

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 April 3, 2002.

PRESENT:

Donald Eversoll (At Large) Chairman
Robert Martin (Smithtown) Vice-Chairman
Carl Berkowitz (Brookhaven)
Thomas Thorsen (East Hampton)
Richard O'Dea (Riverhead)
Laure Nolan (Village 5000 & Over)
Linda Petersen (At Large)
Richard London (Village 5000 & Under)
Michael Macco (Huntington)
William Cremers (Southold)
Nancy Graboski (Southampton)
Frank Tantone (Islip)
George Dickerson (Shelter Island)
Louis Dietz (Babylon)
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.*)

CHAIRMAN EVERSOLL:

I'd like to call the -- I'd like to call the meeting to order. And we'll have a -- I'd like to ask for -- well, first of all, I'd like to introduce our two new members, Nancy Graboski, who's from the Town of Southampton, and she's been a very gracious hostess when we've visited out there. And hopefully this summer we can -- or next summer we can do likewise.

MS. GRABOSKI:

Thank you.

CHAIRMAN EVERSOLL:

It's a beautiful place to be. And Carl Berkowitz from the Town of Brookhaven.

MR. BERKOWITZ:

Thank you.

CHAIRMAN EVERSOLL:

So welcome. And we enjoy our lunches in repast and our collegiality together. So welcome to us, and to our Board, and we look forward to working with you.

MS. GRABOSKI:

Likewise.

CHAIRMAN EVERSOLL:

I'd like to entertain a motion for the approval of the minutes of the March 6th meeting.

MR. THORSEN:

I so move.

CHAIRMAN EVERSOLL:

Do we have a second?

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

Moved and seconded, and is there any other discussion? All those in favor? Any opposed? It's unanimous. Thank you. Any correspondence?

MR. ISLES:

Not today.

CHAIRMAN EVERSOLL:

My goodness. Director's Report?

MR. ISLES:

Okay. A couple of items to bring to the Commissioners' attention. Number one, the County Planning Department is the administrator of the County's Affordable Housing Program. As I mentioned at the last meeting, we did have a housing fair last week. We had over 600 people

attend that fair. We are scheduled now to conduct our auction on May 15th, which will be for first-time home buyers. The day after that, on May 16th, will be the general county real estate auction. But so far, the reception to the first-time home buyers program has been very strong. We do have a new Director of Real Estate that came on board about two weeks ago. Here again, that is a division of the Planning Department, and things are looking very positive in that direction.

A couple of other items just to note is we've provided to you copies of reports that were prepared by the department and specifically Peter Lambert from our research section, and they're just basically background reports for you. And just to highlight a couple of aspects of them, the first one is in reference to apartment development in the County, and as you'll note with this, what Peter notes is that in tracking the number of apartments developed, there have been, since the Year 2000, over 3200 apartment complex units developed or will be developed up until this time. So where we had about 3500 apartment complexes developed in the '80s, apartment units, we had 6200 developed in the '90s. Already in this decade, we've had 3200. So that's just a point of information in terms of tracking the rate of apartment development in the County. The next one is seasonal population estimates, and what Peter has put together here is looking at recent census information and housing information. What we see here is that the East End, the five eastern towns, the population increases by 162% percent in the summer months. So where the population of the East End year-round is about 125,000 people, it swells by an additional 203,000 people. Obviously, a very strong sector of the economy in the East End. And in particular, in the Town of East Hampton the population actually increases by over 400%, most specifically in the Hamlet of Montauk. I think Suffolk County ranks number six in counties in the United States with seasonal housing out of 3140 counties. Here again, this is background information for the Commission members. We've also provided and Peter's put together a summary of economic data for the County. This is on labor force, employment and so forth. Just background information for Commission members.

And lastly, one exercise that we do -- that Peter does is once a year we do a snapshot evaluation of estimated rents in the county. What we do is we take a very simple approach at looking at one day a year in Newsday in terms of looking at the real estate ads. What you'll see with that, which is a memo dated January 30th, is that the number of apartments available for rental has gone up from the prior three year date of 1999, so some increase in that. Not too surprisingly, the rent levels have also gone up. So the average one-bedroom apartment in Western Suffolk was \$1018 in January, the average two-bedroom apartment was \$1323. The increase during that three year period was thirty-three percent for Western Suffolk. Obviously, very significant and something of cause for concern from a planning standpoint, interestingly too tied to the increase in apartment development that we've sign in the past couple of years. And just the last point is we had submitted to the commission members at the last meeting a draft of the annual report. If there are any comments, we'd like to receive that as soon as possible so we can complete that report, and that then gets presented to the County Executive and the County Legislature. Thank you.

CHAIRMAN EVERSOLL:

Thank you. Thank you, Tom. Oh, yes, I'm sorry.

MS. GRABOSKI:

I was just wondering if I could get a copy of that --

MR. ISLES:

Sure.

MS. GRABOSKI:

-- annual report.

MR. BERKOWITZ:

Likewise.

MR. ISLES:

Sure.

CHAIRMAN EVERSOLL:

The next item on our agenda -- and Nancy and Carl, we have what we've had as a tradition now for a number of years is we have our Commissioners' Roundtable. And what we basically do is go around the table and talk about the things that are happening in our town and our towns and communities. So we always like to talk. Now that spring is upon us and the East End is starting to bloom, we'll start off with you, Tom.

MR. THORSEN:

Well, I have really nothing to report this month except that the comprehensive plan is well on its way, and can't give too many details about it now because they're still -- still battling over many of the issues, but I'll keep you informed about that later.

CHAIRMAN EVERSOLL:

Okay. The Town of Islip.

MR. TANTONE:

The Town of Islip for those who have asked, Mr. O'Connell's last meeting as Chairman was the 28th, which was this past Thursday. Starting April 11th, I'll be assuming the role of the Chairman. For those of you who did ask, we will be having some sort of an affair for Mr. O'Connell who many of you know served on this Board for a number of years. I'm told by Commission Galizzio that it probably won't be until May though. So I'll have more detail for everybody next time. From a planning standpoint, things are pretty quiet. We're kind of below the radar right now. The Zoning Board of Appeals in Islip is the one who is experiencing a little difficulty. There up to like a five month backlog at this point. The Commissioner -- the head of the Building Department and everybody at the town is trying to figure out how to eliminate that backlog, because it's caused a lot of problems. Other than that, that's all.

CHAIRMAN EVERSOLL:

Thank you. Nancy, how's everything going out in Southampton? All the rentals --

MS. GRABOSKI:

Oh, they're definitely -- the activity is starting to pick up a little bit. You can see that over the Easter holiday, traffic and that sort of the thing. The issues that I -- you know, that I see right up there at the moment that are current, one of them is the Town Board is working on some provisions to put into the town code regarding affordable housing to try to expand that. And the town also had hired a consultant, approximately a year ago, to research transportation and what might be done to deal with the traffic and what sorts of options we have. There was an article recently in the Southampton Press regarding the possibility of a -- of a very limited access roadway along the Long Island Railroad from County Road 39 into Wainscott to kind of try and bypass Water Mill and Bridgehampton. Where that will go remains to be seen, but those -- those are -- transportation and affordable housing, I think, are really two big issues right now for the Town Board.

CHAIRMAN EVERSOLL:

Bill.

MR. CREMERS:

Not much happening in Southold. Things are quiet. Everything's happening on the political scene, but nothing as far as planning.

CHAIRMAN EVERSOLL:

Thank you. Rich.

MR. O'DEA:

Yes. Riverhead -- last night the Town Board by resolution put in a motion a bonding for open space and farmland, 20 million for farmland, ten for open space. So within the concept of the moratorium they're in right now and moving things along, hopefully the County comes along with some money, and we'll be in business.

CHAIRMAN EVERSOLL:

Sure.

MR. O'DEA:

That's about it.

CHAIRMAN EVERSOLL:

Things happening in Brookhaven, Carl, we know that.

MR. BERKOWITZ:

Well, I was unprepared for this roundtable, but I did attend the State of the Town presentation by our Town Supervisor, and he has a lot of grand plans to try to make the town much more efficient, operation, more concern for environment and other issues. I think in the Town of Brookhaven we're going into a new era of planning and, in fact, we're looking for a planning director for the town, our planning director has retired. So there's an opportunity to move in different directions, new and exciting directions, and make people proud of the Town of Brookhaven.

CHAIRMAN EVERSOLL:

Thank you. We'll come back. Laure, how are things in Northport?

MS. NOLAN:

Northport is moving along. We have a new mayor, and actually a whole new Village Board. And, you know, time will tell how things will work out. And in Asharoken the suit against KeySpan is proceeding nearing court before Judge Oshrin. And that will also have some interesting results, I would think, within the next month or so.

CHAIRMAN EVERSOLL:

How's the fish? Are the fish biting?

MR. MACCO:

I'm only here for the free lunch. The fish are definitely biting, although, I'm not fishing for any of them. I have nothing from Huntington.

CHAIRMAN EVERSOLL:

Nothing for Huntington, okay.

MS. PETERSEN:

Brookhaven Town is going to be holding a planning charrette the first weekend in May. It's going to take place on the Route 25 corridor from Route 112 to Wading River Hollow Road. Route 112 is in Coram, and it will go as far as Ridge. There'll be a lot of information coming forward on the website, you'll probably be reading about it. We had done it down in the Moriches area for Mastic Shirley, and that was quite successful. So they're going to repeat that in Middle Island, and hope to come up with getting a good community involvement and ideas, and then work in conjunction with New York State with any plans that take place to widen Route 25. So I'll keep you posted on what happens with that. The other piece of information is Brookhaven has gone on their own website. They've developed something which will allow anyone to find out about development, forms, buildings, waste management, any particular department in the town. You can just go onto the website and follow the links, and you'll be able to get forms, if necessary, information, or where to go and what to do. So it's a new step from a technological standpoint for the town, and they're very proud of it. And any information that you need, log on, and hopefully you'll find it.

CHAIRMAN EVERSOLL:

Has the Village of the Branch come up with that, Dick?

MR. LONDON:

Well, the Village of the Branch is coming up with a couple of things. First, I'll report that elections were held, and there's no change, all the incumbents remain. So that's still led by our Mayor Irene Kissane from the Village of the Branch. Probably the biggest thing noteworthy to report today is that St. Patricks Roman Catholic Church, I'm told the largest parish in the Diocese of Rockville Center, I can't verify that, but I'm told that, has made application to the Village, and I understand a permit was signed for an increase. They're going to build a totally new church consisting of approximately 20,000 square feet. The existing church that stands there today will be changed to a gymnasium, and a social type hall. The Catholic school that is in the back of that building will remain, so the school will stay in service. They're just going to build a

totally new church. It should begin with the heavy steel and the framing within the next several weeks while they have good weather they want to get as much done as they can. They will lose a few seats. The setting will be a little different than what has been customary at churches. This is going to be -- I saw the plans -- a seating around the altar, kind of seating in the round, on both sides, as well as theater style. And they will have to lose quite a bit of parking spaces to place this structure where it's planned to be. And they'll, therefore, have to petition to the Village Zoning Board for a variance on that. That's all I have really to report today on what's happening with the Villages.

CHAIRMAN EVERSOLL:

Thank you. I was afraid you were going to say they had petitioned to change to an Episcopalian Church or something.

MR. LONDON:

That's down the road. So that's probably the next to one to enlarge.

CHAIRMAN EVERSOLL:

George, Shelter Island has to be awakening this time of year.

MR. DICKERSON:

Oh, they're awakening. They're still having a big problem with trying to solve the Cross Island Ferry using Shelter Island as a bridge. That's going to be a very, very difficult problem. The problem that they are looking at right now is the water table is down pretty low on Shelter Island. It's quite a serious problem. Everyone has their own individual well. I know the Health Department likes to have 40 feet in your well. Some people only have five or six feet in their well. If you break that hydraulic action between the freshwater and saltwater, it's irreversible, and your home is -- you might as well give it away. So they're putting pretty good restrictions on it, car washing, lawn watering, flowers and plants. They'll solve it. The water table is starting to come back up, we had a lot of rain lately. It's something we have to watch carefully. It's either that or at last call we'll probably have to put -- they're building like 60 homes last year, it's going up and up and up, the economy's going up. Two years ago, \$150,000, you can get 450,000. People are moving out there. And I understand because the World Trade Center people aren't flying, they're staying home. The water will be a big problem, if they don't watch it. They have to be very, very careful.

CHAIRMAN EVERSOLL:

Thank you. Lou.

MR. DIETZ:

I have nothing.

CHAIRMAN EVERSOLL:

No? Village of Amityville opened Victoios, a new restaurant, and they rehabilitated the old Phanne Millers Pharmacy and made a distinct improvement to the Village. The chef is improving, and there are large portions. So we all need economic stimulus in the Village of Amityville, so we invite you to come down and try it. Okay.

MR. FRELENG:

Okay. The first regulatory matter for the Planning Commission is referred to us from the Incorporated Village of Old Field. This is the application of Wooded Field Estates. Wait two seconds for this to warm up. Jurisdiction for the Commission on this application is that it is adjacent to Long Island Sound. The applicants are proposing the subdivision of approximately 12 acres of land into four lots in the two acre Residential Zoning District in the Village of Old Field. Minimum lot size is a true two acres or 87,120 square feet. It should be noted that the map is a voluntary reduction in yield from an allowable six lots to the proposed four. The map is not being processed pursuant to -- and that should read -- 7-738 cluster provisions of Village law. And the intended lots range in size from a 107,787 square feet to 249,287 square feet. No open space is proposed on the map. Several structures including a two-story framed dwelling, a gazebo, garage, carriage house and a gate house can be located on site. That's at the north end of the lot.

The subject property is bound on the east and west by large lot residential development, to the south the property fronts on Old Field Road, a local street. On the north the site fronts on Long Island Sound. The character of the area surrounding the property is large lot residential development. The subject property itself can be characterized as being rolling, rolling topography, the majority of the site has woodland cover, some bluff and beach features are found on the property to the north. Access to the proposed subdivision for three of the lots is intended via the extension of Wheeler Road into a cul-de-sac. Wheeler Road runs along roughly east-west and terminates roughly here, you can see on the subdivision map, they plan to extend Wheeler Road all the way to the property. The road is a public village road to a point some 400 feet to the western boarder of the property. Between the terminus of Wheeler Road and the subject property, three tax map parcels in separate private ownership exist and may be problematic to secure by the applicant or the Village for a road extension, so that's the first yellow flag. We have a series of single and separate lots between the end of the public road and where it's proposed to enter the site.

Okay. The result of the proposed extension of Wheeler Road would be -- if they do extend it -- would be that lot one becomes a double fronted lot. Lot one would then have frontage on the cul-de-sac extension right here and along Old Field Road. Double fronted lots are contrary to Commission guidelines. In addition, lot four is proposed to take access from Old Field Road over an existing 1641 foot driveway. That would be this proposed driveway here off of Old Field Road running all the way up the length of the property all the way to the back. This is an existing driveway, can you see it here. Okay. The driveway would pass through presumably by an easement, the boundaries of lot one. The design of the subdivision is proposed with the inclusion of two flag lots lot, three and four. Lot three is proposed to have a 400 foot access pole and lot -- I'm sorry, lot three is proposed to have a 400 foot access pole, and lot four a 900 foot access pole. Both those are in excess of commission policy, which is 300 feet.

Finally, the paper access for lot four has a dog leg. You see on the map in the back of the staff report and on the plan here, there's a right angled dog leg to the left, right there. We'll call that the physical access, those proposed to go over this private driveway. Okay, on lot one. Opportunity for an alternate or emergency access is available should the issue on Wheeler Road be resolved and access to Old Field Road is maintained. So if this single and separate issue is resolved, then they do have two access points into the subdivision.

Subject property is located within Hydrogeologic Zone VIII, potable water is to be provided via public supply, sanitary waste is to be treated on site with individual systems. The subject property is adjacent to Long Island Sound as mentioned and contains bluff and beach features. A DEC regulated wetland SJ-1 exists off site on the adjacent property to the west. You can just make it out here and is shown on the subdivision plan as this symbol there. Soils on the subject property consist of Montauk, Riverhead and Carver series. Montauk and Riverhead series soils are considered prime farm soils in Suffolk County. Issues related to the proposed subdivision stem from the commission's policy on the creation of exceedingly long flag lots, dogleg access, double fronted lots, and development adjacent to Long Island sound.

Staff is recommending approval subject to the following conditions; okay, number one, the condition number one reflects the issue of the three single and separate tax map parcels and that no final approval should be granted until the guaranteed right of access is granted to the applicant by the owners of the three tax map parcels, nine, ten and 11.1. Lot two refers to lot one, which is a double fronted lot, and it conditions that access to Old Field Road be prohibited and that the access for lot one come off of the cul-de-sac. Okay.

Condition number three addresses the issue of the dogleg and the exceedingly long flag lot strips, the access strips and the condition is that the map be redesigned to eliminate the exceedingly long flag lots and the dogleg in access of lot four, and this can be achieved and staff is recommending the creation of a private road extension from either Old Field Road or the extension of Wheeler Road. A,B,C and D are how we create private vote road extensions. Essentially, a private road extension is within a 50 foot right-of-way. The pavement is 18 feet. Within that right-of-way and at the intersection of the road, the pavement width is widened so you can pass at that intersection. So staff realizes that you could take Wheeler Road and extend it as a private road, you can curve it through this dogleg area here and extend it up some distance where the flag lot pole is only 300 feet for lot four and shorter for lot three, or you could bring up the private road right-of-way, 50 foot right-of-way, right up here to some point, where again, the flag lots are no longer than 300 feet.

So staff believes this map is amendable and correctable pursuant to our guidelines. Therefore, we are recommending the redesign including that private road entrance. Conditioning number four refers to the top of bluff, and that top of bluff should be flagged in the field by a qualified expert and picked up on all plans and surveys. Condition number five is the coastal erosion hazard line, which runs on the property, also be picked up in the field and flagged and shown on all

plans and surveys. Condition number six is an acknowledgment that approval of this does not commit the Village or the County to any sort of shoreline stabilization techniques or structures. Condition number seven is that no new residential structure or sanitary disposal facility be located within 100 feet, that's new structure or facility be located within 100 feet of the bluff.

Condition number eight is that no new sanitary or residential structure be located within 100 feet of the wetland edge, which is off site. Okay. And then there are two comments that staff believes the commission should forward this comment along, that along Old Field Road, a 50 foot buffer to preserve any amenities that the woods and shrubberies still have be preserved. That is because access for lot one will be coming off this cul-de-sac, and you don't want to have double frontage, so you provide that buffer there. And comment number two is that the tax map numbers were not correct in the referral, and we just wanted them to go back and check their records. That is the staff report.

CHAIRMAN EVERSOLL:

Do we have a motion?

MR. TANTONE:

I'll make the motion to adopt the staff report.

MR. MACCO:

Can I make a comment. I'll second it, and make a comment. Why do we care about a double fronted lot on two acre lot? I understand the policy is no double fronted lots, but I thought that policy is for, you know, quarter acre lots. It was intended for quarter acre lots. With a two acre lot, I don't think there would be any problem having a double sided lot. Also, I don't understand why we just don't cabosh the driveway exit to Old Field Road and insist that the only -- the access be on Wheeler Road, even for lot number one.

MS. NOLAN:

What if you can't get the approval?

MR. MACCO:

I guess that's the -- I mean, but -- I think the whole thing is contingent upon getting the approval anyway.

MR. FRELENG:

Well, certainly access to any of these lots, if they cannot get -- secure these three lots can certainly grant access up the private driveway. So I don't know what's compelling them to extend Wheeler Road, maybe it's the Village themselves, but they certainly have this set up to take access off the exiting driveway. And if that's the way they go, staff is recommending they just create that public -- public street that would eventually be dedicable to the Village. With regard to the double fronted lots, it is a two acre lot. Commission policy just speaks to issues related to traffic on two streets as they might impact the residents on that lot.

MR. MACCO:

Well, I would just seek -- seek to waive the comment on the two acre

-- on the double sided lot and put in -- and change the application to say that if the access is granted through Wheeler Road, that no access be allowed off Old Field Road. Because I see the benefit of having all four driveways coming onto Wheeler Road instead of having access on both.

CHAIRMAN EVERSOLL:
Okay.

MR. THORSEN:
I have a question. Have you looked at this topography here because where that cul-de-sac's coming in it looks like the steepest land on the map is pretty close to the cul-de-sac.

MR. FRELENG:
It's actually at the bottle of the slope.

MR. THORSEN:
Right. Now, if you're going to require access from that frontal lot into that cul-de-sac, it's going to have steep slopes. And most of the flat land on that lot is closer to the main road. And there's also a house there or a building of some sort.

MR. FRELENG:
This here is a gate house.

MR. THORSEN:
It's a gate house?

MR. FRELENG:
Which is intended to stay by the way with this lot four. So lot four would maintain ownership of the gate house presumably through some easement. Commissioner Macco has suggested that we allow them only access off of Old Field Road.

MR. MACCO:
No, Wheeler Road if they get the waiver.

MR. FRELENG:
And Commissioner --

MR. THORSEN:
Thorsen.

MR. FRELENG:
Thorsen. Sorry, Tom, I couldn't think of your last name, is recommending access only off of Old Field Road. So we need to settle that.

MR. ISLES:
The only point to make is that Old Field Road is a main road, it's still a very low volume road, pretty rural. So in terms of traffic impact concerning movements out on that road, I don't think it's really an issue. Either direction the Board wants to go in, if you want to go to Wheeler Road. Old Field Road is not a heavily traveled road it, would not be impacted.

MS. PETERSEN:

I have a question. The original home, is that staying on the other lot?

MR. FRELENG:

Yes.

MS. PETERSEN:

Then why are we put in all these conditions about marking the fronts? The bluffs, the erosion all of that --

MS. NOLAN:

Bluffs.

MS. PETERSEN:

If it's existing and we're not touching it, is that our place to get involved in that at this point?

MR. FRELENG:

We do have jurisdiction as a result of the Long Island Sound. We don't know -- I don't know the conditions of any of this or whether or not they're proposing to move or relocate any structure. So it's a safeguard that they don't locate anything within 100 feet, anything new, within 100 feet. Could be they have to upgrade their sanitary system, we don't know. We want to make sure that at least we're on record.

CHAIRMAN EVERSOLL:

Nancy.

MS. GRABOSKI:

I guess it just occurs to me that we can say we want them to come in off of Wheeler Road, but if they can't gain access over those other two lots, they're nowhere.

MS. NOLAN:

On that same point, I mean we say that they won't get any final approval unless they can guarantee access over that area, number one. And yet then we set up something in number three to show how they can get access from Wheeler Road. Isn't that -- from Old Field, isn't that sort of the contradictory?

MR. FRELENG:

Well, I guess we're trying to cover both ends. That's -- in the event they do open this up, we're trying to cover the issues related to opening up Wheeler Road. And in the event that they can't get this, we're trying to cover issues that come through here. But we could clarify that question. We could say in the event --

MS. NOLAN:

I think we need to -- we need to clarify, number one.

CHAIRMAN EVERSOLL:

Seems to me that it's an either or situation. However, if the applicant is proposing to gain access from Wheeler Road, I would hope that they would have already worked out the acquisition of the other

-- at least an easement. I'm sorry, Nancy, you had something else to add.

MS. GRABOSKI:

I guess, you know, from a planning standpoint, I guess, the question is there seems to be some benefit to each. Which is really the better access point? If we had a choice in the matter, what would we choose on the basis of what our planning standards are?

MR. FRELENG:

From staff's point of view, notwithstanding the slopes, it would be the collector street would not -- would be, in effect, the main road.

MS. GRABOSKI:

Even -- is that considering the topography?

MR. FRELENG:

No, I said not considering. The topography, we would go with the collector street.

MS. NOLAN:

What would you consider the topography?

MR. FRELENG:

Well, I don't know what slope this is. The scale is one to 50, so that's maybe -- it only -- it drops 20 feet and 50 feet, so it's a significant slope. So, you know, perhaps just in terms of the slope here, you wouldn't want the driveway to come in. If the house is going to here on the flat part and the driveway's going to meander down to here, it probably does make sense to come here to Old Field Road. The problem is this lot four has got such a long access.

MS. GRABOSKI:

Didn't you make another recommendation that conceivably that road would could be widened so that the actual flag would not begin until further into the parcel?

MR. FRELENG:

Yes. Yes.

MS. GRABOSKI:

So that could be considered to be an alternative.

MR. FRELENG:

That is basically, condition three.

MS. GRABOSKI:

I guess the question that I have in my mind, if there were no Wheeler Road, would we -- where would we be with Old Field? Would that serve as adequate access, given that there's a driveway in there already and part of that has been disturbed?

MR. FRELENG:

There would be no option, and then we would set it up to be a 50 foot right-of-way and 18 feet pavement. On condition three, we could just say in the event that those tax maps could not be secured, then the

applicant, you know, should follow this route. Or we could -- you know, we could drop condition one altogether if the Board doesn't want to mention it. I think the easiest thing to do is just amend number three to say in event condition number one is not attainable, then the applicant should follow all the conditions related to access off of Wheeler.

MS. NOLAN:

All right. But then you still have to clarify this language in number one that no approval will be granted.

MR. FRELENG:

Right.

MR. MACCO:

And then do you require if you get the -- if you get the tax map for lot number four the existing house to use the Wheeler Road exit? To get the approval from the tax map.

MR. FRELENG:

The way this is set up if I was the staff and I received this is, if Wheeler Road is going to be the extension, then you set up a private road access this way, okay? And we'll fix this condition. I guess, lot one would take access off of Old Field Road and other lot would take access off of Wheeler Road extension. That's the way I would read this staff report. Did I answer your question?

MR. MACCO:

Yes. I mean, I'm not concerned about -- I'm not concerned about the lot closest to Old Field Road if they go to Wheeler Road or Old Field Road. I'm not concerned about that because Old Field Road, as you say, is not traveled very -- it could be a good road -- it could be either or. I'm concerned about the lots closer to the Long Island Sound. And I'd hate to have such a long access road if the Wheeler Road exit can be approved. If that's available, I'd hate to have that right-of-way going as long as it is going right now.

MR. FRELENG:

This one you're talking about.

MR. MACCO:

So I would prefer to amend -- I move to modify the application to state that in the event the Wheeler Road exit is obtainable that all the lots closest to the Long Island Sound should be required to use the Wheeler Road access, including the existing house.

CHAIRMAN EVERSOLL:

Is there a second to that?

MR. THORSEN:

I'll second that.

CHAIRMAN EVERSOLL:

Second that. Any further discussion on that on the amendment?

MS. PETERSEN:

Can I ask one other question?

CHAIRMAN EVERSOLL:

Sure.

MS. PETERSEN:

How much disturbance occurs by extending Wheeler Road through that middle section where it appears to be a low area? And what about the drainage that you'd incur from the road going into that direction?

CHAIRMAN EVERSOLL:

It seems to me they'd have to provide to that.

MS. PETERSEN:

There's no provision for a sump. So it would have to be -- it could be handled that way?

CHAIRMAN EVERSOLL:

I think with adequate drainage systems.

MR. FRELENG:

You have a detail here that if they do extend it, it's into the cul-de-sac. I would imagine since if all slopes down to the cul-de-sac as well as the road, they'd have to put a drainage structure and a catch basin and leaching rings down at the bottom of that cul-de-sac.

CHAIRMAN EVERSOLL:

Any other questions on the amendment? All those in favor of the amendment? Any opposition? Any abstentions? All right. That's unanimous. On the question. All those in favor?

MR. MACCO:

Well, I'd also like to move to modify the application as to the condition that we disapprove of the double sided lot. I think that should be removed in its entirety since it is a two acre lot. And if the Wheeler Road exit goes in, there's no way around that, it's going to be a two sided lot. I'd like to remove I think --

MR. FRELENG:

Condition two.

MR. MACCO:

-- condition two.

CHAIRMAN EVERSOLL:

We have another amendment.

MR. MACCO:

Second different amendment.

CHAIRMAN EVERSOLL:

To the question, is there a second to the amendment?

MR. THORSEN:
I'm second it.

CHAIRMAN EVERSOLL:
Discussion on the second amendment? All those in favor? Opposed?
Abstain? Unanimous.

CHAIRMAN EVERSOLL:
On the question, all those in favor? Opposed? Abstain? Unanimous
again. Thank you. Thank you. APPROVED (VOTE:14-0-0-0)

S-BR-02-05

MR. FRELENG:
Okay. The second subdivision matter comes to us from the Town of
Brookhaven. This is the application of The Oaks at East Moriches .
The jurisdiction for the commission is that the -- the subject
property is adjacent to County Road 91 and within 500 feet of county
-- State Road 27 and County Road 51. What you can't see on this air
photo is County Road 91, which is a paper road, which runs right here.
Okay. The applicants are proposing the subdivision of 54 acres
approximately into 58 lots in the A-1 Residence Zone in the district
-- in the A-1 Resident Zoning District. The minimum lot size and the
zoning category is a builder's acre of 40,000 square feet. However,
the map is a non contiguous cluster wherein 11 Pine Barrens credits
are proposed to be transferred to the site. Therefore, the intended
lots range in size from 23,627 square feet to the largest which is
174,696 square feet. No open space is proposed on the map. The
subject property is bound on the south and west by active agricultural
lands and vacant woods. To the north the property abuts an unopened
County road, County Road 91, and otherwise vacant woodland. On the
east the subject site is adjacent to vacant woodland. Less than 500
feet to the north lies Sunrise Highway, State Route 27. Also just to
the east to the southeast corner of the site, less than 500 feet away
is Moriches Road, County Road 51.

The character of the area surrounding the subject property is
predominantly agricultural and vacant woods. The character of the
subject property itself can be described as gently sloping to the
southeast. The majority of the site has woodland cover. Access to
the proposed subdivision is intended via the creation of an internal
road network. The primary access is shown from County Road 51. A
network of unopened paper streets surrounds the subject site, and it
is through the opening of one of these, Willow Avenue, that access is
planned to be taken. As an option, the project sponsors have proposed
an alternate and primary access that would involve possible land
acquisition of possible condemnation by the Town of Brookhaven. A
similar issue to the first application, this is private land that the
applicants are proposing perhaps to acquire and bring out an alternate
access. Okay.

A more conventional intersection can be made with this option.
However, the likelihood of this alternative is questionable due to the
fact you have {inaudible} with the private land owner. The design of
the internal street layout also creates double fronted lots for 27 of
the 58 lots proposed, if the paper streets are opened in the future.

In addition a southern reaching cul-de-sac extends some 1500 feet long and exceeds commission policy on length. So this cul-de-sac here is some 1500 feet long. I'm sorry, where is it? I'm sorry, this cul-de-sac here is some 1500 feet long. Okay. It appears on this proposed map that a 50 foot right-of-way is contemplated to connect with Merrick Boulevard at Chestnut Street, and that is down here. There's a right-of-way that is shown, but it's not shown like this right-of-way, which looks like a tap street. So staff is not quite sure what this proposed right-of-way, if you see on your staff report, there's a tiny little out parcel in there, so a little obscure as to the intent of that.

However, if that is open that would eliminate the concern about the exceedingly long flag lot and provide another access point to the street to the west. Okay. So it's not clear what they intend to do with this access point. If it is intended as an emergency alternate access, then the cul-de-sac would be in conformance with commission guidelines. Alternate or emergency access to the subdivision is shown at the north end by a tap street to Merrick Boulevard, opposite Brookhaven Drive, and that's up here. So primary access is down here either through the opening of this paper street or through the creation of a different access point to the County road, and then the alternate access is up here. Okay.

The site is located within Hydrogeologic Zone VI. Public water is proposed to be extended to the site and sanitary waste is to be treated on site with individual systems. Soils on site are the Haven, Riverhead and Plymouth series. And the Haven and Riverhead soils are considered prime farm soils in Suffolk County. The issues related to the proposed subdivision stem from the commission's policy of the creation of double fronted lots and exceedingly long cul-de-sacs. Okay. Condition number one refers to the 27 double fronted lots, which run along -- which run along various areas of the map, if the private -- paper streets are opened. So there's a series of conditions, series of items in condition number one, which states that at a minimum, conservation easements should be created along the -- and I could go through these, if you'd like -- the north side of lot six, nine and 20, which is up here, lot six through nine and then lot 20 is over here. So we want a buffer, again, and then if you could see condition two, three, four, five and six relate to prohibiting access to these to the secondary street. I don't know where Commissioner Macco went.

So we're recommending in condition one that all the double fronted lots have a buffer running along them. And then condition number two refers to restricting access to the paper streets that are on the other side of the double fronted lot. Condition number six -- condition two through six are the restricting the access. And condition number seven requires that this right-of-way be opened into a tap street similar to the one up here, so that the issue of this exceedingly long cul-de-sac is eliminated. Okay. Condition number eight, that the final map should not be signed or shall not be signed until the private sponsor can demonstrate clear possession of the 11 Pine Barrens certificates or the equivalent TDR potential, if he cannot get the certificates. And that condition nine, since this is such a large subdivision, staff felt that it would be appropriate to

require a 20% affordable housing condition on the subdivision. And that's the staff report. Oh, I'm sorry, and there's a comment here that staff believes that the commission should support the proposal to bring this alternate access out this way to make it a better intersection with Moriches-Riverhead Road. And that is the staff report.

CHAIRMAN EVERSOLL:
Do we have a motion?

MR. BERKOWITZ:
Question.

CHAIRMAN EVERSOLL:
If we can get a motion then we'll have questions.

MR. LONDON:
I'll move staff.

MS. PETERSEN:
I'll second it.

CHAIRMAN EVERSOLL:
Yes, Carl.

MR. BERKOWITZ:
In item nine, 20% of the lots is set a side for affordable housing requirement? Is this an unreasonable burden on the developer?

MR. FRELENG:
Well, it's a commission policy. And on smaller subdivisions, the staff doesn't believe that that's a warranted condition, but in this case when there are so many lots proposed, staff is proposing that it is not a burden on the applicant.

MR. BERKOWITZ:
What do we mean by affordable housing?

MR. FRELENG:
Well, the commission would have to define that, but that is a local issue, and the town through their own Affordable Housing Program has guidelines for what quote affordable housing is. The commission is conditioning that. As you know, Carl, the town can override the commission by a majority plus one, if they feel it's burdensome on the applicant.

MS. GRABOSKI:
I think it is a suggestion, Andy. Sometimes in Southampton if we're dealing with an affordable housing component, one of the conditions will also include that they not all be in one sector of the subdivision itself, but rather that they be dispersed --

MR. FRELENG:
Dispersed.

MS. PETERSEN:

Is there anything which limits the number of Pine Barrens credits which can be utilized within any development? There's a lot of opposition to this projects that's surfacing already. People in the community feel it's too dense, they have one acre zoning, and this really cuts the size of the lots down by using the number of credits that they're proposing to use. The other argument is the sight distance to get out on 51, it really is a critical component in this project. And the way it's set up now, it's terrible.

MR. FRELENG:

Proposed access is stated here, which would make it much better with the sight distance, that's why we're recommending the commission support that.

MS. PETERSEN:

I don't know if a comment -- if we need to make it stronger than a comment, because the applicant met with the staff for a preconference on this, where they suggested this has to be done, and they ignored that and didn't do it.

MR. FRELENG:

Well, then the option for the commission is to condition it, rather than make it as a comment.

MS. PETERSEN:

It's the suggestion that I would have, simply because if you're going to have that many homes coming out onto that road, it's a high speed road. It really needs -- we have to think of the people that are going to live there and they're safety. And I think that's a major part of this.

CHAIRMAN EVERSOLL:

As to the Pine Barrens credits, I believe it's 20% of the subdivision.

MS. PETERSEN:

That's what you're allowed?

CHAIRMAN EVERSOLL:

Yes.

MS. PETERSEN:

Okay.

CHAIRMAN EVERSOLL:

At least in the Town of Brookhaven.

MS. PETERSEN:

Okay.

CHAIRMAN EVERSOLL:

Yes.

MS. GRABOSKI:

I just had a question about the paper -- paper street issue. This looks like it was an old filed map or something, Andy.

MR. FRELENG:

Yes.

MS. GRABOSKI:

Will they be -- and maybe this doesn't fall within our jurisdiction -- but will they be filing some sort of an abandonment of those -- of that underlying map and the paper streets?

MR. FRELENG:

There's no information in this application, but presumably on the map itself, yes, they would have to file abandonment. We're really not concerned about that. What we're concerned with is what might want with the adjacent paper street, and there's no indication they're looking to abandon. In fact, there's all indications that they're looking to create future access to that.

MS. GRABOSKI:

Are the off -- those are off site paper streets?

MR. FRELENG:

They're adjacent and off site, yes.

CHAIRMAN EVERSOLL:

Any other questions? Yes.

MS. TALMADGE:

I just had a question about the agricultural properties surrounding it. Is that active farmland?

MR. FRELENG:

It's active, yes.

MS. TALMADGE:

Is there anything, like a Farmer's Bill of Rights or something to notify property owners of the ongoing agricultural activities on that site, that type of thing?

MR. FRELENG:

Yes. The commission does have standard comments to that. And we could put that in, particularly for the lots that are along here.

MS. GRABOSKI:

Is there a buffer possessed along those lots too, Andy?

MR. FRELENG:

We have proposed a 50 foot buffer over here. Our thinking was to buffer the adjacent street, but as is mentioned, there is active agricultural here, and the commission does have in their guidelines standard policy statements for development of subdivisions adjacent to farmland. So I could add those if the commission want to amend that.

CHAIRMAN EVERSOLL:

Sure. Any other discussion? Would someone like to make a motion to put a notification in then or a comment as far as the farming activities?

MS. PETERSEN:

Yes, if you could add that?

MR. FRELENG:

Is that a comment or a condition?

MS. PETERSEN:

A condition, I think.

CHAIRMAN EVERSOLL:

Condition.

MS. PETERSEN:

As well as changing the comment to a condition at the end of the paragraph.

MR. FRELENG:

Yes.

CHAIRMAN EVERSOLL:

Any other questions? All those in favor? Opposed? Abstain?

Unanimous. Thank you. APPROVED (VOTE:14-0-0-0)

MR. FRELENG:

Okay.

RH-02-3

MR. NEWMAN:

Today's one and only application is from the Town of Riverhead. This is an application to the town board for a special permit for the sale and processing and outdoor storage of firewood as a non nuisance industry on a 3.6 acre parcel of land on the north side of Main Street, east of Kroemer Avenue in the light industrial district at Riverhead. The preliminary site plan calls for the erection of a steel building in the central portion of the property comprising 7500 square feet within that building there will be located bays, warehousing and offices. Immediately to the east of that building there'll be another one story office building comprising 400 square feet. There will be one point of vehicular ingress and egress via a the state roadway. There'll about twenty-six parking spaces, for ten of which will be land banked. And there'll be the movement of trees from central portion of the property to peripheral areas for additional buffering in conjunction with this request.

There'll be an aggregate parking area throughout the property as you come off in through this area here and down in this area here. Where the actual storage and processing is to take place, we do not know. We assume it will be in the peripheral areas around the aggregate paved areas. This operation will involve significant powered cutting and splitting equipment with the result in notice impacts associated with that operation. A non nuisance industry in accordance with the Riverhead Town Code is defined as any industry which does not have an adverse impact upon the surrounding environment. For items as mention the definition in the staff report, including noise, smoke, odor, dust and so forth. The contemplated operations in this case involve the

bundling and delivery of the firewood, apparently do not include retail sales. If they do not include retail sales, and it's eye wholesale operation, they'll have to withdraw this request and file another special request to the town board for a wholesale business. However, in the wholesale business category, outdoor storage is a prohibited use.

The property is bound on the north on the railroad right-of-way, to the east and west by a LIPA power line right-of-way, as well as residences. All lands north of the Main Street area are all in the industrial light industrial category. Immediately to the south of the property is located 9.5 acres of land that are owned by the County of Suffolk for park purposes, as well as other uses that are permitted the resort waterfront business districts. So all areas immediately south of Main Street are in an RWB District, within that district, permitted uses of dwelling, offices and retail stores, special permit uses would include motels and apartment uses. Premises is situated within 500 feet of the Peconic River, and they've apparently obtained a permit from DEC relative to the Wild and Scenic Rivers Act.

It is the belief of the staff that this proposal appears inappropriate as the contemplated activities do not appear consistent with operation of criteria for non nuisance industrial purposes, in this case we're talking primarily about noise impacts with the powered equipment as well as the splitters. It appears incongruous with the character of the surrounding area. The staff is concerned with the noise impact associated with, there's a motel southeast of the property and then there's a very large trailer park northeast of the property. It constitutes an apparent degradation of the West Main Street corridor as a gateway to Downtown Riverhead. And we believe this type of use is (inaudible) in this Industrial A Category. It would establish a precedence for similar type of operations, not only in this area of the Industrial A Zone, but in other areas as well throughout the Town of Riverhead. The staff is recommending disapproval, and this application was, in fact, denied by the Town Planning Board on February 7th of this year.

MR. MACCO:

I move to adopt the staff report.

CHAIRMAN EVERSOLL:

Is there a second.

MR. LONDON:

Second.

MR. DICKERSON:

Second.

MR. THORSEN:

I just have a question.

CHAIRMAN EVERSOLL:

Yes, Tom.

MR. THORSEN:

The County land across the way, it has frontage right on the river.

MR. NEWMAN:

That's correct.

MR. THORSEN:

Does the County have any plans for it?

MR. NEWMAN:

I'm not aware of that, no I'm not.

MR. THORSEN:

Can they put anything in front it for the noise impact?

MR. NEWMAN:

Well, there's the County park. I have no idea what their intentions are on that. The primary noise impacts would be for the residences, the motel southeast, as well as the nearby trailer park. Now, obviously, if there's significant operations there, the noise impact would also be on the County property, as well for those uses they might put in there. If they're put in there, I don't know.

MR. LONDON:

What kind of noise are we talking about? I've never heard one of these.

MR. NEWMAN:

These are power chain saws. Probably the concern you should all have here is the Asian Long Horn Beetle. Once they get in the Town of Riverhead or even in Suffolk County, it can have a devastating impact. They have these power splitters -- they bring these logs in, chop them --

MR. LONDON:

Those hydraulic ones.

MR. NEWMAN:

Yeah, these hydraulics splitters make a ton of noise.

CHAIRMAN EVERSOLL:

Any other discussion? All those in favor? Opposed? Any abstentions? Unanimous. I'm sorry, one abstention, Mr. O'Dea.

DISAPPROVED (VOTE:13-0-1-0) (ABSTENTION, RICHARD O'DEA)

Is there any other old business? Any new business? I'd like to again welcome our new members and look forward to seeing you in May.

(*THE MEETING WAS ADJOURNED AT 1:00 P.M.*)

{ } DENOTED BEING SPELLED PHONETICALLY