

SUFFOLK COUNTY PLANNING COMMISSION

MINUTES

A regular meeting of the Suffolk County Planning Commission was held in the conference room of the Planning Department, 4th Floor of the H. Lee Dennison Building located in Hauppauge, New York on February 5, 2003.

PRESENT:

Robert Martin (Smithtown)
Louis Dietz (Babylon)
Thomas Thorsen (East Hampton)
Linda Petersen (At Large)
Richard London (Village 5000 & Under)
Richard O'Dea (Riverhead)
Laure Nolan (Village 5000 & Over)
Frank Tantone (Islip)
Michael Macco (Huntington)

ALSO PRESENT:

Thomas Isles - Director of Planning
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 12:20 P.M.*)

VICE-CHAIR MARTIN:

Okay. Ready? Good morning. I guess I have -- no it's afternoon now, good afternoon everybody. We're going to open the meeting with the minutes first. Any -- minutes of December 4th and January 8th. Do we have a motion to approve the minutes?

MR. TANTONE:

I'll make a motion.

MR. O'DEA:

Second.

VICE-CHAIR MARTIN:

All in favor signify by saying aye, contrary minded?

MR. THORSEN:

I have a correction. I'm sorry, I have a correction for January 8th. On page 11, the second Thorsen down, second line, says spike, s-p-i-k-e. That should be spite, s-p-i-t-e. And that same correction should be made in the last line on that page, there were two spikes, they should both be spite. And the word, not, the third -- the third word in doesn't make sense. I think that word should go -- not should be crossed out.

DIRECTOR ISLES:

We'll note that on the record.

VICE-CHAIR MARTIN:

Okay. Now it's on the record, now we have to vote on that again?

DIRECTOR ISLES:

Yes. Motion is before you.

VICE-CHAIR MARTIN:

Board members want to adopt the corrections?

DIRECTOR ISLES:

I don't think you have to vote on them, they're noted in the record. So you have a motion now to approve the minutes, you've noted in the record the corrections, just vote on the motion now.

VICE-CHAIR MARTIN:

Okay. All in favor signify by saying aye, contrary minded? So adopted. I'm going to turn the meeting over now to Lou Dietz for the election of the officers, and he will from now chair the meeting.

MR. DIETZ:

Do I have a nomination for Chairman for Suffolk County Planning Commission for 2003?

MR. THORSEN:

I'd like to nominate Don Eversoll.

MR. DIETZ:
Is there a second? Linda. Do we have any other nominations for Chairman?

MR. LONDON:
I move the nominations be closed.

MR. DIETZ:
A second?

VICE-CHAIR MARTIN:
I'll second it.

MR. DIETZ:
All in favor? Okay. The secretary will cast one ballot for Don Eversoll for Chairman. Now, do we have a nomination for Vice-chairman?

MR. LONDON:
I nominate Robert Martin for Vice-chairman.

MR. DIETZ:
A second?

MR. THORSEN:
I second.

MR. DIETZ:
Tom. Any other nominations for Vice-chairman?

MR. LONDON:
I move the nominations be closed.

MR. DIETZ:
A second?

MR. TANTONE:
Second.

MR. DIETZ:
All right. The secretary will cast one ballot then for Mr. Martin as Vice-chairman. Congratulations, Mr. Martin.

VICE-CHAIRMAN MARTIN:
Thank you. Thank you, everybody, I appreciate it.

MR. MACCO:
Is this a life term?

VICE-CHAIRMAN MARTIN:
I hope it's more than a life term.

DIRECTOR ISLES:
One year.

MR. MACCO:
One year? Okay.

VICE-CHAIRMAN MARTIN:
Where are we now? Okay. The Chair recognizes Linda Petersen for Lou Dietz's nomination, the secretary. I couldn't remember his name. The idea of being a Vice-chairman was really --

MS. PETERSEN:
I wish to nominate Louis Dietz as Secretary of the Planning Commission.

VICE-CHAIRMAN MARTIN:
Second.

MR. LONDON:
Second.

VICE-CHAIRMAN MARTIN:
Are there any other nominations? There are none.

MR. TANTONE:
I'll move that nominations be closed.

MR. LONDON:
Second.

VICE-CHAIRMAN MARTIN:
All in favor signify by saying aye, contrary minded? So elected is Mr. Louis Dietz. The secretary will cast one ballot for you. You have your own casting. Now, we'll go on to the orders of business. We've had the election of offices. Adoption of the calender, does anybody have any comments on that one?

MS. PETERSEN:
There is a calender somewhere?

MR. LONDON:
They were mailed out with the minutes.

DIRECTOR ISLES:
Essentially it holds to the first meetings of the first Monday of each month -- first Wednesday, excuse me.

MR. THORSEN:
Mr. Chairman, I move the calender be adopted.

MR. O'DEA:
Second.

MR. LONDON:
It came with the minutes.

DIRECTOR ISLES:
There was a motion by Tom Thorsen, seconded by Mr. O'Dea

VICE-CHAIR MARTIN:

Okay. I just want to make sure she's satisfied.

MS. PETERSEN:

I'm satisfied. I was just curious what they were.

VICE-CHAIR MARTIN:

It's the first Wednesday.

MS. PETERSEN:

It's consistent. What about May, is it the second or the first?

MR. TANTONE:

The first.

VICE-CHAIR MARTIN:

It's always the first Wednesday unless we change it.

DIRECTOR ISLES:

Sounds like Yogi Berra.

VICE-CHAIR MARTIN:

All in favor signify by saying aye, contrary minded? So adopted.
Next order of business is the Director's report.

DIRECTOR ISLES:

Okay. First, I would like to report that we did receive one piece of correspondence to bring to your attention, and that was a copy of a letter from the Mayor of the Village of Head of the Harbor. That was sent to the Supervisor of the Town of Smithtown, wherein the Village of Head of the Harbor is recommending that the Town of Southampton -- Smithtown be the lead agency for purposes of State Environmental Quality Review Act in reference to the Gyrodene development project, which is a parcel that as we talked about at the last meeting is partially within the Town of Brookhaven and partially within the Town of Smithtown. Obviously, this is a matter that will come before the Commission at a future date when the referrals are made to the County Planning Commission.

A few items I would just like to bring up beyond that, provided with your package today are reports from both the zoning section and the subdivision section. This is per the County Charter, we're required to provide a summary of the prior year's activities. And what you'll note here in the report from Jerry Newman, our chief planner on zoning, he's reported that we've received a total of 2,048 applications, which was actually a 29% increase in the prior year, a rather significant amount. What I find very interesting is Jerry's also provided a statistic in terms of how long does it take us to review the applications. Ninety four percent of the applications are reviewed within five days or less and then returned back to the municipality. Andy Freleng, our principal planner, has provided summary statistics for the subdivision section with 114 major or minor subdivision applications. We had a decrease in applications of about 20%, and we believe this is due to the fact that there are ongoing moratoriums on subdivisions in a number of the East End towns, and I think the Town of Brookhaven, at least partially. We had two

condominium developments as well.

We will be providing a more complete annual report to the Commission at the next meeting, which will include this information, as well as summary information of the other activities of the Department as well.

I'd like to report too that the Department attended meeting of the Village Board of the Village of Patchogue at the beginning of last week. As I indicated a prior meeting, the Department had completed a plan for the Village. We were authorized and directed to do so by the Commission earlier last year. So we had the opportunity to present the findings to the Village. They were receptive to it and have asked for our help with certain aspects of implementation. They will be required to go through a public comment period with it as well as completing a environmental review for the comprehensive plan as well.

And finally, I'd like to report too that the Legislature has considered two appointments to the Planning Commission this past week, one is for a representative from the Town of Huntington, a Mr. Caracciolo. That was approved by committee and is now being referred to the Legislature probably for the meeting next week. A representative from the Town of Shelter Island was also put forward. That was discharged out of committee without recommendation because Mr. Seer, the nominee is not able to attend Monday meetings, so he will appear at the full Legislature next Tuesday. So that's the status of appointments in terms of recent activity by the Legislature.

That's it.

VICE-CHAIRMAN MARTIN:

Is Andy Freleng up at bat now?

DIRECTOR ISLES:

No, we do the roundtable.

VICE-CHAIR MARTIN:

Oh, we do the roundtable first. Tom.

MR. THORSEN:

I thought I would say everything is quiet in the Town of East Hampton, but unfortunately, I picked up a newspaper this morning, and I read where immigrant population are being evicted from a motel in Montauk. The motel operator -- owner wants to modernize the building before the summer season. It created all kinds of havoc at a town board session.

There are those that don't want laborers living next door, and there are -- the laborers who need some place to live. And it's been a problem for many years. Montauk has always had this dilemma. There have been people, welfare people, at one time. There's always been a problem in the summertime for laborers that work in the various motels and hotels and so on. They're mostly all foreigners. The group in there now is from South America. In the summertime they're from Ireland and different places. It's going to have to be something that will be looked at I think very strongly in the new comprehensive plan that's coming along. The problem isn't going to go away, and I think probably some of the other towns have the same kind of difficulty. So it's not quiet.

VICE-CHAIR MARTIN:

What do you feel they could do? There's no -- there's no housing now at all for anybody.

MR. THORSEN:

That's right.

VICE-CHAIR MARTIN:

I mean, unless you buy a house, you know.

MR. THORSEN:

The town had a number of housing projects going. There was an air base housing out at Montauk Point. After that, there was the Whale Boat Woods affordable housing, and there have been a number of offers like that, but they take care of small numbers. The numbers we have to deal with are very large now. The immigrant population from South America is -- I believe it's multiplied buy ten according to that article from just a short time ago. So I'm not sure what's going to be done. We're always going to need labor. These are lower -- the lower job offerings, the jobs that our kids don't want to do. They don't want to filet fish, they don't want to be housemaids, and they don't want to be day laborers, so it's this population that's moved in, and needs someplace to live. So I hope we -- I hope the town is able to at least put a good foot forward.

DIRECTOR ISLES:

I guess the timing of this problem in terms of the closing of this motel relative to the comprehensive plan update --

MR. THORSEN:

That blew up.

VICE-CHAIRMAN MARTIN:

That isn't that big. How many rooms can it be, 50?

MR. THORSEN:

Well, they said there was 60, I think. But they were doubling up in rooms or more than doubling up in rooms.

VICE-CHAIR MARTIN:

It's -- it's a problem, I guess. Frank.

MR. TANTONE:

Things are a little bit busy in Islip. We have a number of very large projects coming in. You may have read we had one public hearing recently that was pretty well publicized. That's still pending, so it's a little premature to comment on it. The one comment that I do want to make, and I don't want to really make it too firmly, but I think it needs to be put on the record is Tom's report indicated that there are some members who have been appointed. You know, the internet is an interesting thing, because it now gives us access to a lot information that we never had before. One of those things being the Legislature's minutes. And I just happened to be searching through things recently and noted that both myself and Mr. Cremers are still floating. I think it's beginning to become a little bit ridiculous, very frankly, that we can't even seem to get our

appointments decided on out of the committee one way or the other. And if you go back and read some of the minutes, I don't know exactly how serious they're taking some of the reappointments, because some of the language in particular indicated we were quote unquote hanging out. I found that a little bit offensive, frankly. So hopefully they will move on it soon, because we come to the meeting and want to participate as viable members of the committee. So I think we deserve to be -- deserve a decision one way or the other. That's all I have.

VICE-CHAIR MARTIN:

Okay. Thank you. Riverhead?

MR. O'DEA:

Yes. I'll follow-up on both of those items, they're very interesting.

And very interesting is the meeting -- the minutes of the Committee of the Legislature that controls this board, and the way they've treated this board. I'm looking forward to maybe having to appear in front of them in the near future, because I understand my term is up and they submitted some paperwork. Farm agriculture worker housing is also a topic the town board in Riverhead is considering, and it's a necessary item to keep the industry going. And they're trying to loosen up the -- some of the regulations. Other than that, things are just generally moving along. Moratoriums still in existence until June. Planning Board still has the comprehensive plan, and they will be passing recommendations as soon as possible to the town board. That's about it.

VICE-CHAIR MARTIN:

Thank you.

MR. MACCO:

Well, I guess this is my last meeting.

DIRECTOR ISLES:

Possibly.

MR. MACCO:

Well, they've said that before, but I keep showing up so. I keep --

MS. NOLAN:

Keep giving your swan song on the record.

MR. MACCO:

What's interesting, Frank, for the free lunch that you're getting to be here what you actually get paid for sitting around --

MR. TANTONE:

And hanging out.

MR. MACCO:

And hanging out, right. But it's been a true pleasure to be working on the board with everybody here. I have some friends -- and Vice-chairman.

VICE-CHAIR MARTIN:

Been your friend all the time.

MR. MACCO:

Yeah. I still -- I know you're appointed for life, and I wasn't. But if I could go to your -- one day maybe 20 or 30 years when you do retire, maybe if I can come to your retirement party.

VICE-CHAIR MARTIN:

You will. In fact, I won't even charge you, complimentary admission.

MR. MACCO:

I'd just like to thank everybody. I had a real pleasure serving.

VICE-CHAIR MARTIN:

Laure.

MS. NOLAN:

Okay. Not much new in any of the villages that I work with at this point, although the Village of Asharoken is in the process of updating their comprehensive plan, and has actually put that on hold to work with the developer -- to work the owners of the Morgan property on reaching some consensus in terms of the long-term goal of that property. And that's in progress right now. The owners actually hired a consultant, they hired Frederick P. Clark Associates to come in and work with -- come forth with their proposal, because the village's plan was to upgrade the zoning, to upzone in the comprehensive plan.

DIRECTOR ISLES:

It's a significant parcel in the village.

MS. NOLAN:

Yes, it is. It's more than half than village.

DIRECTOR ISLES:

Right.

VICE-CHAIR MARTIN:

What happened to the Northport Theatre? I read in the paper --

MS. NOLAN:

Northport Theatre is closed at this point.

VICE-CHAIR MARTIN:

I know it's closed.

MS. NOLAN:

He originally said he closed it -- he also owns the Lindenhurst Theatre, I believe -- and he said he closed it in protest because of something that's happening in Lindenhurst, but I don't think that's the real reason. I think it has remained closed, and I believe he has financial difficulties.

MR. MACCO:

Laure, when was the last time you went to the Northport Movie Theatre?

MS. NOLAN:

I used to go there all the time until this guy bought it and made the

prices comparable -- it used to be the amount of the year; so it was 99 cents, whatever. And they would get movies after other theatres, but if you had missed something it was a great place to go, and they were also open all the time. But when he reopened, it made the price \$7, and a lot of kids used to go there all the time, because it was someplace they walked to. He made the price \$7 which is no better than the theatre you could go to in Huntington or Commack. He also was not opened as much, and he closed during the winter except on weekends. So there was nothing during the week. So it really wasn't as accessible, I think was part of the problem. You got out of the habit of going there, and you didn't go there.

But I think that there was some financial difficulties. I know there's a small group in Northport, a small sort of a cultural arts group that's formed that would like to try to do something, but I don't think they have the financial wherewithal or backing at this point to do something, so I'm not sure what's going to happen.

MR. MACCO:

It's a beautiful movie house.

MS. NOLAN:

It is a beautiful movie house.

VICE-CHAIRMAN MARTIN:

You can take your grandchildren, walk down in the harbor, you can spend the whole night there and not spend a \$100 like you would if you went to --

MS. NOLAN:

I would hate to see in lost completely. I can't imagine, you know, he spent a lot of money and did a lovely renovation. When he renovated he put all the tapestries back and he really did a nice job, but I'm not sure what's going to happen.

MR. MACCO:

So in Year 1905, was it five cents?

VICE-CHAIR MARTIN:

I don't remember. I didn't make much difference. Okay, Linda.

MS. PETERSEN:

Town of Brookhaven purchased the All State building. We closed this week, and we anticipate moving town hall and consolidating all the different departments into the All State structure, which looks like -- potentially looks like a real town hall compared to where we've been at for years. So expect to start moving hopefully division by division some time in June or July. So that's something new. And I attended a Smart Growth seminar conference down in New Orleans, and it was --

MS. NOLAN:

I wish I had known about that.

MS. PETERSEN:

-- really nice, people from all over the country were there, in fact,

people from other countries were there. So we were very fortunate to hear ideas that are being used around the rest of the country. And hopefully they'll be things we can ultimately use here on Long Island.

VICE-CHAIR MARTIN:
Dick.

MR. LONDON:
The only thing I want to mention is, Tom, what you brought up earlier about Head of the Harbor with the Gyrodyne piece. I'm supposed to be the representative for the Villages Under 5,000, and I knew nothing about that. I think maybe if they were made aware of communicating, I might get Cc'd something.

DIRECTOR ISLES:
I think they Cc'd the Commission.

MR. LONDON:
Okay. So I'd know what's going on.

DIRECTOR ISLES:
Yeah. We got this yesterday, but I can make a copy available to you.

MR. LONDON:
Great. Other than that, they seem to be moving along on St. Patrick's Church in the Village of the Branch. Depending on the weather will obviously depend on when the first parishioners get in there. Other than that, I congratulate the board on another year's term, and we'll move forward.

VICE-CHAIR MARTIN:
Thank you, Dick. Lou.

MR. DIETZ:
The group in Lindenhurst is quite large to save the theatre, and the Village, Legislator Bishop, state officials, they're all looking into ways of possibly keeping it. I believe what he -- what he said in the paper about closing Northport was because they started, or he thought they were going to start condemnation procedures.

MS. NOLAN:
In Lindenhurst?

MR. DIETZ:
In Lindenhurst, which they're not at this point, but they are negotiating and talking with him and seeing if they can work it out where it would be acceptable to all parties with County money, you know, state money, the Village whatever they can do. So that's where that theatre thing is at. I'd also like to say, like Frank, I didn't see my name on the internet, but my term is also up, and I can't get out of that committee. We come to all the meetings, and like I said, at least they can could say they don't want us or do want us or, but everything Frank said is correct. That's all I have, Mr. Chairman.

VICE-CHAIRMAN MARTIN:
In Smithtown we're quiet. It's the winter season, everybody's down in

Florida. But we have a theatre that was redone in like an off-Broadway type cast, and it wasn't all amateurs, but it wasn't Broadway people, and they're doing very well so far. It's only been open the season, you know, but that was all done with private money. The Town of Smithtown wasn't ready to finance them, and whatever he could raise on his own he did. He sold a lot of yearly subscriptions.

I have to admit that I bought some tickets for shows that I didn't see. I think most people did in town. I think it's in the twenties, it isn't that high anymore for the stage show, I mean. So I hope that he'll be successful. But that's a nice theatre inside too, has all the old tapestries and paintings, and it's really nice.

MS. NOLAN:
Yes.

VICE-CHAIR MARTIN:
Some maybe somebody will see the same idea there and maybe branch out to Northport, who knows. I remember in Smithtown when we had a theatre there, Summerstock, right on Main Street. Every summer it was -- they had the shows, the Broadway shows on tour, you know, basically. And you see the stars, they lived right in town. It's nice. I guess everything depends on how much money you can make. You can't make much money, you can't do it anymore. It's a shame, but that's the way it goes.

MR. MACCO:
You give up a lot when you don't support local business.

VICE-CHAIR MARTIN:
Right.

MR. MACCO:
And you know, Huntington we had the Huntington Mall built 100 years ago, and now the newer generation malls, at Tanger, stuff like that. And they're nice, you get great discounts, but you lose your downtowns. And sometimes -- for me myself, who lives close to the Village, I always spend extra and buy from local people. I always strongly support my villages.

VICE-CHAIR MARTIN:
But you've got to remember years ago, everybody knew the local store keeper. There was a time I could walk down Main Street, I don't care what side of the street, I knew every single -- every single one of them. I knew their children, watched them play ball. Now, I walk down Main Street, I don't know -- I don't think I know anybody. I mean that, I don't think I could walk into a store and introduce you.

MR. LONDON:
They don't even speak English anymore. That's starting to change.

VICE-CHAIR MARTIN:
That don't bother me. My grandfather didn't speak English. I'm not worrying what a guy speaks, don't speak, what color he is. He obeys the rules like I do or you do or all of us do, he's accepted as far as I'm concerned. It's not that, it's just that it's just different now a days. It grew from 8000 people maybe in town to 120,000. So how

could you know everybody, it's impossible. And I'm active in my town.

MR. MACCO:

Just to get off the topic for a second. This is sad, but I miss the blue laws; Sunday used to be a true day of rest. So you did your shopping during the week, you didn't have the time. Now, Sunday is just another busy day in our already crowded schedules.

VICE-CHAIRMAN MARTIN:

You know what's sad? They were open Thanksgiving Day. Thanksgiving Day they were open. There was no day they don't open. And that destroyed the small store keeper. How are you going to compete with 50% off, 60% off? Even if it's not true, people don't -- they do go there. You can't get in the mall on Sunday sometimes. So many people are in there on a Sunday when you should be home sitting with your family in the backyard, but that's what we're up against right now. And I know --

MR. O'DEA:

You had to get Tanger in there. You had to get it.

MR. MACCO:

Yeah, I had to get it. It's my last meeting, I had to mention it somewhere Richard.

MS. PETERSEN:

I just wanted to say that as we've been going forward with this Smart Growth and redevelopment and revitalization areas, one thing we look do is to bring some kind a cultural element into that area into the center to use as a draw to keep it a neighborhood, so that people can be involved in what they're doing. So in a sense we're trying to go back -- in a lot of instances, back to the old traditional neighborhood developments where you could walk to the movie theatre, where you could have a cultural performing arts within a community, and you do have store keepers that you know and little cafes and delis and diner type things and all the things we used to have that many of us when we were kids took for granted, because it was there. And our children didn't experience that because of the growth of the malls and the way strip centers came in and the way it all changed. And I think if smart growth goes forward in the way they're hoping it will, we'll see a return in some of that traditional type of values we grew up with, maybe Mike, you, me, some of us that, you know, experienced it that way. And I think it will be very positive for our kids' kids if they're fortunate enough to experience that, because I think my kids missed out on that.

DIRECTOR ISLES:

We're kind of going back to that in some ways.

MS. PETERSEN:

In the areas -- I'm working presently in two areas, two corridors, to do that, and our goal is to reestablish that village type community atmosphere. You know, it's not going to happen overnight, but certainly we're rewriting our codes that will enable us to go forward and do that. And if it's successful, I think we'll use it as a model for the rest of Brookhaven anyway. Hopefully it will change. Some of

you are fortunate, you have that in, like in East Hampton and places where the villages are situated, there is a lot of that. But once you lose the villages --

MR. MACCO:

Once you build a Home Depot, it's a slippery slide.

MS. PETERSEN:

It's a different world. That's all I have to say.

VICE-CHAIR MARTIN:

Thanks for all the comments. Let's go -- everybody spoke right?

S-BR-03-01

MR. FRELENG:

Okay. The first regulatory matter before the Planning Commission comes to us from the Town of Brookhaven. This is the application of Silver Corporate Park. Jurisdiction for the Commission is that the subject property is adjacent to State Route 495, and the property is located in the Central Pine Barrens Zone. The applicants are proposing the subdivision of approximately 114 acres into 17 lots in the L-1 industrial zoning category in Yaphank. The minimum lot size in the zoning category is an average of three acres in the Pine Barrens, and outside of the Pine Barrens the minimum lot size is 20,000 square feet. So just to point out that for this application the minimum lot size is an average of three acres throughout the whole subdivision.

The project includes the location of an on site sewage treatment plant, which is located up here in the northwest corner of the property. In addition, a 200 wide conservation buffer is also included along the northern property boundary for lots 15 and 17. The map is not being processed pursuant to 278 cluster provisions, and the lots range in size from 2.70 to 14.9 acres an average -- do you remember what it was -- about three acres in size. The map is not -- I'm sorry. Let's see the property is bound on the north by detached residential home subdivisions, to the east the property abuts vacant wooded land, and to the west the site is bound by a composting operation, and to the south the site fronts on the Service Road of the Long Island Expressway.

The character of the area surrounding the property is a mix of residential, commercial and vacant land. The property itself can be characterized as being generally rolling with some steep slopes exceeding 30%. You can see the road corridor comes in through this valley here, and on either side of the valley are some steep slopes. No structures are located on the subject property. A Long Island Power Authority transmission easement transverses the property from west to east, roughly one-third into the property. You can see it on the photo right here. The parcel is located within Groundwater Management Zone 3, potable water to the lots is intended via public supply. As mentioned, sanitary waste is to be collected and disposed of on site with the sewage treatment plant. Focus in on the sewage treatment plant for a second, the location of the sewage plant is illogical. The plant is located on some of the highest elevations on

the property. Typically sewage treatment plants are built at the lowest elevations of the property so the waste water flows downhill without being pumped or forced. So staff is confused as to the targeted location for the sewage treatment plant as is indicated on the submitted map.

Soils on the subject property consist of Carver, Plymouth and Riverhead series soils. Riverhead series soils are considered prime farm soils in Suffolk County. They're generally in the upper northeast corner of the property. The parcel is located in the Compatible Growth Area of the Central Pine Barrens Region. For industrial zoned land, the clearing in the Central Pine Barrens restriction is 65% of the overall track. The property is also located in the Central Suffolk West Special Groundwater Protection Area. The SGPA recommends cluster development for this area. Access for the proposed subdivision is intended via a single access point to the Long Island Expressway North Service Road. The extension of three cul-de-sacs is proposed, the longest of which is roughly 3,000 feet long. Notwithstanding the length of the road, cul-de-sacs in industrial subdivisions are contrary to Commission policy. Moreover, the singular -- the single point of access to the Long Island Expressway right-of-way is also contrary to Commission policy.

Land to the east, which is now formerly owned by the Brookhaven Industrial Development Agency is developable land. And the road network of this subdivision should make provisions for a tap or connector street to the east. Essentially this property is zoned light industrial. However, this has a composting operation going on, this property here is vacant. So staff believes in order to meet Commission policy that tap streets or access roads could be developed to the east where land is still developable. Okay.

Issues then related to the proposed subdivision stem from the Commission's policy on the creation of cul-de-sac streets in industrial subdivisions and a lack of alternative access. Staff believes that this subdivision is approvable with conditions, and is recommending approval with conditions. And the following conditions are, number one, that the map be redrawn so that the cul-de-sac streets are eliminated, and that there's an alternate access to the proposed subdivision, and that could simply be done by connecting this or actually bringing them out to the properties to the east or even creating a future tap to the west. But the current configuration does not meet Commission policy, and it is easily correctable. So we believe the map is approvable with modifications. In addition, staff is recommending the Commission -- to the Commission that the Commission condition that the applicant go to the Suffolk County Sewer Agency and the Department of Health Services to discuss the location of the sewage treatment plant and its feasibility of being in the northwest corner on the highest elevations of the property. While that is not our jurisdiction, we can mandate that the applicant go before those agencies prior to getting any kind of approval. So staff is recommending to the Commission that we put that condition in.

Condition number three is that no more than 65% of the overall track be cleared. Condition number four is that no more than 15% of each one of the lots be placed in fertilizer dependent vegetation.

Condition number five is that there not be any vehicular access to the two lots created along the Long Island Expressway right-of-way, and that they take their access to the created streets. Condition number six is all storm water runoff be contained on site. Condition number seven is that a buffer or conservation easement be created along the Long Island Expressway right-of-way to preserve any amenities and to buffer the industrial subdivision from the road and vis a versa. And in addition, the map came submitted to the County with a bunch of technical deficiencies, and there are various comments related to the map that we'd like the Commission to provide back to the town. Having said that, that is the recommendation of the staff.

VICE-CHAIRMAN MARTIN:

Do you have any comments, board members?

MR. THORSEN:

I have a comment. Is 50 feet wide enough for the buffer?

MR. FRELENG:

Well, that is -- that is the Commission's standard buffer along state and county right-of-ways.

MR. THORSEN:

Because it's certainly not going to cut down visibility of the industrial development inside. I mean 50 feet --

MR. FRELENG:

We have noticed that a lot of our subdivisions where we've gone back to check to see if the 50 foot buffer has been put in place, while we never measured the buffer, it seems like what would appear to be encroachment into the buffer, and 50 feet may not actually do a lot of screening.

MR. THORSEN:

I mean, if it's heavy evergreen that's one thing. But this is a mix --

MR. FRELENG:

It's a mix. It's a mix.

MR. THORSEN:

-- of deciduous trees, and that's not going to buffer it. I would suggest considering at least 75 or 100 feet.

DIRECTOR ISLES:

Current Commission guideline is 50 feet. If you want to go above that in this case, that's your discretion, of course. I think the -- we're not dealing with a situation where we're buffering homes. I think in this case they have a 200 foot buffer, a 300 foot buffer for the zones. This I think is more of an objective to some extent of screening from the Expressway from the visual standpoint. Again, he's right, maybe at times it's a little thinner then we'd want it to be, but at least it mutes to some extent the direct impact of the buildings and loading areas and so on and so forth.

MR. THORSEN:

Yeah. I know the Pine Barrens in Southampton, we've -- what we did there was create very broad wooded buffers and so forth so you look like you're driving through the pine Barrens as opposed to looking at the development. I don't know whether this is the same type of an area.

DIRECTOR ISLES:

This is within the Compatible Growth Area within the Pine Barrens. That would require to have at least 35% of natural vegetation. So if they laid that out in the site plan, they could distribute a lot of that or most of that to the place adjacent to the Expressway Service Road, at least to the south part of the parcel.

MR. THORSEN:

Or the other thing is that when you have industry though, they do like to be visible from express facilities. If you put a little buffer in front maybe a sign goes up overhead.

MR. MACCO:

Tom, before you -- before you move to amend the staff recommendation, I want you to consider that just on this situation, we're buffering from the Long Island Expressway. I mean, it's still the Long Island Expressway, and I would rather if you -- I'm only suggesting to you that if we use up more buffer in the front, we're going to lose it in the back. And I think in the back where the homes are would be better used with a buffer. I mean -- like yourself, we drive the Long Island Expressway everyday. This one subdivision having a 50 foot buffer is not going to go a far way in changing how it would look off the Long Island Expressway. It's still the Long Island Expressway. Since we haven't maintained a buffer system east to west on the Long Island Expressway, adding a little extra buffer on this subdivision, I think, is going to have very little effect on the view.

MR. THORSEN:

There's always day one to start it. It looks terrible as you go further west.

MR. MACCO:

It looks terrible, I agree.

MR. FRELENG:

I did want to point out that the trend is to bring the sound barrier wall all the way down, but it stops one or two lights over here, it hasn't made its way down this way yet.

MS. PETERSEN:

It jumped over that area.

MR. FRELENG:

It jumped over that area.

MS. PETERSEN:

They said there wasn't enough people, you have to meet a certain decibel level. Even though everybody hears the Expressway, they don't you can hear it. The community petitioned for the sound walls, they

just didn't get them.

MR. O'DEA:

I'm a proponent of increasing the 50 foot. We're dealing with a 114 acres, as you say 50 feet, nobody -- they're not paying attention to these exact guidelines in whatever residential or industrial. So you ask for 100, you make -- they may do 75. It's that kind of a game with buffers.

MR. FRELENG:

It's the call of the Commission.

MS. PETERSEN:

I'd just like to just mention that this site and the site to the east which is wooded is a subject of a visioning that the developer held in conjunction with the town. They brought in consultants. There was a -- not a consensus in the community as to what should be built. He wanted to do a smart growth mixed use development. On the parcel we're seeing, he's saying with the industrial, but to the east, he has an option to purchase that, and he is considering still doing a mixed use there with apartments and rental units and things that would lend themselves to giving housing for the development that would go into this site. So, as far as putting adjacent access into that, if it should go in a residential type of development rather than industrial, I don't think you would want access necessarily going in that side. It could certainly be set up to go into the side to the west, which is where that compost facility is, that's really -- the front half is a farm, the back half is a composting facility that may or may not be legal. They're in litigation with town. But, certainly, I think we need something in there to indicate that if it is not -- if it's developed industrial that's fine, but if for some reason the zoning should change and the land use pattern should change, we shouldn't force them to have an access that they may not find amenable to that type of use.

MR. MACCO:

Linda, how can we -- how can we make changes based on potential changes of zoning when there's nothing filed?

MS. PETERSEN:

I just think if we could add a clause on one, something to the effect, the -- let's see.

DIRECTOR ISLES:

The primary --

MS. PETERSEN:

The provisions for the cable connector should be done only if developed with industrial zoning.

VICE-CHAIR MARTIN:

Yeah, but then what do you do if it does go residential?

MR. MACCO:

Right. They're building it now.

VICE-CHAIR MARTIN:

What do you do if they're building the land to the west, then your cul-de-sacs will be too long. Then what you're saying now is that we should now tap land that they can automatically tap. You do that, we'll wind up with cul-de-sacs that we don't want.

MR. FRELENG:

We can amend the first comment, and I made some notes I can ready back. But also we can set up tap streets and emergency access going east or west. Depending on how the development goes, you open them or don't open them, put a crash gate or however you want or just them as undeveloped right-of-way.

VICE-CHAIR MARTIN:

Then we wind up with each side, wind up with all these cul-de-sacs anyway.

DIRECTOR ISLES:

They can loop those cul-de-sac streets.

MS. PETERSEN:

They can do it an internal loop and bring it back to the Service Road.

Where it says Long Island Expressway, they're really going onto the Service Road, they're not going right on the Expressway. When we did the visioning, the community was adamant they did not want any of the traffic coming out through Sills Road or through Garden Lane to the north. They wanted it contained so that they go in off the Expressway Service Road and go back out on the Service Road. That was a big thing.

VICE-CHAIR MARTIN:

Then they should make the street internal, because you very rarely go from one park to another, the people. Usually because they're not parked, you pull out and go home or wherever you're going to go. So the idea of tying them together is not that important. The important thing is to have the access.

MR. FRELENG:

So I can amend -- if it's satisfactory to the Commission, I can amend the first comment to just indicate that if the properties to the east and west remain industrial that tap streets should be set up.

MS. PETERSEN:

That would be fine.

MR. FRELENG:

Okay. So I could word it that way, if that's satisfactory to the Commission.

MR. THORSEN:

You could have a loop there.

DIRECTOR ISLES:

Sure.

VICE-CHAIRMAN MARTIN:

Yeah.

MR. LONDON:

Mr. Chairman, I'll motion the approval based upon the verbal change that we just discussed on the -- is it the south entrance onto the Expressway and off of the Expressway, is that --

MS. PETERSEN:

He's talking about setting up the potential for tap streets to the east and west if they remain industrial.

MR. LONDON:

Right. But you indicated very strongly they prefer to have it from the south side.

MS. PETERSEN:

If they tap into those two side pieces, east and west, those pieces could also go back down to the Service Road rather than the residential community.

MR. LONDON:

Okay. With that proviso that tap streets be employed from the east end or west, terminating at the north side of the Service Road.

MR. O'DEA:

Linda, what's the location of the sewage treatment plant, what's --

MS. PETERSEN:

I haven't got a clue why they put it there, unless they felt that by putting it next to the composting facility it wouldn't interact with anyone else. They're figuring perhaps if the compost facility ultimately goes industrial, they can all use the same sewage treatment plant, I'm guessing, I don't know.

MR. FRELENG:

Can we bring closure to the buffer issue? I need direction.

MR. O'DEA:

I'll make a recommendation to increase the 50 foot buffer in each direction.

VICE-CHAIR MARTIN:

Everybody satisfied?

DIRECTOR ISLES:

Mr. London had a motion.

MR. LONDON:

If it would make it easier on the typing of this, I'll include that as part of the motion to change the buffer from 50 to 100 feet. Is that okay, Rich?

MR. O'DEA:

Thank you.

VICE-CHAIR MARTIN:
Everybody agree to that? Everybody satisfied with that?

MR. THORSEN:
Yes.

VICE-CHAIR MARTIN:
Okay. The motion's in order.

MR. LONDON:
Is there a second?

MR. O'DEA:
Second.

VICE-CHAIRMAN MARTIN:
I didn't hear a second yet.

MR. THORSEN:
Second.

VICE-CHAIRMAN MARTIN:
All in favor, signify by saying aye. Contrary minded? Abstention?

MS. PETERSEN:
I'm abstaining.

VICE-CHAIR MARTIN:
Wait a minute. Make sure we have eight.

DIRECTOR ISLES:
We do. We have nine members present. APPROVED (VOTE:8-0-1-5)

MR. FRELENG:
Who seconded it?

VICE-CHAIRMAN MARTIN:
Tom.

MR. THORSEN:
Richard O'Dea.

MR. MACCO:
What about the sewage treatment plant, the relocation?

VICE-CHAIRMAN MARTIN:
That's the Board of Health.

MS. PETERSEN:
Can we just add that I'm abstaining?

MS. CATALANO:
We have that.

MS. PETERSEN:
Because -- a reason. Due I have a conflict of interest, I have

partial ownership in the property to the north.

MR. O'DEA:

Is there is any possibility that the Health Department can get in front -- I know it's a tough issue -- get in front of these applications?

DIRECTOR ISLES:

We suggested in the recommendation to you that the applicant consult with the Health Department and the sewer agency. So I think that's probably the farthest we can go with this in terms of getting them to talk to them. It could be if they want to do a force main, a pressured system, they could make the uphill system work, of course.

MR. O'DEA:

One way or another they've got to go to the Health Department.

MR. FRELENG:

Absolutely. Just as a point of information, anything that comes before the Planning Commission is posted on the interdepartmental intranet. And in the past, we have received comments from the Health Department and sewer agency on projects. They didn't comment within our time frame for this particular project, but without a doubt they have to go before either one of those agencies.

MR. MACCO:

Having the sewage treatment plant at the highest part of the property, I don't know about Brookhaven, but in Huntington shit flows down stream. So I don't think it's going to work. It's going to be expensive to make it work.

MS. PETERSEN:

Same thing in Brookhaven.

MR. MACCO:

Same thing in Brookhaven as in Huntington.

DIRECTOR ISLES:

Just one comment. On the guideline of 50 foot buffer along the roadway, the guidelines are just that, guidelines. Obviously, the Commission can modify that. We can look at that further if you want to actually change the guideline to 100 foot standard. But certainly with a case like this, on large parcels it's probably easy to do, but on smaller parcels it may be a little more burdensome on the actual use of the development of the property. But we can proceed with that and report back with you.

MS. PETERSEN:

The site you just saw is very high. From the Expressway, it's a hill going up. I don't think no matter what you put there, if the building has any size to it or any height, you're still going to see it, because it's a very visible, visible location.

VICE-CHAIR MARTIN:

I don't care what they build. You're talking about 30 foot, it's going to be a little building. You have to have that height of the

building. So it's going to be a 35 foot building at least.

MR. MACCO:

Mr. Thorsen has a good point. Anything we can do to make the Long Island Expressway corridor better looking, we should be doing it.

MS. PETERSEN:

Out at this end it still looks rural, this they haven't ruined it yet.

MR. MACCO:

Andy, done for the month?

MR. NEWMAN:

He's done.

MR. MACCO:

Okay.

BR-03-01

MR. NEWMAN:

I have one zoning action on the agenda. It's relatively minor in nature, however, we have some reservations about it. This is an appeal to the Brookhaven Town Zoning Board of Appeals for variances on lot area and width in connection with the three lot subdivision for single family residence purposes on a five acre parcel of land situated on the west side of Route 12, north of Moriches-Yaphank Road in a two acre residence district at Manorville. Proposal is to subdivide the property into three lots, one here, one back here and one way in back. Each of those lots comprise 56.2, 73,000 and 8600 -- 88,600 with the respective lot widths of 139, 21 and 21 respectively. The code requires 80,000 and also requires 200 feet of frontage. Also existing on the property is a small storage building that is to be removed.

On March 5th of last year, the Town Board reclassified the rear portion of the property comprising a 950 feet roughly this portion here from a light industrial category to an A-2 category as part of a comprehensive upzoning in the area. The property is also situated within the Compatible Growth Zone of Central Pine Barrens and also within the Central Suffolk West SGPA, which designates this area for low density single family residents purposes. It is the belief of this staff that this proposal appears inappropriate as it is inconsistent with the prevailing lot size pattern in the surrounding area. If you look at the attached tax map, you can see most of the lots, all of the lots, most of the lots, on the east and west side are about five acres. If there has been a division, it's been into two lots. This will be the first three lot division on the east and west side of the property. So if this is granted, it will certainly establish a precedent. It would undermine the effectiveness of the zoning ordinances and no information has been submitted to indicate compliance with applicable variance criteria. So we recommend disapproval.

MR. MACCO:

I move staff report.

MS. PETERSEN:
Second.

VICE-CHAIR MARTIN:
All in favor signify by saying aye. Contrary minded?

MS. PETERSEN:
Jerry, what is above it?

MR. NEWMAN:
Greenhouses.

MS. PETERSEN:
Those are greenhouses?

MR. NEWMAN:
The one to the south.

VICE-CHAIR MARTIN:
Motion to adjourn.

MR. THORSEN:
I move.

VICE-CHAIRMAN MARTIN:
Second by Dick London. All in favor? Contrary minded?

(*THE MEETING WAS OVER AT 1:10 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY