'll tell you right now.

MR. FRELENG:

So I understand the Commissioner then that you would like to see condition three changed to be not an alternate point of emergency vehicle access, but an alternate point of access?

MR. FIORE:

Yes.

MS. BOLTON:

I wanted to ask you, is there anything in the guidelines that would say, I know there's in the guidelines regarding the length of the cul-de-sac, but is there anything in the guidelines that talks about creating through streets like that? I mean, that there, you know, that there's some reason not to plan for them?

MR. FRELENG:

No. We have -- the only condition that, I'm sorry, the only guideline that we have is to have alternate or emergency access. If it's --

MS. BOLTON:

Because it seems to me this case it would make more sense to have a through street on both because of the length of the cul-de-sac and the need for emergency access. And I was thinking that while, if in fact, we're going to be considering that possibility that perhaps the plan should be looked at to try to get some of those senior units away from the railroad because the greatest density in the development seems to be concentrated near the railroad which really in long term value doesn't really make a lot of sense.

MR. FRELENG:

So if it is the sentiment of the board we can change that condition to require an alternate point of access, and if I understand Commissioner Bolton properly, you're recommending that a comment be added that they should also consider moving the senior units further away from the railroad?

MS. BOLTON:

Well, I think you're going to have to look at a slightly different sort of cluster design, but it seems to me that there's a lot of open area on this plan that could be better designed to allow all the units to be pulled, you know, further away from the railroad because the railroad obviously, is a negative in terms of future value. So, you know, you got a site that's amenable to that so why not try for it.

CHAIRMAN CARACCILO:

Thank you, Commissioner. Any comments or questions?

MR. KONTOKOSTA:

Yes, I do.

CHAIRMAN CARACCILO:

Commissioner.

MR. KONTOKOSTA:

Just a few questions with regard to the senior housing units. Are those going to be single family detached houses?

MR. FRELENG:

Yes.

MR. KONTOKOSTA:

And do you have any idea of the ownership of those homes; will it be individual free ownership or condominium?

MR. FRELENG:

No, I do not have direct knowledge on that.

MR. KONTOKOSTA:

Okay, and also have they indicated whether there would be age restricted or simply targeted or do we --

MR. FRELENG:

They are age restricted, but they're not proposed to be affordable. If I could just backup one second; there are 16, I believe, houses on one lot. So it's my presumption that there's going to be a homeowners association and they will be that sort of arrangement.

MR. KONTOKOSTA:

And in terms of our recommendation or the staff's recommendation regarding the affordable housing units are you making any recommendation with regard to the distribution of those units between the senior housing and the regular housing?

MR. FRELENG:

No, staff is not making a recommendation with regard to that; it would be about six units and we did not make a recommendation on distribution on that.

MR. KONTOKOSTA:

Okay, and one final question also as well, in regards to the note you make here in your analysis regarding the initial application and subsequent conversations between the sponsor and the civic associations, do you have anymore insight into what actually transpired there or is it --

MR. FRELENG:

No, I just have what was referred to us and it was a statement in the petition indicating that the applicants even though they did have a change of zone they

did meet with community and the community was still opposed to the attached unit concept. So they came out of those meetings with the community with a single family detached concept which according to the petitioners amenable to the community.

MR. KONTOKOSTA:

So this Commission initially approved that, conditionally approved that initial application?

MR. FRELENG:

Yes, an attached unit design of 60 units, yes.

MR. KONTOKOSTA:

Okay. I see. Just as a comment I'd just -- I find it troubling to hear something about that. I mean, housing needs have been stated as one of the primary goals of this County, especially, affordable and senior housing and I find it difficult to think of a way to meet those needs in an environmentally responsible manner without multi-family zoning and housing and slightly increased densities as well. So this is unfortunate, but thank you.

CHAIRMAN CARACCILO:

Thank you, Commissioner.

MS. ESPOSITO:

Especially, just to piggyback on this, especially, in an area that's already developed where this is.

MR. KONTOKOSTA:

Exactly; where it's appropriate, yes.

MS. ESPOSITO:

One more thing?

CHAIRMAN CARACCILO:

Yes, absolutely.

MS. ESPOSITO:

Okay. Is this on?

CHAIRMAN CARACCILO:

Yes, it is.

MS. ESPOSITO:

I'd like to add to the recommendations and conditions and that is that the staff recommended that environmental remediation occur for removal of debris in the

buildings, but I think they're potentially, unfortunately could be a more serious issue here given the fact that it's a nursery.--

SPEAKER:

Pesticides.

MS. ESPOSITO:

Yes, which are well known to use a wide variety and a large quantity of pesticides, and you only have to look to the east just a little bit in East Patchogue when they knocked down a nursery there and found according to the Suffolk County Health Department the largest quantity of Chlordane contaminates in soil and groundwater than the County's ever seen. So prior to putting people in homes there they need to do soil testing and groundwater sampling in collaboration with the Suffolk County Health Department to verify that the property is safe.

CHAIRMAN CARACCILO:

So you're saying Commissioner you would want that to be a recommendation rather than a comment?

MS. ESPOSITO:

Absolutely, yes.

CHAIRMAN CARACCILO:

Okay.

MS. HOLMES:

Now I would certainly second that because on Shelter Island we had exactly that situation where a nursery had been abandoned and there was groundwater testing because somebody wanted to put housing nearby and they found a great deal of leaching of pesticide in the area. And in fact, there was quite a debate as to where it came from, but it was quite apparent that it had leached over time from the nursery.

CHAIRMAN CARACCILO:

Thank you, Commissioner.

MR. FRELENG:

So if staff could clarify I just want to know number one, is that a modification of the comment or is that an additional condition?

CHAIRMAN CARACCILO:

I think Commissioner you wanted that as a condition, correct.

MS. ESPOSITO:

I think it has to be a condition, yes.

MR. FRELENG:

As a condition, okay.

CHAIRMAN CARACCILO:

And Don are you satisfied with the condition here or is there anything in that text that would make --

MR. FIORE:

No, I'm not satisfied with that condition; I would want an egress out of here. I mean, if we're going to have affordable housing in there or senior citizen housing, you know, it's paramount to have some sort of an entrance and having another way out also.

MR. FRELENG:

We'll modify condition three to be a condition for an alternate point of access from Blue Point Road.

CHAIRMAN CARACCILO:

Will that be satisfactory, Don?

MR. FIORE:

I'm sorry.

CHAIRMAN CARACCILO:

To modify condition three to be -- give it to me again.

MR. FRELENG:

An alternate point of access.

MR. FIORE:

I'd rather it just a right-of-way, but does that come back to us?

MR. FRELENG:

Well, in order to I can't answer that directly; in order to comply with the conditions as adopted by the Commission they'll modify their map if it's "a substantive modification of the map they should refer it, but if it's just a shifting a little bit and tweaking of the map it would not necessarily be required to be referred, but that's a -- unfortunately in the regulations that's pretty much a subjective opinion on whether or not it's a substantive change to the map.

MR. FIORE:

Correct me if I'm wrong, if we -- let's say we knock this down here it could still go back to the town board and have it be approved just the way it sits?

MR. FRELENG:

That is correct.

CHAIRMAN CARACCILO:

Yes.

MR. FRELENG:

The town board could override your conditions with a super majority.

CHAIRMAN CARACCILO:

Right, that's why if we could get your condition, you know, the text that you want it would probably better to do it that way.

MR. FIORE:

Okay, that's fine.

CHAIRMAN CARACCILO:

All right, you are satisfied with that text?

MR. FIORE:

Yes, please.

CHAIRMAN CARACCILO:

Okay.

MR. ISLES:

Okay, the only other comment I'd like to make on that is we are obviously looking at updating the guidelines for the Commission and this is something that we should address as part of that so we do it in more of a broad basis versus on a case by case basis. So just to highlight that, that it just shouldn't be done at Ad Hoc kind of thing. So I understand that will of the Commission not to do an emergency access, but to do it as a designed vehicular access on a regular basis; we will reflect that and here again, we should address it with guidelines as well.

CHAIRMAN CARACCILO:

Great. Okay, a motion is in order.

MS. HOLMES:

To accept the report as amended with conditions instead of recommendations; I would move that.

CHAIRMAN CARACCILO:

With the two conditions that Adrienne's and Don's, correct?

MR. FRELENG:

Yes. And the modification with the comment by Commissioner Holmes, I mean, Commissioner Bolton.

MS. BOLTON:

Thank you.

CHAIRMAN CARACCILO:

Correct. Do we have a motion for that?

MS. HOLMES:

Yes, I moved that.

MR. PRUITT:

Second by Commissioner Pruitt.

CHAIRMAN CARACCILO:

All those in favor? Opposed? Abstentions? Motion carries the staff report.

(Vote: 9-0-0-1 Absent: Dietz)

MR. FRELENG:

Okay. The next matter is the application of Omnipoint Communications, Inc. This is also referred to us from the Town of Brookhaven. The jurisdiction for the subject application is that the property is adjacent to Montauk Highway otherwise known as NYS Rte. 27A. The applicants are seeking Town Board change of zone approval from A1-Residence to J2-Business for the construction of a 120 foot monopole tower upon which six panel antennas would be flush mounted. Three equipment cabinets and one battery cabinet is proposed to support the functions of the facility. The entire facility is proposed to be enclosed within an eight foot high chain link fence. The fenced compound is proposed to be 480 sq. ft. The facility is proposed to be unmanned and does not require parking, parking facility or a change in the existing onsite parking. According to submitted materials the Commission, I'm sorry, according to submitted materials to the Commission the initial development proposed within the subject parcel is approximately 3,180 sq. ft. of the entire approximate eleven acre parcel. The subject parcel is the location of property used by the Suffolk County Hellenic Community Inc. otherwise known as the St. John's Creek Orthodox Church in connection with this house of worship there's a nursery school known as Ducky Pond Pre-School.

The subject parcel is located on the north side of Montauk Highway as indicated is NYS Rte. 27A; it's approximately 360 ft. west of Kennedy Avenue which is a town road in the hamlet of Blue Point.

A review of the character of the land use and zoning pattern in the vicinity indicates that the parcel is situated in a predominately A-1 zoning designation. A

corridor of J2-Business is located along Montauk Highway with some J5 and J6 Business along the corridor. B-Residence zoning is located along the south side of Montauk Highway opposite and east of the subject parcel. The subject site is bound to the west, north and, I'm sorry and east by detached single family residential dwellings and by Montauk Highway to the south. Purgatory or Corey Creek is located adjacent to the east of the subject property. Go to the aerial a second. Thank you.

Access to the facility is proposed via a new 12 foot wide gravel road within the interior of the subject parcel for an additional 2,700 sq. ft. of developed area.

With regard to environmental conditions it should be pointed out that the creek to the east is mapped by the state and federal government. The stream known as Purgatory Creek or Corey Creek is mapped by NYS DEC as P-6, Patchogue wetland 6, a class 1 wetland. The U.S. Army Corps of Engineers has also mapped standing segments of the stream some as standing water and some as emergent vegetative growth in a freshwater wetland.

In 1996 Town of Brookhaven Comprehensive Land Use Plan recommends one acre or less density for the subject area. The proposal would be inconsistent with this recommendation as the proposal is for a commercial wireless communication facility including a monopole tower and support equipment. And I should point out a change of zone to a commercial use.

The Town of Brookhaven Zoning law is explicit in its Legislative intent protecting residential neighborhoods. Section 85-452 Legislative intent indicates that "protecting residential areas and land uses from potential adverse impacts of towers and antennas encourage the location of towers in nonresidential areas and encourage users of towers and antennas to locate them to the extent possible in areas where the adverse impacts on surrounding community is minimal as well as the intent is to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impacts of towers and antennas." That is all quoted out of the Legislative intent of the wireless communication law of the Town of Brookhaven and these are all primary objectives of that Legislative intent. Moreover, the zoning law indicates that the entire lot is to be considered though the tower or antennas may only be located on leased parcels within such lots. The subject parcel is surrounded on three sides by residential development where the monopole tower would be highly visible. It is the belief of the staff that the proposed zone change and construction of the monopole tower and wireless facility would substantially undermine the effectiveness of the zoning ordinance.

The applicants are proposing to rezone the entire 11 acre site to J2-Business making permitted uses in the zoning category as of right on the property. The subject property goes deep into residential developed land. Intense uses such as commercial centers, delicatessens, dry cleaners, health clubs, laundromats,

office buildings, retail stops and stores would be permitted on site including associated parking, lighting and other accessory facilities. Moreover, wet uses such as delicatessens, dry cleaners and laundromats may not be compatible uses adjacent to wetland systems adjacent east of the subject property. It is the belief of the staff that the proposed action would be an unwarranted encroachment of commercial zoning into a residentially zoned and developed area.

Just to paraphrase, if you change the zone on the property to allow the wireless communication facility what you also allow as of right or all those other uses. So if for some reason a year from now, two years from now the monopole antennas no longer viable and they take that down you would still have the standing J2 zoning which would allow all those other uses.

Finally, it is the belief of the staff that sufficient information has not been submitted to demonstrate compliance with applicable zoning law requirements. Section 85-455 requires of the petitioner of a wireless communication facility to provide to the town an inventory of its existing towers, antennas or sites approved for towers or antennas including specific information about the location height and design of each tower. Such information was not included in the referral to the Commission and would be helpful in establishing the need for such a facility in light of its proposed location.

Staff is recommending disapproval for the following reasons: number one that it would substantially undermine the effectiveness of the zoning ordinance and the text which follows is excerpted from the staff report. The second reason for denial would be that the proposed action would be an unwarranted encroachment of commercial zoning into a residentially zoned and developed area. Again, the paragraph which follows is excerpted from the staff report. And the third reason for staff recommending a denial is that sufficient information is not been submitted to demonstrate compliance with the applicable zoning law requirements. And it has been established that municipality can ask for that type of plan which indicates where all the towers and antennas are to establish need and that paragraph which follows is excerpted from the staff report as well. So if I could just go real quick to the aerial and to the site plan just to recap. Coming in along here they're proposing to put this antenna and monopole tower right about here; you can see the residential development all around and if the site itself was allowed to be changed to J2 this entire parcel would be as of right able to put in a shopping center or any of those uses that I indicated. So that is the staff report with the staff recommendation.

CHAIRMAN CARACCILO:

So basically, we don't even know from this application if a cell phone tower is warranted in that area if reception is poor or if it's a public safety issue, but it really looks like this is just an application to change 11 acres of zoning.

MR. FRELENG:

Well, I'm not going to change the wording of the chair, but they did not submit information that would demonstrate the need for the monopole tower.

CHAIRMAN CARACCILO:

Thank you, sir. Any questions or comments?

MR. GOODALE:

Yes.

CHAIRMAN CARACCILO:

Go ahead.

MR. GOODALE:

Would it be, this is in my estimation ridiculous, but the -- would it be -- there could've been another way they could have done this rather than ask for rezoning of the entire 11 acres? Or is it they're required to rezone the entire thing to a pole, to get that pole?

MR. FRELENG:

Well, they could always go for a use variance before the Zoning Board of Appeals which would not --

MR. GOODALE:

Exactly, but they chose to not to do that as far as we know?

MR. FRELENG:

That's correct. As far as I know they chose not to do that.

MR. KONTOKOSTA:

Just one clarification; I think it should be St. John's Greek Orthodox Church.

MS. ESPOSITO:

Yes, yes.

CHAIRMAN CARACCILO:

I knew you would have that clarification.

MR. KONTOKOSTA:

That was my duty to straighten that out.

MS. HOLMES:

I thought it was a group of Native Americans who were Orthodox.

CHAIRMAN CARACCILO:

Charla.

MS. BOLTON:

I'm asking this question thinking that it was going to be asked by Ms. Esposito.

MS. ESPOSITO:

Oh wait, did I miss something here?

MS. BOLTON:

Since there's a wetland along this site should that be another reason in terms of having new commercial development adjacent to a wetland as part of our comment?

MR. FRELENG:

Well, certainly in the staff report we did indicate that wet uses such as delicatessens --

MS. BOLTON:

Right, I'm just saying as part of the comments, you know, the conclusory comments.

MR. FRELENG:

If that is the pleasure of the Commission we can certainly add that as a comment.

CHAIRMAN CARACCILO:

Thank you, Andy.

MS. ESPOSITO:

You know, no one calls it Purgatory Creek just so you know we only call it Corey Creek down there.

CHAIRMAN CARACCILO:

A motion is in order.

MS. BOLTON:

So moved.

MR. FIORE:

Second.

CHAIRMAN CARACCILO:

Second by Don. All those in favor? Opposed? Abstentions? So motion carries. **(Vote: 9-0-0-1 Absent: Dietz)** Thank you, Andy.

MS. ESPOSITO:

I would just like Commissioner Bolton to know I'm trying to train the other Commission members to raise these issues, so thank you.

MS. BOLTON:

So now I can say that I'm trained.

CHAIRMAN CARACCILO:

Oh boy, come on Andy move along.

MR. FRELENG:

Next matter before the Commission is the application of Skyway Land Corp. This is referred to us from the Town of Islip. Jurisdiction for the Commission is that the subject property is adjacent to Motor Parkway CR 67 and adjacent to Joshua's Path which is NYS Rte. 111. The applicants seek Town Board change of zone approval from Industrial 1 District to Business 3 District along with four Special Permits in order to construct a gasoline filling station with a 3,200 sq. ft. convenience store, a minor restaurant with 12 seats, a second story 1600 sq. ft. office and a 1770 sq. ft. car wash with 12 car cuing lane. Forty-four parking spaces are provided on site where 49 are required. The full range of uses are proposed on an approximate 1.3 acre parcel. The subject parcel is currently an existing gasoline service station and various outdoor storage uses.

The subject parcel is located on the north-west corner of Long Island Motor Parkway which is CR 76 and Joshua's Path which is SR 111 in the hamlet of Hauppauge. A review of the character of the land use and zoning pattern in the vicinity indicates that the subject parcel is situated in an "L" shaped corridor of Industrial 1 zoning along the north side of Motor Parkway and the west side of Joshua's Path. Zoning to the south and across Motor Parkway and to the east across Joshua's Path is predominately residential with some commercial zoning at the south side of the intersection of Motor Parkway and Joshua's Path. The subject site is bound to the north and west with industrial land and uses and to the south and east the site is bound by road right-of-way.

Access to the facility is proposed via three points of access currently existing. One access point is at the west end of the site to CR 67; a second existing access to CR 67 will be closed. Two points of access are proposed to SR 111 Joshua's Path.

While the petition may appear to be approaching an over intensification of the use of the premises as is evident by the shortfall in the provided parking which is a little less than 10% the site essentially has lot area to accommodate all of the proposed uses. Moreover, the use appears to be consistent with the nature and character of the area and the proposal provides for an opportunity to remediate a blighted site on a visible corner within the town. It is the belief of the staff that the site plan appears conditionally appropriate. Some modifications to the site layout may be warranted in order to make the motor vehicle circulation on the property optimal. The proposed building area should be reduced to as to meet the building to parking ratio required in the Town of Islip Zoning Law. In addition, the

building should be moved further to the west to provide more circulation room around the gasoline pump islands. The diesel pumps would in turn need to be relocated and a canopy provided. In addition, the town may wish to consider eliminating the most southern access to Joshua's Path as the curb cut is rather close to the intersection with CR 67.

So we can take a quick look at the site plan what we're recommending there's an awful lot of room back here what we're recommending is to shift the building back a little bit to give more circulation room around the front where most of the activities are going to be going on. You can see this is where the cuing is for the car wash which is proposed here and diesel pumps are here if we slide the building back we'll have to relocate the diesel pumps somewhere. Essentially, this building could be shaved back so that there is no parking deficiency as a result of the ratio between the building mass and the provided parking. So while there are many uses on the site I know we have recommended disapproval for uses that have sites that have these multiple uses in this case we believe that the site really does work with the exception just shifting and rearranging, tweaking if you will, the site plan.

Staff is recommending then approval with the following conditions; that the proposed building area be reduced so as to meet the building to parking ratio required in the Town of Islip Zoning Law. 2) The building shall be move further to the west to provide more circulation room around the gasoline pump islands. 3) That the diesel pumps be relocated and a canopy be provided. And the comments that staff is recommending the Commission provides to the Town of Islip is that the town may wish to consider eliminating the most southern access to Joshua's Path as the curb cut is rather close to the intersection with 67. If we could go to the aerial a second, Chris. Well, it's hard to see, but the second curb cut is really right here which if there's a right turn cuing island which there is, you know, there might be a point of conflict with the access point down at the bottom in this intersection here. So staff is recommending that we make that comment to the town and perhaps they'd like to re-look at that again. It might actually come up better in the site plan, Chris. So you can see that lower ingress/egress right here and this is the intersection right here. That's the staff report.

CHAIRMAN CARACCILO:

Thank you, Andy. Any comments or questions? Then a motion is in order.

MR. PRUITT:

Motion accepted report from staff by Commissioner Pruitt.

CHAIRMAN CARACCILO:

I'll second. All those in favor? Opposed? Abstentions? **(Vote: 9-0-0-1 Absent: Dietz)** Next one we have a comment from our Counsel and Director Isles on the next application.

MR. ISLES:

Right. Okay, the next item was a matter that Regulatory Review is ready to present. This was a case that is subject to the new local law that requires notification to residents and businesses within a 1000 ft. of the application site. The County Attorney's Office has reviewed the proof of notification that was submitted to the Commission today; there was a question raised as to one of the requirements just have a list of the residents and businesses within a 1000 ft. We apparently don't have that; we do have the certified mail receipts. We do have the other documentation we understand it was sent by first class mail, certified mail return receipt requested. So it would be a question then if we have received that and I guess as of this time we haven't so, therefore, it would appear that we'd have to put this off to when that information is provided. This is the first time we've had this matter, this type of hearing. There is a representative from the Town of Smithtown Planning Department here today so if there's certainly you want to bring forward you may do so, but I also not going to put you on the spot so if there is nothing that's fine too.

MR. HANS:

I'm Peter Hans from the Town of Smithtown Planning Department. As you're aware this is the first case of this nature that we're bringing before the board. I spoke to Mr. Baker out in the hallway; he says he does have a list he just doesn't have it here presently. Obviously, he's sent over 100 certified mail receipts so he is making the attempt that's all I have to say.

CHAIRMAN CARACCILO:

Counsel, what is your recommendation on this.

MS. FARRELL:

The recommendation is from the County Attorney's Office is that application be deemed incomplete until the requirements of the letter are fully met with.

CHAIRMAN CARACCILO:

And what is the circumstances of an incomplete application; will it come back to us next month if the requirements are met or –

MR. ISLES:

Right. Upon completeness it would then come back to the Commission which could be next month certainly.

CHAIRMAN CARACCILO:

Okay. Do we need to make a motion and a vote on tabling this or putting this off as an incomplete application?

MR. ISLES:

Andy.

MR. FRELENG:

No, the application stands as incomplete until such time as the affidavits are submitted satisfactorily to the County Attorney's Office.

CHAIRMAN CARACCILO:

Okay. So then we will deem the application incomplete.

MR. ISLES:

Go to the roundtable.

CHAIRMAN CARACCILO:

Okay, we're up to the Commissioner's roundtable. Sara, why don't you start us off today?

MS. LANSDALE:

Nothing to report.

MS. BOLTON:

I don't have anything today either. Thank you.

MR. GOODALE:

Nothing.

MR. FIORE:

Nothing to report.

CHAIRMAN CARACCILO:

Okay, I'm good.

MS. HOLMES:

Oh dear. Just wanted to mention that last month when I reported that we were so happy to have had the private plane airport facility settled with the owners so that the Town and County would share purchase of a large parcel of that. Nevertheless, part of the agreement was to allow the family that owns the parcel to have a few housing lots along two roads that boarder the parcel one of them being a County road. So eventually, that project will come before the Commission.

CHAIRMAN CARACCILO:

Thank you, Commissioner Holmes.

MS. ESPOSITO:

Nothing.

MR. KONTOKOSTA:

Nothing at this time.

CHAIRMAN CARACCILO:
Commissioner Pruitt.

MR. PRUITT:
Nothing to report.

CHAIRMAN CARACCILO:
Thank you Counsel, you've earned your keep today. A motion is in order to adjourn.

MR. FIORE:
So moved.

CHAIRMAN CARACCILO:
Second. All those in favor? **(Vote: 9-0-0-1 Absent: Dietz)** Thank you, see you next month.

(Having no further business the Planning Commission adjourned at 1:10 P.M.)

{Denotes spelled phonetically}