

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 December 4, 2002.

PRESENT:

Donald Eversoll (At Large) Chairman  
Robert Martin (Smithtown)  
Louis Dietz (Babylon)  
Carl Berkowitz (Brookhaven)  
Thomas Thorsen (East Hampton)  
Ronald Parr (At Large)  
Linda Petersen (At Large)  
Richard London (Village 5000 & Under)  
Richard O'Dea (Riverhead)  
William Cremers (Southold)  
Nancy Graboski (Southampton)  
Laure Nolan (Village 5000 & Over)  
Frank Tantone (Islip)  
Thomas Isles - Director  
Basia Braddish - Counsel

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 12:05 P.M.\*)

CHAIRMAN EVERSOLL:

Okay. We have a quorum, why don't we call the meeting to order. And we'll have the approval of the minutes the 6th of November. Have a motion for that please?

MR. MARTIN:

So moved.

CHAIRMAN EVERSOLL:

Do we have a second?

MR. PARR:

Second.

CHAIRMAN EVERSOLL:

Second. Any discussion? All in favor? Opposed? Any abstentions? Unanimous. Okay. Tom.

MR. ISLES:

Okay. A few things to bring up today. One item of correspondence is we did receive a letter from the Regional Plan Association wherein they have presented to us a draft document for Long Island, which is a summary of their ideas for the Nassau-Suffolk region including the idea of creation of centers, the reinforcement of housing choice and transportation choice and certain aspects of open and environmental space protection. A lot of it seems to be a recapping of many of the programs and ideas that are presently underway in Suffolk County. We are, you know, pleased to see their regional perspective on it. We'll review it and provide comments back to the RPA as they go through their process. But just to make you aware, we've got that.

A couple of other things. As part of the County's Affordable Housing Program, the program's been up and running now for a little over a year in terms of the Capital Program wherein the County will move forward and buy land for the development of affordable housing in cooperation with towns and villages. We have had some success. We have one closing, as I mentioned previously. We have another one coming up in the Town of Islip in the next month or two. But we are now working with meeting with each of the Town Planning Directors. We've done so in Brookhaven, Islip, Babylon, Smithtown already in terms of working and asking the Town Planning Directors to help us in identifying sites that those town may be interested in considering for affordable housing. We hoped to have those meetings done by the end of the month and start the new year with a fresh batch of sites at that point.

As far as the Real Estate Program is concerned we have a few significant acquisitions that were recently completed including Sagtikos Manor in Bay Shore, which you may have read about. We've also completed the acquisition of Hillaire Woods in Huntington. And more recently in the past couple of days, the Unitarian Church property in East Patchogue as part of the Mud Creek Corridor. Another item is there is an economic summit tomorrow being held by the two County Executives. I will be participating as a moderator of one of

the panels regarding sustainable growth. The Chairman, Mr. Eversoll, will be participating as a panelist on that. The idea of the summit is to work as a region with Nassau county to look at ideas that are tangible ideas that can then be used to advance the economy of the County, while also considering other competing interests of open space and environmental protection. The basic idea is not to rehash the old ideas that have been used, but to move forward with Legislative regulatory budget changes, whatever may be necessary to move forward with that agenda.

The last item I'd like to do is just take a couple of moments to talk about a plan that the Department has completed for the Village of Patchogue. And I think everybody should have a copy, if not, we have extra copies here. But as you may recall, approximately 14 or 15 months ago, the Village approached the Commission with a request for planning services from the County to assist them in looking in their downtown area. This followed in the wake of the relocation of Swezey's to the mill site, and the village was in a transition at that time. From that point we did then progress with the study of the downtown business district area. And what I'd like to do is just to overview a couple of key finding on that. Patchogue, as we all know, has been one of the most significant downtown areas in the County. Historically, it was a regional retail center for southwest and central Suffolk County for a long period of time. It currently has a population of about 12,000 people. It has assets including a pedestrian scale downtown, it has historic buildings, it has a good mix of housing, a quality housing stock, it's got very solid neighborhoods around the downtown, and it also has its waterfront presence and certainly service as a gateway to Fire Island.

Our study focused here again on the downtown area which encompasses about 94 areas. And what was observed is that at the present time we've done various studies over the years of a number of storefronts and vacancy rates in all of the downtowns and shopping centers in the County. Patchogue at the time of this study had 181 storefronts, 148 of which were occupied, and a pretty high vacancy rate as a result of about 18%. This is up from 12% in the Year 2000, and here again, most of that is due to the consolidation of Swezey's into their new site. And so that's an understandable increase in vacancy due to that transition and the time required to absorb the vacant Swezey's space.

One thing we did note is that there's been a change in the composition of the downtown relative to the amount of retail development. Back in 1996, Patchogue had about 68% of the downtown was retail, 32% was non retail of offices or institutional or civic type uses. At the 2002 survey that was taken, about half and half is the current ratio between retail and non retail uses, and this is really not unusual. It's something that's been occurring not only in downtown areas, but in shopping centers in the County as well, as we see more day care centers, as we see churches and so forth locating in shopping centers in downtowns.

And then noting also that downtown Patchogue has a number of attractions to it in terms of here again, further representing the draw of the downtown; the Visitors Center to Fire Island, the gateway to Fire Island bringing in almost 300,000 people a year, the Patchogue

Theatre, which has been empty for many years has been purchased by the Village and has gone through a \$7 million renovation, it's an outstanding facility at this time and the Village has been working actively to promote it as a downtown destination use. As we just mentioned, the Sports Hall of Fame is there. And the Village has embarked on a lot of special events to bring people into the downtown such as a Live after Five, doing -- closing off Main Street and having outdoor events in the summer and so forth. The content of the study looked at a number of different aspects, including as I mentioned land use, including also looking at the current zoning and potential zoning problems in the downtown, examining parking on a parcel by parcel, site by site basis, both on and off street parking. The study also examined redevelopment opportunities in the downtown; aesthetics and pedestrian flow and so forth.

Here again, we note a lot of the positive things the Village has done with improving the physical appearance of the downtown, improving access to parking lots and so forth. What we basically came up with were four primary recommendations consisting of the following; number one is that it's important to maintain in the core of the downtown retail uses and destination uses, such as entertainment or food services restaurant type uses. Although there may be some pressures or tendency to convert some of the downtown to offices or more inactive uses, we feel that retail in that core district of the downtown where the old Swezey's was should be advocated by the Village, encouraged by the Village, as much as possible to maintain a street presence, to maintain street activity. And here again, where we've seen in many downtowns, retailing diminishing in the downtown. We have seen in many downtowns an increase in restaurants, entertainment type uses. And with the attributes of the theatre and the Sports Hall of Fame and the programming activities of the Village, we think that that could be a very strong draw specifically to the -- to some of the old Swezey's buildings. The report suggests some ideas as being a large scale book store, such as a Borders or Barnes and Noble. The idea of a Jillians type restaurant, which is also a more activity entertainment type use, perhaps an extension of a college culinary arts facility that might locate down there.

The exact use of course can be variable, but the point being to load into the downtown as much activity including evening activity as possibly. Going outside of the core downtown, we feel that non retail uses as interspersed with the retail uses would be desirable, and that certainly has been happening in the Village in a trend that's experienced now with Brookhaven Hospital taking over a partially completed retail center opposite the District Court Building on the west end of the downtown. So we now have in the west end of the downtown is framing the commercial district with the Brookhaven Hospital facility directly opposite the court complex. And it provides a nice definition to the edge of the downtown, it provides a population to service the downtown with daytime workers. We think that's a very positive phenomenon and should be encouraged.

The third recommendation deals with the recommendation for additional housing in the downtown. The Village of Patchogue has a high percentage of rental housing, not that that's a problem, but we do feel that new housing that goes into the downtown or within walking

distance of the downtown should generally be owner opposed housing, condominiums, townhouses, cooperative apartments and so forth. But we feel the benefit of housing would be to soak up some of the excess commercial zoning that does exist in the vicinity of the downtown. We also feel that the housing could be supported based on the presence of the sewer district in Patchogue, which is a key advantage overall in Suffolk County. It also brings in additional disposable income to the downtown which is very important. And it's also a Smart Growth friendly concept to use to reinforce existing hamlet centers.

And the last core recommendation we had was more of a back to basics recommendation, which here again, we think Patchogue has generally done a very good job with, and that is any village, any downtown can't ignore of basics of maintenance, of aesthetics, of security, of providing the basic services of administration and so forth that are important to downtown revitalization. Just one second. So those are the four core recommendations; retail in the center, non retail interspersed outside of the center of the downtown, providing as much as housing as can appropriately be located within the vicinity of walking distance to the downtown, and ensuring the basic services are provided in a suitable manner. Following that, there are 35 specific recommendations aimed at methods of implementation that we'd like to suggest to the village. This document here again is produced by virtue of the County Charter which enables the Planning Commission to offer the services of the Planning Department. We were pleased with the cooperation we received from the Village of Patchogue as well as the business improvement district. But we do understand that this serves as a point for the Village to use in continuing discussions and fine tuning of what they feel is best for their situation. And certainly we will assist them with that and cooperate as much as possible. We're intending at this point to meet with the Village and present the report to them next week.

The last thing I'd like to do is to acknowledge the work done in this report by members of the Planning Department staff. It was a considerable amount of effort put into it. It was, I think, a very good experience in terms of putting through a product that I think is very worthwhile. Pointing out Roy Fedelem is heading up the research division. Roy was assisted by Frank Dowling in terms of basic groundwork that was done for this report. Carol Walsh and Peter Lambert doing the actual report preparation editing. And out cartographic staff with Carl Lind, Tom Frisenda and Jim Daly working on the actual production of the report. So I appreciate their efforts very much, and they did an outstanding professional job on that. Thank you.

CHAIRMAN EVERSOLL:  
Thank you, Tom.

MR. LONDON:  
How does parking fit into the scheme of the retail section? Is there adequate parking?

MR. ISLES:  
I think what we found is that the -- generally speaking, there's adequate parking if we look at the gross numbers that's available

there. I think we felt that not all the parking is used all that efficiently, that access to parking isn't always all that evident, so we think that there can be enhancements to signage, a more uniform sign design, for example. We think that such tricks as making it clear that there are public parking lots by doing special pavement treatment as it intersects with the roadway. We also think that there needs some more attention to the parking lots in terms of maintenance, landscaping and lighting to make people comfortable with it. And then finally, in terms of connecting the parking lot to the destination, to the stores, the Village has created a number of nice alleyways and so forth. That is important, because the -- the situation if somebody has to take a circuitous route to get to their destination and that has become a problem with the theatre at times. So we have recommended some suggestions for improving that and enhancing that. But overall the parking numbers aren't bad, and there doesn't appear to be a major deficiency. It's a matter of balancing an access of convenience and security so that the public is comfortable with using those lots. Thank you.

CHAIRMAN EVERSOLL:

Any other questions? Yes, Nancy.

MS. GRABOSKI:

Tom, the first item that you talked about, did you mention that that was the Regional Plan Association document that had been referred?

MR. ISLES:

Yes.

MS. GRABOSKI:

I'm recalling -- I couldn't come up with a number, but maybe five years ago, give or take a few years, there was a document produced by them which must have been similar in its scope. I'm not sure if you have a copy of that. You do. I'd just be curious, during the course of your review, do you -- do you address at all what's different about this planning so far as the recommendations are concerned?

MR. ISLES:

Yeah, we certainly will. We just recently received this, and they do make reference to the prior work that they've done. Here again -- here again, I think we appreciate their regional perspective. I'm not really sure what's new in here in terms of -- you know, they talk about open space protection, farmland protection, job centers and so forth, which this Commission, indeed this County, have been working on hard on for many years. So we certainly welcome their comments, and we'll consider them. You're right, there was a report done a number of years ago, which I'm not sure if this is in addition to that. So far, I don't see where it's much different. But we'll review that and reply to them and see if they want to go further with it.

MS. GRABOSKI:

Thank you.

MR. PARR:

I think your point is excellent and so are the conclusions. Just a bit of an update, Briarcliffe College has expressed an interest in

expanding in the area of about 50,000 square feet and certainly in keeping with the recommendations of the report.

MR. ISLES:

Yes. We actually spoke specifically with Briarcliffe that if they ever expanded --

MR. PARR:

I think it's a good possibility. We just did a plan for them.

MR. ISLES:

Great. Thank you.

CHAIRMAN EVERSOLL:

Anyone else? Tom, thank you very much.

MR. ISLES:

Thank you.

CHAIRMAN EVERSOLL:

We'll now go with the Commissioners' Roundtable. And I now that things are buzzing in Riverhead, right?

MR. O'DEA:

Things are quiet. The County -- the Legislature was kind enough to give us back our money that we should have requested in, that's about the highlight of the last couple of weeks.

CHAIRMAN EVERSOLL:

The County may ask for the money back. Laure.

MS. NOLAN:

Nothing really to report.

MR. THORSEN:

Quiet out East.

MR. PARR:

I saw Harry Withers yesterday, and he asked for me to say hello to everyone and to tell you all that he missed being here.

CHAIRMAN EVERSOLL:

Not enough. Not enough to retire. Nancy.

MS. GRABOSKI:

Pretty quite out East, I echo Tom's comment. The town board is considering a significant piece of legislation that proposes some additional regulations for the area known as the moraine, which sits directly atop the aquifer. Among them, and the one that perhaps is generating the most controversy is an upzoning to ten acres for a number of the properties that are involved. It's been fairly controversial, and water protection certainly is -- is uppermost in the minds of government officials. I guess the question is the area was upzoned to five acre zoning sometime ago, is it enough? And if not, what's the appropriate action to take? So the town board is considering that along with a host of other recommendations in that

plan at this time. And that I would say is probably the most significant going on in my mind of my town.

CHAIRMAN EVERSOLL:  
Bill.

MR. CREMERS:  
All quiet in Southold.

CHAIRMAN EVERSOLL:  
I thought you were going to dispel the rumor that they were going to subdivide everything in the 5000 foot lots. Frank.

MR. TANTONE:  
Very quiet in Islip too. There are a number of things on the horizon, but nothing right now.

MR. BERKOWITZ:  
Look forward to your session tomorrow morning in Bethpage.

MS. PETERSEN:  
Things are quite.

CHAIRMAN EVERSOLL:  
Dick.

MR. LONDON:  
On behalf of all the Villages, we wish everyone a happy holiday and plan to see everyone here in January.

MR. MARTIN:  
Everything's fine.

CHAIRMAN EVERSOLL:  
We ought to adjourn.

MR. MARTIN:  
No. What we should do is cut the budget.

MS. BRADDISH:  
That's being done as we speak.

CHAIRMAN EVERSOLL:  
One way or another. Nothing happening in Amityville, but I'm concerned here. We've got to stir the pot a little bit and get something going. So I guess we'll start then. Andy.

[SUBSTITUTION OF STENOGRAPHER - LUCIA BRAATEN]

MR. FRELENG:  
The department is starting to compile an awful lot of literature on wireless communication issues and ordinances. It was brought up a couple of meetings ago, if we had a model ordinance or if we had any information. So we distributed just two of the many things that we have in house. We do have a compilation of all the -- all the various ordinances throughout the -- the ten towns. So we do have that as

well.

MS. GRABOSKI:  
Thank you.

MR. FRELENG:  
Was that your request?

MS. GRABOSKI:  
I think I was the one who got --

S-SM-02-07

MR. FRELENG:  
Okay. The first matter for the regulatory part of the Commission meeting is a subdivision referral known as Nesconset Greens coming to us from the Town of Smithtown. Jurisdiction for the commission is that the subject property is adjacent to Townline Road otherwise known as County Road 76. The applicants propose a subdivision of approximately one acre of land into three lots in the R-15 zoning district in the Hamlet of Nesconset. Minimum lot size is 15,000 square feet in the zoning category. The map is not being processed pursuant to 278 cluster provisions. The intended lots all approximately half acre. There is no open space or recreation area proposed on the map. The property is bound on the north and west by residential dwellings, to the east the subject site abuts Sunhill Road, a town road. To the south the property fronts on Smithtown-Islip Townline Road CR 76.

Character of the area is predominantly residential dwellings. The property itself can be characterized as being generally level. There's a slight slope to the southeast. There is a two story frame brick building -- frame and brick building on site as well as an inground pool, deck, shed and a bird bath type water fountain over there. The site itself, the remainder of the site, is a mix of lawn and trees. The site is locate in Hydrogeologic Zone I, potable water to the lot is intended to come via public supply, sanitary waste is to be collected and disposed of on site. The soils are Haven series soils. They are not -- I'm sorry they are considered prime soils in Suffolk County. The site is not in a Pine Barrens Region or a SGPA.

The access for the three lots is proposed to come off of Sunhill Road over there. Okay. As proposed each of the lots is of equal area, including the corner lot, lot one, at the intersection of CR 76 and Sunhill Road. Lot one, however, as proposed requires a front yard setback variance from the County Road. As you can see in the subdivision map that's provided, the front yard setback in the Town of Islip is forty-five feet. As they wrap around onto County Road 76, the front yard is reduced down to 30 feet. Staff felt that a corner lot should be provided with extra depth from the two streets, particularly a County Road. And this provides greater separation between the residences and the lot -- on the lot and traffic activities on the road. Staff feels that a viable alternative would be to make lot one a conforming lot in all respects particularly the setback requirements. And you could do that by stealing some of the lot area from the two remaining lots and putting that into the lot area here so

you can get the setback requirement.

Discussions with staff, the main issue they have, is to keep this house facing Sunhill Road and not Townline Road, so as the lot is manipulated in area and setbacks, we want to make sure that the house still faces Sunhill Road. So staff is suggesting that a viable alternative would be to make lot one a conforming lot in all respects and reduce the area and lot width of lots two and three. There would be dimension variances required to the lot widths on two and three, but staff feels that would be preferable than a setback variance from CR 76. So the issues relating to the subdivision stem from the Commission's policy on the creation of subdivisions along the County Road. And staff is recommending approval subject to the following conditions, which are deemed necessary for good planning and land use.

Condition number one requires that lot one be reconfigured so it is in conformance with all zoning requirements including the dimensional setbacks and that the proposed dwelling shall front on Sunhill Road. Lot two states that there be no vehicular ingress and egress for lot one onto CR 76. Condition three requires that all stormwater runoff be maintained on site on all three lots so it doesn't run into the right-of-way of the County Road. Condition four requires a buffer or conservation easement along the County road. Staff is suggesting 30 feet, which was the original set back. And the last condition is that no final approval or that the final map should not be signed until any area or dimensional variances are secured. That's the staff report.

CHAIRMAN EVERSOLL:

Are there any questions? Yes, Nancy.

MS. GRABOSKI:

I'm just curious, Andy, if -- if they were to increase the size of lot one as you're recommending by stealing a little from the other two lots and to relocate the driveway so that the access point is coming off of Sunhill Road.

MR. FRELENG:

Yes.

MS. GRABOSKI:

Would that distance between the proposed residence and Smithtown-Islip Road be considered a side yard then, or would it still be a front yard? And what would be the amount, or it stays at 30 feet regardless?

MR. FRELENG:

No. Traditionally, the corner lot has two front lots, and that it would require two 40 -- the front yard set back is forty-five. So it would require forty-five from each street.

MR. BERKOWITZ:

They have to get 15 additional feet?

MR. FRELENG:

Yeah. It's not much. You could sneak it off the lot adjacent to it.

MS. GRABOSKI:

So they'd be able to get that without getting a variance.

MR. FRELENG:

They'd be able to do lot one without a variance. The lot widths on lot two and three would be -- well, one of the two lots, if not both, would be reduced and the lot width requirement is 100 feet, so they would need some sort of lot variance if they were going to sneak a little bit of area. But staff felt that it would be better to have the substandard lots interior than on the exterior along the County Road on the corner lot.

CHAIRMAN EVERSOLL:

Yes, Linda, you had a question?

MS. PETERSEN:

Is the existing home being removed --

MR. FRELENG:

Yes.

MS. PETERSEN:

If this is proposed? And the pool and everything comes out?

MR. FRELENG:

It's all coming out.

MS. PETERSEN:

It would be orientating that --

MR. FRELENG:

Yes. The existing home actually has a driveway that comes in here and goes there that faces Townline Road, though, even though there is a driveway here and the driveway comes straight through.

CHAIRMAN EVERSOLL:

Tom, you had a question.

MR. THORSEN:

You say that house is coming out?

MR. FRELENG:

Yes.

MR. PARR:

Andy, wouldn't the -- reducing the lot size create a Health Department issue because it's less than half acre?

MR. FRELENG:

Well, they're less than half acre now. That is a good question. I couldn't -- they are going to have a Health Department issue, I would think. All lots are proposed to be 19,000 square feet, which is less than the half acre.

MR. PARR:

I think it would really blow them out.

CHAIRMAN EVERSOLL:

They may do a cluster, look at that on a cluster basis overall, de minimis, so that would have to go to Board of Review. Do we have a motion? We do have a motion on the floor then? Yes, Nancy. Second, Carl. Any other discussion? All those in favor?

MS. GRABOSKI:

I just have --

CHAIRMAN EVERSOLL:

I'm sorry.

MS. GRABOSKI:

I mean, I guess the only other thing that comes into my brain would be they could create two lots and avoid all of these problems. I don't know if that's worth mentioning that.

MR. FRELENG:

That's always an option.

MS. GRABOSKI:

I guess they know that.

MR. FRELENG:

They know that.

MS. GRABOSKI:

All right. Go ahead.

CHAIRMAN EVERSOLL:

Any other discussion? All those in favor? Any opposed? Any abstain?

One abstention. APPROVED. (VOTE:12-0-1) (Abstention; Mr. Martin)

S-SM-02-06

MR. FRELENG:

This next one also comes from Smithtown. This is the application of KD Plat. Jurisdiction for the Commission is that the subject property is adjacent to Sunken Meadow State Parkway. The applicants are proposing subdivision of approximately 14 acres into two lots in the R-43 zoning district in the Hamlet of Commack. Minimum lot size in R-43 is 43,560 square feet or a true acre. The map is not being processed pursuant to cluster provisions. The intended lots are approximately .9 acres and 12.96 acres in size. No open space or recreation area is proposed on the map. Intent of the subdivision is to separate that part of the parcel which is not encumbered by a likely utility easement. The result -- the result, subdivision ends up in two parcels, one of them intended for a residential dwelling, and that parcel will be substandard in area by be 5,000 square feet.

Okay. Subject property is bound on the north by a town recharge basin and property and ownership to the Long Island Power Authority. To the west the property is bound by residential dwellings. The property site abuts the right-of-way of Sunken Meadow State Parkway to the east. And to the south the property abuts to Havemeyer Lane, a town street, just make it out right there. Okay. The character of the

area surrounding the subject property is predominantly residential dwellings. The property itself can be characterized as being general level with a slight slope to the southeast. An existing metal guardrail is the only above ground structure on site. The low grade within an existing 90 foot wide utility easement exists underground cables as well as the gas main, the Iroquois pipe line. The site is a mix of overgrown fields and vegetation. Parcels located within Hydrogeologic Zone 1, potable water is going to come from public supply, and sanitary waste is going to be disposed of on site. Soils on the subject property consists of cut and fill, gently sloping land.

And cut and fill soils are not considered prime soils in Suffolk County. The property is not in a Pine Barren region or an SGPA. The access for the proposed division is intended via frontage on Havemeyer Lane, a town street.

As proposed lot one will be substandard in area by 5155 square feet. The proposed dwelling is to be 24 feet from an underground gas main, that 24 feet is the side yard setback. The driveway for the development is proposed to be on the west side where the side yard setback is 36 feet. While the intent of the subdivision appears to be rational, it does create a substandard lot pursuant to the local zoning code. The applicant will be required to obtain an area variance. It would also be -- it would also appear to be reasonable to acquire that the side yard setbacks be flipped as well as the location of the dwelling and driveway to create a greater separation between the proposed dwelling and utilities to ensure the safety and health of the people living and working near the utilities.

So essentially what staff is recommending is that the side yard on this side, which is only twenty-six feet, be put to the west side where there is another dwelling, and the greater side yard be put closest to the utility easement on the east side of the lot, so you can slide the house over and get back further the living quarters further away from the utility. Staff is recommending approval wherein the first condition is that the side yard setbacks be flipped as well as the location of the driveway to create a greater separation between the proposed dwelling and the utilities to ensure the safety and health of the people living and working near the utilities. The second condition requires that the proposed dwelling be as far west of the subject parcel as practical. And the third condition is that the final map not be signed until the area deficiency of the lot is remedied. And of course they could go for an area variance before the ZBA or they could retreat the subdivision as a cluster wherein the larger piece is in some sort of easement and won't be developed and therefore the 5000 square feet is just redistributed to the open space or the controlled parcel. That's the staff recommendation.

CHAIRMAN EVERSOLL:

Is there -- do we have a motion?

MR. TANTONE:

I'll make the motion.

CHAIRMAN EVERSOLL:

A motion by Mr. Tantone. A second? Mr. Cremers is second. Any discussion? All those in favor? All those opposed? Any abstentions?

One abstention. APPROVED (VOTE:12-0-1) (Abstention; Mr. Martin)

MR. FRELENG:  
Thank you.

CHAIRMAN EVERSOLL:  
Thank you, Andy.

BR-02-78

MR. NEWMAN:

Okay. Today we have five zoning action actions on the agenda. The first is from the Town of Brookhaven. This is an application to rezone an approximate 25.5 acre parcel -- a 26.5 acre parcel of land from a single family one acre category to a planned retirement category for the purposes of erecting forty-two senior citizen units at an overall density of 1.6 units to the acre on land situated north of Moriches Bay between Smith Street Tuthills Point Road at East Moritches. The northerly and southerly portions of the property are encumbered by significant wetlands areas as well as surface water land along the water. That portion of the premises comprises 9.5 acres. So if you subtract the wetland area, we have a net overall upland area of 17.06 acres and that results in an upland density of 2.5 units to the acre.

The preliminary site plan calls for the erection of two story resident building. In this case there are 16 of them. There's going to be a 2000 square foot clubhouse with parking area right in front of it. There will be 14 spaces associated with that clubhouse area. There'll be one point of vehicular ingress and egress via Smith Street. And there'll will be reconfiguration and alteration of existing marina area, and this area on the aerial here to accommodate 36 boat slips that will be utilized only by residents of the -- of the complex. This is all to take place on a central upland portion area of the premises comprising approximately eight acres. In conjunction with this request, it will be necessary to provide fill, in this case 32,000 cubic yards of fill, because the elevations vary from about five feet along the southerly portion to about nine feet to the back portion.

There'll be approximately 70% of the land area, 18.6 acres, that will be left in open space configuration. Under existing zoning, 14 single family residences could be erected on the upland portion of the property. The property is surrounded by unimproved lands and single family residences, as well as a marina immediately to the west of the property, all in the single family one acre zone. It is the belief of the staff that this proposal appears inappropriate as it possesses limited amenities desired for multiresidence purposes. It contravenes past action to the town board in upzoning the premises for single family residence purposes. The property can be reasonably developed for cluster residence purposes in accordance with existing zoning. The parcel and environmental constraints appear to preclude any reasonable intensification of use.

When we say the parcel, we're talking about the elevation as well as the configuration. And finally, it is inconsistent with the town plan

which designates this area for low density single family residence purposes. What we're suggesting here is they want to develop it for cluster purposes on the upper portion to minimize the amount fill and development that takes place.

MR. ISLES:

I think that's our heating system by the way. Don't be alarmed.

MR. THORSEN:

I move staff.

MS. PETERSEN:

I second.

CHAIRMAN EVERSOLL:

Second. Do we have any additional comments? All those in favor? Opposed? Abstain? Unanimous. Thank you.

DISAPPROVED. (VOTE:13-0-0)

BR-02-83

MR. NEWMAN:

Application number two is also from the Town of Brookhaven. This is an application to rezone a three acre parcel of land from a single family one acre category to a planned retirement category that provides for affordable and subsidized senior citizen housing to provide for a total of thirty-three senior citizen units on land situated on the west side of Smith Road, south of Middle Country Road at Ridge. In this case while the staff does not have a site plan, they intend to erect two buildings on the rear portion of the property accommodating 30 units. They intend to convert an existing church to three units. There's also to be thirty-nine parking spaces to be provided somewhere in the rear portion of the property. Again, we have no site plan information on this.

Funding is to be secured from the U.S. Department of Housing and Urban Development under the Section 202 Program. Under existing zoning, the property could accommodate three single family units. It's bounded the north by a County sewage treatment plant in a MF-2 zoning category that allows for 11 units to the acre, and that's currently being utilized for condominium purposes. To the east it's bounded by residences and to the south there's a very large parcel of land comprising 222 acres that's also in the one acre district. And to the west, of course, as well, it's zoned for single family purposes.

It is the belief of the staff this proposal appears to constitute a reasonable limited extension of multifamily development along the west side of Smith Street in close proximity to land zoned for commercial purposes, namely, this dark area here, which is about 1500 feet to the north of the subject property. It fulfills a demonstrated need for affordable and subsidized senior citizen housing units throughout the town, and it is consistent with the town plan which designates this area for planned development purposes, which would include a multifamily component.

We're recommending approval subject to four conditions; number one,

that they secure the necessary funding to implement this project; number two, in accordance with the Suffolk County Pine Barrens clearance and fertilization standards, we're recommending those standards adhere to the underlying zoning, in this case, which is a one acre category, namely, 57 and 15% (sic); and number three, that the dwelling used shall be appropriately incumbered to ensure long-term affordability; and finally, in accordance with Smart Growth policies in the County, we believe a shuttle transport system should be available to the residents of the senior citizen complex. So we're recommending conditional approval.

CHAIRMAN EVERSOLL:  
Do we have a motion?

MR. LONDON:  
Motion to staff.

CHAIRMAN EVERSOLL:  
Linda, second?

MS. PETERSEN:  
Second.

CHAIRMAN EVERSOLL:  
Any discussion? All those in favor? Any opposition? Any abstentions? Unanimous. APPROVED (VOTE:13-0-0)

BR-02-85

MR. NEWMAN:  
Application number three, also from the Town of Brookhaven. This is an application to rezone a 2.1 acre parcel of land from a single family one-third acre category, as well as a general business category to an entire general business category for the purpose of erecting a pharmacy, in this case, a CVS Pharmacy with a drive-through facility on lands situated on the north side of Middle Country Road just west of Oxford Road at Centereach. The preliminary site plan -- okay. The preliminary site plan calls for the erection of a building comprising 13,000 square feet, 13,768 square feet. There'll be two drive-through facilities on the west side of the building in this area here, so they'll have to come in here, around here, and out.

There'll be one point of vehicular ingress and egress via the state roadway. There'll be 98 parking spaces including 36 land banked across the northerly portion of the property. And there'll be interconnected vehicular access to adjoining lands to the east. Adjoining lands of petitioner to the north comprising approximately 19,700 square feet which has an average depth varying from 70 feet on the west side to 85 feet on the east side as to remain zone residence B. The property is currently occupied by a vacant convenience store, and you can see that right on the area. Under existing zoning three residences could be erected the residence zoned portion of the property. By the way the residential portion -- the business portion of the subject property is zoned for a depth of 100 feet, and the back portion is zoned for single family. And the J-2 portion comprises 0.6 acres.

Previous applications to rezone the northerly and westerly portions of the subject property, namely this area in through here, not this piece, both were denied by Suffolk County Planning Commission and town board in '87, '90, '88 and '92. The concerns being the magnitude of the depth extension and the question of the need for significant intensity of retail uses. It's the belief of the staff that this proposal once again appears inappropriate as we believe it constitutes the unwarranted extensive encroachment of commercial development into the residence district. It would establish a precedence for further deep lot downzoning in the locale along the state roadway adversely effecting the safety and traffic carrying capacity of the state roadway.

A local residential tap street on the north side of the property indicates intended single family residence development at least for a portion of the northerly portion of the property. And it's inconsistent with the town plan which designates the northerly portion of the premises for residence development. I think what the staff is saying here is that the northerly portion of the property should be developed for two new houses on each side here with maybe a 40 or 50 foot buffer. And that would still allow him about 170 to 185 additional depth to erect pharmacy use. It probably would be a lot smaller than what he has here. He's just being a little too greedy on the depth extension.

CHAIRMAN EVERSOLL:

Okay do we have a motion? Nancy. You second? Yes. Second by Mr. O'Dea. Any discussion? All those in favor? Oh, Tom, you have a comment?

MR. THORSEN:

I want to know what's a drive in --

MR. NEWMAN:

Drive through window.

MR. THORSEN:

This is a drug store, right?

MR. NEWMAN:

Drug store with a drive-through facility.

MS. NOLAN:

I've seen them in the south.

MR. THORSEN:

You order aspirins, you call ahead?

MS. PETERSEN:

It's strictly for the drug department.

CHAIRMAN EVERSOLL:

Okay. Any other discussion?

MS. GRABOSKI:

What's interesting about that is that it really increases the trip

generation. All of a sudden it seems like a simple drug store, you know, with two drive-through windows, I can't imagine the traffic impact.

CHAIRMAN EVERSOLL:  
Yes.

MS. PETERSEN:  
We just had one out by us, and normally, it's simply for the use of the pharmacy; to drop off prescriptions and pick them up. They found it aids people who are handicapped and the elderly who have difficulty getting out of the cars and young mothers with children who the kids are sick, they come from the pediatrician, and instead of having to drag the kids in the store to leave the prescription, they can do it by car. They found it works better. I don't know why they need two windows, though.

MR. MARTIN:  
They create very little traffic, just like you said, it's time. My daughter's got five little children. There's no way she can throw those kids in the drugstore, it's impossible. I mean, there's five little children. So what she does is she leaves the doctor's office, they call the prescription in for her. By the time she gets down there and they're home, she drives in, she goes through the window, gets the prescription, keeps going. I mean, if -- I don't see any problem with it at all. I'm not saying the spot's good for the drugstore. I'm not saying that, but the drive-through windows do not make it like a hot dog stand or like that.

MS. PETERSEN:  
Just for prescriptions.

MR. MARTIN:  
And it serves the purpose.

CHAIRMAN EVERSOLL:  
Any other discussion? All those in favor? Opposed? Abstain?  
Unanimous. DISAPPROVED (VOTE:13-0-0)

RH-02-17

MR. NEWMAN:  
Application number four is from the Town of Riverhead. This is an application to the town board for a special permit to expand a nonconforming mobile home park for senior citizens on a 34.1 acre parcel of land situated approximately 800 feet south of Old Country Road 1100 feet east of Kroemer Avenue in the industrial A district at Riverhead. The subject property is this area is the solid yellow outline. The proposal is to develop this property for 99 mobile home lots providing for an overall density of 2.9 lots to the acre. There'll be an average lot size of 6500 hundred square feet for each mobile home facility. This is an expansion of an existing trailer park to the east of the property where there are 486 sites on 85 acres or a rough density of eight point -- 5.7 sites an acre.

The homes to be constructed here have to -- are going to have the

maximum allowed -- amount of insulation, and that's a quote from the petition. The preliminary site plan calls for two points of vehicular ingress and egress via the existing trailer park. There'll be vehicular ingress and egress through the subject property from County Road 68 as well as Mill Road to the east. There'll be 17 acres of open space including wetland comprising -- all of the wetlands along this area in through here. The open space area is all outlined in dark blue. That comprises approximately 50% of the overall site. There'll be a minimum 100 foot wetland setback of the lot line. There'll be a berm along the portion of the southerly portion of the property abutting the railroad right-of-way. And there'll be connection to the Riverhead water and sewer district, and it's also noted that the entire property is situated within the jurisdiction of the New York State Department of Environmental Conservation under the Wild and Scenic Rivers Act, which requires in this case because it's located in a recreational area of a two acre minimum lot size.

The property is bounded on the north by an unimproved lot comprising 13 acres as well as a gas station and office in an industrial district, to the east by a trailer park as well as vacant land also industrial, to the south by railroad right-of-way and to the west by Riverhead Raceway. On that Raceway in accordance with the information we received from the impact statement, they indicated that racing takes place approximately 28 days a year. It is the belief of the staff that this proposal appears inappropriate as it appears to be incongruous with existing and permitted development patterns on surrounding industrial zone land. Noise impacts from the adjoining raceway significantly diminishes the suitability and use of premises for residence purposes.

It would tend to establish an undesirable precedent for further expansion of nonconforming uses on separate newly acquired lands not previously used for such purposes. He's buying this property under the condition he can get this permit. So it's not an expansion to the existing property. Also, it's noted that the property could be reasonably developed in accordance with existing zoning. Finally, it's inconsistent with the New York State DEC Wild and Scenic Rivers Act, which requires that two acre minimum. He can, I don't know if he has, apply for a waiver. Whether or not they would grant it, I don't know. Also, in the back portion of the staff report I call your attention to two charts, one indicates that -- one indicates the noise impacts or the decibel readings on three selected location on portions of the subject property taken during the Years 2000 and 2001. And the back -- the last attachment indicates the copy of the noise control ordinance of the Town of Riverhead. So if you compare the decibel readings at the selected sites, it's evident that there's a significant degree of nonconformance or noncompliance with the noise ordinance, particularly with the monitoring site that is closest to the raceway. One of the monitoring sites is here and raceway is in this area. So we're recommending disapproval.

CHAIRMAN EVERSOLL:  
Do we have a motion?

MR. DIETZ:  
Second.

CHAIRMAN EVERSOLL:

Second. Any discussion? All those in favor? All those opposed? All those abstaining? One abstention, two abstentions.

DISAPPROVED (VOTE:11-0-2) (Abstention; Mr. Thorsen and Mr. O'Dea)

BR-02-86

MR. NEWMAN:

The last application we go back to the Town of Brookhaven. This is an appeal to the Zoning Board of Appeals for a use variance to erect sixty-eight one bedroom single family -- single -- senior citizen condominium units on a ten acre parcel of land at an overall density of 6.8 units to the acre on land situated in the one acre single family residence district at Centereach. Under existing zoning this property can accommodate eight single family dwellings. A previous application to rezone this to an M-F 1 category was conditionally approved by the Planning Commission and subsequently disapproved by the town board. Since it was denied by the town board, the fellow now is apparently trying to get his project through the back door through the Zoning Board of Appeals.

The staff has no objection to the use. We think -- still think the use is appropriate and that was set forth by the previous determination of the Commission. However, we feel that the procedure is entirely inappropriate and constitutes an infringement upon Legislative powers exclusively delegated to the town board. We feel this is inappropriate. We're recommending disapproval.

MR. LONDON:

I recommend disapproval, staff report.

CHAIRMAN EVERSOLL:

Do we have a second? Okay.

MS. GRABOSKI:

Second.

CHAIRMAN EVERSOLL:

Any discussion? All those in favor? All those opposed? All those abstaining? It's unanimous. DISAPPROVED (VOTE:11-0-0)

Do we have a motion adjourn?

MS. PETERSEN:

Motion.

CHAIRMAN EVERSOLL:

Linda.

MR. BERKOWITZ:

Good motion.

CHAIRMAN EVERSOLL:

Second. Okay. Merry Christmas and Happy New Year and Happy Holidays.

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

{ } DENOTES BEING SPELLED PHONETICALLY