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9 SUFFOLK COUNTY PLANNING COMMISSION
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12 MINUTES
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15 A regular meeting of the Suffolk County Planning Commission was held
16 in the conference room of the Planning Department, 4th Floor of the
17 H. Lee Dennison Building located in Hauppauge, New York on January 8,
18 2003.

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21

22 PRESENT:

23 Donald Eversoll (At Large) Chairman
24 Robert Martin (Smithtown)
25 Louis Dietz (Babylon)
26 Thomas Thorsen (East Hampton)
27 Linda Petersen (At Large)
28 Richard London (Village 5000 & Under)
29 Richard O'Dea (Riverhead)
30 William Cremers (Southold)
31 Nancy Graboski (Southampton)
32 Frank Tantone (Islip)
33 Thomas Isles - Director
34 Bassia Braddish - Counsel

35
36
37

38 ALSO PRESENT:

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

42
43
44

45 MINUTES TAKEN AND TRANSCRIBED BY:

46 Donna Catalano and Alison Mahoney - Court Stenographers

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1 (*THE MEETING WAS CALLED TO ORDER AT 12:10 P.M.*)
2

3 CHAIRMAN EVERSOOLL:

4 Okay. We have everybody, I think that said they were going to come,
5 but it is now ten after -- okay. I would like to call the meeting to
6 order and welcome -- wish you all a Happy New Year. And we'll ask for
7 the minutes of the December of the meeting to be approved.
8

9 MR. MARTIN:

10 So moved, Mr. Chairman.
11

12 MR. TANTONE:

13 Second.
14

15 MR. THORSEN:

16 I have a correction.
17

18 CHAIRMAN EVERSOOLL:

19 And a correction. Mr. Martin made the motion and we had a second by
20 Mr. Tantone and a correction.
21

22 MR. THORSEN:

23 Very simple, bottom of the page two, next to last word it says inside,
24 it should be instead, instead of inside.
25

26 CHAIRMAN EVERSOOLL:

27 And that is for the November minutes?
28

29 MR. THORSEN:

30 Yes, November 6th.
31

32 CHAIRMAN EVERSOOLL:

33 Thank you. Any other amendments. All in favor? Opposed? Any
34 abstentions? Unanimous. Okay. Tom.
35

36 MR. ISLES:

37 Two pieces of correspondence to -- to note that have been sent to the
38 Commission. One is from the Dormitory Authority of the New York gave
39 notice to the Commission of the intention to construct dormitories
40 logically at Stony Brook University, 662 dorms in four buildings. So
41 a routine matter under the SEQRA process, the Commission was notified
42 and staff in the Planning Department is reviewing that. But it is
43 within the development areas of the university. So it doesn't appear
44 to be too significant.
45

46 The second piece of correspondence to note is that the Shelter Island
47 Supervisor and the Shelter Island Town Board have put forth a
48 recommendation for a Commission member to replace George Dickerson,
49 and that will be now be presented to the County Executive and the
50 Legislature for consideration. As far as other items to bring to the
51 Commission's attention, as I indicated at the last meeting, the
52 Planning Department has completed a plan for the Village of Patchogue
53 downtown business district. We have presented that to the Village,
54 and they've asked us to appear at a meeting of the Village Board on
55 January 27th to publically present the plan, and we will be doing
56 that.

1 We also received inquiries and referral from the Town of Brookhaven
2 involving property that straddles the Brookhaven-Smithtown townline,
3 which is known as the Gyrodene property. We have spoken to both
4 towns. Jerry Newman has been handling that, and we will looking to
5 encourage the consolidated review so that when it does come to the
6 Commission, it comes in as one piece. The property is bisected by the
7 townline, so part is in Smithtown and part is in Brookhaven. But
8 collectively certainly it's a significant application, and one where
9 the Planning Commission certainly has important jurisdiction in terms
10 of the intertown issues there.

11

12 I will make a point too that the -- there's been a minor change to
13 state law regarding voting requirements of both the Suffolk Planning
14 Commissions as well as the town and County Village levels as well.
15 And what this relates is what's known as the Tall Trees Case, which
16 was a case in the Town of Huntington last year wherein there was a
17 decision of the Village Board that denied a application. And what the
18 purpose of the new state law is to clarify that a board, whether it be
19 a Village Board, a County Planning Commission, obviously must have a
20 majority of members present to have a quorum, but that the majority
21 must approve an application if they're going to approve it. If there
22 is a failure to get a majority of the members to vote in favor of it,
23 then the motion is not carried. So it appears to be a clarification
24 of the law that goes into effect of July of this year.

25

26 Just two other points, the Department has completed its County Energy
27 Conservation Plan that we prepared with the Department of Public
28 Works. It's focused on County facilities and County uses and County
29 policy for energy conservation, just to report that to you. And the
30 last item is just to note that the Commission does have the
31 organizational meeting in February, just so you are aware that that is
32 coming up. That's it.

33

34 CHAIRMAN EVERSON:

35 Thank you, Tom.

36

37 MR. O'DEA:

38 Overrides, is that in relation to overrides at state law or any aspect
39 of it?

40

41 MR. ISLES:

42 The overrides still have to be the majority plus one. So a local
43 Planning Board would still have to have -- if it was a seven member
44 board, it would still have to have five votes in that case. But
45 fundamentally, in the case in Huntington, was they had a majority of
46 the Board of Appeals present at the meeting. It was a seven member
47 board, they had four members present. And there was a motion that was
48 split 2-2. And I don't remember the exact facts of the case, but the
49 essential issue that apparently was decided by the court in Tall Trees
50 was that all four members would have had to have voted in favor of it
51 for the motion to be carried. And now it's reaffirmed in town law,
52 village law, so forth, general municipal law.

53

54 CHAIRMAN EVERSON:

55 Thank you. We'll start the Commissioner's Roundtable. Tom.

56

1 MR. THORSEN:

2 The Town of Southampton retained a second consultant to work on their
3 comprehensive plan, and that's Horn and Rose. And they're working now
4 with various citizens groups and there's supposed to be a series of
5 meetings coming up in January, and I think one in Montauk in February.
6 And hopefully, they will finish by April 30th so we may see that
7 planning shortly. The other thing is in Newsday today I saw something
8 called demalling in relationship to the East Northport Mall, then I
9 read that they are a number of them that are going through the same
10 process. I haven't seen that out in my neck of the woods, so it's
11 kind of --I'm kind of curious about it and whether the staff is up on
12 what's going on and why is this taking place, what's the reason. It's
13 more of a question than --

14

15 MR. ISLES:

16 I think the -- we completed a retail study last year that Peter
17 Lambert actually, one of our senior planners, worked on. As I see it
18 with the East Northport Mall is it was relatively small in terms of
19 standards of how big a mall is. And a lot of them were converting to
20 what are more known as either strip centers or power centers with
21 direct access to the street and so forth. But there is no question
22 that there are changes in the air with malls as being kind of like the
23 regional comparison shopping type use as being a dominant use,
24 definitely changing.

25

26 One example that happened on Long Island is a conversion of power
27 centers, you get more square footage and have more direct access for
28 customers and so forth. The other conversion that's happening,
29 however, in other parts of the country would be malls becoming more of
30 a town center place of mixed land uses of putting in offices,
31 residential. And a number of malls, there was one in Ohio that was
32 rather significant that was a 1950s vintage mall with a sea of parking
33 around it. They basically turned it inside out and created a main
34 street with cars and shops and so forth, stores above that. So it was
35 a complete transformation, and so I think the age of the mall being
36 the typical suburban monstrosity with the expansive parking, a one
37 dimensional use to it, just simply retail is dated at this point in
38 many markets. And, I mean, the key thing about retail is it never
39 stands still, it's constantly changing. And this is just one
40 manifestation, one example of that, and we'll probably see more of it
41 as time goes by.

42

43 MR. THORSEN:

44 Are these going to develop into smart growth --

45

46 MR. ISLES:

47 Well, that would be ideal. We haven't seen this one at this point, we
48 just saw the article today too. But I think that's an excellent
49 point, that where there are opportunities to do smart growth types of
50 lands uses and even site design and not just a typical shopping
51 center, these should be opportunity sites. And it gets back to the
52 basic point too that we are a maturing suburban community. So in
53 terms of, you know, continual expansion and just typical growth of
54 vacant land and so forth, that's going to become less and less easy to
55 do, and there are issues with that. So redevelopment is really the
56 name of the game and really is very important for us. In the Town of

1 Islip there were, I think, 18 shopping centers that went through major
2 reinvestments in major downtowns. That, I think, will continue and
3 get stronger. And I think as, you know, as people begin to understand
4 that ideas such as mixed use and creating interesting places and so
5 forth, that there are possibilities for shopping centers that don't
6 have to be the typical solutions. These ideas will then carry on, I
7 think, as local boards and citizens appreciate it.
8

9 MR. THORSEN:

10 I appreciate that.

11

12 CHAIRMAN EVERSON:

13 Just an observation. But, you know, the decisions we make are cast in
14 concrete, and that makes it much more difficult to readapt or to make
15 the changes. But as Tom said, as observed and indicated, the retail
16 business is changing just dramatically. WalMart, which started, I
17 guess, the big box stores, went through the mid west, what, 25 years
18 ago and put their 40,000 square foot stores and essentially destroyed
19 downtowns, because they put it at the edge. And now they say we'll
20 be here so we'll still serve your area. Then 20 years later they say
21 well the 40,000 square foot store doesn't work, we now need 200,000
22 square feet stores. So instead of having one every five miles, we
23 have one every 25 miles. So essentially they really change the
24 character of a lot of these small areas. And I'm not just picking on
25 Walmart --

26

27 MR. THORSEN:

28 So this is beyond the fact that we have a down turn in the economy.

29

30 CHAIRMAN EVERSON:

31 I don't think -- this may just accelerate it. But those changes are
32 going to be made because as Tom indicated, the malls -- I think this
33 mall is about a 200,000 square foot small, and that's -- I guess
34 that's too small to be a mall. And -- but -- and so they pick up more
35 square footage by having direct access and closing off the corridors,
36 internal corridors. But there's a lot of adaptive reuses. And I know
37 that in my profession a number of people are looking at some of the
38 malls that have failed and trying to figure, because they are in
39 downtown areas, they are in areas where services are provided, if we
40 could convert some of those to housing. And typically, they have
41 infrastructure, all types of things that we now call smart growth;
42 transportation, sewers and all those good things.

43

44 MR. TANTONE:

45 To expand on that a little bit and to give the Commissioner a little
46 praise, the best -- a good example, and correct me if I'm wrong, in
47 what we did over on Carleton Avenue in Central Islip. We've got
48 hotels there, we've got five restaurants are going in, there's a great
49 deal of retail. Housing had been there. So it's not quite exactly
50 the mall remakeover, but it's very, you know, similar to what, I
51 think, that whole concept is. There are a couple of larger
52 applications in Islip, but it's a little premature to talk about them
53 at this point. The only other thing I wanted to mention is I have
54 been asked a couple of times, right now Gene Murphy is our acting
55 Commissioner. I don't if -- if everyone knows that, but I just
56 thought I'd get that out so in case any of you have to contact the

1 department, Gene is handling everything since Dan left and has been
2 the acting Commissioner since Dan left.

3

4 MR. ISLES:

5 And Gene is a very professional planner, 25 years of experience in the
6 Town of Islip.

7

8 MR. TANTONE:

9 Absolutely.

10

11 MR. ISLES:

12 Very honorable person.

13

14 MR. TANTONE:

15 Definitely.

16

17 CHAIRMAN EVERSON:

18 And look what 25 years in the Town of Islip has done for us. Nancy.
19

20 MS. GRABOSKI:

21 Things in Southampton are pretty quiet, not much traffic, happy to
22 report.

23

24 CHAIRMAN EVERSON:

25 Bill.

26

27 MR. CREMERS:

28 Things are quiet in Southold also, nothing much happening at this
29 point. Our moratorium -- our six month moratorium will expire in
30 February, and it looks like we're probably going to go for another 6
31 months. That's about all I can say at this point.

32

33 CHAIRMAN EVERSON:

34 Richard.

35

36 MR. O'DEA:

37 Riverhead, our moratorium expires in June, no word on any extension.
38 Master plan process is still at the Planning Board level. We're
39 having meetings on it. One major issue is KeySpan, LIPA, whoever is
40 controlling, probably LIPA now, underground utilities are getting to
41 be a hot issue both in Southold -- or they have been -- comeetings and
42 separate meetings. And the Farm Bureau had a meeting. They're --
43 they're going to take a position on whether they want them across
44 their fields or not. And that's about the hottest things during the
45 holiday.

46

47 CHAIRMAN EVERSON:

48 Linda, I know things are moving in Brookhaven.

49

50 MS. PETERSEN:

51 Things are moving in Brookhaven. We're in the process of rewriting
52 our codes, and we're developing a mainstream business district code,
53 which we'll be using in conjunction with smart growth and traditional
54 neighborhood redevelopment as we go through two major areas, one, the
55 Montauk Highway Corridor between William Floyd Parkway and Forge River
56 and 112 up in Coram to Wading River Hollow Road in Ridge. So we're

1 looking at those two areas, we're trying to apply the smart growth
2 principles. And it seems to be working. In fact, I was late because
3 we had a meeting three major applications in the Montauk Highway
4 corridor were being seen in the Planning Board workshop. And we
5 wanted to go over everything with them to be sure they understand
6 exactly what it is we're trying to accomplish in that area.

7

8 MR. ISLES:

9 Mastic Shirley?

10

11 MR. PETERSEN:

12 Mastic Shirley, yeah. So that's being heard Monday at the Planning
13 Board meeting. And there were so many changes to how we used to do
14 things to how these new applications look. I wanted to be sure that
15 the Board was aware of why we are doing what we are doing. And
16 actually, if these people didn't have a moratorium exemption once the
17 moratorium ended, they'd be asked to conform to these new codes and
18 standards. So we're just doing them a little early. It's
19 interesting. It's a fun time to be in planning with so many changes
20 happening.

21

22 CHAIRMAN EVERSON:

23 Richard.

24

25 MR. LONDON:

26 Under Villages, we just want to wish everyone a Happy and Healthy New
27 Year. Nothing otherwise on that to report. However, I'd like to
28 second what Frank Tantone said before about Gene Murphy. I had been
29 working with him for a few years on another project, and the man is
30 exemplary. He is the best of the best. And when you are with Gene,
31 you have a lot of confidence, because the man knows what he is talking
32 about. That's all I have to say.

33

34 MR. DIETZ:

35 Nothing to say.

36

37 MR. MARTIN:

38 Nothing. Every is fine in Smithtown. Nothing new.

39

40 CHAIRMAN EVERSON:

41 All is quite in Amityville except for the hubbub about the park that
42 was acquired. But it's open space and, I guess, that's how the
43 politics work.

44

45 MR. ISLES:

46 By the way, the appraisal was reviewed, unlike what the article
47 reported, so. It was reviewed by County personnel, licensed,
48 certified real appraiser. Enough said.

49

50 CHAIRMAN EVERSON:

51 Okay. Andy.

52

53 [SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

54

55

56

4 Okay. The first regulatory matter before the Commission is the
5 subdivision referral from the Town of Riverhead, Aquebogue Golf
6 Resorts. Jurisdiction for the Commission is at the subject properties
7 are located adjacent from County Road 43, that should read County Road
8 105. The applicants are proposing the subdivision of approximately
9 186 acres of land in the Ag A Zoning Category in Hamlet of Northville.
10 Minimum lot size in the zoning category is 40,000 square feet. The
11 proposal is to cluster 80 detached condominium units on approximately
12 approximately 45 acres of land, as well as the creation of four
13 farming lots totaling 143 acres of agricultural property. The four
14 farming lots are intended to be agricultural open space in accordance
15 to the submitted map. In addition, another four acre lot being the 85
16 lot, is located between County Road 43 and Sound Avenue, which is the
17 town road. The condominium development will consist of the
18 residential units as well as associated amenities, to include a
19 clubhouse, a pool, tennis court and related support facilities. You
20 can see on the subdivision map that the amenities are all located in
21 the first 500 feet from Sound Avenue, which would be relevant in a
22 couple of minutes. I just wanted to mention that. The maps are being
23 processed pursuant to 278 cluster provisions. The lots range in size
24 from approximately 9800 square feet to 13,176 square feet. Woven
25 within the condominium parcel is approximately 15 acres of easement
26 area for the collection of storm water runoff, created standing water
27 ponds are proposed to collect the runoff. Section three, which is
28 this piece over here is a four acre lot, it is a double fronted lot,
29 fronting on Sound Avenue as well as County Road 43. And the four acre
30 lot is capable of further subdivision.

31

32 The properties are generally bound on the north by Sound Avenue, as I
33 said a town road, by County Road 105 to the west. Generally speaking,
34 west and adjacent to section one is the Long Island National Golf
35 Links, which an 18 hole public course. To the east and south subject
36 property abuts vacant or agricultural land. Some of the land is
37 County of Suffolk development right land, as we will as lands with
38 conservation easements to the Peconic Land Trust. So lands to the
39 south of the subject property are encumbered by easements to the
40 Peconic Land Trust and Suffolk County development rights. Just to
41 recap, this is National Golf Links, as you can see. This is the
42 development parcel, section one. And to the east is developable land.
43 Okay.

44

45 The character of the area surrounding the property is generally broad
46 vista agricultural land, some agricultural farm buildings and the golf
47 club building are apparent in the area. Out parcel property at the
48 intersection of Sound Avenue and County Road 43 may be the location
of
49 aerial crop dusting application, that's here -- no here. It's right
50 here. Okay. Over here is -- used to be an old air strip, which shows
51 up on our jurisdictional maps. Our site inspections cannot reveal the
52 dirt air strip anymore, but experience reminds us that they're using
53 helicopters now to do crop dusting out there. And I believe they're
54 still landing and loading the helicopter here at this brush location.
55 We couldn't confirm that, but we are noting that -- that for the staff
56 report. Okay.

1 The subject properties together can be characterized as being
2 generally level with the slight slope to the south. There is one
3 structure on the subject property which is a barn. All the parcels
4 are located within ground water management zone four. Potable water
5 to the lots is intended via public supply, and sanitary waste is to be
6 collected and disposed on site with individual systems. Soils on the
7 property consist of Riverhead, Haven Plymouth series. Riverhead and
8 Haven soils are considered prime farm soils in Suffolk County. The
9 subject properties are with the exception of section one within
10 agricultural district number seven, as we will as some adjacent
11 properties to the north of Sound Avenue are within the ag district.
12

13 The parcels are not in the Suffolk County Pine Barrens region. They
14 are, however, located in Central Suffolk North Special Groundwater
15 Protection Area and the SGPA recommends a mixture of low density
16 residential preserved farmland and cluster development of these sites.
17 Access for the subject subdivision is intended via single access point
18 to Sound Avenue, and the extension of network of cul-de-sacs, the
19 longest of which is approximately 3916 linear feet according to the
20 submitted maps. Another cul-de-sac is approximately 1187 linear feet.
21 Commission guidelines -- pursuant to Commission guidelines, the
22 maximum length of cul-de-sac street within a residential subdivision
23 is not to exceed thousand feet in low density area and 800 feet in
24 other areas. In addition, the single access point to section one does
25 not provide for alternate or emergency access. Property to the east
26 is developable and further alternate and emergency access should be
27 provided.

28
29 It should be noted that Sound Avenue is within a corridor, scenic or
30 historic corridor, and that it has mentioned some of the lots and some
31 of the amenities are within that corridor. However, Sound Avenue is
32 not a road in the jurisdiction of the Commission. And these lots for
33 all intent and purpose are in conformance with the submitted map.

34 Whether or not the Commission wants to raise issues regarding
35 aesthetics or something of sight distances along the corridor. That's
36 up to the Commission to deliberate. Okay. So issues related to the
37 proposed subdivision stem from the Commission's policy on creating
38 subdivisions with the exceedingly long cul-de-sac streets, lack of
39 alternative access and good planning and land use.

40
41 Staff is recommending approval subject to the following conditions:
42 Condition number one, that agricultural reserve area shown on the maps
43 remain undeveloped except for those agricultural related structures
44 which are permitted by town law; condition two is that lot owners in
45 the subdivision be advised that they're adjacent to agricultural
46 reserve and that lots may be subject to noise and fugitive dust
47 normally associated with agricultural activities; conditions three is
48 another advisory that lots are located within one mile of agricultural
49 crop dusting operation and lots, therefore, may be subject to noise
50 from aircraft flying overhead or nearby; condition number four relates
51 to section number three, which is that four acre parcel, and it is a
52 condition requiring no further subdivision of that particular parcel;
53 condition number five requires an easement along the County Road on
54 the back of section three; condition number six prohibits access for
55 this section to the county road allowing the access and restricting
56 the access to Sound Avenue; condition seven requires all storm water

1 runoff to be retained on site; condition eights relates to the
2 Commission policy on the length of cul-de-sac streets, the final
3 sentence reads that the proposed map shall be redrawn so that each
4 cul-de-sac street is in conformance with Commission guidelines;
5 condition nine relates to the single point of access, and the last
6 sentence in that paragraph reads that the road layout within the map
7 of section shall be redrawn so as to provide a future alternate access
8 to the subdivision.

9

10 Just as a side bar, staff notes that properties to the east are
11 developable, they are not encumbered by easements or development
12 rights which are acquired. And certainly the proposed 3,000 foot long
13 cul-de-sac could be broken at any point along the way to set up an
14 alternate or emergency access for the future. Item ten, is that the
15 man-made ponds created in section one, there are several of them, be
16 created in accordance with DEC freshwater wetlands guidelines and
17 guidelines prepared by the Department of Planning in 1990. And
18 condition eleven is a requirement that 20% of the housing units in
19 this subdivision be considered for affordable housing purposes. That
20 is the staff report.

21

22 CHAIRMAN EVERSON:

23 Do we have a motion.

24

25 MR. THORSEN:

26 I so move.

27

28 MS. GRABOSKI:

29 I second.

30

31 CHAIRMAN EVERSON:

32 Any discussion?

33

34 MS. GRABOSKI:

35 I just had a question on the fact that there's intense development
36 proposed with regard to the condo-type development and the fact that
37 there's a golf course where there maybe a fair amount of nitrogen used
38 in fertilizers. Are their any issues with regard to nitrogen loading?

39

40 MR. FRELENG:

41 Probably should have pointed out that this density is about half of
42 what the allowable combined density is, that the applicant have been
43 to the Health Department, there have been discussion with them. The
44 Health Department is satisfied, in my understanding anyway, that the
45 80 lots proposed here and the agricultural farming that will go on all
46 that in terms of nitrogen loading has been considered. And they have
47 not approved the map yet, but there have been discussions regarding
48 the loading of nitrogen with continuous farming as well as putting
49 housing in this area. This is about half the density that is
50 allowable.

51

52 MS. GRABOSKI:

53 Thank you.

54

55 CHAIRMAN EVERSON:

56 Any other questions?

1 MR. THORSEN:
2 Andy, there is along strip of what look like the private road for the
3 subdivision that abuts directly that east parcel.
4
5 MR. FRELENG:
6 Yes.
7
8 MR. THORSEN:
9 All right? Now, the road -- are we comfortable that that doesn't
10 become a spike strip? In the old days, we used to have developers
11 creating an excess strip along the roads so that, you know, you
12 couldn't break through them. Are we comfortable that we could get
13 access through to that end of the property if a --
14
15 MR. FRELENG:
16 You are saying that the road here, the cul-de-sac road here, are we
17 comfortable that we could get access to their?
18
19 MR. THORSEN:
20 Right.
21
22 MR. FRELENG:
23 Well, it's all within the right of way. The detail sheets which are
24 not attached here does show it as a grass shoulder, but I'm not -- I'm
25 not quite sure I understand where you are coming from. There are no
26 large obstructions, trees or --
27
28 MR. ISLES:
29 I think we're suggesting in the conditions is that Riverhead consider
30 approving this with the condition that there be a contingency for an
31 access to that parcel to the east. So the subject parcel where the
32 condos would go would have to provide that. Therefore, they could not
33 leave a complete strike strip there separating it. There would have
34 to be at least one point for the vehicles to pass across --
35
36 CHAIRMAN EVERSON:
37 And that would be an emergency access.
38
39 MR. FRELENG:
40 That's condition number nine, we didn't specify where.
41
42 MR. ISLES:
43 Right. Just saying it had to be done somewhere.
44
45 MR. THORSEN:
46 Years ago before you -- before you were planning, that was one thing
47 that we found a problem, that you would have a road that tapped an
48 adjacent piece of property, and they made sure that you couldn't cut
a
49 road through there, because they were trying to keep it absolutely
50 private and didn't want somebody else using their roads.
51
52 MR. FRELENG:
53 Right.
54
55 MR. THORSEN:
56 They were not known as spike strips. This could set up for a spike

1 strip unless --
2
3 MR. FRELENG:
4 Is there a way we could amend the condition?
5
6 MR. ISLES:
7 The condition does say that they have to provide an alternative
8 access. It would be up to Riverhead to decide where exactly they feel
9 that that should go. But I think we're covered enough, at least I
10 believe, to have a secondary means of access to the property.
11
12 MR. THORSEN:
13 Okay.
14
15 CHAIRMAN EVERSON:
16 Yes, Nancy.
17
18 MS. GRABOSKI:
19 I just had one other question. Just from looking at the map, it
20 almost appears as though the units -- I'm not sure what side -- the
21 ones that about the golf course, do those structures come right to the
22 property? Does the struck itself come right to the property line as
23 if there were a zero lot line?
24
25 MR. FRELENG:
26 You mean here? I would think not, no, month the building envelopes.
27 They do have a set back off the back rear lot line.
28
29 MS. GRABOSKI:
30 They do.
31
32 MR. FRELENG:
33 They're using -- they're using a smaller zoning category to establish
34 the building envelopes.
35
36 MS. GRABOSKI:
37 Is there any, you know -- is it considered to be a major amenity and
38 conceivably an advantage to those units that are directly, not quite
39 on the golf course, but as close to the golf course as --
40
41 CHAIRMAN EVERSON:
42 Yes.
43
44 MR. FRELENG:
45 Notwithstanding a golf ball through a window, I think that's a selling
46 point for those units.
47
48 MR. O'DEA:
49 When you brought up the historic corridor that has some -- in 1974
50 there was -- state approved that designation in a resolution. In 1992
51 in the Bicentennial of Riverhead, they've also done a resolution. And
52 in your current final draft of the comprehensive plan the consultants
53 lean on that aspect pretty heavily as a recommendation. The problem
54 is the -- what the definitive number and the set back and what you
55 want to put as a number on it. Myself, I like 500 feet and probably
56 would recommend that to the Planning Board. So if the Commission

1 would consider some wording or some forward thinking on that, it would
2 be appreciated.

3

4 The other part of this is that there is an addendum, this map -- the
5 Planning Board heard this map on December 19th and close the hearing,
6 but within that hearing, this map is presented with two addendum,
7 which involves a building lot area on the west parcel of Long Island
8 National. It's an either or. It's either on the right side or the
9 left side.

10

11 MR. FRELENG:

12 Here?

13

14 MR. O'DEA:

15 Yeah, up in the corners. The farmer needs a lot was the scenario that
16 was presented to the town board -- to the Planning Board. So that
17 sort of goes against approval number one that's in this staff
18 recommendation if the Planning Board goes along with that. There has
19 been a resolution adopted and put in front of the Planning Board,
20 which myself is not too happy with because the Planning Board didn't
21 ask the planning staff, didn't give them any direction on the
22 resolution, so that's a bone of contention.

23

24 What else is involved in this? Those are the two main items. This
25 has a sister project to it that Farm Select Committee and the town
26 have been kicking around for three years basically. Riverhead Town is
27 buying the open space, agricultural open space, on this and North Fork
28 Golf, which is probably the largest vista in town. In the central
29 area of this town price is 3.4 million that they're paying for
30 agricultural open space, which I have no positives or negatives to say
31 about that. But the reason I bring it up is that moving those two
32 lots in my estimation sort of goes against the -- all the presentation
33 that was made since all was moved on to the Eastern part of Long
34 Island National. I just leave that on the floor, and I will vote --
35 probably abstain, because it's still in front of the Planning Board.

36

37 CHAIRMAN EVERSON:

38 Nancy, did you have anything further?

39

40 MS. GRABOSKI:

41 No.

42

43 CHAIRMAN EVERSON:

44 So, Dick, what would you like us to recommend? Would you like us to
45 recommend --

46

47 MR. O'DEA:

48 I would like to get into the historic corridor. Even though it is not
49 a County Road, it is -- it's got enough teeth in it to through state
50 resolution, through town resolution, through draft master plan
51 recommendation to come up with some wordsmith --

52

53 MR. ISLES:

54 Is there a set distance that's been adhered to in the past in terms of
55 at the set back?

56

1 MR. O'DEA:
2 Not that I know of. We did a subdivision on the north side of --
3 let's say a year, year-and-a-half ago, we got it back. There's a ten
4 acre farm lot where we have agreed the let them put a house and barn.
5 I would say that's about two tenths of a mile or 500 feet or there
6 abouts. That's probably where the Planning Board would like to direct
7 any applicant. A number of -- in the process of discussing the master
8 plan, a number will --
9

10 MR. ISLES:
11 Come out.
12

13 MR. O'DEA:
14 Be arrived at in very short order.
15

16 MR. ISLES:
17 Okay.
18

19 CHAIRMAN EVERSON:
20 Do we have a motion. Tom?
21

22 MR. ISLES:
23 We had a motion, didn't we?
24

25 CHAIRMAN EVERSON:
26 Oh, we did.
27

28 MS. PETERSEN:
29 Could we add something that says a historic buffer subject to the
30 towns?
31

32 CHAIRMAN EVERSON:
33 Yes. You would like to make that amendment?
34

35 MS. PETERSEN:
36 Yes, if Richard doesn't mind.
37

38 MR. O'DEA:
39 That's fine.
40

41 MR. DIETZ:
42 I second.
43

44 CHAIRMAN EVERSON:
45 All in favor? Any opposed? Any abstain? That's unanimous. As to
46 the motion itself, all those in favor of the motion --
47

48 MR. O'DEA:
49 I'm abstaining.
50

51 CHAIRMAN EVERSON:
52 Oh, he did abstain. One abstention.
53

54 MR. ISLES:
55 Andy, in terms of the further subdivision of lots, Mr. O'Dea had made
56 the point of concern at this time for other of the open space lots

1 being subdivided further beyond what we identified in the one
2 condition, is that adequately covered?

3

4 MR. FRELENG:

5 Well, condition one requires that there be no structures on the
6 reserves. It doesn't prohibit further subdivision of the reserve. So
7 we could add another sentence indicating that in addition there shall
8 be no further subdivision of the agricultural reserve. That will
9 address that.

10

11 CHAIRMAN EVERSON:

12 Okay.

13

14 MR. O'DEA:

15 That's fine.

16

17 MR. DIETZ:

18 I will make a motion on the second amendment.

19

20 MR. LONDON:

21 Second.

22

23 CHAIRMAN EVERSON:

24 Any discussion on the amendment, on amendment number two? All in
25 favor of amendment number two? Any opposed? Any abstention?

26

27 MR. O'DEA:

28 Abstain.

29

30 CHAIRMAN EVERSON:

31 One abstention, Mr. O'Dea. On the motion itself, all in favor? Any
32 opposed? Any abstentions? One abstention, Mr. O'Dea.

33 APPROVED (VOTE:9-0-1)

34

35 Okay. Thank you. Jerry, you are up.

36

37 BR-02-87

38

39 MR. NEWMAN:

40 Okay. Today we have one zoning action on the agenda. It's from the
41 town of Brookhaven. This is an application to rezone a ten acre
42 parcel of land from a single family one acre category to a multi
43 family category for the purpose of erecting 62 garden apartment units
44 on land situated on the south side of Middle Country Road, east of
45 Picasso Way at Middle Island. In this case the parcel has
46 approximately 340 that fronts on Middle Country Road and extends
47 southerly approximately 2,050 feet.

48

49 The preliminary site plan calls for the erection of nine two story
50 residence buildings, 134 parking space, one point of gated vehicular
51 ingress and egress via the state roadway. A community building,
52 recreational amenities. Currently existing on the property is a house
53 right up on the northerly corner, that obviously, would be removed.
54 The property under exiting zoning can accommodate approximately eight
55 single family residences. It's bounded on the north across Middle
56 Country Road by a shopping center on unimproved land. And a shopping

1 center as will as single family residences districts respectively to
2 the east on improved lands in the residence A -1 district.

3

4 We on the Planning Commission considered a rezoning basically on this
5 portion, 28 acres to a PRC as we will as J-5 category. The Planning
6 Commission denied that, and the staff concerns were the inclusion of
7 one acre retail component which was an extension of non conforming
8 gas station that currently exists on the corner of that piece. So the
9 Town of Brookhaven is currently entertaining that application.

10 Whether or not they will withdraw the retail component, if that were
11 to come back in, we would also suggest acceptance of that application.
12 However, we haven't received anything further on that. That was
13 denied by the Planning Commission in December of last year. To the
14 south is unimproved land and to the west is multi family units, a
15 number of multi family units, you can see all the shaded area and
16 through here there's a lot of multi family units around Artist Lake.

17

18 It is the belief of the staff that this proposal appears conditionally
19 appropriate considering prevailing pattern of zoning and character of
20 the surrounding area, consistent with established locational criteria
21 for multi family accommodations, in this case we're talking about
22 shopping, transportation and amenities. We're recommending approval
23 subject to four conditions; 20% of the unit shall be for affordable
24 purposes; number two, that the affordable units shall be appropriately
25 encumbered to ensure long term affordability; number three, there
26 shall be an alternate point of emergency vehicular egress and ingress
27 on the property, obviously, this is extremely long, 2000 feet, could
28 still have some kind of access to this multi family development to the
29 west; and finally, they're implementing the Suffolk County Pine
30 Barrens standards on plants and fertilization. We recommending they
31 clear no more than 57% of the area, and no more than 15% in fertilized
32 dependant vegetation. In this case, the site plan exceeds the
33 clearance requirement of 57%. However, the site plan that is
34 submitted is in conformance with the fertilizer dependant vegetation.
35 We're recommending approval subject to four conditions.

36

37 CHAIRMAN EVERSON:

38 Do we have a motion?

39

40 MR. TANTONE:

41 I make a motion.

42

43 MR. CREMERS:

44 Second.

45

46 CHAIRMAN EVERSON:

47 Any discussion?

48

49 MS. GRABOSKI:

50 I just have a question. Jerry is it possible to construct that as
51 they've presented it and still not take down, you know, be in
52 compliance with the 57%?

53

54 MR. NEWMAN:

55 Well, they're in compliance, they cleared -- the plan as submitted has
56 65% clearance, which would be synonymous with their MF-1 zoning

1 standards in the Town of Brookhaven. I think it's possible they could
2 develop 57%.

3

4 MS. GRABOSKI:

5 I guess the only other thought I would have is that should they --
6 sometimes in the clearing they go, you know, a little beyond the
7 actual building envelope --

8

9 MR. NEWMAN:

10 That's obviously a condition of enforcement and sometimes that very
11 difficult.

12

13 MS. GRABOSKI:

14 You are right about that. In fact, in of anticipation of that on
15 occasion the town has required that they come up with a revegetation
16 plan that meets natural resource. I don't know if that's appropriate
17 at this level or whether that's really more of the town --

18

19 MR. NEWMAN:

20 That would be addressed at that time next face when the site plan
21 comes in and they would adhere to those conditions.

22

23 CHAIRMAN EVERSON:

24 Any other discussion? All those in favor? All those opposed? Any
25 abstention? Unanimous. APPROVED (VOTE:10-0)

26

27 I have a motion to adjourn. Thank you for coming today, and Happy New
28 Year. And do we have a motion to adjourn?

29

30 MR. LONDON:

31 Motion to adjourn.

32

33 MR. TANTONE:

34 I will second.

35

36 CHAIRMAN EVERSON:

37 Thank you very much.

38

39

40

41

42 (*THE MEETING WAS ADJOURNED AT 12:57 P.M.*)

43

44

45 { } DENOTES BEING SPELLED PHONETICALLY

46

47

48

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