

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 October 2, 2002.

PRESENT:

Robert Martin (Smithtown) Vice-Chairman
Carl Berkowitz (Brookhaven)
Thomas Thorsen (East Hampton)
Linda Petersen (At Large)
Richard London (Village 5000 & Under)
Richard O'Dea (Riverhead)
William Cremers (Southold)
Nancy Graboski (Southampton)
Frank Tantone (Islip)
Michael Macco (Huntington)
Ronald Parr (At Large)
Thomas Isles - Director
Bassia Braddish - Counsel

NOT PRESENT:

Louis Dietz - (Babylon)
Laure Nolan (Village 5000 & Over)
Donald Eversoll (At Large) - Chairman

ALSO PRESENT:

Gerald Newman - Chief Planner
Andy Freleng - Principal Planner
Claire Chorny - Planning Commission

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano and Lucia Braaten - Court Stenographers

(*THE MEETING WAS CALLED TO ORDER AT 12:10 P.M.*)

VICE-CHAIRMAN MARTIN:

We're hereby call the meeting to order. Mr. Isles, please.

MR. ISLES:

Okay. Good afternoon. Just a couple items. Do we have the minutes? We have just a couple of items to bring to your attention. In the issue of correspondence, what I've provided to you is a copy of a letter we received recently from the -- an organization representing the Water Mill Citizens Advisory Committee. This is in relation to an item that's on the agenda a little bit later on today, which is a review of the Water Mill Hamlet plan, so that's the only correspondence to report to you this month.

Just a couple of items in terms of the department to bring you up to date on very briefly. Number one, I can report to you that the Planning Department at the request of the County Executive had put in an application for a grant with the federal government for a farm grant, and the staff work was completed by Roy Fedelem on that. We were notified on Monday that we received the grant, and we are now going through the process of finalizing Legislative approval, but that will enable an additional \$530,000 of matching funds for additional farmland grants. Secondly, in terms of the acquisition program, we did complete an aquisition in Shelter Island this past month that was rather significant, known as the Ryan Farm of about sixty-three acres.

An upcoming acquisition that we anticipate in the next couple of weeks would include Sagtikos Manor in Bay Shore, West Bay Shore, {Clare} Woods in Huntington and the Unitarian Universalist Church in East Patchogue.

And just the last item to note, and we have circulated copies of a brochure, the Suffolk County Planning Federation created by the County Executive in 1994, we've been running annual programs, and we have one scheduled for the end of this month, October. It's rather interesting in the sense that it will include programs presented by the New York State Department of State and New York State DEC. These are oriented to local as well as County Planning Officials, Planning Board members, Zoning Board members and so forth. And in the discussions at this -- with this Commission, as well as with the Smart Growth Committee, that's running now at this point, we continually hear feedback that having these kind of training sessions are very worthwhile, that there are new Planning Board members, Zoning Board members that come into office and also for refresher courses. So this include sessions on basics of planning and zoning. We have a session on SEQRA community character issues. When somebody comes in to build a cell phone tower, one of the issues a municipality can examine is the impact on community character from an environmental stand point. That's a little difficult to judge and to manage and to determine how that should be applied, so Albany Office of DEC will be running that session. We also have sessions -- two sessions on the County referral process. And actually of the responses we've gotten thusfar to this program, that's the one that's attracted the most interest so far. So this will give us a chance to reacquaint and to update the municipalities in terms of the process for County referrals to make sure that it works as smoothly as possible. So that's our update.

VICE-CHAIRMAN MARTIN:

Thank you. Before we go any further, if there's anybody, a Planning Board Chairman here and they want their members to have one of these, there's extra ones here for you to take back with you. That's what I'm going to do, because I thought they got them in the mail, but they didn't. So I'm taking them back to my board members.

MR. BERKOWITZ:

Is it limited just to Planning Board members?

MR. ISLES:

No, it's open to the general public.

MR. BERKOWITZ:

Could I bring a few students, is that possible?

MR. ISLES:

That would be great. It's also open to civic organizations and so forth. So we'd like to get the word out as much as possible. There's no charge for the seminar too.

VICE-CHAIRMAN MARTIN:

I went to the last one, what was it about four or five years ago?

MR. ISLES:

Yes.

VICE-CHAIRMAN MARTIN:

That was well attended at that time. That was pretty good that time. It will be interesting. It's in the evening now, right? I think it was on a Saturday or something.

MR. ISLES:

We ran one last year specifically designed for smart growth that was attended by 80 people, went very well. This one is going to start at 5:30, the actual program start. A little bit early, but in order to fit in the content that we have and getting DOS, Department of State involved, that was necessary.

VICE-CHAIRMAN MARTIN:

Okay, Tom, thank you.

MR. ISLES:

Thanks.

VICE-CHAIRMAN MARTIN:

Let's start at the beginning again. Minutes of the meeting. A motion's in order. Did we receive September 4th meeting?

MR. ISLES:

No.

VICE-CHAIRMAN MARTIN:

I was just going to say, I didn't receive mine. So ask for adjournment of that approval or disapproval.

MS. GRABOSKI:
So moved.

VICE-CHAIRMAN MARTIN:
Second, it's London. All in favor, signify by saying aye. Contrary minded? So adjourned. Director's Report we did, now the roundtable. We'll start with Mr. Parr. Anything to say, Mr. Parr?

MR. PARR:
I have nothing to report, Mr. Chairman.

VICE-CHAIRMAN MARTIN:
Okay. Good. Tom.

MR. THORSEN:
Just that I was sorry to see that accident out there with the air train in Kennedy. I was looking forward to see how well that might work as a facsimile for transportation improvement on the South Fork. You know, moving along all our hamlet areas, I think, would help to get people off the rode, particularly seniors and young people.

VICE-CHAIRMAN MARTIN:
Actually, I couldn't understand. I don't know what your feeling was, but that accident the way I read it that it was a human being's mistake. They put those blocks in there without tying them down. You can't put block in the wheelbarrel without them sliding. That's poor --

MR. THORSEN:
If it had been people, they probably would have shifted the weights but.

VICE-CHAIRMAN MARTIN:
They should have tided them together.

MR. THORSEN:
Those concrete blocks falling down, you know, that's a little upsetting.

VICE-CHAIRMAN MARTIN:
Frank, Islip.

MR. TANTONE:
We have a number of bigger or more well attended applications pending, but I'm just going to leave it for now, because they may eventually wind up here. So nothing really going on.

VICE-CHAIRMAN MARTIN:
Thanks, Frank.

MS. GRABOSKI:
I had an opportunity yesterday to attend a conference that was held at Southampton College on smart growth. It was held by a group at the college called the Institute for Sustainable Development, and it was on smart growth. Bob Gaffney was there and was the introductory speaker. And the main featured speaker was a fellow by the name of

Thomas {Hilton}, he's a from Pennsylvania and actually has -- is fairly highly regarded in planning circles, Chairs his Planning Board in a small town in Pennsylvania where he lives. And he went onto talk quite a bit about smart growth. It was an interesting conference. It was well attended by planning people in Suffolk County, and environmentalists. One of the things that I finally arrived at the of it, for example, one of the theories that's proposed by smart growth is, and it certainly makes a lot of sense, in order to reduce the number of autos on the road, the bulk of the growth should be around hamlet centers. And there should be growth boundaries around those hamlet centers established so that people can walk to and from stores, to and from schools. The theory certainly is one that I agree with altogether. In fact, many people in this room probably grew up in situations where we all went to school, and it was within walking distance. And to a great extent, that was partly because we had one car in the family. My dad took the car to work, there was only one way to get around, and it was before the days of school buses. In any event, there was that theory. As I thought about it, one of the things that we really have to acknowledge is that Long Island is different in many ways and does not always fit into -- we cannot always easily apply some of the theories that applied beautifully in other areas. We have -- we're surrounded by water. On the East End we have the resort component. I mean, people will say, well, look at planning in Nantucket. They're an island, it's their beaches, it's the resort, but they don't have the farmland aspect. So all things taken into consideration, we tried during our comprehensive planning process to think in terms of establishing growth boundaries around the hamlet centers with the intention of transferring development rights off of the farmland in towards those hamlet centers to keep everything open. But it's very difficult to establish those receiving sites around the hamlet centers. It's -- maybe it could have been done in the '30s or '40s had someone had the vision at that point, but certainly the principals are good to keep in mind. We're constantly fighting the transportation battle.

One other -- I just mentioned to Tom Isles, one other suggestion came from Dick Amper, who was bemoaning the fact that municipalities have not done a very good job with planning over the years, I would disagree with Mr. Amper, but in any event, and that we needed something bigger. We either needed the state to come in and develop a regional plan or the County to come in and develop a regional plan. I'm not sure that I agree with that also. You know, we have a lot of help from the County, we can always turn there, but I don't know how you feel about your own municipality, but I would argue that people in the Town of Southampton have their thing, East Hampton has their thing and for somebody to come in and tell Southampton and Riverhead that they're both going to be abiding by the same principles, it just may not be good planning. And I think from what I've seen around this table, we're commit to principles of good planning. And we'll just keep struggling, and hopefully new ideas will come forward as we go through this process. And I think we're doing better than -- better than a lot of people might think we are.

The East End still has lots of traffic. All of those people -- I mean, we're constantly taking criticism for the area, you've lost it, you don't have it anymore, should pull up the bridge over the canal, I

moved out here two years ago, and I don't want to see anymore development. Well, people why are you still coming out there? The area no longer has this extraordinary sense of place and beaches and open space. The trick is to make sure that that is the essence of it and holding onto that ability to guide development and to keep -- keep that balance so that we don't lose that will enable our resort economy to -- the resort aspect of it to continue as the basis of the economy. Because if we lose that, then we have a problem. Sorry, I didn't mean to be quite so verbose.

MR. CREMERS:
Everything is quiet in Southold, Bob.

VICE-CHAIRMAN MARTIN:
Riverhead.

MR. O'DEA:
I could ditto everything Nancy just said. That's exactly -- I mean, word for word is the same process they're going through in Riverhead right now, the hamlets, the transfer of development rights, the master plan is moving along at a fairly good pace. But these -- to a word are the same exact problems and the things that we're trying to solve. And I would think also on a statewide or larger basis as Mr. Amper has probably suggested would be -- wouldn't fit into the program too well.

That's about it.

VICE-CHAIRMAN MARTIN:
What's happening with the movie house, do you know what's actually gone on there?

MR. O'DEA:
The Suffolk theatre --

VICE-CHAIRMAN MARTIN:
The theatre that they're going to -- I see the college pulled out.

MR. O'DEA:
I don't pay too much attention. There's other people that are involved that want to buy it, but it sort of got good press and bad press. And there's another theatre in town, the {Vale Levitt}, that they're trying resurrect as the mini-cini, it's in downtown Riverhead.

There's a group that are trying to get grants, funding. I attended a workshop there a couple of nights ago, and it was pretty interesting trying to get it off the ground. So, moving right along.

VICE-CHAIRMAN MARTIN:
Outside of that, that's it.

MR. O'DEA:
It's beautiful country out there, both Southampton and Riverhead.

MR. O'DEA:
We thank you.

MR. BERKOWITZ:
Several times a month I get a chance to use the Ronkonkoma Station,

and if you don't get there within a reasonable time, it's almost impossible to find parking. And when you speak to the Long Island Railroad, they talk about expanding in the next ten years service out towards Yaphank. It seems like we need service out towards Yaphank now and not ten years from now. And I think that this is something we should begin looking into in terms of the concept of taking advantage of metro stations, in this case being the Yaphank Station as an opportunity for development and also as an opportunity to serve the Town of Brookhaven.

So I don't know how we initiate something in that line, but I think we really need to look about how the Yaphank Station as part of adding it -- as part of the Long Island Railroad morning commute into the system would be a wonderful reliever, I think, for Ronkonkoma. On January 1st, Shanghai is going to institute the {maglift}. So the air train may have failed, but if you go on Shanghai on January 1st, you'll have a chance to see a 34 kilometer maglift system which was designed by the Germans in operation. And we've talked about Riverhead to New York in 30 minutes or something like that on {maglift}, well, now {maglift} is finally a reality. And the initial investment, which was made by Seamans, a billion dollars in technology research, has been accomplished. And if this system works, maybe that's something you want to take a look at. They announced a January 1st start on that. I understand there's a ferry conference, do you know anything about that?

MR. ISLES:

There is a series of meetings regarding Cross Sound transportation issues. I think they began a week or so ago, and they're held in both Connecticut and Long Island. We have a copy of the schedule. The next one coming up is in Stony Brook, I think, on October 10th, yeah October 10th, in the evening, and I can provide you with the details on that if you want.

MR. BERKOWITZ:

Thank you. Just the only other thing is I mentioned to Tom earlier that I was invited to speak on sustained development and smart growth in Dubai, United Emirates.

MS. GRABOSKI:

Unbelievable.

MR. BERKOWITZ:

I asked Don if he would be interested in collaborating with me on paper. The conference is sponsored by some prince. I don't know his name, it's kind of --

MS. GRABOSKI:

Are you going?

MR. BERKOWITZ:

I don't know. Maybe Tom will go.

MR. ISLES:

Have to get my camel.

VICE-CHAIRMAN MARTIN:
Linda.

MS. PETERSEN:
We have a new Planning Commissioner in Brookhaven, Mr. Gulizio was appointed at last night's Town Board meeting. So we'll be working with him as we go forward. I guess, you know, we're doing a lot with smart growth. So I'm sure he's going to be a big part of what we do with that. And we're all very anxious to work with him, and I think it'd going to be a very good thing for Brookhaven.

MR. ISLES:
When does he start?

MS. PETERSEN:
Today, he started this morning.

MR. ISLES:
Okay, don't waste any time.

MS. PETERSEN:
No.

VICE-CHAIRMAN MARTIN:
Maybe one of these meetings you can bring him up and introduce him.

MS. PETERSEN:
Sure.

VICE-CHAIRMAN MARTIN:
Come as our guest.

MS. PETERSEN:
I'll ask him that.

VICE-CHAIRMAN MARTIN:
Can you arrange that?

MS. PETERSEN:
Sure.

VICE-CHAIRMAN MARTIN:
Dick.

MR. LONDON:
Okay. A couple of things. I guess I'll take the heaviest one first. September 24th Newsday, this article appeared, caught my eye, it's entitled, "Hamptons Arteries Clogged." I didn't know that. Okay. Basically, after reading it, it indicates that it's a nightmare, somebody here is quoted as saying that during the summer months, and it is pretty difficult to go from west to east, as Nancy had eluded to before. It seems to me that for all the years I've been reading papers and listening and everything, that there's always been discussions about how to improve the east-west traffic. Well, I think this article really puts it best, but you have to excuse me, without my glasses I can read better though, a Larry Cantwell is quoted. He's

the Village Administrator in East Hampton, and basically what he's saying is that there's been lots of studies done, but nobody's really ever done anything. And the last sentence is the question is does everyone -- does anyone have the will to do anything about it? Well, maybe it seems like here on the County Planning Commission we should do some serious thinking and talking. We have a lot of great logical minds sitting around this table, and maybe start getting the wheels in motion, so that within five or ten years, something can actually be done. If it's not, well, we'll -- you know, I probably won't be here, but some of you might, you know, in that period of time, you'll be discussing the same problems, only instead of an hour-and-a-half to maybe get to the Hamptons from here, it might take three hours. So it's something to think about. And I would initiate serious diligent conversation to begin forthwith. And if that helps stimulate anybody into doing this, then so be it, it was a good idea.

The other things just to report to you on, every month I tell you about West Nile, I'm sure you've read the papers, heard on the news. Now, Long Island has seen 12 cases to people, okay? There have been five, I'm told, deaths totally attributable to the encephalitis, and until the second deep frost occurs, we're all vulnerable to that. So once the second heavy frost has happened, hopefully that will knock out the mosquitos until next season. The CDC issued a notice that they're authorizing two labs, I think, to come up with some kind of a vaccine for people. They have one currently for horses that we're using. We're not sure that it's 100% effective. We think that's about 90%. But in the case of people, obviously you want 100%, nothing less, and it's a very serious thing. And now that we've had quantitative amounts of rain, there's lots of pooling around, and like today, the temperature's going to be in the mid '80s. It's ideal for mosquito breeding. So it's something to always look at, you know, with pool covers that have been put on, where there's pooling water, garbage can lids, upside down things like that, flower pots, bird baths, anything that can collect water, very, very serious, you should try and get dried out.

And then on St. Patrick's Church in Smithtown, they finally did the ground breaking a week ago Sunday, and hopefully this time next year, there'll be able to go into a new church. That's all I have.

MS. GRABOSKI:

I just have a question.

VICE-CHAIRMAN MARTIN:

Michael. Oh, you want an answer. We can go around once -- you can go now.

MS. GRABOSKI:

I was just curious. Dick has raised the transportation as being kind of a concern, and Carl had also mentioned that he has some concerns and is speaking about the high speed transport and that kind of thing.

And I can recall when we were working on our comprehensive plan in Southampton there was frustration expressed at that time in regard to the railroad services that we have, and with the potential of maybe developing some sort of a shuttle service, say, that went between Westhampton and Montauk every half hour, period, all day, and, you

know, it's never really gone anywhere. And I guess my question to you is do we as a Commission have the ability to move forward in some fashion and perhaps utilize the County resources?

MR. ISLES:

There is a planning initiative underway right now on the East End known as SEEDS, which is the Sustainable East End Development Strategies. They actually meet at the same time this Commission meets, there's a meeting going on right now actually. One of our planners is out there to be a part of that. That's a very serious effort to try to examine the regional approach for five the East End Towns to the transportation problems out there. The MTA is a part of that process. The process has been running into serious problems lately, so we'll see if it survives and goes forward. But right now that's probably the best effort that's out there in terms of trying to comprehensively wholistically look at what the options are, including light rail service and so forth and then decide how it could be implemented. So we are part of that and certainly we can provide the Commission with updates on that if you would like.

MS. GRABOSKI:

Good.

MR. ISLES:

As far as a more affirmative role, we could certainly seek to have the MTA come in if you want to do that. But this -- SEEDS right now is the number one vehicle, no pun intended, to examine the subject.

VICE-CHAIRMAN MARTIN:

Okay.

MR. MACCO:

As a follow-up to Dick's mention of the West Nile disease, I know the West Nile disease affects older people more than it affects younger people, so as acting Commissioner, Mr. Martin, I want you to be especially careful as to the mosquitos around you, all right?

VICE-CHAIRMAN MARTIN:

Well, I think I'd better be more careful of people like you around me.

MR. LONDON:

Especially in Huntington Harbor.

MR. MACCO:

The second thing is that I notice that Smithtown has been burying their leaves on Huntington property again and blaming Huntington, right.

VICE-CHAIRMAN MARTIN:

I don't know if that's fact or not.

MR. MACCO:

Okay.

VICE-CHAIRMAN MARTIN:

I'll tell you the leaves are there, but our name is not on them.

MR. MACCO:

They found the leaves, and they said they're Huntington leaves, I just love that, that's great.

VICE-CHAIRMAN MARTIN:

Don't forget, Jimmy Dowling figured that if the guy died that's in there, who's going to say that he went to court and swore they're Huntington leaves. And he's a man of honor, I know him for 40 years. But it's really not funny, and I don't like to make a joke about any town that doesn't make -- it's sad, because now the Town of Smithtown is going to have to spend over two million dollars, the guy's going to sue, he wants to rent on the property. I don't know how it's going to go in court, but it doesn't look good. And it's sad, because now the taxpayers have to pay for that. {Izzos} have a reputation in our town that's very bad. That's the guy who had all the tires buried on the land, and, you know, they were pumping underground, he's said they're not mine, they grew there, whatever he said. That's the guy he's defending basically, and it's sad. It's sad, because it's something that the town had nothing to do with. Whether they buried them or not, I really don't know. I really don't know. I can see them having approval and went on that land and put them there. I just can't believe that I own a piece of land and you can come and bury hundreds of tons of leaves on my land, and I never seen you do that. Come on, probably realistic, but that's where that is. We're going to the next person that makes some sense. Does anybody have anything to add to what he said?

MR. MACCO:

I sold my office building to the Huntington Chamber of Commerce and have relocated in the town. I'm finding out from the Huntington Chamber of Commerce that my building is now the center of the town. Of course, when I was there, it was -- it was just an empty old building.

VICE-CHAIRMAN MARTIN:

Where were you?

MR. MACCO:

I was right on Main Street.

VICE-CHAIRMAN MARTIN:

But where?

MR. MACCO:

Right -- right in the Village between 110 and Spring Street. I had -- I have one of the -- I had one of the only private parking lots in the Village. So I was -- I was -- been taken over by the Chamber. It's very interesting in that I bought my building 18 years ago from the same real estate broker who's now the Chairman of the Chamber, who bought the building back for \$140,000 less than he sold it to me 14 years ago. So financially, I'm not the brightest guy in the world.

VICE-CHAIRMAN MARTIN:

You're the first guy I heard that hasn't made money on a piece of property. I thought he was going to say he made enough to retire.

MR. MACCO:

My retirement has been delayed. I checked with my financial planner the other day, my retirement plan has been extended now 30 more years because --

VICE-CHAIRMAN MARTIN:

A couple of more days this market goes down, it will be a lot longer than that.

MR. MACCO:

It's all over for me. No, I've got nothing to say.

VICE-CHAIRMAN MARTIN:

Good, Michael. Let's go onto the next order of business now, the Commissioner's roundtable is done. The Town Planning Development Administrator, Jeff Murphree.

MR. ISLES:

Mr. Murphree is the head of the Land Management Division of the Town of Southampton in charge of planning, building and so forth, and Jeff, you can fill them in on that. But he's here today, we have received a referral from the Town of Southampton for the Water Mill Hamlet Center plan. As you can see in the aerial photograph that's before you we have provided a summary of the plan. We also, as I indicated in the correspondence section, have received a letter from a citizens group, which is made available to you, and Mr. Murphree is here to provide us with a summary of the content of the plan.

MR. MURPHREE:

Thank you very much everybody for inviting me. The plan that you see before you, and that I'm going to be discussing with you today is not really a new plan, it's really a continuation of a prior planning effort that really began back in 1991. In 1991, the Town commissioned

the Water Mill Hamlet Study which was based upon the community's request to look at the map for retail development in the downtown Water Mill area. Let me backup, is everybody familiar with the Water Mill downtown area? Let me at least give you a brief description of where the downtown area is. This is east of the village, Southampton Village. The aerial photograph in front of you, there's -- here's -- here's Montauk Highway. This is the downtown actually core area of the Water Mill. It's mostly characterized by existing -- there's a post office, there's a relatively new 30,000 square foot hamlet retail center. It's mostly characterized by small antique shops, retail shops, restaurants and that sort of thing. You have the convent on the south side of the street, further to the north, you have the community club, which we'll be talking about a little bit late on. There's some ball field and community recreational facilities. And the community as a whole, it actually began, as I said in 1991, with the whole concept of how much retail did they really need. They really didn't want to just a retail center, and they really decided to limit the amount of new retail development. That was back in 1991. At the time the only place that you could do retail was in the highway business quarter, in the highway business zone. And as a result of the 1991 study, the village business zone came about, which is more local retail type businesses that are geared toward the year-round population, rather than the summer peak population.

The other recommendations of the 1991 study include the recommendation for having senior housing in the downtown hamlet area. The problem with this one study, though, it didn't recommend where it should go, how much it should be, it was very just broad and very vague, great concept, but really didn't follow through with it. The third recommendation with the study was transportation. What it recommended was a series of parallel roads to Montauk Highway to try to alleviate some of the congestion on Montauk Highway. But it wasn't really a series of connecting roads, it was a series of parallel roads that didn't get you anywhere. So in 1988, the Town commissioned a transportation study to look at that issue. And what it did was it built upon the '91 study in terms of having some parallel roads. And this time, however, it did seek to connect the roads to one another, and connect them to Deerfield road, which is right here, so that you could actually have a parallel -- I hate to even call it a parallel road, parallel driveway. Because what sought to do was take all this driveway rather than having individual access onto Montauk Highway, have a rear yard access and come out to Deerfield Road and come out to this intersection of Deerfield and Montauk Highway.

In 1999, you can see where all this is going, that three studies even before we get to the study that we're going to talk about today. In 1999, the Town adopted the comprehensive plan update. One of the main recommendations of the update was to either create their new hamlet studies for the hamlets that did not have hamlet studies done already or to go back and look at the issues of former hamlet studies to see if their issues were still current. Some of the recommendations for the Water Mill area include the retail mix, that was a very big issue in the hamlet issue of all of the elements of the comprehensive plan, emphasizing small scale retail instead of the regional retail, increasing housing opportunities, especially in the downtown hamlet areas. Again, that's kind of a prelude to the smart growth principal. Another recommendation was the expansion of the community club. As I mentioned, we have very nice community facility with ball fields, and the comprehensive plan recommends that if at all possible to extend upon that facility.

The comprehensive plan also recommends that a traffic light be examined at the Deerfield Road-Montauk Highway intersection. As the '98 traffic study recommended as a parallel driveway to capture this development and funnel onto Deerfield Road, the comprehensive plan looked at that and said, well, if you can do that, that means you have to put a second traffic light in the downtown area. When we got to the -- to the existing study, that was actually done at the request of the Citizens Advisory Committee, and that was done two to three years ago, and again, the concern was the amount of retail development that could be built in the downtown area. We have a very large piece of property right here, similar to properties of approximately six acres of land. We actually have a site plan, development application has been pending for about ten years for 58,000 square feet of retail development. We've had proposals for 7-Elevens in the area and some other interests where we covered only the downtown area. So the Citizen Advisory Committee is very concerned about demand for the retail development and really asks the Town Board, let's go back and look at the plan again and see what can be done to try to alleviate some of that pressure. We hired the consulting firm of {Easrnest

Hutton}. He did the Hampton Bays Hamlet Center strategy. Last time I was here, I presented that plan to you. We had a steering committee composed of a lot of different various interests from the Water Mill Community, including the CAC, and we work very closely with them. I lost my second page that had all my notes on it, but I can do this.

It goes back to the issue of the retail development. We have a pressure for, you know, well over 60,000 square feet of retail development in the downtown hamlet area. What are you going to go in terms of alternative land use? The comprehensive plan also recommends the creation of two new zoning categories in the town to address the issue of retail development; the hamlet office, hamlet commercial. You'll probably see me back on your doorstep in about a month or so because we'll be referring that if we haven't already to explain those two new vending categories. Very briefly, the hamlet office, hamlet commercial seeks not to limit or reduce the amount of retail development throughout the town, but limit the size of the buildings that could be put into it and the types of uses that could be located in those zoning areas. For example, right now, under village business you can build 15,000 square feet of retail, you could have 10,000 to 15,000 square foot buildings. The hamlet office, hamlet commercial limits you to 3,000 square foot buildings and up to 6,000 square feet if you provide certain public benefits, if you provide apartments upstairs, that sort of thing. So we're really trying to reduce the regional suburban image of retail development and trying to make it more rural and adaptive to the downtown hamlet areas. That's was the first recommendation that came as a result of the plan that you see before you.

The second major recommendation, and this is one that the -- we're very -- we're working very closely with and the CAC is very concerned about is what to do with this vacant piece of property. We had the property appraised, it's very high number. In fact, since the number was appraised it's doubled, maybe even tripled in that value. The developer obviously does not want to let go of it for less than that amount of money. So we looked at coming up with zoning -- and by the way, we're in litigation with this project right now also, so I have to taper what I can say about that property and that property owner. But we sought to capture some value back to the developer so that they could notify their client there was a taking.

The second thing we looked at is this is a downtown hamlet area, take a look at smart growth principals, you want to channel your growth in a downtown hamlet areas, it's a recommendation of the comprehensive plan. We sought to combine the two goals together, and we looked at multifamily senior citizen housing. We thought that was the best mix that could really address the issues, and the steering committee composed of all these different committees and the CAC liked that idea. Now the question is how much. This is a very -- you know, it's 60,000 square feet versus 30,000 square feet, that's what we're in litigation about, that's a high dollar value. The consultant is recommending approximately 60 with a maximum of upwards of 100 dwelling units on this six acre piece of property. The hundred units is really the upper end, we're looking more at the 60 to 70 unit range. And to do that -- the process to do that is called a plan development district, it's a change of zone application. The reason

why we're recommending the PDD process is that requires a public benefit from the developer to the town. And what we're doing -- the recommendation in the Water Mill study is you have this community club with a recommendation and a desire to expand it, what we're seeking to do as part of the public benefit, is to limit two to three acres of this site to be given to the town to expand that open space in the parks and recreation area in exchange for allowing the senior citizen housing project to be located in front of the property.

Some of the other areas of recommendations, I mentioned the hamlet office, hamlet commercial, the PDD that we're recommending is actually an overlay. What we're actually looking at rezoning is the properties of this property, and also we have some retail development on the south side of the highway. These are preexisting, nonconforming uses.

They're zoned office business district, they're retail development, they're not allowed to do much of anything rather than maintain themselves as retail development. The comprehensive plan recommends that these areas in the downtown areas be rezoned to hamlet offices. Smaller buildings 3,000 limits the amount retail development that you can do there. So we're recommending that this six acre piece should nobody wish to build senior citizen housing project, that this area be rezoned for hamlet office.

Again, it's smaller buildings. Under village business which it's zoned for now, you can build upwards -- 30,000 square feet in total, but 15,000 square foot buildings. Under the hamlet office, you're allowed to build a maximum of 3,000 square foot buildings upwards to 6000 if you do the housing above the stores. And again, this is all part of going back to the smart growth principals.

One of the other areas that we disagree with the CAC in this area is zoned office business district with one exception. Right in this area, it's actually zoned CR 80, it's two acres. It's a wonderful view of that area. We're recommending that CR 80 to residential. We've got the wonderful view through there, there's certainly value associated with residential development in Water Mill. If you know what the housing prices are in Water Mill, it's one of the most high cost real estate areas in the town. So there certainly wouldn't be any downzoning or any taking issue involved. It maintains the rural character of the downtown hamlet area. So we kind of disagree with the CAC about rezoning that to commercial. We want to keep that as residential zoning.

In terms of access roads, again, we're following up with the recommendations of the traffic study. We're looking for a series of pedestrian and driveway connections between the existing downtown commercial areas up to the newer retail development that you see here, and then with any development that's built in this vacant property that there be a series of driveways, pedestrian ways, so that people don't have to go back onto Montauk Highway to get to any of these other projects. We're also recommending these driveways be extended along the back of the property next to Long Island Railroad. That basically summarizes some of the bigger issues that we've addressed or attempted to address in the plans. There are a number of people who are raising concerns be that, I understand we got a letter from the CAC today. One of the concerns that the -- or recommendations of the

CAC is they would like the town to buy this property. As I said, it has a very high appraised value as two to three years ago. The developer basically laughed at us when we told them what the appraised value was, he thought it was double what that value was. And now, as I mentioned, it's doubled, maybe tripled that number.

So the Town Board, although they have not given the official position on that -- the acquisition of that property, in my speaking with them, that's -- the likelihood of that being actually purchased is not likely. There's just so many other pieces of property like that around the town that people want to buy, it's very difficult to buy that high priced real estate. So we attempted to come up with some alternative land uses that could provide value to the landowner and attempt to meet the community needs and also meet the smart growth principles. And that concludes my presentation.

VICE-CHAIRMAN MARTIN:
Okay.

MR. O'DEA:
Is there any development rights to transfer system into that -- is that a receiving area?

MR. MURPHREE:
Actually, that is a recommendation of the plan, I'm glad you mentioned that. In order to capture the value and increased density of this, one of the -- as a plan development district, one of the provinces is that they would have to transfer development rights to capture that increased density.

VICE-CHAIRMAN MARTIN:
Before we ask anymore questions, let's started on one part of the table and go completely around the room. Then if anybody wants to be heard again, we just go back to them. If we go this way, we're going to get all mixed up. Tom, you want to start with you?

MR. THORSEN:
The piece that you pointed to on the south side of the road there that has nice vistas, that's farmland it looks like.

MR. MURPHREE:
That's correct.

MR. THORSEN:
Is the town doing anything with the Peconic Land Trust relative to trying to preserve that as a view shed?

MR. MURPHREE:
Actually, I have meetings every two weeks with Peconic Land Trust to review the ongoing negotiations with the farmland owners. Nobody has come to the town or to PLT to discuss that property.

MR. THORSEN:
Because what makes these hamlets so attractive is you have these visual --

MR. MURPHREE:

Yep.

MR. THORSEN:

-- open vistas of farming so forth. And so it shows that it's a rural area.

MR. MURPHREE:

Yep.

MR. THORSEN:

The other -- the last question is on the Young piece, are you -- is the intent to put the senior housing out on the Montauk Highway side?

MR. MURPHREE:

Yes. And the reason for that is that we want the back of the property to be used for the expansion of the community club or existing recreational facilities. We've -- one recommendation was to put housing in the back and keep the front open, but then that would segregate the recreational opportunities.

MR. THORSEN:

Yes. But that would also create an attractive footage.

MR. MURPHREE:

Visual buffer, yep.

MR. MACCO:

Would that make more traffic on Montauk Highway?

VICE-CHAIRMAN MARTIN:

Wait. Wait, Mike. Let's go around the room.

MR. MACCO:

It's following up on Tom. Does that make more traffic on Montauk Highway doing it that way?

MR. MURPHREE:

One of our recommendations is to provide this rear access road to connect with Deerfield, and you'd be coming out to this what would be a new signalized intersection.

MR. THORSEN:

Well, the plan of 1970, your first plan, that showed a connection on the rear as well, so it goes way back.

MR. MURPHREE:

Yeah, there's nothing new.

MR. THORSEN:

And it has nothing to do with bypasses. What it had to with was to facilitate all those shops to keep all that circulation movement off of Montauk.

MR. MURPHREE:

That's exactly right. The one thing we do not want to do is create a

bypass around the hamlet. In fact, the connections through here would be secured, this is not a direct shot.

MR. THORSEN:
That's right.

MR. THORSEN:
Okay.

VICE-CHAIRMAN MARTIN:
Okay, Tom?

MR. THORSEN:
That's it.

VICE-CHAIRMAN MARTIN:
Frank.

MR. TANTONE:
Just one quick question. You mentioned 60 to 70 units, and if you are going to move them all, you're going to slide it all to the front of the property. So you're basically going to have that many units on the front half of the property, that's significant density there. You're at about 20 to an acre at that point, aren't you?

MR. MACCO:
Yeah, six acres.

MR. MURPHREE:
The consultant came up with that conceptual plan, and this is the Young property right here. This is the community club property here, and this is the existing downtown hamlet area. And what he's proposing is this is for 60 to 70 units in this area right here, and this would be the open space in the back.

MS. PETERSEN:
How many acres are the 60 to 70 units on?

MR. MURPHREE:
About three, three-and-a-half acres.

MR. BERKOWITZ:
How tall are the buildings?

MR. MURPHREE:
They could be anywhere from two-and-a-half to three.

MR. BERKOWITZ:
What's the half?

MR. MURPHREE:
It could be a loft.

MR. BERKOWITZ:
So these are elevated buildings with elevators?

MR. MURPHREE:

Yes. Yes. And we're in negotiation with a couple of senior citizen housing providers, but only very, very preliminary at this point.

MR. TANTONE:

Go ahead, Nancy, I'm done.

MS. GRABOSKI:

Would that number of senior citizen units ostensibly provide, you know, enough capital for Mr. Young to get his money out of the property, if you will?

MR. MURPHREE:

It did based on the original price that he was looking at, but since then, everybody's value of what they own is subjective, and at this point, we have an appraisal, which Mr. Young disagrees with. We believe we've come up with a plan that is equitable.

MR. O'DEA:

I have no more questions.

MS. GRABOSKI:

I just -- you know, I would only circle back to -- to something that Tom said. You know, I mean, if you're a senior citizen, if -- and you're right on the Montauk Highway, is that the most desirable place to be?

MR. BERKOWITZ:

With all that noise?

MS. GRABOSKI:

On the other hand, you're going to be backing up to the railroad, you know.

MR. BERKOWITZ:

This is seniors with poor hearing.

MR. O'DEA:

Only.

MS. GRABOSKI:

You know.

MR. MURPHREE:

They will be if they live there -- I shouldn't say that.

MS. GRABOSKI:

Conceivably landscaping and buffering could do a lot across the front of that property. And certainly that connectivity, I mean, the bulk of that community center as I know it is playing fields. And it's for -- you know, children are involved in that, so, certainly, to have those two next to each other would be a huge advantage.

MR. MURPHREE:

There's -- one of the people we've been speaking with has a project in Smithtown, it's a senior citizen housing project, and he brought

photos of the project, and it is very nice looking, it is Victorian in style. And I've got to tell you, if he proposed that here, I think the community would appreciate it.

MS. GRABOSKI:
Thank you.

MR. ISLES:
All of those details would be worked out if the -- if the rezoning went forward in the plan, and a specific application were filed, it would be subject to review at that time, I assume.

MR. MURPHREE:
Absolutely.

MR. THORSEN:
What about Young getting a mixed use complex?

MR. MURPHREE:
Well, one of the things we had talked about was, you know, there would be perhaps some accessory uses associated with the PDD in terms of a restaurant or health alternate sort of thing. We had looked other uses too, which are mentioned in the plan. One of them would be for some restaurants or that sort of thing, or a hotel or an inn, and the concern of the community was those uses have a way in Southampton to evolve into nondesirable uses, such as nightclubs. And they really felt they did not want to go down that path, that would be opening up that pathway. And they didn't really want to endorse that.

VICE-CHAIRMAN MARTIN:
Okay. I'm going to come around to you this way. Mr. Ryan?

MR. CREMERS
We passed.

VICE-CHAIRMAN MARTIN:
Do you have any comments? Guess not.

MR. O'DEA:
What's it the community club, what's it used for right now?

MR. MURPHREE:
It has some soccer fields.

MR. O'DEA:
Mixed use?

MR. MURPHREE:
No, it's all recreation; baseball fields, soccer fields, it has a large building used for community meetings.

MR. BERKOWITZ:
Two tennis courts.

MS. GRABOSKI:
There are two tennis courts there as well. They own the building --

there's a building across the street on the other side of Montauk Highway that's owned by the Water Mill community. It's really their main meeting house. It was there all along -- all along before they built the fieldhouse. They also maintain that the green --

MR. MURPHREE:

That's Water Mill Village.

MS. GRABOSKI:

In a nut shell, it's a group of local citizens that got together, I believe, in the early '50s and foresaw the advantages of being able to hold and maintain facilities for public use, and they are for public use, but they were purchased with private monies at the time. So to the extent that there's a major public benefit that's associated with the existence of that club, and they've done all the fund raising and whatnot to put the tennis courts in and put up the field house. It was all done strictly with their own labor of the members. It's all just local people who maintain it. It's a wonderful organization. And they hold events throughout the year at different holidays. And a lot of it is youth oriented, but the adults enjoy themselves along the way as well.

MR. BERKOWITZ:

Is it housing market rate or is this going to be subsidized housing?

MR. MURPHREE:

It really hasn't -- we haven't gotten that much in negotiation. Some of it would be for affordable housing for senior citizens. So it would be for moderate income residents.

MS. PETERSEN:

The intense density that your proposing on that site, where would you be placing the sewage treatment? And where would you be giving the amenities required? Do you require amenity packages in conjunction with that type housing?

MR. MURPHREE:

The sewage treatment plant, we were looking at either chromoglass or similar treatment facility, and we'd actually need to capture -- there's certain setbacks, we have to meet with Suffolk County Health loading requirements. And one of the things that we're looking to do is utilize the property of the community club to capture the land acreage to meet that nitrogen loading requirement and also the setbacks. So it would be a chromoglass facility or similar. We looked at doing package septic system, I don't know if that's feasible or not. I'm not really an expert in that field.

MS. PETERSEN:

The amenities.

MR. MURPHREE:

Haven't even gotten to that point yet. Right now we're trying to get past the issue of the type of use.

MS. PETERSEN:

Would you just explain to me, you said there was a transfer of

development rights?

MR. MURPHREE:

That -- that would be one of the requirements of doing it with PDD. They would have to provide, you know, credits to other areas of land among that property.

MS. PETERSEN:

That -- the other areas would be sterilized then?

MR. MURPHREE:

Yes.

MS. PETERSEN:

Okay.

MR. MACCO:

If Mr. Young --

VICE-CHAIRMAN MARTIN:

Mr. London, wait.

MR. LONDON:

I pass.

MR. MACCO:

If Mr. Young is successful on litigation, he gets to develop on all 5.8 acres?

MR. MURPHREE:

Yes.

MR. MACCO:

I read these Citizens Advisory letters sent to the -- to, I guess, the town. Does these advisory committees realize that if Mr. Young is successful in his litigation they can develop all 5.8 acres, and your plan is a compromised plan trying to keep some of the property?

MR. MURPHREE:

I believe that most of the people are aware of that, yes. In fact, that's one of the reasons they came to us originally.

MR. MACCO:

But it seems though this Water Mill Citizens Advisory Committee is against this plan that you have, right?

MR. MURPHREE:

I think the biggest is impediment is the density of the PDD area. Again, we're trying to come up with some compromise, some members of the CAC wants the town to buy the property, yet Mr. Young wants to build 60,000 square feet. It's difficult problem to solve.

MR. MACCO:

I know when we get these things in our town everybody wants to buy the property, but no one's willing to pay for it. It would be a substantial sum of money, six acres in downtown Water Mill.

MR. MURPHREE:

It started out 4.1, and I understand it's gone up -- I'm talking about millions -- it's gone up substantially since then.

VICE-CHAIRMAN MARTIN:

Michael.

MR. MACCO:

Sixty to 100 senior citizens living on -- near Montauk Highway is not going to help traffic on Montauk Highway.

MR. ISLES:

But it's probably -- it would be much less traffic generation than a shopping center. It's also -- the access is key issue.

MR. MURPHREE:

That's correct.

MR. MACCO:

I have nothing.

VICE-CHAIRMAN MARTIN:

Nothing? That's it, Mr. Parr.

MR. PARR:

My question was with regard to the sewage treatment also and the limitations in doing a chromoglass plant; one is a maximum of 15,000 gallons per acre, 70 units really would max that out and prohibit any future development of the site. In addition to that, the distance requirements would have a serious impact on how the site was designed, the requirement being 200 foot to any structure and 150 foot to any property line. So I would say that would be a serious impediment to the development of the site.

MR. MURPHREE:

It's difficult, but it's a technical issue. And I as a planner, I'm an optimist, I always think that technical issues can be overcome.

MR. PARR:

As a developer, I am an optimist also, but it doesn't usually work.

VICE-CHAIRMAN MARTIN:

Okay. Before we go any further, I want to ask Mr. Isles to give us our three options with that, and I'd like to keep one point of view of my own after that.

MR. ISLES:

Okay. This has been referred to the Planning Commission. The options that you have would be to recommend to the Town of Southampton approval of the plan as it's been presented today, approval with conditions, or disapproval of the plan. The other option you also have is to refer it back as a local determination. So that's the choices.

MR. BERKOWITZ:

Don't we have a fourth choice, to table this to look at it further

since we've been given the additional material today?

MR. ISLES:

Well, you're given 45 days to review an application. If -- if we don't act within that time, then it's referred back without --

MR. BERKOWITZ:

When does the clock start?

MR. ISLES:

The clock started a while ago, so the forty-five days would expire between now and the next meeting.

MS. GRABOSKI:

Does it have -- do we have a staff report?

MR. ISLES:

No. No, we just have a presentation from the town.

VICE-CHAIRMAN MARTIN:

I just want to add one thing before we go any further. My personal opinion would be that this has no great impact in the County as a whole, it don't effect the East End town. Actually, the East End town itself is the only town it affects, Water Mill. And I would be in strongly in favor of a local determination. They're the ones that have to sit down and try to negotiate dollars and cents. I don't know what the dollars and cents value is. And to say, no, you can't put that there, buy it, and it's in the millions, and they can't afford it, I think that's a wasted thing to send to them, to buy something they can't afford. I think a local determination, they're elected officials, I think they'll look out for what's best for that little community there. For us to sit here and have no other impact on the Hamptons or anybody. On the parkway, whether the senior citizen housing is suitable, if you look around, every one of these towns says, senior citizen housing should be on a main road, accessible to the stores, you know. So we're saying, no, don't put it there, where are you going to put it? I'm not saying okay to zoning to that. That's a Town Board matter, and we'll see that again. At that time if we feel it's not -- what should I say -- in the best interest of the senior citizens, we then could vote against that zoning. But to tell them how to zone it before they've even done anything with it, I don't think that's really in our jurisdiction at this point. We try to keep away from anything too controversial from the towns, because who knows it better than them right there? I mean, they live right there. It's only five acres of land. It's not really suitable for any real size park. I mean, a park under ten acres really -- of course, the population there is less, isn't really -- really anymore time now feasible between a ballpark and a soccer field, whatever they're going to put there. And I think it should go to the town for local determination, and of the town after that point when the zonings come in, refer it back to us, then we could take each piece individually. But I think the overall plan should be a town effort, and that's how I would vote if that motions in order. But I don't know if anybody else wants to be heard one more time.

MR. MACCO:

Did you say that you want to avoid anything that's controversial because I'm a little confused?

VICE-CHAIRMAN MARTIN:

I said if it's a controversial matter, the town should handle it, because we're not in the position to handle it. We don't know what the need is around that park, whether a park is needed in the center of town, I really don't know. I feel that it's better that the town works that out. How can you say, yes, buy the park if you can't say where the money's coming from? If we had the money to say, buy the park, we'll give you the money, then you can say that. No -- nobody in the audience is allowed to be heard. You can speak at the town board meeting.

MR. ISLES:

The only other point I wanted to make is to be careful in separating the park issue from the zoning issue. Regardless of what the Town of Southampton chooses to do in terms of the park question, Mr. Murphree has spoken on that a little bit, fundamentally there's a private -- privately owned parcel that's currently zoned for commercial use, there's a planning process obviously under the works to consider other options for that property. And I think you should look at that independently. So if there's a determination that this commission feels that they want to refer back, that the plan is sound and that senior citizen housing is appropriate for this site, I think that's one thing. If it at a later date, somebody, a municipality or whatever, wants to come in and buy a park, I think we have to keep that separately and distinct. And that fundamentally as a private parcel, there's a right of use in the property. The letter from the Advisory Committee suggests the creation of a planned development district for park and public benefit use. Mr. Murphree has spoken on the issue on a taking, and that's -- there are private property rights. And in terms of zoning it for a park would be a very limited use of the property and probably not constitutional in and of itself unless there was an actual acquisition. So I think -- the fundamental question, I think, would be the commercial zoning that's now in place in that one particular piece, should that be considered for a mixed use plan development district enabling the senior apartments. And if at another time or place the park issue comes up, regardless of the zoning, I think the two should be kept apart.

MR. LONDON:

Mr. Chairman, based upon the presentation that we all heard today, I will move for local jurisdiction based on the presentation that we received.

VICE-CHAIRMAN MARTIN:

Do I have a second to that motion?

MR. THORSEN:

Second.

VICE-CHAIRMAN MARTIN:

Tom.

MR. THORSEN:
Second.

VICE-CHAIRMAN MARTIN:
Second to that. Before we go further, does anybody else want to be heard? We didn't go over if anybody wanted to add anything to anything.

MR. O'DEA:
Local determination on what? I mean, Tom wants to separate it as I understand it.

MR. ISLES:
No -- I just didn't want -- I was concerned about the park issue getting cross mixed with the zoning issue.

VICE-CHAIRMAN MARTIN:
That's right.

MR. ISLES:
And -- but as far as what's before you is the proposed plan as described by Mr. Murphree and in the documentation before you, and that's what you're asked to act upon old today.

MR. O'DEA:
The whole plan -- what we're concerned with is the whole plan, not that single piece of property.

VICE-CHAIRMAN MARTIN:
Okay.

MS. GRABOSKI:
I just --

VICE-CHAIRMAN MARTIN:
We have a motion by Mr. London, seconded by --

MS. GRABOSKI:
And I had one more question.

VICE-CHAIRMAN MARTIN:
Sure.

MS. GRABOSKI:
I just wanted to mention, Jeff, that farmland that Tom Thorsen was referring to before that's along the Montauk Highway.

MR. MURPHREE:
Yep.

MS. GRABOSKI:
Some of that -- the land that runs along the corner along Davids Lane was preserved by a -- it was -- you know, it was interesting you -- someone mentioned Peconic Land Trust, it was a very complex negotiation because the property was owned by three different people and some of that property was zoned commercially. And out of it, it

was -- I can't recall the names of the people, but out of it, there were three residential lots created along Davids Lane, and each one of the owners of those three parcels ended up with one of those residential lots.

MR. MURPHREE:

I believe the {Hallsy} family owns it.

MS. GRABOSKI:

Yes, that's correct. They operate the Green Thumb Farmstand. So they picked up the agricultural rights to those parcels, which was a significant -- a significant accomplishment, you know, by the town, by the Town Attorney's Office. It was one of those interesting things that you can point to that was a partial purchase of development rights and a partial creation of ag reserve and a partial donation to the Peconic Land Trust. It was -- you know, they talk about the tools in the tool box, and we were using a number of them in this particular --

MR. THORSEN:

I think the County was involved in that too.

MS. GRABOSKI:

I think they were too. Yes, I think you're right. So that was very -- that was significant. And we had some help from the Water Mill CAC on that as well. It's been traditionally a very concerned group of citizens who've always taken an active role, have worked hand in hand with the town.

MR. THORSEN:

I just have one more question here. It seems to me there are some out parcels along that street there abreast of the park.

MR. MURPHREE:

Yes.

MR. THORSEN:

It separates the park from Young's Park.

MR. MURPHREE:

Yes. Mr. Young owns this property that's, Chariots of Fire, and he does not own, I believe, these two houses, but he does own interest in these two vacant properties. The total is 5.8 acres.

MR. THORSEN:

So you're not going to have a clear pathway for an expanded park in the rear.

MR. MURPHREE:

He owns this property right here, and we've also been speaking with this landowner, this is the Station Restaurant.

MR. THORSEN:

Right.

MR. MURPHREE:

And he is very interested in preserving this part of the property providing he can develop, you know, redevelop this portion of the property. So he's been working with this and also preserving this portion of this property.

MR. THORSEN:

In conjunction with those questions, the breathe, the width of the Young piece from west to eastboundry --

MR. MURPHREE:

Yes.

MR. THORSEN:

How broad is that?

MR. MURPHREE:

I don't -- I don't know.

AUDIENCE MEMBER:

It's approximately 600 feet.

MR. THORSEN:

600 feet. I was just wondering whether you couldn't put some sort -- this would be subject to site plan, sort of a linear senior citizen complex.

MR. MURPHREE:

Going this way?

MR. THORSEN:

Yes. That could back out onto the open fields and bring a greenway right on down to the road.

MR. MURPHREE:

That's a goal I think we all share, and if we can do that, if we can get the land use and zoning issue resolved, I think that that would be one of the key things, because the last thing we want to do is see a vertical wall of buildings off to the right. We don't want to see China walls. It would destroy the character of the downtown hamlet area.

MR. MACCO:

I'm sorry. I'm so totally confused here, and I want to make sure I understand all of my options here. There was just a motion made --

VICE-CHAIRMAN MARTIN:

Motion on the floor right now ist to --

MR. MACCO:

Is to set it back for a local determination, which is something we could do with everything that comes to us here. We could always -- we could always send everything back for a local determination. But isn't this report -- the Commission, for our consideration here, the Town of Southampton's comprehensive plan, aren't they sending their local determination to us right now to see if we'll approve it? Am I

missing something here? Didn't the town say, we did a study, here's our report, this is what we think you should -- we want your blessing on this? Aren't they already telling us this is what they want? Aren't we -- aren't we just rubber stamping what the -- what the local determination has been made already?

MR. ISLES:

Well, a determination has not been made locally. They are required to refer to the Commission. The Commission can say, well, we don't think this is the right plan, we're going to recommend to the town that they disapprove the plan, they can -- you can recommend to the town they approve the plan. So you do have options as spelled out by the acting Chairman. As a local determination, you're really not making a comment, you're saying -- you're really coming up with no identification within regional or intertown issues, and therefore, referring it back as a matter of local determination. Then it's up to the town to decide and weigh that as they want to.

MR. MACCO:

Couldn't we -- couldn't we say to the town that -- that we've reviewed the commission plan and this is a -- it's a good idea, but not the only idea?

MR. ISLES:

That's up to you.

MR. MACCO:

I mean --

VICE-CHAIRMAN MARTIN:

We can make that part of the local --

MR. MACCO:

I mean -- I mean, it seems like an okay idea. I don't have enough information to say it's a great idea, and I think they're asking for some sort of blessing on their -- their --

MS. GRABOSKI:

Concept.

MR. MACCO:

-- the concept they have. And the concept seems okay to me, but I don't have enough details. Just to send it back for local determination to have no opinion doesn't seem to really -- I think would really be effective. We could always send everything back for local determination. We could sit here and do that on everything that comes across. I don't want to do that.

VICE-CHAIRMAN MARTIN:

That's not our job to send these back. But let me explain something to you. Any so-called master plan like this is or plan like this that's submitted by a town, I would think that every one is pretty much what the town would like to do with it. The town don't send you something they don't want, because they wouldn't send it.

MR. MACCO:
Right.

VICE-CHAIRMAN MARTIN:

Let's be reasonable. Just one second. Every map that we get, once they review it in a Planning Board thing when it comes to us, is that's what that town would want with that. And we go against some of the maps, not every one, of course not. Some of them are really good, I'm not saying they're not. That's an option to say that you're blessing something and make it sound like we're not doing the right thing, I don't agree with that. I'd rather see a local determination

when it's in an area where it that has no impact on us. When they that what's going on there best of all, sure they're getting the blessing, but that doesn't mean that the people in the area are going to go with it. I mean, that's my personal opinion.

MR. MACCO:

So wouldn't it be better than for saying local determination to reject it and say, get some final determinations on the locality and then send it back to us after we have a final determination from -- from --

VICE-CHAIRMAN MARTIN:

Because you never know what's coming back from them. You don't know -- they're just going to get back what the town sends you when they wrote on it. This is not coming back that way, it will only come back with the zone changes, that's all. And we're not approving the zone changes.

MR. ISLES:
Right.

MR. LONDON:

Mr. Chairman, just to reiterate quickly for our -- our representative from Huntington here, my motion stated from the presentation as presented for the PDD, nothing different, nothing additional, nothing less. That's exactly what the motion from me is, what was presented is the motion.

VICE-CHAIRMAN MARTIN:
Yes, Nancy.

MS. GRABOSKI:

I just want to add a few thoughts here. When I sat on the Southampton Town Planning Board and items were referred to the Suffolk County Planning Commission, we waited with bated breath to get those reports back, because the planning staff that generates those reports and the review that takes place around this table was considered to be quite significant. And with most of those reports that came our way, primarily on subdivisions, some on site plans, generally, there were approvals and there were approvals with conditions. Well, I would just convey to this committee that those conditions became very very important, because, first ever all, the Planning Board would have to incorporate those conditions into its own resolution if they were going to approve unless they had a super majority. In other words, if there was a 4-3 vote, that resolution that we had put together was going nowhere without the input from this committee. To the extent

that many times most of those recommendations were altogether valid and with merit, and we welcomed those and never had the communication back to say thank you very much for your report. I guess the question I would pose to you at this point is is there anything that we have to have recommend, you know, going back to Mike's -- Mike's suggestion? I mean, we have authority as a commission. Is there anything helpful that we can offer to Southampton -- to Southampton Town at this point

in the application for the hamlet center study? Are we generally in support of it conceptually? Is so, do we want to say that? And are there any other recommendations that we have that we would add to it?

VICE-CHAIRMAN MARTIN:

Do you have any comments you wish make?

MS. GRABOSKI:

Well, the one comment that Tom made having to do with conceivably running the direction of the senior citizen buildings, Tom, correct me if I'm wrong, are you talking, like, that western edge of the property --

MR. THORSEN:

Yes.

MS. GRABOSKI:

-- toward the back?

MR. THORSEN:

Right.

MS. GRABOSKI:

I think there's definitely merit in that.

VICE-CHAIRMAN MARTIN:

We'll get that back, and we're committing ourselves to saying, yes, we approve the location, and I don't think we want to do that, right?

MS. GRABOSKI:

You know, what will be determined will be where the open space line is, so the open space is either in the back, or it's on the eastern half of the property. You know what I'm saying?

MR. MACCO:

Where the field is right now.

VICE-CHAIRMAN MARTIN:

If you do that then you're going to say that's where we're putting the senior citizen housing, do we want to do that? I mean, I'm not saying I don't want to do that. I'm just saying I didn't want to put the zone change in the overall plan at this point.

MR. MACCO:

You could make a comment that says that the open space should be as closely contiguous to the fields on the easterly side.

VICE-CHAIRMAN MARTIN:

Yeah, we could say something like that.

MR. MACCO:

And as a comment and not as a condition and incorporate what Tom has to say -- Tom's thought process that leave the westerly side of the property for development. I mean, if the park -- if the park they're using right now is all the way to the east, and you're trying to attach to that more open land for park usage, we could make a comment that we would like the town to consider the easterly portion of the property for parkland. That's a comment.

MR. THORSEN:

You could entwine that with the idea that we don't want to see a wall of large buildings along the front of the road.

VICE-CHAIRMAN MARTIN:

I agree with that.

MR. ISLES:

If I could just ask one question of Mr. Murphree, and that if the town were to go ahead and rezone this in accordance -- if the plan was adopted, what would be the town's process with what the commission members are talking about in terms of separation or dividing lines of open space and development? Is this an appropriate time for this Commission to be addressing this, or is this an item that will be addressed down the road?

MR. MURPHREE:

As part of the PDD process they have to come up with a concept plan. That's where you start flushing out all these major issues. At this point it's really premature to say we want this design element here, this development here, because now you're boxing the town in terms of saying this is where it has to be. The one concern though I'm hearing that, and I wholeheartedly agree, is as I said, we really don't want the China wall effect along Montauk Highway. I think that's actually a very critical element. If something were couched in terms of -- in broad general terms in terms of, you know, that's what we don't want to see, that you want to maintain contiguous open space with adjoining properties, but you want to maintain some sort of view corridor along Montauk Highway something like that, I think that would be helpful.

MR. ISLES:

Because the PDD would have to come book to the Commission because it's on a state roadway, so it still within your jurisdiction at that time, just so you know that.

MR. MURPHREE:

Amendment to Chapter 330.

VICE-CHAIRMAN MARTIN:

Okay, Nancy, does that answer your question on that?

MS. GRABOSKI:

Yes, thank you.

MR. MACCO:

And the comment -- and the comment Mr. Parr made that if the property is being development, we're all very concerned where the sewage

treatment plant is going to be. I mean, I think that's -- that's a really good comment to be added here, because to have 70 units --

VICE-CHAIRMAN MARTIN:

Isn't that the time of the zone change when we argue the zone change? Not now, we don't know what's going on at this point. We don't know if there's going to be 70 units or no units or a zone change at all. We don't know that.

MS. PETERSEN:

That's determined by litigation.

VICE-CHAIRMAN MARTIN:

That's the only thing I'm saying. You're putting the cart before the horse.

MR. BERKOWITZ:

Are we just approving this parcel or the entire hamlet plan?

MR. ISLES:

The hamlet plan.

MR. BERKOWITZ:

Well, I'm going to have -- then I have a little bit of a concern. First of all, to blanketly approve this, and when we have, for example, Richard's article on the problems along Montauk Highway, without having the staff really adequately reviewing this hamlet plan and seeing what the staff has to comment on, I don't think we're in a position to approve this. I think at this time we could say this is a good start, but it's premature for us to give any approval and refer it back to them to bring it back to us at another day to approve it at this point. You know, if this is what we're talking about, not this one parcel, but the entire hamlet plan we're talking about.

VICE-CHAIRMAN MARTIN:

It's my understanding that if we send it back without some kind of determination, that we don't get it back anymore. We got that forty-five days to act in. If we don't act -- unless we send it back on -- not complete, there's a million things, but they're here.

MR. BERKOWITZ:

Well, that's why I termed it premature.

VICE-CHAIRMAN MARTIN:

If we send it back -- if we send it back local determination, then we get back the two zone changes, that's as much control as we can get out of this and still make a determination. If we send it back approved, then we have no say except --

MR. BERKOWITZ:

Yeah, but how can we approve a plan that our staff has not even reviewed --

MS. PETERSEN:

Because we're looking at a concept basically.

MR. LONDON:
That's all it is.

MS. PETERSEN:
That advocates smart growth.

MR. BERKOWITZ:
But our conversation has been focused on one single parcel next to -- you know, not the entire hamlet plan.

MS. PETERSEN:
But we're supposed to be here to look at the whole plan.

MR. BERKOWITZ:
That's right. But our conversation -- 90% of the conversation at this table has focused on this one parcel of land.

VICE-CHAIRMAN MARTIN:
If you want a motion saying something else, we have no problem with that.

MR. BERKOWITZ:
Yes. I would like to make a motion.

VICE-CHAIRMAN MARTIN:
We have a motion on the floor.

MR. BERKOWITZ:
I'd like to amend the motion. Well, the wasn't seconded so.

MR. MACCO:
Yes, it was.

VICE-CHAIRMAN MARTIN:
It was.

MR. BERKOWITZ:
It was? Then I'd like to make an amendment to the motion that -- that it's too premature to approve the entire hamlet plan at this point time and refer it back to them to continue their good work.

MR. LONDON:
The motion was --

VICE-CHAIRMAN MARTIN:
That's a new motion, that's not an amendment to the motion, right?

MR. LONDON:
Right. The motion was as presented by the gentleman for a PDD, okay, as he presented it.

MS. PETERSEN:
No. Not PDD. As presented was as a hamlet study.

MR. LONDON:
As for what?

MR. BERKOWITZ:

Well, can we read back the motion? If we want to get Robert's technical.

MR. ISLES:

What's before the Commission is the Water Mill hamlet center plan as presented by Mr. Murphree. At the present time we are not specifically looking at the PDD, although we've talked about it. That would be subject to a subsequent review and referral by this Commission.

MR. LONDON:

Correct.

VICE-CHAIRMAN MARTIN:

Let's do this. Before we keep going around in a circle, let's put the motion on the floor to a vote, if it fails, then any member that wants to put another motion in can.

MR. BERKOWITZ:

What's the motion?

MR. LONDON:

Local determination as presented in the presentation.

VICE-CHAIRMAN MARTIN:

And it was seconded by Tom, right?

MR. THORSEN:

Yes.

MR. ISLES:

Right.

VICE-CHAIRMAN MARTIN:

So let's take that first, okay? Show of hands all in favor? We got one, two, three, four, five, six, right?

MR. ISLES:

Right?

VICE-CHAIRMAN MARTIN:

You counted six? Motion carried. He didn't vote either way. She didn't vote. Now, the four people didn't vote, raise their hand. Four people, one, two, three -- no, that's five now that didn't vote.

MR. MACCO:

Mr. Martin, did you vote?

VICE-CHAIRMAN MARTIN:

Yes. So it's one, two, three --

MR. BERKOWITZ:

Chairman can't vote unless to break tie.

VICE-CHAIRMAN MARTIN:
Who told you this?

MR. BERKOWITZ:
Robert's Rules of Order. Robert's Rules of Order.

VICE-CHAIRMAN MARTIN:
That's your -- my name Robert. Before we had six people in favor of the motion, now -- then we don't get six. Did we get six this time?

MR. ISLES:
You need a majority of the Commission to pass a resolution. You need eight votes to pass.

VICE-CHAIRMAN MARTIN:
So it don't pass either way.

MR. ISLES:
So the motion for the LD did not pass

VICE-CHAIRMAN MARTIN:
Okay. Now there's another motion on the floor? .

MR. O'DEA:
Is it -- not a motion -- is the clock extendable or a request with the town?

MR. ISLES:
No. We have forty-five days.

MR. O'DEA:
That's it.

MR. MACCO:
Well, I'm going to move to -- to approve the conceptual plan of the -- I'm moving to adopt a -- I'm moving to adopt the concept plan for Water Mill hamlet center.

MR. BERKOWITZ:
With no specifics?

MR. MACCO:
As requested, right. I'm going to approve it the concept of the plan.

MS. PETERSEN:
Concept, not the specifics.

MR. BERKOWITZ:
Okay. That's a different motion.

MR. MACCO:
To approve the concept.

MR. BERKOWITZ:
I'll second that motion.

MR. MACCO:
I'm approving the concept.

MR. BERKOWITZ:
The concept, I second it.

VICE-CHAIRMAN MARTIN:
You second it, okay. All in favor please raise your hand? We're okay now.

MS. CHORNY:
What was the vote?

MS. CATALANO:
Everybody approved except for Frank Tantone.

VICE-CHAIRMAN MARTIN:
It's the same exact thing.

MR. BERKOWITZ:
It's totally different.

VICE-CHAIRMAN MARTIN:
How do you figure that?

MR. BERKOWITZ:
Because we're not specifically focusing on a single parcel of land.

MR. MACCO:
No, we're not. The Young property has nothing to do with it. Concept itself. We're approving the concept.

MR. BERKOWITZ:
It's one that we could be more comfortable with.

VICE-CHAIRMAN MARTIN:
Thank you for coming.

MR. MURPHREE:
Thank you very much.

MR. O'DEA:
The recorder needs the number of votes, the names.

MR. ISLES:
8-1.

MS. CHORNY:
Nobody abstained.

MR. TANTONE:
I'm the only no.

VICE-CHAIRMAN MARTIN:
Because if we don't have the eight, then it goes back automatically and they can do what they want.

MR. BERKOWITZ:
There's only one person who voted against it.

MS. CATALANO:
There are 11 people here.

VICE-CHAIRMAN MARTIN:
We have to have eight votes.

MR. BERKOWITZ:
But ten voted for, one voted against.

VICE-CHAIRMAN MARTIN:
That's what I'm saying. That's what we've got to make sure.

MS. CATALANO:
One, two, three, four, five, six, seven, eight, nine, ten, eleven.

MS. CHORNY:
Eleven people. So it was 10-1, is that it?

MR. BERKOWITZ:
Yes.

VICE-CHAIRMAN MARTIN:
Okay. APPROVED (VOTE:10-1) (Opposed; Mr. Tantone)

MR. BERKOWITZ:
You were the only one.

MR. O'DEA:
If they don't vote, take their sign away, that's easier.

MR. BERKOWITZ:
Just Frank.

MR. THORSEN:
One comment. When we're dealing with complex issues relative to comprehensive planning and so forth, a forty-five day clock is really not adequate to do a job, first of all, to understand what's in front of us, particularly when we get the data at the last minute. So it's very hard to, you know, deal with that. But that's the way the law goes.

VICE-CHAIRMAN MARTIN:
Tom, maybe --

MR. THORSEN:
Maybe there's another way to handle it.

VICE-CHAIRMAN MARTIN:
I came here in 1970, and I fought that forty-five days, because I didn't want to put to something like this, that you have to vote right now. But we tried to change it, I don't know how many times.

MR. THORSEN:

Wouldn't it be good if we put it off until next month.

VICE-CHAIRMAN MARTIN:

We tried -- we can't do that anymore. The only way we can do it is we send the plan back saying it's not -- everything's there or more. We can't do it. We went to Suffolk County Legislature to change it. Everybody said no, forty-five days is more than enough. That's where we are.

MS. PETERSEN:

When we get this amount of information --

VICE-CHAIRMAN MARTIN:

I know. I don't disagree with you.

MS. PETERSEN:

We're sitting down and haven't had an opportunity to at least give it fair review on our own part then have to make a determination, that's input, that's additional information.

VICE-CHAIRMAN MARTIN:

I don't disagree with you. That's the only reason why that I wanted to go for a local determination, because then we'll get it back anyway. If you send it back, and we didn't have the vote -- if I were to vote and everybody voted against it, it would have went back with no -- nothing at all. You wouldn't have sent nothing back, they would have known what they wanted anyway. I was just trying to do the lesser of the two evils. But we fought that -- oh, in Dr. Koppelman's days. We tried to change the 45 days to 90 days, and the thing was, that's bureaucracy, you're holding up a contractor or a builder another two months because nothing will go back right away. And there's some truth to that too, I guess, you know. I mean, that's the problem. We tried all that. We tried to change that 45 days so many times.

MR. TANTONE:

I just wanted just for the record to say another thing we didn't get was the benefit of staff report, which, I think, trying to make a determination of this magnitude without staff report on the fly with that much information and basically ten minutes to decide is ludicrous as far as I'm concerned.

VICE-CHAIRMAN MARTIN:

I don't disagree with that.

MR. TANTONE:

I agree with acting Chairman that was the reason to send it back for local determination. We have tacitly rubberstamped it as far as I'm concerned.

MR. O'DEA:

When dealing with a developer, yes, but when you're going County to Town or something or overseeing a study, I could strongly see where you'd need some more time and professional input from the staff.

VICE-CHAIRMAN MARTIN:

I explained that we tried to get it and we talked to the Legislature. Dr. Koppelman which had a strong influence in those days, he couldn't get it changed. Whether we really tried or not, I'm just telling you --

MR. O'DEA:

Maybe there wasn't as many studies as there is now.

VICE-CHAIRMAN MARTIN:

I always felt that it should be one meeting apart. That was if it comes in now, we should have another meeting.

MS. GRABOSKI:

It's hard when you meet once a month, because the number of applications have increased over the years.

VICE-CHAIRMAN MARTIN:

Some of them are already over -- we had ones where that was the last day of the application, right, just that day.

MS. PETERSEN:

If the Legislature is serious, and they really want us to give these applications the type of scrutiny that they'd like to see given them, then maybe they would reconsider and maybe not go to 90 days, but perhaps go to 60, which would enable us in many instance to probably table something for a month.

VICE-CHAIRMAN MARTIN:

That might not give you two meetings. When we looked at it, we wanted to make sure in any condition we'd have at least a meeting. You could get 60 days and not quite get into the two meetings.

MR. O'DEA:

Add it onto the resolution, 60 days or two meetings.

MR. ISLES:

We're also talking about changes to state law is what we're talking about, number one. Number two -- and I guess to the extent that we could, you know, perhaps try to work with the towns to maybe get an extension up front in some manner to enable two meetings.

MS. GRABOSKI:

Particularly with comprehensive plans where they have more time.

MR. ISLES:

Okay.

MS. PETERSEN:

Because what we got in the mail to read was pretty much --

MS. GRABOSKI:

Bare bones.

MS. PETERSEN:

-- very basic.

MR. ISLES:
That's what was referred to us.

VICE-CHAIRMAN MARTIN:
Let's go on.

MR. NEWMAN:
In the future when we receive any kind of comprehensive plan requests, we could request more detailed copies. I know when I spoke to Jeff, he did say to me do you want the full ones. I said, in the past we've always used summary. I could request the local municipalities provide us with full copies and mail each Commissioner the full copy of that.

MS. GRABOSKI:
Thank you.

MR. MURPHREE:
If you want that, we'd need to know that ahead of time, because right now, when we get copies from consultants or developers in these matters, right now we're requesting 25 or 30 copies. If we get copies for each of you, we'll probably need to double that number.

MR. ISLES:
I think that's the pleasure of the Commission.

MR. MURPHREE:
I could take that back and let them know. Thank you very much.

S-IS-02-23

MR. FRELENG:
Okay. I don't know if Tom mentioned that we have a new staff member with us, but Chris Reed is now with the regulatory review division. And I certainly am glad that Chris is here to bring some expertise from Real Estate up to us as well. You see we have a little bit of technical difficulty with the photo, I tried to get photography over here, so they should be here in a minute. But anyway, let me go to the first regulatory referral. This is from the Town of Islip. This is the application of Saxon Landing. Jurisdiction for the Commission is that the subject property is adjacent to Sunrise Highway. The applicants are proposing the subdivision of approximately 35,027 square feet of land into three lots in the B Residence Zone in the Hamlet of Bay Shore. Minimum lot size in the zoning category is 7500 square feet per lot. The map is not being processed pursuant to 278 cluster provisions. The intended lots range in size from 8208 square feet from 13,657 square feet. No space is proposed on the map. The property is bound on the north and west by a small lot residential development, to the east the property bounds Saxon Avenue, which is a town road, to the south the property abuts State Route 27, Sunrise Highway North Service Road.

The character of the area surrounding the subject property is a mix the small lot detached dwellings, developed commercial properties and wooded land. I guess that's the wooded parcel. The property itself can be characterized as being generally level. There are no structures presently on site. There are some encroachments from the

adjacent subdivision onto the subject property, but there is no stand alone structures relative to the site. The property is located within Hydrogeologic Zone VII, potable water to the lot is intended via public supply and sanitary waste is to be collected via the -- via the public system. Soils on the subject property consist of Riverhead series, these are not considered prime farm soils. Access for the proposed subdivision is intend via the creation of three individual driveways, you can see from the subdivision map that two of the driveways will access onto Saxon Avenue, and one of the driveways is to access to Sunrise Highway North Service Road. The Saxon Avenue-Sunrise Highway intersection is a heavily congested high volume intersection. As proposed, none of the dwellings will be able to make left turn movements from the created driveways. There's a median here, and ther's also a significant amount of traffic, as well as a turning lane that runs along the property boundary on Saxon Avenue. None of the properties would be able to make a legal left-hand turn, particularly this one, and particularly the one on the Sunrise Highway North Service Road, which is an easterly flowing -- westerly flowing North Service Road.

A good planning and land use practice warrants that the number of curb cuts to this location be kept to a minimum. Department of Planning staff sketches demonstrate that it is possible to reconfigure the design of the subdivision. If you utilize 278 cluster provisions, you could redesign it with a short cul-de-sac at the north end of the parcel. I hope you can see the sketch that staff did. This being Saxon Avenue, this being the North Service Road, what staff did was centered along Atlantic Street a 50 foot right of way. Within that 50 foot right-of-way there's 30 feet of pavement ending in a short cul-de-sac and then the three lots confront on the cul-de-sac and takes access onto the cul-de-sac using 278 provisions, because in order to center the right-of-way with Atlantic Street so you could have a controlled intersection, you have a little bit of left over land. And these lots would need -- while they meet area requirements, the setback requirements are not met. So you would need to use 278 cluster provision, and you'd be able to modify those dimensional requirements and provide a little bit of open space.

This alignment then allows all three lots to discharge motor vehicle traffic to a collector street and then to a controlled intersection. Use of a collector street will help minimize the number of points of ingress and egress along Saxon Avenue. The right-of-way for the street in the staff report indicates that it should be 50 feet aligned with Atlantic Street. Within the right-of-way, a common driveway or country lane, standard street, can be constructed, and by utilizing the 278 provisions, a lot area can be adjusted in small amount of open street -- open space and street buffering can be created. So therefore the issues related to this subdivision stem from the Commission's policy on the creation of subdivisions with poorly designed street access.

Staff is recommending approval subject to the following five conditions; that the map be reconfigured so that all lots have access to Saxon Avenue via local residential street; that no driveway or entrance avenue on Saxon Avenue be located within 50 feet of the intersection with State Route 25 -- I'm sorry 27; and that all storm

water resulting from the development of the site remain on site and not flow into right-of-way from State Route 27; condition four is that a buffer or conservation easement along the service road be maintained; and condition five, which is not in the staff report but which we will add is that all encroachments to the subject property be rectified prior to final approval of the map. That's is the staff report.

MR. THORSEN:

I move to staff report.

MR. MACCO:

Second.

VICE-CHAIRMAN MARTIN:

Second. All in favor signify by saying aye, contrary minded?

MR. TANTONE:

One abstention

VICE-CHAIRMAN MARTIN:

Abstain. APPROVED (VOTE:10-0-1) (Abstention; Mr. Tantone)

S-SM-02-04

MR. FRELENG:

Okay. The next matter is referred to us from the Town of Smithtown. This is the application of the Yellow Top Farm Estates. Jurisdiction for the Commission is that the subject property is adjacent to New York State Route 347. The applicants are proposing the subdivision of approximately 13 acres of land into 23 lots in the R-10 Residence Zoning District in the Hamlet of Hauppauge. The minimum lot size in the zoning category is 10,000 square feet. The map is not being processed pursuant to 278 cluster provisions, and the intended lots range in size from 11,929 square feet to 24,615 square feet. A 1.22 acre recreation area is proposed. In addition, 8,037 square feet is intended as a cemetery dedication. And finally two detention recharge basins are proposed providing 45,000 cubic feet of storage.

The subject property is bound on the north by a cemetery of the Roman Catholic Church of St. Patrick, to the west the site is bound property of the Central School District Number 1, including a school building. In addition, some wooded vacant land and Plaisted Avenue abut the site to the west. To the south, the subject parcel abuts State Route 347, and the commercial vegetable retail outlet, Yellow Top Farm. In addition, there's a 7-Eleven at this corner intersection here. Okay. The character of the area surrounding the subject property is a mix of medium sized lots with detached dwellings, developed commercial properties and high density attached housing. The subject property itself can be characterized as being generally level. Several structures are present on site, including two single-family dwellings, two barns, several greenhouses and sheds.

The subject property is located within Hydrogeologic Zone VIII, potable water to the lot is intended via public supply, and sanitary waste is to be collected and disposed of on site with individual

systems. Soils on the subject property consist of Riverhead and Haven series. Haven soils are considered prime farm soils in Suffolk County. No attempt to cluster or preserve the soils is proposed. Access for the proposed division is intended via the creation of a double headed 1,440 foot long cul-de-sac extending eastward from Plaisted Avenue. The creation of cul-de-sacs greater than 800 square feet in medium and high density subdivisions is contrary to Commission policy. In addition, while an alternate access is proposed in the form of a tap street to the vacant land abutting the parcel, you can see down here, there's a tap street roughly 100 or 200 feet in. This tap does not address the concern of staff that there is not an adequate alternate access to the division. The absence of an alternate or an emergency access to a large land division is contrary to Commission policy. It's the staff belief that opening access or emergency access to Mount Pleasant Road would address issues contrary to Commission policy. When staff reviewed the map, Mount Pleasant Road, you see this angle here, it really didn't look like it would be problematic to open access to Mount Pleasant Road somewhere over here off of one of these cul-de-sacs. However, when we did our field investigation, this road because of the cemetery fence and some vegetation that's right over here really does create a problematic site access. So emergency access only is probably warranted over here or another some connection. In a worse case scenario probably emergency vehicles could break through this parking lot and make access here, but this wouldn't be a good planning. So staff is recommending an emergency access over here.

MR. MACCO:

What's the matter with that road?

MR. FRELENG:

I'm sorry?

MR. MACCO:

What's the matter with that road?

MR. FRELENG:

Mount Pleasant?

MR. MACCO:

Yeah.

MR. FRELENG:

There's nothing the matter with it, other than it's -- if you were pulling out onto Mount Pleasant, your left turn viewshed would be impacted by this curve.

MR. MACCO:

If turns up to the north.

MR. FRELENG:

If you come right out here, obviously you're blinded. If you come out further, you have more of a sight distance. However, the way this alignment is, there's really only opportunity really for access right in here in this stretch. It could be done, could be done. Staff is recommending approval subject to the following conditions; that

alternate or emergency access be provided other than at the location of the tap street, preferably the alternate or emergency access should be to Mount Pleasant Road; all stormwater runoff resulting from the development improvement of the site be maintained on site and not allowed to run into the right-of-way of State Route 347, that was condition two; condition three is that a buffer or conservation easement at least 50 feet be established along the road corridor, that does take a piece of this backyard, mostly this recharge basin would be in that 50 feet. The roadway itself I understand from talking to staff is a little bit problematic. They'd like to have it shifted up, but the buffer area could be planted along here, or right along here. That is an important comment because if at night you have traffic coming this way, then you'll have headlights shinning right onto the westbound traffic of 347, which could be an issue. So we're recommending that there be a buffer placed here. Condition number four is that a fence in accordance with local zoning be established along the commercial property boundary along the cemetery and along the school property to avoid unwarranted encroachments. That is the staff report.

VICE-CHAIRMAN MARTIN:

Are there any comments? Motion?

MR. PARR:

I'd just like to point out that lots smaller than half acre would not be permitted. So I don't think the yield could be 22 lots.

MR. FRELENG:

Generally the Planning Department wouldn't comment on that sort of thing. They do have in there submission, though, a yield map for the Health Department. It wasn't stamped approved by the Health Department, but apparently they did consider that, and I don't know if they're buying development credits or what in order to get that yield.

VICE-CHAIRMAN MARTIN:

That would be subject to Health Department approval. If this approved -- I don't want to talk about it because I don't want to hear it tonight -- if this is going to be approved by the town, it always mentioned the that Board of Health approval subject to. I understand that they're talking about tying this subdivision into the sewer treatment plant. I don't know if they mean the one across the street or the one down the road.

MR. FRELENG:

Okay.

VICE-CHAIRMAN MARTIN:

The way I understand, it's going to be tied into the sewer treatment plant, and then they're allowed to build their zoning. If this meets the zoning, if he ties into the sewer treatment plant, then he has no problem. If you don't tie it into the sewage treatment plan, then the map will change.

MR. BERKOWITZ:

We've been talking a lot about smart development, and I noticed that we really never talk about the infrastructure, like, can the school

accommodate 30 new kids, for example? Can the water system accommodate 30 houses? Is there recreation for the community? I mean, is this within our purview? I mean, 30 new kids is maybe two new teachers for the school district, maybe two additional classrooms.

MS. GRABOSKI:

That's a good point. I think, at least in Southampton, those applications are referred to the individual school districts as well.

VICE-CHAIRMAN MARTIN:

I thinks these are submitted to the school districts.

MS. GRABOSKI:

School Boards.

VICE-CHAIRMAN MARTIN:

School districts surprisingly don't really always answer us. They're not really concerned. Their concern is well, when we need the classroom, we'll put in the budget, and we build them. Right now the Smithtown School District is probably just about people that come from that area. They not putting any new schools. They'll open up an old school. It's water we all know there's no problem at all, water main runs right out to 347. It's like this, you know, it's not one of those little jobs. It's on the side street. So I think it meets all of his concerns.

MR. ISLES:

The municipalities are required to consider the impact of the environment which is broadly examined and issues of utility, water access, sewage disposal and so forth are eligible for consideration by the municipality. We are not an involved agency, we're an interested agency, so we're not directly a part of that. But it is something the locality can look specifically at. Nancy.

VICE-CHAIRMAN MARTIN:

Mike.

MR. MACCO:

I have a problem with the competing Commission policies that we have here. We have a policy against cul-de-sacs being longer than 1,000 feet, I believe.

MR. FRELENG:

It's 800 feet in a tight density subdivision, 1,000 feet in large lots subdivision.

MR. MACCO:

And I notice that in your comments, you keep on saying emergency access shall be through Mount Pleasant Road. I think we should remove the word emergency access on Mount Pleasant Road and make it alternate access. And if the town requires improvements on Mount Pleasant Road, let -- let the town put it into the builder, let the builder pay for them. Instead of having it emergency access, let's -- let's delete the word emergency, leave it only as alternative and let the builder and town deal with Mount Pleasant Road, because it's -- if Mount Pleasant Road needs some corrections, let it be done now. I

wouldn't want to be -- to be against Commission policy regarding the cul-de-sac just because Mount Pleasant Road looks like there's a part of it that's blind.

MR. TANTONE:

Isn't Mount Pleasant Road a very heavily traveled road?

VICE-CHAIRMAN MARTIN:

It's one of the heavily and most dangerous roads in the County. There's been more people killed in that corner because it's just a heavily, heavily traveled road. When the people came out once before that's their only concern, they do not want ingress and egress on Mount Pleasant Road. The developer wanted to put -- come in from Mount Pleasant, not the other area, Plaisted Avenue is a kind of quiet dark street, there's a school right next to it, not the prettiest environment for the subdivision, and we insisted when we went through things that there be no access to Mount Pleasant Road.

MR. MACCO:

I didn't know that.

VICE-CHAIRMAN MARTIN:

You don't know that, but I'm telling you. If there is going to be a tap, we will probably make it into the lots that are vacant next to the school, because I understand that's been bought by a developer. So if the layout works out, we'll tap again on Mount -- not on Mount Pleasant, on Plaisted Avenue.

MR. TANTONE:

Mount Pleasant runs parallel to Route 111.

MR. LONDON:

A bypass from 111.

MR. TANTONE:

To add more traffic would be horrendous.

MR. O'DEA:

You're making an emergency access, right?

VICE-CHAIRMAN MARTIN:

What? Well, we don't put emergency accesses unless it's on a private road, because then we can -- then the subdivision itself can monitor it. If you put an access road there, an emergency access road, and you close it, somebody's going to open it. So we don't do that. Either we're going to put a tap in the road or not going to put a tap in the road. That's how we do that.

MR. MACCO:

Can we change it from -- can we change it so that we either put -- make a comment that we refer an alternate access to the -- to the --

VICE-CHAIRMAN MARTIN:

A lot of times --

MR. MACCO:

To the lot, and that if mount -- if traffic is too much to bear on Mount Pleasant Road, that the builder should consider purchasing one of the adjoining vacant lots?

VICE-CHAIRMAN MARTIN:

No. No, I'm not going to go along with that. All we'll tell the guy is why should he -- why should the owner of the land next to you say you can't get your map approved because this is what they said. Let them provide access -- it's another access like we always say. Not that he should buy it. Why should he buy it? Most of the people say, well, I want half the price of the subdivision or we can't build it.

MR. MACCO:

Once again, Commissioner Martin, I'm a little confused. I don't want to have these long cul-de-sacs in these subdivisions.

VICE-CHAIRMAN MARTIN:

Neither do I.

MR. MACCO:

So I originally proposed that we have -- we take out the word emergency access on Mount Pleasant Road and require tap. And I've been told by people more in the know than I am that Mount Pleasant Road is heavily traveled, that I shouldn't be doing that. So I'm trying to come up with an alternative --

VICE-CHAIRMAN MARTIN:

I'm telling you, tap the land like he made, the alternate land. I don't know what the name of the people are, but I understand that's -- that's being considered for a subdivision. So they can work it out that they can tap that piece of land.

MR. FRELENG:

This piece here, that was from the east.

MR. MACCO:

Can we -- can we put in -- change the comment that we already have in our report where it says alternate or emergency access to Mount Pleasant Road and change that to alternate access to Mount Pleasant Road or any -- or another --

VICE-CHAIRMAN MARTIN:

No, leave Mount Pleasant Road out, because we know we don't want to come out there traffic wise. You can leave it in with everything else.

MR. MACCO:

Should we state that -- that approved subject to obtaining alternate access to the lot?

VICE-CHAIRMAN MARTIN:

You can do that too.

MR. MACCO:

And then we'll leave it up to him. Would that make -- would that

solve the Mount Pleasant Road problem and also solve Commission policy against the cul-de-sacs?

VICE-CHAIRMAN ISLES:

We certainly don't want to come out on Mount Pleasant Road.

MR. ISLES:

What we're saying, what we're recommending to you, they are showing alternate access to a tap street that's right off Plaisted Road, it's pretty close to the entrance of the subdivision, it would probably best to have it further in. So we're suggesting the Town of Smithtown consider another means of access. We think it would probably be best as emergency access to Mount Pleasant Road. However we're not mandating that, and we understand that there maybe some other choices.

Commissioner Martin just mentioned the parcel to the -- off of Plaisted where there maybe could be another point of access. Those things could be explored locally. Fundamentally, on a subdivision on this size with the length of the roadway and so forth, the secondary means of emergency access would be recommended somewhere, and let them work out how it actually gets --

VICE-CHAIRMAN MARTIN:

You got to look at it that the other subdivision could also tie into it. We just don't have a road where -- you know. Yes. Yes, Nancy.

MS. GRABOSKI:

Maybe on that first recommendation, the Commission could consider in light of the past discussion to retain the first part of that alternate emergency -- alternate or emergency access shall be provided other than at the location of the tap street to the property marked as Francis Sampson and just put a period there.

VICE-CHAIRMAN MARTIN:

Yeah.

MS. GRABOSKI:

And leave out the last part of it which is making a recommendation that that emergency access be at Mount Pleasant Road, in which case it leaves open the option for that either to come on the property that's -- I don't want to say that's slightly to the west or slightly to the south, wherever they could --

MR. MACCO:

I second the modification to the proposal proposed.

MS. GRABOSKI:

I'll make a motion to approve as amended.

VICE-CHAIRMAN MARTIN:

As amended? Okay?

MR. MACCO:

Second.

VICE-CHAIRMAN MARTIN:

Michael, will do the -- right you do the seconding. All those in

favor?

MR. ISLES:
We had another question.

MS. PETERSEN:
I had a question but --

VICE-CHAIRMAN MARTIN:
Go ahead.

MS. PETERSEN:
It's not germane any longer.

MS. GRABOSKI:
We just have a motion on the floor, finally, so.

MS. PETERSEN:
I wonder does your town take mitigation money from a developer to fix the problem or contribute to fixing the problem you're experiencing on Mount Pleasant with the bend in the road?

VICE-CHAIRMAN MARTIN:
Do we take money?

MS. PETERSEN:
Mitigation money. In other words, mitigation --

VICE-CHAIRMAN MARTIN:
Well, sometimes we do. It's all according to what the circumstances are. Like, if we waive sidewalks, we take the money. It's all according what we legally can do too. You just can't do what you want, take the money off site improvements, you know. We just can't do that. So if it's there, we probably would ask ourselves, should we? I really don't know if that's going -- we'll go over the map 100 times to make sure it meets all the requirements. And not because I come from the Town of Smithtown, I'm the Chairman of the Planning Board, I think we have the nicest subdivisions in the County. That's right. We do have. People talk about the price of lots and here we are in a place that they're getting \$200,000 a building lot, \$200,000 a building lot, right?

MR. PARR:
If you find it.

VICE-CHAIRMAN MARTIN:
Oh, the guy does you a favor when he sells it to you. I mean, that's the demand we have for housing in our town. Unbelievable. Unbelievable.

MS. GRABOSKI:
I just had one other question. Andy, in recommendation three, you know, the buffer or conservation easement at least 50 feet in width should be established etcetera.

MR. FRELENG:

Yes.

MS. GRABOSKI:

Do you -- are you looking to have that natural buffer enhanced with landscaping as well? I wasn't sure when you indicated that you could see headlights, conceivably --

MR. FRELENG:

Well, that would be right in here, it wouldn't necessarily have to be enhanced if they left the vegetation. I don't know if it's practical for them to build this street without taking down this piece of vegetation. In that case, they would have to revegetate it. So the comment is not specific to enhancing or revegetating.

MS. GRABOSKI:

I just wanted to be clear in my mind.

MR. FRELENG:

My discussions with the staff, though, indicate while it's hard to see here, there is some room to move this road a little bit further up to the north and west and bring this curve a little bit tighter to the property edge which would give more buffering room right here along 347. So the staff would be working on that as well.

MS. GRABOSKI:

Will you be able to pick up 50 feet or --

MR. FRELENG:

Well, there's -- he says there's another 26 feet here, and you can shift the roadway over to the 50 foot right-of-way. So they could pick up close to 50 feet.

MS. GRABOSKI:

Thank you.

VICE-CHAIRMAN MARTIN:

Anybody else? So we have -- we have a motion, we have a second. All we need is the vote. All in favor signify by saying aye. Contrary minded? The only abstention is me. I abstain.

APPROVED 10-0-1 (Abstention; Mr. Martin)

BR-02-62

MR. NEWMAN:

Okay. Today we have two zoning actions on the agenda. The first is from the Town of Brookhaven. This is an application to rezone unimproved lands comprising 20.3 acres that currently zone for single family residences on one acre lots. The intent to rezone it for shopping center purposes. It affects land situated at the southeast corner of Montauk Highway, County Road 80 and James Hawkins Road at Center Moriches. The preliminary site plan calls for the erection of a shopping center comprising of 07,800 square feet. It's very difficult to see this map. The retail component -- the retail component is located along the southerly portion of the subject property, and that comprises 80,800 square feet. Also you have two

storage buildings on the westerly portion of the property, and they comprise 27,000 square feet. There will also be two points of vehicular ingress and egress via the main roadway, and there'll be parking for approximately 1,180 cars.

In conjunction with this request, the applicant intends to dedicate a triangular piece of property immediately to the east of the property adjoining the railroad, and that's to be provide for park purposes. That's to be accessed by a pedestrian bridge over a 50 foot right-of-way, which traverses these -- the properties, and that pedestrian bridge is to access that park way. Within that right-of-way, there's a stream bed associated with Old Neck Creek. Under existing zoning, we get about 18 houses on this property. It's bound on the north by the intersecting roadways. And across the street will be application number two that we haven't got to yet, the other rezoning that you'll be considering today is right opposite this one. So with shopping centers to the east and north, this is going to be shopping center alley if this happens. So to the east is the shopping center J-3 business zone. The shopping center, you can see here south of the railroad right-of-way, and to the west, there's scattered houses along the railroad. Along the road right-of-way there's some scattered business uses in the J-2 business district. The same application was considered by and denied by the Planning Commission on July 5 of 1989, and it was subsequently withdrawn in October of 1994. We're recommending denial for essentially the same reasons that we set forth previously.

MR. O'DEA:
I'll move to staff

MR. LONDON:
Second.

VICE-CHAIRMAN MARTIN:
All in favor signify by saying aye. Contrary minded? No abstentions?
DISAPPROVED (VOTE:11-0)

BR-02-63

MR. NEWMAN:
Application number two, as I had previously mentioned, right across the street from the previous one. This is an application to rezone unimproved lands comprising 18.1 acres from a single family category allowing single family dwellings on one acre lots. The intent is to rezone it for shopping center purposes for the purpose of erecting a shopping center at the northeast corner of the County roadway and middle -- Moriches Middle Island Road at Center Moriches. In this particular case, intent is to erect three retail buildings, there's one here and two along the front, one large in the back. The total of those retail buildings will be 147,000 square feet. There'll be one point of vehicular ingress and egress by each of the adjoining roadways, and there'll be approximately 1000 parking spaces.

Also in conjunction with this request, a 1.1 acre triangular parcel of land on the opposite side of the roadway is to be maintained in its natural state. Under existing zoning, this property can accommodate

15 single family residences. It's bound on the north by land to the Town of Brookhaven, to the east by unimproved lands in the one acre district to the south by the previous rezoning as considered by the Planning Commission and to the west by unimproved lands in the Residence A-1 District. This application was also considered by the Planning Commission, and it was denied on November 5 of 1986. We have no information as to whether it was officially withdrawn or what happened. Once again, we're recommending denial for the same reasons that the commission set forth in 1986.

MR. TANTONE:

I'll move to staff.

VICE-CHAIRMAN MARTIN:

On the motion? Okay. Linda. All in favor signify by saying aye. Contrary minded? So carried. Any abstention?

DISAPPROVED (VOTE:11-0)

VICE-CHAIRMAN MARTIN:

Any other business? Hearing none, motion to a adjourn.

MR. TANTONE:

So moved.

MS. GRABOSKI:

Second.

VICE-CHAIRMAN MARTIN:

Nancy and Frank. All signify by saying aye. Contrary minded. So moved.

(*THE MEETING WAS ADJOURNED AT 2:00 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY