

SUFFOLK COUNTY PLANNING COMMISSION

MINUTES

A regular meeting of the Suffolk County Planning Commission was held in the conference room of the Planning Department, 4th Floor of the H. Lee Dennison Building located in Hauppauge, New York on February 6, 2002.

PRESENT:

Robert Martin (Smithtown) Vice-Chairman
Louis Dietz (Babylon)
Edward Rosavitch (Brookhaven)
George Dickerson (Shelter Island)
Thomas Thorsen (East Hampton)
Frank Tantone (Islip)
Richard O'Dea (Riverhead)
Laure Nolan (Village 5000 & Over)
Linda Petersen - (At Large)
Richard London (Village 5000 & Under)
Thomas Isles - Director
Harold Withers - Deputy Director

ALSO PRESENT:

Basha Braddish - Counsel
Gerald Newman - Chief Planner
Andy Freleng - Principal Planner
Kathleen Rigano - Planning Commission
Claire Chorny - Planning Commission

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Barrett and Lucia Braaten - Court Stenographers

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

MR. MARTIN:

Good afternoon, ladies and gentlemen. Suffolk County Planning Commission is now in order. Tom, why don't we start the agenda with the nomination of officers.

MR. ISLES:

Yeah.

MR. MARTIN:

I will make a motion to make Lou Dietz the temporary Chairman for those nominations. Is anybody -- all in favor, signify by saying aye. Contrary minded. Lou Dietz, you're the Chairman.

MR. DIETZ:

Do I have any nominations for Chairman of the Planning Commission?

MR. ROSAVITCH:

At this time I'd like to nominate Don Eversoll to succeed himself as Chairman of the Suffolk County Planning Commission.

MS. PETERSEN:

I would second that nomination.

MR. DIETZ:

Are there any other motions for Chairman?

MR. LONDON:

I move the nominations be closed.

MR. DIETZ:

Motion. Second.

MR. TANTONE:

Second.

MR. DIETZ:

All in favor? Cast one ballot for the Chairman. Is that how you want to do it? A nomination for Vice-Chairman at this time.

MR. LONDON:

Mr. Chairman, I nominate Robert Martin as vice-Chair to succeed himself.

MR. DIETZ:

Is there a second?

MR. TANTONE:

Second.

MR. DIETZ:

All in favor? Are there any other nominations for Vice-Chairman?

MR. LONDON:

I move the nominations be closed.

MR. TANTONE:
Second.

MR. DIETZ:
All in favor? Cast one ballot for Mr. Martin. At this time, I'll throw it over to Mr. Martin.

MR. MARTIN:
I'm going to do the same thing for Lou Dietz. Is there any nominations for Lou Dietz?

MS. PETERSEN:
I wish to nominate Lou Dietz to succeed himself as Secretary of Suffolk County Planning Commission.

MR. MARTIN:
Thank you. Is there second?

MR. TANTONE:
I'll second.

MR. MARTIN:
Second. All in favor signify by saying aye. Contrary minded? So moved. I thought my job was over.

MR. ISLES:
There you go. Good job.

MR. MARTIN:
The first thing on the agenda is the minutes of January 9th, 2002. Has anybody noticed any errors or omissions?

MR. ROSAVITCH:
We never got them we got the minutes from December.

MS. PETERSEN:
We got December, but we never got January.

MR. MARTIN:
I don't think we act on December minutes now, right?

MR. ISLES:
December hasn't been approved yet, has it?

MS. RIGANO:
Yes. January hasn't been.

MR. ISLES:
We don't have the January minutes?

MR. RIGANO:
Right.

MR. ISLES:
Okay. So we can't do that.

MR. ROSAVITCH:

We can accept December if you want.

MR. MARTIN:

No. We'll just keep it until our next meeting. We don't have to do it. Right?

MR. ISLES:

Yeah. So we won't take any action on that.

MR. MARTIN:

We won't take any action on that. Two is correspondence.

MR. ISLES:

We have no correspondence this month to report to the Commission.

MR. MARTIN:

Now, the Directors Report.

MR. ISLES:

Just a couple of things in the Directors Report. First, is that Jerry Newman, our Chief Planner for Zoning, and Andy Freleng, our Principal Planner for subdivisions, have sent out to the Commission members annual reports in their respective areas. And the information speaks for itself, but just to note that there were 1585 zoning actions reviewed in that section, which was about a 21% increase from the prior year. And in the subdivision section, there were 143 subdivision matters referred to the Commission, which was about a 19% increase over the prior year. If any of the Commission members have any questions on any of that material, we'll try to answer that for you. At the next meeting, I'd like to bring updated information on some demographic housing information that we're putting together as well to complete an annual report to the Commission.

Just a couple of other items. The Commission at the last meeting authorized the Planning Department to provide services to the Town of Brookhaven relative to the Mastic/Shirley area in a project involving County Road 80. The Town of Brookhaven in cooperation with that community is having a planning visioning session starting this Friday and going into the weekend into Monday. The Planning Department will be attending part of that where we've been invited to, and we'll keep you posted of that after it proceeds.

Just two other items. At the last meeting of the Commission, there was a presentation by representatives from the Village of East Hampton. At that time we did hand out a summary of the Village of East Hampton Comprehensive Plan. We have the full report here if you'd like to look at it further, but at this point, the -- sometime during this meeting, we would request that the Commission bring this forward. The Village has put a fair amount of effort into completing a comprehensive plan. It's something we applaud to see their initiative in terms of identifying issues in the community that need to be addressed and being very proactive from a community planning standpoint. If the Commission has any questions regarding the plan, the Planning Department has reviewed it. East Hampton is clearly a very well established community, it's not a community that's facing great development pressures, but there are issues in terms of protecting quality of life, protecting neighborhoods, of maintaining a balance between commercial and residential development outside, commercial interest versus local needs and so forth. I think they've done a very good job in trying to balance the various competing needs in the community in a very good way. The commission is obligated to act on this meeting. We really can't put it off further than this, but if there is more information you need, we'll try to get that to you or try to answer your questions today. Whether you want to do that at this point, act on this, or bring it up later on in the agenda.

MR. MARTIN:

If you have to act on it today, let's go on with it.

MR. ISLES:

Okay.

MR. MARTIN:

Make your recommendations. I think that would be better than keeping it at the end.

MR. ISLES:

Okay. Sure. So we just request a motion then to --

MR. MARTIN:

To do what? Put it here first -- you want to hear it?

MR. ISLES:

There was a presentation on it at the last meeting.

MR. MARTIN:

We're not doing anymore, just discuss it after this.

MR. ISLES:

Right.

MR. MARTIN:

Okay. Motion's in order to hear it today. That's the motion in order, to hear it today?

MR. ISLES:

Yeah, to approve it. To refer it back as the Suffolk County --

MR. MARTIN:

You want to approve it before we discuss it?

MR. ISLES:

We need to give an advisory resolution back to the Village of East Hampton.

MR. MARTIN:

Oh, I thought we were going to bring it out and ask questions.

MR. ISLES:

We can do that.

MR. MARTIN:
Then we'll approve it.

MR. ISLES:
That's fine.

MR. MARTIN:
Let's do it that way.

MR. ISLES:
Okay.

MR. MARTIN:
Okay. So let's -- read your recommendation.

MR. ISLES:
Okay. Okay. Essentially, just to give you a summary of the report, and reinforcing what has been said at the presentation made by the representatives of the Village of East Hampton last meeting, what they noted is that the community was established 400 years ago. It's -- it was one of the first communities in the country, actually, to have a zoning ordinance in 1925. They've had a very pro-planning government for many years. And in terms of the impact for change occurring in East Hampton Village, the community has largely developed. They have about 14% of the village is in protected open space, but the amount of vacant land is very limited. So what they've identified in terms of their goals is to preserve the Village's neighborhoods, the established neighborhoods, to support the commercial needs of the village, to protect the natural resources and historic character, to provide for the transportation needs and also provide for basic facilities and services. In terms of specifically how they're proposing to address those and they go into quite a bit of detail on this is to look at such issues as the scale of new development, looking at ensuring that the zoning ordinance matches the parameters of building envelopes and so forth as it puts into new development.

They talk about managing special events that bring this seasonal crowds and so forth that that not be to the detriment of neighborhoods. Here again, trying to find a balance between maintaining those neighborhoods and accommodating the other needs of the community. In terms of commercial needs, they very strongly speak to the need to retain the existing limits of the commercial districts. They're not looking at the expansion of the commercial district, and I think from a Smart Growth standpoint, it is beneficial to reinforce the Hamlet Center, the downtown of the Village of East Hampton. It is a very cohesive well-defined discreet downtown, and in terms of expansions of the downtown, I think rightfully so, they're identifying that as a concern. And that it's important to maintain the cohesiveness of the community center, the hamlet center, and the commercial area as described. The natural resources that they spoke on recognizing that they do have a significant amount of open space, protecting that, providing stewardship wetlands and beaches and dunes, ensuring that they use their regulatory protections that they have at the Village level in a prudent manner and responsible manner, and working with other areas of government to do control of nonpoint source of pollution, you know, drainage runoff in roads and so forth, taking steps to protect runoff that's going into streams and rivers and so forth. On historic character, they have many historic buildings and given the age of the community, reinforcing that. On transportation needs, a lot this deals with issues beyond the locality at the village level, but finding the balancing between traffic flow and also on the other hand, being able to move traffic, but not at the expense of widening roads that would be to the detriment of neighborhoods or the downtown area itself.

They do speak of working cooperatively with the Town of East Hampton particularly on that. And then basic facilities and here again, just doing as a summary, looking at recreation, emergency services, water supply and waste water that that all be addressed as needed at the village level. So that's essentially the plan. The they also talk about an implementation section phasing it into intermediate, short-term and long-term aspects of the plan. And then finally, they talk about the need to update the plan periodically, that it's not a static document, that it is subject to revision as community needs change. So I guess unlike other communities that perhaps more towards the center of the Island and in Brookhaven for example and Riverhead and so forth where there's still a tremendous amount of development pressure, tremendous amount of privately-owned vacant land, this is achieved more of a steady state, mature village environment and primarily seeking to protect that and to have compatible new development in with the existing development.

The final point I'll make is that the -- most of the actions in the plan are subject to further review by at least different agencies, and in many cases, by this Commission, such as changes to the zoning ordinance, specific rezonings would most likely, in many cases, come back to the Planning Commission. Obviously many types of subdivision maps would come back to the Planning Commission. So as with any plan, this sets out certain policies and guides, the specific implementation is subject to further review, so this Commission would have that ability to have further input on more specific proposals as they may come forward. Okay.

MR. MARTIN:

Would you read your recommendation into the record.

MR. ISLES:

Yeah. We would recommend that the Commission recommend to the village adoption of the plan, and to perhaps suggest that the village be congratulated on the undertaking of this effort.

MR. MARTIN:

Okay. Anybody -- let's go right around the room once.

MR. THORSEN:

Well, I shouldn't say anything because I was part of it.

MR. MARTIN:

I think that's a very important part of it, somebody's got to be part of it. That's what you're here for really.

MR. THORSEN:

It was a lot of heavy effort by citizen groups and organizations, did a splendid job, so I'm very proud of it.

MR. TANTONE:

Seems to make sense. Seems to be well prepared, well researched.

MR. MARTIN:

George.

MR. DICKERSON:

Very good. And while we're talking, I might as well finish what I'm going to say. I was a trustee in Shelter Island Association for 16 years, and I've been with you fine people for seven going on eight years. I'm retired now from American Airlines pilot. And we have a place in the mountains, and we have a place in Florida, and it's just -- we're going too much for us -- for me to be coming to these meetings. It's not fair for the representing Shelter Island periodically. So I talked to the supervisor, and I'm going to retire with a pension, I guess, from --

MS. NOLAN:

Equal to your pay, that's an unusual situation.

MR. DICKERSON:

Equal to what I'm getting for American Airlines, it's amazing. I talked to our supervisor, he knows about it. He asked me to fill in until they find a substitute alternate and they're working on it now, and I guess you'll be talking to him later.

MR. ISLES:

Right.

MR. DICKERSON:

Later on. You may see me again. If your lucky, you may not. But I've enjoyed working with you folks, you're really doing a great job. I see it every time I come here. You're really, really important Commissioners. It's very important on Long Island, especially now in the area with the building in progress. But anyway, I want to thank you all very much. Thank you.

MR. MARTIN:

It's an honor you being on this Board. And with pleasure and everybody will miss your jokes and your knowledge and whatever. Laure, please.

MS. NOLAN:

Are we talking just about East Hampton?

MR. MARTIN:

Yeah.

MS. NOLAN:

I don't have any comment on East Hampton.

MR. O'DEA:

Very nice.

MS. PETERSEN:

I thought it was very well thought out and very well presented.

MR. ROSAVITCH:

One of things we discussed at the presentation was the potential for some sort of traffic rerouting around the village. And I think that if the village is going to keep its character, they're going to have to work with the town to come up with some sort of alternate route, otherwise it's going to really impact the citizens of that village. And I'd urge them to work in cooperation with the town.

MR. ISLES:

Good point.

MR. LONDON:

I share the sentiments of everyone else. I think it's a well presented report. MR. MARTIN:
It obvious -- oh, Lou, I'm sorry. I'm trying to avoid him really.

MR. DIETZ:

Seeing that you forgot me, I'll make the motion that we approve it.

MR. LONDON:

I'll second it.

MS. PETERSEN:

Second.

MR. MARTIN:

Very good. All in favor signify by saying aye. Contrary minded? So a adopted.

MR. THORSEN:

I have to abstain.

MR. MARTIN:

Abstention?

MR. THORSEN:

Uh-huh.

APPROVED (VOTE:9-0-1-0) (THORSEN ABSTAINED)

MR. ISLES:

Just one little housekeeping item. When you get the postcards from us in terms of your attendance at the meetings, I realize sometimes you may not know exactly whether you can make it or not. It does help us to get those cards back as soon as we can. So if you can do it quickly, that's a big help to us. We appreciate it very much.

MR. MARTIN:
Jerry Newman.

MR. ISLES:
The Commissioners' Round Table.

MR. MARTIN:
Oh, the Round Table. I thought -- all right.

MR. ISLES:
That was pretty much it.

MR. MARTIN:
I thought we had that. Okay. Tom.

MR. THORSEN:
Well, I wish it were perfectly quiet out on the East End now, you know. We still have a couple of things going on. The town is doing the comprehensive plan, there seems to be a little bit of stirring out there with some politics in it and so on, which is normal for a comprehensive planning development. And in my neighbor to the west, there's a lot concern for taking down 200 year old trees along Montauk Highway, which is a shame. I came through there today and a lot of the gorgeous trees that were there are gone. It seems that the lighting company wants -- wants us to see its telephone poles rather than trees. It would seem to me that it would be much better to plan a capital program and gradually put that line under ground. Don't have to do it all in one big shot, but doing it piece by piece based on a comprehensive review of sections of the highway. And that would do a lot to preserve that corridor. And there are a lot of Westerners coming out to see our eastern areas, and I hate for you to look at telephone poles.

MR. MARTIN:
Frank.

MR. TANTONE:
Just briefly, two things. Some of you may have heard I had my reconfirmation hearing yesterday, and just to be -- to clear up a misconception, it went I thought very smoothly. Unlike the first time when I went, I thought the Legislators this time were polite, they were courteous, they asked difficult questions, but at least they were civil about it. The first time at my regular confirmation hearing when I was first appointed, that wasn't the case; they were rude and condescending, and we got through that. That wasn't a big deal. But the moral to the store was yesterday I thought went fairly well. It was civil even though, you know, you could obviously see that there was some sort of agenda or disagreement, but at least we treated each other in a civil manner.

The only other thing we have going on in Islip really is we started to get a little bit of controversy again with cell phone towers, which are back. At a Planning Board meeting just last week, we were accused of being the one town who was holding up all the cell phone towers as a policy in our town. So I don't know if there's some sort of litigation to follow or what would be the set up for there. But the one particular gentlemen who represents a number of those companies was not very happy with us. That's all we have going right now.

MR. MARTIN:
(Inaudible), is anything new?

MR. TANTONE:
Nothing new. He's going to serve out at least until the end of this month because Commissioner Galizzio is studying for the bar exam right now, so he's kind of bunkered down somewhere. So rather than having the Commissioner be out of -- out of commission and the chairman changing we've -- {Maury's} decided to stay over as long as necessary. It will probably be sometime during March.

MR. MARTIN:
Well, we heard from George the sad news.

MR. DICKERSON:
I didn't say anything did I?

MR. TANTONE:
Can't take it back.

MR. ROSAVITCH:
He can take it back.

MR. DICKERSON:
What we do have on Shelter Island is a problem with an airport, private air strip right in the middle of the Island. I can't concentrate looking at you. I want to go out with a bang, right? Isn't she pretty? I forgot what I was going to stay.

MR. ROSAVITCH:
The airport.

MR. DICKERSON:
Oh. Cell tower and they want to put a windmill, the Long Island Lighting Company, they haven't -- they forgot there's an airport right in the middle of the Island, right on the down wind or approach lane, and that's -- we're going to be very deeply involved in that. And what I was going to say was that this may be my -- did I say that yet? Excuse me. MR. MARTIN:
Tough act to follow.

MS. NOLAN:
Northport is gearing up for elections, so that's going to be an exciting time for the next month in the Village of Northport. Those elections are sometime around Saint Patrick's Day, I'm not sure of the date. There are four seats on the five person board that will be up for election. Asharoken just -- their Planning Board has just drafted a new master plan for the village, which they are about to present to the Town Board -- to the Village Board. I know they did get some help from the Planning Commission early on. And the town -- Town of the Huntington also has problems with cell towers. And, in fact, we just resolved a lawsuit, so you are hardly the only town.

MR. TANTONE:

In fact, the gentleman represented you had a moratorium in Huntington.

MS. NOLAN:

We did, which was thrown out.

MR. TANTONE:

He made us aware of that.

MS. NOLAN:

I'm sure he did. We're still grappling with that issue.

MR. ODEA:

We got cell tower problems also, so I might as well join in on that one. We've got about four proposals and one that's -- that was studied under SEQRA, and received. I don't know all the particulars on any Boy Scouts in Baiting Hollow, and they received a favorable ruling on that, which is now under appeal, which could be a very important case if the appeal holds up. They're under pressure. The Farm Bureau has got an idea in their head and a mailing done to do a plan with LIPA on windmills. I don't know how that's going to fly around. If they can hide them enough, I guess it will get some action. Speaking about pressure under -- Tom brought up development pressure is tremendous, probably in Riverhead more than any other place in this County. And the freeze in the market on the County level of buying any development rights or even doing any work on them is really a bad timing situation for Riverhead. The thing with developers of which there's three or four major ones out there is they've reaped the harvest so they can walk in and almost pay anything for land now, and there's really no big loss pressure on the back side. It's just -- and that's the way it's going. There's a comparable piece on Sound Avenue, it's a long track that goes right from Sound Avenue to the Sound. One parcel was purchased, I guess, with a "subject to" clause and recently closed on a sign map for 1.476 -- 70 - - I'd say 75 acres. Then you have a condominium, the old (inaudible) project Willow Ponds, and you have an almost identical track to the first one I mentioned that (inaudible) just paid three point six for. Very good gauge on your values and in the receiving area that's going on right now. It's a fight that's going to be difficult to overcome.

MR. MARTIN:

Thank you. Linda.

MS. PETERSEN:

Our Planning Commissioner, John Girandola, announced his retirement yesterday. So in March -- March 8th is going to be his last day, and that was quite a surprise to those of us who work with him on a daily basis. We will miss him. I think there'll be a big search to find someone who can fill his shoes. Presently the Public Service Commission is holding hearings on the Brookhaven Energy Plant in Yaphank. It's a proposal to bring gas powered plants in 580 megawatts, it's enormous. And those hearings are going on each day this week at the Yaphank Firehouse. So I don't know what the conclusion to that will be, but I guess we'll know shortly. And during a special election, it was vote in that we will switch from an "at large" system of government in Brookhaven Town to councilmanic districts. That will require drawing up district boundaries throughout the town. We have about 250,000 residents, so we'll see where those lines go. And I presume that ultimately it will change the faces of the Town Board in some manner and different directions the town might go in. So that remains to be seen. We won't have that in place actually until 2003, the fall. That's pretty much what's new.

MR. ROSAVITCH:

Linda just stole my thunder on the councilmanic districts.

MS. PETERSEN:

I'm sorry. Add to it.

MR. ROSAVITCH:

As she said, all indications are the 2003 election will be the turning point. Remains to be seen what comes up between now and then.

MR. LONDON:

I have nothing.

MR. DIETZ:

No.

MR. MARTIN:

We have nothing.

MR. ISLES:

Okay.

MR. MARTIN:

Okay. S-SH-79-17.1

MR. FRELENG:

Okay. The first regulatory matter before the commission is a subdivision matter from the Town of Southampton called Southampton Enterprize Zone LLC. Jurisdiction for the commission is that the subject property is adjacent to State Route 24, and the property is located in the Pine Barrens Zone. The applicants are proposing the subdivision of about 35 acres of land into 22 lots in the L40 Light Industrial Zoning District in the Hamlet of Flanders. The minimal lot size in the zoning category is 40,000 square feet. The proposed map is not being processed pursuant to two seventy-eight cluster provisions. However, it should be noted that this is a voluntary production of yield from yield that could be 30 lots down to 22 lots. The intended lots range from 40,156 square feet to a little closer to 160,000 square feet, and no open space is provided.

The subject property is the location of a former drive-in, drive-in theatre. You can see the pattern there of the parking. A concrete slab from the former use is located on site approximately center, here where the projection booth was. There's also on site two radio towers, telecommunication towers, a satellite dish and a one-story building. And that's located at the northwest corner of the property up in here. The two existing radio towers are proposed to remain on one of the created lots, lot 15, which is the largest lot, the one that's almost 160,000 square feet. You could see that on the site plan, it's this rather large lot here in the corner, which is up in here. Property is bound on the north by New York State Route 24 and a commercial mini storage use, Peconic Mini Storage. To the east of subject property abuts residentially developed land. Okay.

The property is adjacent to Philips Avenue School, the school grounds to the south is Philips Avenue School. Improved LI-40 zoning land and vacant woodland covered land exist to the west, this here. The property can be characterized as being generally level with some disturbed areas related to the past and current use, that being the drive-in theatre and the radio towers. The remainder of the site has pine/oak woodland cover, and as mentioned, this is in the Central Pine Barrens compatible growth area. Access to proposed subdivision is intended via the creation of a loop street off Route 24 coming in from the north and looping through the property and then going back out the same way they came in. The property has about 450 feet of frontage on Flanders Road, and is surrounded on three sides by unopened paper streets. So even though it abuts this residentially developed area, there's an unopened paper street that goes all the way around the subject property. No alternate emergency access is proposed. And while there isn't one being proposed, it does look like there would be the opportunity to open up some sort of emergency access right here. This is a 50 foot wide Town Road that's just north of Philips Avenue School. It's called Van Houton Street.

The subject property is in Hydrogeologic Zone III, potable water is to be provided through public supply, sanitary waste is to be collected and disposed of on site with individual systems. I think there is an opportunity maybe to go to the Riverhead Sewage Treatment Plant. I'm not sure if there's a force main that runs down 24 or not, but it wasn't in the application. So we presume it will use septic tanks and leaching pools. Soils are generally cut and fill soils in this area and Carver and {Plymouth} sands around the undisturbed areas. They're not considered prime agricultural soils. The subject parcel is located within the CGA of the Pine Barrens. In addition, the property is located within the Central Suffolk SGPA and the town's Aquifer Protection Overlay District. The site is designated as a Residential Receiving Area District in the Central Pine Barrens Comprehensive Land Use Plan and is part of the only as-of-right Receiving Area District within the town pursuant to that plan in the Riverhead School District.

The piece adjacent to it is also part of the what's called the RRAD, Residential Receiving Area District. So this piece is predominantly the only -- with the exception of this piece next to it -- the only Residential Receiving Area District in the Riverhead School District. If you recall from the Central Pine Barrens Plan, a RRAD is preauthorized by the Health Department and the town irrespective of zoning to have half acre density or 600 gallons per day of waste water per acre. So really the issue is, without reading this whole passage, the issue is in the Central Pine Barrens Plan going backwards to the western GEIS, this parcel has been a receiving site going back to maybe the '80s. The application before the Commission today is for a reduction in yield, not even an as-of-right yield, but a reduction of yield, which leaves open the question what happens to Pine Barrens Credits in the Riverhead School District when they're purchased and looking for a place to land? So staff feels that this is really an issue. While the subdivision in itself is a good subdivision in terms of an industrial subdivision, it leaves open the question of where will there be a receiving site in the Riverhead School District. So the issues for the Commission then are subdivisions along the State roadway and subdivisions within a Pine Barrens Region, particularly the Central Pine Barrens in the compatible growth area, and the fact that this site is a receiving site.

Staff is recommending approval with several conditions. The first being that there not be any vehicle ingress and egress for Lot 16, which is the most northern lot onto the State road and that the access for this lot be through the proposed access street. So that's condition number one, that there be no access to the State road. Condition number two is standard Commission policy that all stormwater from the subdivision remain on site and not into the State right-of-way. Condition number three is that some sort of buffer, preferably a 50 foot buffer, be preserved along the right-of-way with State Route 24 to maintain any aesthetic amenities that that section of the road may have. Alternative four is that an emergency means of access be provided to the subdivision, and it's stated that an opportunity does exist from Van Houton Street over here in the southeast corner. Condition number five is that unlike subdivision properties in the Central Pine Barrens, commercial properties can clear up to 65% regardless of the zoning. So condition number five limits the clearing of the native vegetation to 65% -- I'm sorry of the whole site to 65%, and the town should be aware that does -- that does include this already cleared area, which looks like -- I don't know that's almost -- that's almost about 50% of the site right there, a little less. Condition number six, that no more than 15% of each one of the lots be placed into fertilizer dependent vegetation. And condition number seven is that no subdivision should be granted until accommodations are made for the future retirement of Pine Barrens Credits on this site or an equivalent as-of-right receiving area be created somewhere in the Riverhead School District.

I think that might be a problem for Southampton, because if you take a look at the Flanders area any open space is either already in the core or is targeted. This little piece here next to this site is targeted for a RRAD, Residential Receiving Area District. So I think to allow this subdivision to develop as proposed would be problematic in terms of the plan and probably where the Commission is recommending to the applicant, probably a boon, that the applicant should make accommodations to allow each one of these lots to go down to half acre density. So that is the staff report.

MR. MARTIN:

Where is that going to go now for approval or disapproval? Who's going to make that --

MR. FRELENG:

The Planning Board in Town of Southampton. This subdivision is before that Board, that's correct. The Central Pine Barrens Commission does have the option of calling this up as a regionally significant application. I'm not sure if they're aware of the application, but considering -- I think this is a good candidate considering that pursuant to the plan, this is the only receiving site in that school district. And that the commission should be concerned that the plan isn't undercut by them allowing an as-of-right development on that site.

MR. ROSAVITCH:

I don't see how we can act on this when we've adopted the plan for the Pine Barrens Commission and this would put that plan in jeopardy in this specific area. So we've already adopted one plan, and now we're going to say that we're going to allow for some sort of subdivision here even though it could be in convention to the plan we've adopted. I don't think we can even act on this. I think we have to automatically turn it down.

MR. FRELENG:

Recognizing that, that's why condition seven says you make accommodations for the retirement of those credits or you find another receiving site with an equivalent capacity.

MR. ROSAVITCH:

By even approving the subdivision, I think we're contravening the plan which we've adopted, and that puts us in a bind. So I don't know what Counsel thinks about this.

MS. BRADDISH:

I would probably do what you said, deny it and with a comment indicating what the problem is.

MR. ROSAVITCH:

I think that would be the way to go on this.

MR. ISLES:

I think it depends on which position the Commission wants to take on this. And the way it's been suggested is obviously, as Andy outlined, it gives them some options to try to seek the retirement of the credits or another location. Failing that, then it would not be approved, but whatever the pleasure is of the Commission.

MR. MARTIN:

Can we say approval subject to -- subject to -- or don't even say approval. I don't like to just deny because they take that as denial. If you approve it they take that as also gospel. So can't we say something to say that we would probably look into after approval to switch the -- let it come back again.

MR. O'DEA:

Can I suggest we do a motion and do a second in the middle of it.

MR. MARTIN:

We can do that, take it out and --

MR. FRELENG:

So are you suggesting -- Vice-Chairman, are you suggesting that we deny it with a comment that if you made accommodations for Pine Barrens Credits in the future, we would approve it?

MR. ROSAVITCH:

Sounds good.

MS. BRADDISH:

You can't condition your approval, to reconsider is fine.

MR. MARTIN:

Because usually they have to wait a year if you want to bring an application.

MS. BRADDISH:

Without prejudice.

MR. TANTONE:

Mr. Chairman, if we state it as a reconditionable decision, this could be used against us in other cases down the road. Is this something we would want to leave ourselves open to?

MR. MARTIN:

To rehear it?

MR. TANTONE:

Right.

MR. MARTIN:

I would say so.

MR. FRELENG:

Staff --

MR. MARTIN:

I'd rather have it that way then go back to approve.

MS. PETERSEN:

I have a question. It says L-140. Does that mean it's industrial zoning?

MR. FRELENG:

Yes.

MS. PETERSEN:

This town code allows you to build homes in an industrial zone?

MR. FRELENG:

I don't believe they do, but they say industrial subdivision.

MS. PETERSEN:

This is not homes?

MR. FRELENG:

No. This is light industrial subdivision.

MR. O'DEA:

In that regard, I think Riverhead School District would rather see industrial area as opposed to more children in the Southampton District in Riverhead Schools, which is a big issue out there as it is right now.

MR. THORSEN:

I want to ask a question. Isn't that brewing right now? You're going to see that in the papers. Very recently, within this month, that they're commissioning -- the town is commissioning a plan of Flanders.

MR. FRELENG:

Yes.

MR. THORSEN:

Because the citizens are upset by a lot of additional residents coming in there with the school district problems.

MR. FRELENG:

Yes.

MR. THORSEN:

And it would seem the community would want to see an industry of jobs and so forth. I think the issue here -- I think the issue here is the transfer of credits from the Pine Barrens. Now, way back in the western GEIS we were talking about company programs like an industrial parcel would be worth so many residential units and business would be worth so many so that you could have a trade-off. Did that ever go through in the Pine Barrens?

MR. FRELENG:

As you know I'm vice-chair of the Clearing House, and a credit is no longer considered a residential credit or an industrial credit. A credit is 300 gallons per day of waste water. So if they wanted to transfer credits to this site, they could. If it was a warehouse you could get a super huge warehouse because a warehouse is .4 gallons a day of waste water flow. So you divide the use into the waste water flow. So converting Pine Barrens credit to residential or industrial really doesn't need to be done. Really what we're trying to do is leave open the door for them to bring in credits, whether there industrial credits or not, just 300 gallons per day of credits going through the site. I think the way the staff feels it's set up is sufficient because in order for them to override -- if we just deny it, they will override the commission based on the fact that it was arbitrary, without any rationale. But if we leave the condition in there, they have to rationalize why they're going to override the condition of creating a receiving site or allowing this site to remain open. That goes into the record. I think the commission has exposed the issue, if you will, and then it's up to the locality to rationalize.

MR. O'DEA:

They'll have to zero in specifically on that area.

MR. FRELENG:

Right. That's usually when we see a resolution from Southampton, they approve it subject to overriding commission number seven -- condition number seven.

MR. O'DEA:

I make a motion to approve the staff report.

MR. THORSEN:

Second.

MR. MARTIN:

Any other questions? Any other questions?

MS. PETERSEN:

No.

MR. MARTIN:

I've got a motion and a second. All in favor, signify by saying aye? Contrary minded? So APPROVED. (VOTE:10-0-0-0) Z-BR-01-98

MR. NEWMAN:

The first application on the agenda is from the Town of Brookhaven. This is an application to rezone a 26.7 seven acre parcel of land from a light industrial category to a retirement category for the purpose of erecting 184 senior citizen housing units at a density of 6.9 to the acre affecting land situated on the east side of Hulse Road between the railroad right-of-way and Comsewogue Road at East Setauket. The preliminary site plan calls for the erection of 37 two-story resident buildings, on-site recreational amenities, a centrally located recharge pond, you can see it on the site plan, the central portion of the site right here. There'd be one point of vehicular access via Hulse Road, 239 parking spaces and a sewage treatment plant in the northwest point of the property in this section here.

A previous application to rezone a 24.2 acre portion of the property to an MF-1 category was disapproved by the Planning Commission in March of the Year 2000. The property is essentially surrounded by lands that are zoned for industrial purposes except for a small area immediately to the east. You could see all that pattern, that's all zoned industrial. Since this application was previously reviewed and considered and denied by the Planning Commission, the staff felt the application is inappropriate for the same exact reasons said before -- said previously. And the only change is we're going from a non senior citizen multi to a senior multi. So we're recommending disapproval for the same reasons, and there's an amendment, by the way, on the last condition that should read "1996 Comprehensive Plan," not 1966 plan. We're recommending denial once again.

MR. O'DEA:

Move.

MR. MARTIN:

Motion is in order.

MR. LONDON:
Motion to move staff.

MR. MARTIN:
All in favor signify by saying aye. Contrary minded? Abstentions? So carried.
DISAPPROVED (VOTE:10-0-0-0)

Z-BR-02-5

MR. NEWMAN:

Application number two is also from the Town of Brookhaven. This is an application to rezone a nine acre parcel of land from a single family one acre category to a planned retirement category for the purpose of erecting 36 senior citizen units, condominium units, by the way in this case, and an overall density of four to the acre, situated on the south side of County Road 80, 450 feet east of County Road 51 at East Moriches. The preliminary site plan in this case calls for nine two-story residents buildings, a clubhouse, on-site recreational amenities, one point of vehicular ingress and egress via the County road, and 72 parking spaces. On or about 1988, the Town Board and Suffolk County Planning Commission approved a series of rezonings on land immediately to the west as well as land throughout the entire frontage on the County roadway from a J-2 category to a residence category as part of a series of town-wide commercial upzoning.

Additionally in this same area, the resident zoned land was upzoned from a 1/3 acre to a one acre single family category. The lands are primarily bounded by lands that are all zoned for A-1 purposes. It's the belief of the staff that this rezoning appears inappropriate as it appears incongruous with nearby airport operations. The airport operation we're talking about is {Spadaro} Airport in this general vicinity, there's also (Lucter) Airport immediately -- almost across the street. It contravenes past actions of the town board in upzoning premises in surrounding lands as previously mentioned from a 1/3 acre to a one acre category. It will establish a precedent for further rezoning in the area, particularly on land situated between the County road and railroad right-of-way.

Property can be reasonably developed in accordance with existing zoning. It's inconsistent with the four -- Moriches Four Hamlet Comprehensive Plan, which indicates, and I quote, further multi family or increased density proposals are considered undesirable. And finally, it's inconsistent with the 1996 Comprehensive Plan of the Town of Brookhaven, which designates this area for single family residence purposes. Two other points I'd like to bring forth to the Commission. Back in May of last year, the Planning Commission considered a senior citizen rezoning on lands immediately across the street comprising the (Lucter) Airport facility. At that time there was a proposal to erect 220 senior citizen unit at ten to the acre on an 18.4 acre parcel of land. That was disapproved, that application is still pending.

And finally, the town board or the -- I'm sorry, the Brookhaven Town officials had meetings with the residents in the East Moriches area, and at those meetings there was a deep concern expressed by residents about the corporation of senior citizen applications in their community. So we're recommending disapproval.

MR. ROSAVITCH:

I move to staff.

MS. PETERSEN:

Second.

MR. MARTIN:

And a second, Linda. All in favor signify by saying aye. Contrary minded? So DISAPPROVED. (VOTE:10-0-0-0)

MR. NEWMAN:

That's it.

MR. MARTIN:

Is the motion in order that we need.

MR. ROSAVITCH:

So moved.

MR. TANTONE:

Second.

MR. MARTIN:

We're adjourned.

(*THE MEETING WAS ADJOURNED AT 12:55 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY