

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 March 5, 2003.

PRESENT:

Donald Eversoll (At Large) - Chairman  
Robert Martin (Smithtown) - Vice-Chairman  
Louis Dietz (Babylon)  
Thomas Thorsen (East Hampton)  
Richard London (Village 5000 & Under)  
Richard O'Dea (Riverhead)  
Frank Tantone (Islip)  
John Caracciolo (Huntington)  
Ronald Cyr (Shelter Island)  
William Cremers (Southold)  
Carl Berkowitz (Brookhaven)

ALSO PRESENT:

Thomas Isles - Director of Planning  
Gerald Newman - Chief Planner  
Andy Freleng - Principal Planner  
Claire Chorny - Planning Commission  
Peter Lambert  
Marian Zucker

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano and Lucia Braaten - Court Stenographers

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

CHAIRMAN EVERSOLL:

Okay. I'd like to call the meeting to order, and thank you all for coming out in this wonderful weather and braving our security here. I'd like to introduce our two new members. We'll start out east, Ron Cyr from Shelter Island, and we don't reimburse the tolls on the ferry, but we do give you a nice lunch. We pressure your attendance today and welcome you to the commission.

MR. CYR:

Thank you.

CHAIRMAN EVERSOLL:

John Caracciolo from Huntington. And John and I chatted a bit last week and welcome him and his enthusiasm to our commission. And I gave him the low down that we had a Commissioners Roundtable, so he has a long -- long laundry list of things to talk about in the great Town of Huntington.

MR. CARACCIOLO:

Thank you.

CHAIRMAN EVERSOLL:

Welcome. And we will -- I would like to introduce a motion -- I'd like someone to introduce a motion for approval of the minutes of February 5th. It's not a tough one, folks.

MR. DIETZ:

I'll make the motion.

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

And a second. It's been moved and seconded. Any further discussion?

MR. THORSEN:

Correction on page 7, where it says Thorsen, the town had a number of housing projects going and so forth, it says boat work. That should be bone, like the bone of a whale.

CHAIRMAN EVERSOLL:

Okay. Whale bone works. Got it.

MR. ISLES:

It's noted on the new minutes.

CHAIRMAN EVERSOLL:

Are there any other -- any other changes? Then we'll call for the motion. All those in favor? Opposed? Any abstentions? Life is easy. Okay. We will now have our Directors Report. Tom, what's happening?

MR. ISLES:

A couple of news items, informational items for the commission. We

also would like to, as you see in the next two items of agenda, talk about our annual report and an issue regarding affordable housing. With regard to just the informational items, I'm going to bring you up-to-date that we met recently with the Long Island Regional Planning Board Director, Lee Koppelman. We've been working on a housing plan update for the County, and specifically a needs assessment. Coincidentally, the Regional Board is doing so as well. So we will be working with and cooperating with the Regional Board on that. Nassau County was also in attendance of that meeting, their Planning Department, and will be happy to cooperate with the Regional Board.

The purpose of your review of the housing plan is most directly related to the County's Affordable Housing Program and trying to target that to where the greatest needs are, both geographically as well as housing types and so forth. We've also completed with Marian Zucker, the Director of Affordable Housing a visitation to each of the ten towns at this point in terms of meeting with either their Planning Director or Supervisor to talk further about affordable housing and trying actually to pinpoint sites. We concluded the last of the 10 meetings with the ten towns in February. And we think they've been successful in communicating the County's program. And we have gotten some response back, although we're hoping to get better response than received thus far. So we're continuing to follow up on that. We think it's an important program and can offer benefits to the towns. We're also making contact with the villages. There are 31 villages, of course, in the County. And we'll be doing that by letter. And then upon invitation by the villages if they would like to meet with us, we will be doing that. We'll also be making out ourselves available to meet with the Village Officials Association as well.

Another item just to bring you up-to-date on is the Planning Department staff attended a meeting with Nassau County Planning Department as well the Town of Babylon and the Town of Oyster Bay regarding an application that straddles the County line that involves property that's currently used as a South Oaks Center, which consists of about 56 acres primarily in the Town of Oyster Bay on the Nassau County side. Part of it does come over to the Suffolk side. The proposal on that one is for a Lowes Home Center on the Nassau County side with some senior citizen housing and assisted living housing provided. Part of that also comes in to the Town of Babylon and the Village of Amityville. So I bring that to your attention. At this point, they have a formal application to file with Oyster Bay and the Town Of Babylon and the Village of Amityville. We will require referral to this commission, and we'll certainly provide a more complete report at that time.

Moving on to the annual report, which is the next item on the agenda. The County Charter requires that the commission prepare an annual report. At the last meeting, we provided to you the statistical summary of the commission's activities in terms of municipal referrals both subdivisions and zoning applications that were made to the commission. What we've done with this report is to incorporate that information in here and provide a little bit more background in terms of the commission's activities as they relate both to the commission directly and also on services that the Planning Department has provided to the commission.

Just a couple of highlights on this to note for you is the commission has reviewed over 2000 -- pardon me, we've received over 2000 zoning referrals. A number of those are then handled as local determinations, and obviously, a number appear before the commission as we do on a monthly basis. The zoning referrals were up 29% from last year. So a rather significant increase on that one. We've also reviewed I believe it's 114 zoning -- pardon me, subdivision maps, down a little bit from the prior year. However we associate that likely to the moratoriums that are being held in a couple of towns. We expect when those moratoriums are lifted, that there may be a return to the prior levels on subdivision review. The department also handles a variety of other activities as you know including we're the state data center for the census information for both Nassau and Suffolk County. As such, we dispense a lot of that information to the general public, to the business community and so forth. We've received almost approximately 2500 requests for that type of information during the course of last year.

We also did our first acquisition under the Affordable Housing Program, which was Millennium Hills. We have a project in the Town of Islip coming along. So that program officially started last year in terms of an actual acquisition of lands for affordable housing. And as I spoke of previously, we are continuing to put great effort towards that. The County Real Estate Division did two things. They -- of note, including a record auction of over \$10 million in surplus of County parcels as well as the acquisition of 360 acres of open space and farmland to the tune of about \$13 million. I'll also point out the department did receive two awards last year. One from the American Planning Association for the Narrow Bay Study completed by the department. And one from the State of New York on the Quality Communities Program for the Affordable Housing Program.

What I'd like to do is ask our Senior Planner, Peter Lambert, to provide you with an overview of the population and demographic information. And specifically in the County Charter, the charter requires that the commission prepare a report outlining the commission's activities, but it specifically speaks on providing an update on demographic changes, housing and employment information. Peter has assembled that and is the lead planner in the office that tracks this information. So I'd ask Peter to give us just a brief couple of minutes overview on the findings this past year.

MR. LAMBERT:

I'm going to hit on just the highlights of what is on page three through five in the annual report; population, housing and economic trends. The total population of the County is 1.44 million, and that's as of 2002. And the increase is about one percent a year, actually from 2001 to 2002, the increase was a little bit faster. But roughly, we're increasing by about 1% a year. In terms of the change between the 1990 census and the 2000 census, the fastest increase was in Town of East Hampton, followed by the Town of Southampton. Riverhead was closely behind. Each of those towns increased in population by about 20%. In terms of the actual numerical change, the largest increase, of course, was in the Town Brookhaven, which for many years has been the fastest growing town in the County.

In terms of population density, 91% of the County's population is actually located in the five western towns; that is Huntington, Babylon, Smithtown, Islip and Brookhaven. In terms of density, the density in the East End is just 362 people per square mile, and that is far less than the density in say the Town of Babylon, which is over 4000 persons per square mile. And the second highest density is in the Town of Islip, which is over 3000 persons per square mile. In terms of the housing market, we all know the prices have actually exploded in the past several years, starting around 1998, '99. The average price of a home in Year 2002, actually November of 2002, was 282,000 in Suffolk County. This represented an increase of 20% over the same month in 2001. And overall since 2000 the increase has been about 49 almost 50% in terms of the cost of owner-occupied housing.

The type of housing in the County is overall very owner-occupied oriented. In terms of the percentage, it's an 80% owner occupied rate in Suffolk County. The nation wide figure in comparison is 66%. So we're a traditional suburban area where most of the homes are occupied by their owners. In terms of building permits, we had 4600 permits for new housing units issued in the Year 2001, and that figure was 4300, slightly lower in the Year 2002. But these figures are actually still higher than many of the figures in the 1990. So we're still building a considerable number of new housing units. In terms of multi family, we added more than 2000 apartment units since 2000, which is significant, because for many years in the 1980s even the first half of the 1990s, we didn't add many at all, probably 1000 during that 15 year period.

In terms of the employment market, the latest unemployment rate was 4.2% in December of 2002. Still relatively good in terms of the nation, better than the state, better than the city, better than the nation. The 4.2 unemployment rate was a little higher than a year ago. In December 2001, it was 3.8%. And overall employment in Nassau-Suffolk was 1.25 million as of December 2002. And that's actually pretty steady, we're not losing jobs like New York City has been. In terms of the office market, Suffolk County' office market, there are more than 22 million square feet of major office buildings in the County. And since 1998 according to our records, that figure is up by about 2 million square feet. We've noticed a conversion of industrial buildings to office space happening in some parts of the County, especially like Melville, where the land -- the land costs are considerably higher. And overall, the industrial and office markets are relatively cool these days, they're not as hot as they were several years ago. That's a general overview of this part of the annual report.

MR. ISLES:

I'll point out that we're still number 22 in terms of the population -- total populations.

MR. LAMBERT:

Total population, I think we're 22nd highest of the all the counties, more than 3000 counties in the country.

MR. ISLES:

And as far as comparisons in the state populations, we're larger than

12 states, the County itself. Rather significant. Just a couple of other items. Thank you very much, Peter. Just to summarize the annual report, in addition to Peter's work in the demographics and Roy Fedelem is on that, a couple of special projects as you know, there's the Patchogue study that we did in the downtown business district. We are meeting with the business improvement district on that next Tuesday to present the plan to them. We also completed the aquaculture study in the Gardiners and Peconic Bay. The Legislature has asked us to do an actual implementation plan for that which would have to -- we have four months to do that. We'll have it completed by April 19th to actually take the current program and actually develop a leasing program for aquaculture in that location.

We are also in the middle of the Long Island Sound Study and land use population projection project, which will be nearing completion at the end of this year as well as the normal activities of administering the Farm Committee and the Agricultural Protection Board. And the last item to note is the County does have a Smart Growth Committee which is a follow up to the Smart Growth Policy Plan that was prepared two years ago. That's on track to be completed this year with a recommendation back to the Legislature for methods ever implementing smart growth on the County level. The last point I'd like to make is there are a number of staff members that assisted in the completion of the annual report. I'd also like to -- they're noted in the title page, but to highlight the work done by Carol Walsh in putting this report together.

At a previous meeting of the commission several meetings ago, we've had some discussions at different times about affordable housing and specifically the condition that if often put on a zoning application and sometimes on a subdivision application where a certain percentage of the units should be set aside for affordable housing. And oftentimes the commission policy is to recommend that 20% of the units be provided in that manner. One issue with that is the -- is the whole idea that once affordable housing is created, how long does it stay affordable? And there have been discussions both here at the commission level as well as out in the different towns that I've been involved in and Marian Zucker has been involved in on trying to make that permanent. What Marianne has put together -- Marianne is our Director of Afford Housing is a memorandum outlining this issue and providing a policy discussion on it. And I've asked her today to just give us an overview on what her findings were with that review of the idea of taking affordable housing and trying to make it as permanent as possible and what other communities have done and what are the experience have been. So at this point, I'd like to ask Marian to --

MS. ZUCKER:

Thanks for that lead in, Tom. I don't know if the memo was circulated in the commission's package. I don't know if anyone's had a chance to look at it. What I did was look throughout the towns in Suffolk County to see who was imposing continuing affordability requirements. And all I was able to find at this point was that East Hampton was doing it and Huntington's Zone Ordinance provides for it, though the mechanism doesn't necessarily seem to lead towards continuing affordability. It provides for a recapture of part of the purchase price in the future, but doesn't limit the price at which the units

were sold on an ongoing basis. And I also looked sort of far and wide on a national basis. And for the most part what I see happening is in high end resort areas, like Vail and Aspen and Martha Vineyard and Nantucket, people have been controlling their affordable housing stock through the use of deed writers so that on a subsequent resale of an affordable unit, people are limited to the purchase price to which they originally purchased the house plus any approved additions or investments they've made into the house during their time of ownership plus some set index that approves on an annual basis, which has -- seems to vary sort of from CPI or 3% a year or whatever is higher. But it's actually a very nominal amount.

And I know there was a discussion here about continuing affordability, and my position on that or the way I see the issue is that it's hard, given the differences in Suffolk County. Peter talked about the density, but there's also -- I included a table at the back end of the memo that shows you the differences between incomes and housing prices in each of the Suffolk County towns. And there's really quite a diversity as you might expect. The biggest disparity in income in housing prices is in the East End, which has been experiencing such pressure on housing prices from the second home market. But to create a policy that's county wide that actually makes sense I think is a -- I don't know what the right word is, but I think we'd be moving in a very difficult direction. The communities in the county really vary very much. There are communities that need stabilization, that need revitalization. And I think that in those cases, it would not necessarily be in the best interest of that community to impose a continuing affordability requirement. And while I've been encouraging on a situation by situation the different municipalities or developers I'm dealing with to pursue such policy, I would hate to encourage its imposition on a county wide basis. Any questions?

MR. ISLES:

I think part of the --

MS. ZUCKER:

Silence?

MR. ISLES:

-- discussion on this was that there was so much investment going into creating affordable housing, the County had a pot of \$20 million for this, plus the parcels that we give to the town for free, if they built affordable housing or surplus parcels. It's a rather significant public investment at the town and level, but also at the town and village level, and things they provide as well, and possibly federal funds and so forth. All that effort is then going to be lost in a short period of time of how much is it worth. So that's really what the question is centered on. We wanted do an outline --

MS. ZUCKER:

Can I just respond a little bit to that? Because I think that's true, but it's hard to say it's a lost investment.

MR. ISLES:

Right.

MS. ZUCKER:

I mean, we've really made a difference, you know, in a community perhaps in stabilizing a community or helping a community resurrect itself.

MR. ISLES:

I was characterizing more of the perception on that.

MS. ZUCKER:

Right. I understand that. I just wanted to make sure that there is good at that comes of it. I mean, especially in the East End there's been criticism of the programs, people think that there's been windfalls that have been realized, that people who have gotten the lucky break to be one of the people who win the lottery and then get into one of those homes. And in communities like that, I would clearly recommend that there be affordable housing requirements put in place on an ongoing basis. I know Southold, I think we had spoken two meetings ago, is looking at this idea of a community land trust, which actually is in effect in Fishers Island already. And it's a great way of controlling continuing affordability, the land actually stays with the -- typically a nonprofit group, which then will control the resale of the properties on an ongoing basis. The only thing I would say about that is that also with any new idea, it's like the flavor of the month, it's a great tool, but it's only one of many tools that can get you to the same place.

MR. THORSEN:

Mary.

MS. ZUCKER:

Yes.

MR. THORSEN:

If I may.

CHAIRMAN EVERSOLL:

Go ahead.

MR. THORSEN:

I think it's all said in there in your conclusion, which I agree with, and that is that, actually, affordable housing starts young families, local families into homeownership and they eventually elevate themselves and by being able to improve there -- well, if they own the house and they have control over the house, they're willing to do improvements on the house.

MS. ZUCKER:

Right.

MR. THORSEN:

If you put restraints on those individuals that they can only take a certain percent out and that the house will be marketable for the next affordable, there's going to be less, less effort on the part of the individual to keep that neighborhood up. And I think that's one of the things we were fearful of back in the '80s when we set up Whalebone Woods. Maybe that's one of the things we have to go along

with. The fact that if we can make something, an opportunity for somebody in the beginning, they should be able to pay back what they got in the land value.

MS. ZUCKER:

That's certainly the way that East Hampton is structured.

MR. THORSEN:

Right. That goes back, revolves into another pool to help someone else out. I think we -- I think we've got to do more in apartments, affordable apartments.

MS. ZUCKER:

I couldn't agree with you more.

MR. THORSEN:

For individuals so they can lift themselves up, save some money and then they go out in the housing market.

MS. ZUCKER:

Absolutely. I guess I'd say two things about that. I don't know how many of have influence in your town levels when there are hearings on afford projects, because I think what you deal with here are that the projects that have made their way through your local zoning board, but what you don't see are the things that are brought from the communities and then turned out because of the human cry of people worrying about deteriorating housing prices and increased school taxes for affordable housing. But it's clearly one of the best ways of creating an ongoing stock of affordable housing.

And I would also what the Commission's doing in terms of encouraging mixed income housing, I think is absolutely the way to go, whether it be rental and/or homeownership, that mixed income housing developments in my experience have been fairly significant. In the studies I've heard, when people have actually moved out of Section 8 housing and into kind of a more middle income community, it's actually improved their life-style, it's given them more stability, and it has helped them raise themselves through the ranks. The other thing I would ask of you is as Tom said, we've been out meeting with all of the towns talking to them about potential sites in the communities, and to the extent if any that you know of sites in the community that would be appropriate for affordable housing, either for development or for redevelopment purposes, we would love to hear about it. Thank you.

CHAIRMAN EVERSOLL:

Thank you, Marian.

MR. ISLES:

That's it

CHAIRMAN EVERSOLL:

With that, we're going to --

MR. O'DEA:

Can I have a comment on the annual report? I think my figures are

correct, the County spent \$51 million dollars in 2001.

MR. ISLES:  
For open space development.

MR. O'DEA:  
All their programs. 15 million in 2002.

MR. ISLES:  
Yes. Yes.

MR. O'DEA:  
They're still in business?

MR. ISLES:  
Yes, we are.

MR. TANTONE:  
The real estate business.

MR. ISLES:  
The acquisition -- every acquisition that was in the door at the beginning of last year was put on hold essentially based on a revision of procedures, everything went back for dual appraisals and appraisal review. You may have read about it. So we -- everything that's now gone into the pipeline has gone through this new process of a very detailed review. So that has explained a reduction in the acquisitions. That will pick up this year.

MR. O'DEA:  
Hopefully. But it's very alarming just to look at a figure of four thousand dollars spent in the Town of Riverhead on, I think, one was an open space acquisition. And like the stark situation comes out in a drinking water and zero on farmland protection or farmland acquisition. The Committee of the Legislature in 2001 on many occasions identified Riverhead as a site under tremendous pressure, the bang for the buck, they put in a moratorium for a year, and the County has just fell apart.

MR. ISLES:  
Well, we have at least 20 farms in active negotiation.

MR. O'DEA:  
I'm not zeroing this in on you. I know where you stand.

MR. ISLES:  
We have at least 20 farms in negotiation. The actual fact in Riverhead is that A) the whole program had gotten affected by having to go back to square one. But also Riverhead has had a very ambitious program, we congratulate River on that. They had a \$20 million bond for farmland acquisitions. Riverhead has actually raised the market in terms that your prices are higher than our prices, and we actually are not competitive at the moment, once we do our appraisal and appraisal review and so forth. I certainly expect that of those 20 farms we now have in negotiation a good percentage hopefully will come into fruition, we'll buy those farms. The Legislature is also

scheduled to hear another round of farms that we sent out letters to every farm property owner in Riverhead and Southold asking if they are interested in the program, and we've gotten back a very good reply. We've submitted those to the Farm Committee and we know have those on the way to the Legislature, add those to the list as well.

MR. O'DEA:

My response to that, Tom, is that there was one in particular we had as a county-town program that just came back after many months of going through all the new appraisal reviews. The appraisal the town secured was 25,000. After all the reviews, their's comes back at 17. That is a strong indication to me, looking at these things for years that business is going to be difficult to do.

MR. ISLES:

It's going to be very difficult. Keep in mind that we have zero discretion to say if the appraisal come in at 17 we can go above it. The Legislature has given itself a 10% discretion, but one fact with the revised revisions is that they will provide increased confidence that the program is well scrutinized and all the i's are dotted and the t's are crossed. Make no mistake about it though, we will do -- there will be deals that will not happen because the County will not be as flexible in making offers then we were in the past. So I'm familiar with the case you're talking about very well. And in terms of the discretion that I can exercise or the Real Estate Division can exercise, once the number comes in, we can look at the appraisals, but if the number is the number, we can't vary from that amount. We are trying to work with competent appraisers who will do a fair estimated market value, but beyond that we are constrained by what's known as Chapter 7-12, the Legislature adopted a new set of rules for how real estate should be acquired in this County. It is stringent, there's no question about it. Hopefully, it restores public confidence in the program, but the downside is certainly that it may make us a little bit less competitive in the marketplace.

MR. O'DEA:

I question whether the public confidence was ever shaken. It was --

MR. ISLES:

That's a good point.

MR. O'DEA:

The referendums are overwhelming election after election to purchase property. It's just a knee jerk reaction to brand new reporters that are graduated and want to come out with reports that are just tainted in one direction. And shame on them if they want to take that attitude.

MR. ISLES:

Right.

MR. O'DEA:

The appraisal and the -- appraisers that Riverhead started getting on highest and best values, they're realistic. And we just got a speech on affordable housing. We just -- the pressure and prices, the median prices in the County, how can they stay at that level and not -- and

not get on board with realistic numbers? That's mind boggling, really mind boggling. And to put a lot of time into the program. Over years I've sat on -- as you know, on meetings and to see numbers come back like this it is really -- it's disgusting. That's all I've got to say.

MR. ISLES:

It is unfortunate. The former director had a meeting with a number of the appraisers at a County meeting back years ago. And this was the problem with the appraisals seeming to not match the market in a market that as we heard has gone up double digits on an annual basis. That was reported in the media as being inappropriate that that happened, that there was a meeting to discuss valuation and so forth. It's created a chill, there's no question about it. We have an accountability, we are happy to meet that accountability. This program is run squeaky clean and the integrity of the County is behind it, and we give it everything we have in terms of what we believe in this program and the standards of this program. Your point about the competitiveness in the marketplace and are we making fair offers is something where we are doing all that we can do in terms of having accurate appraisals. It could be that as the program runs this year, the Legislature may choose to make modifications to it, I don't know. But at this point, we are constrained by that, believe me.

MR. O'DEA:

Thank you.

MR. THORSEN:

I'd just like to add something to that. Riverhead, if they can't nail down a sufficient amount of farmland in Riverhead, that's going to affect farming in the entire East End.

MR. ISLES:

Sure.

MR. THORSEN:

Because you need support industries to assist farming. And Riverhead has enough farmland that those support industries are in that area.

CHAIRMAN EVERSOLL:

Yep.

MR. THORSEN:

And so if that goes out, the support for the rest of us goes out. And I think we're going to wind up just having a bunch of nurseries and maybe horse farms.

MR. ISLES:

There's a critical mass.

MR. O'DEA:

There's a moratorium that expires in June. A year-and-a-half, Riverhead put their money into it, put their legislation into it, and the County just fell apart in the process. With all the clamor about what they're not doing out there, it's just -- the timing is just -- couldn't have been worse.

MR. ISLES:

We're held to a standard of we need two appraisals, you need one. Riverhead does zero appraisal review, we have a mandated appraisal review. I can't substitute the standards the Legislature has put before me. Your point is well taken. The timing is critical. Once that moratorium comes off, there will be applications presented. We have some monies available to do acquisitions. We have pending acquisitions, and we are proceeding with those to the best of our abilities and within the constraints we have.

MR. O'DEA:

Thank you.

CHAIRMAN EVERSOLL:

Tom, let's start the roundtable.

MR. THORSEN:

I think I've said enough.

CHAIRMAN EVERSOLL:

Frank?

MR. TANTONE:

I don't really have anything this month. It's been kind of quiet.

CHAIRMAN EVERSOLL:

Dick, we know.

MR. O'DEA:

Let's see. On another department, the town has issued a contract out on there reclamation of their former town scavenger waste or dump or whatever you want to call it. They're going into a reclaiming aspect as opposed to a capping situation. It's a bit of a gamble, but after a long study and etcetera, that's the direction they're going in. There's some sort of -- I think the contract was in the 20 to \$22 million area. So it's a serious project, and hopefully it works out. Other than that, that's about it.

CHAIRMAN EVERSOLL:

Bill?

MR. CREMERS:

The town just extend their moratorium on subdivisions for another 180 days, so the new moratorium will then next August in the town.

CHAIRMAN EVERSOLL:

Ron, do you have anything.

MR. CYR:

I'm so new, I'll sit here and listen to everyone. Shelter Island is kind of frozen in place right now.

CHAIRMAN EVERSOLL:

Okay. Carl.

MR. BERKOWITZ:  
Nothing to add.

CHAIRMAN EVERSOLL:  
John.

MR. CARACCIOLO:  
I hate to disagree with the Chairman on my first day, but I don't have a three hour synopsis on the Town of Huntington.

CHAIRMAN EVERSOLL:  
You made Richard happy.

MR. LONDON:  
I don't have anything to report except what Tom said earlier about getting the letters out to all the other municipalities, letting them know we're alive and well and ready to work with them.

CHAIRMAN EVERSOLL:  
Lou.

MR. DIETZ:  
No.

CHAIRMAN EVERSOLL:  
Robert.

MR. MARTIN:  
Quiet.

CHAIRMAN EVERSOLL:  
Quiet in Smithtown.

MR. MARTIN:  
Well, it's not quiet, but we've got it under control, it's different.

CHAIRMAN EVERSOLL:  
That's the difference. The only thing I'd like to mention is we've had a lot of discussion about housing and housing prices and people talk about a housing bubble and where it's going to go. And the only -- if you look at the national statistics, first of all, there are a couple of things. Long Island, Nassau-Suffolk County is about 950,000 housing units. Nationally, you need to replace about 1% of those a year. That's due to obsolescence, condemnation, fires, that type of thing. The best year we had or the best housing year in the '90s or really until last year was about 6200 units. So in our best year, we're only replacing the housing stock that's obsolete by about two-thirds of the actual -- actual numbers that we should be, in our best year. So I would suggest that the housing bubble is not going to break. The only way that will happen is if we can build housing for another 55,000 people in East Hampton in the next ten years. And I don't see that happen.

Or, you know, having large approvals of large projects. And from a factual standpoint, if you look at those coast, which the west coast and the east coast from Boston town down to Virginia, California,

Washington and Oregon, those areas are the ones where the housing prices are going up and continuing to go up because those are the states that it becomes very difficult to obtain approvals in. In the other parts of the country, in Atlanta and Dallas, where one can literally go out and -- my daughter bought a house in 1995, and it's probably gone up ten, 15%, nice house, nice neighborhood, great school district, nothing wrong about the house. It's just in those other parts of the country you don't have that type of inflation in housing.

And the other issue that Marianne brought out is there's a real problem with affordability. And we need to look at our downtowns where we have the existing infrastructure, where we have the sewers and the water and where we can get density to be able to provide that.

And there should be real incentives. The County -- interestingly, the County does -- I think the state has 37 and a half million dollars for affordable housing. This County has \$20 million, plus the land that they give. That's an outstanding commitment to affordable housing. And the County should be commended on that. And that's all I have to say. So, Andy, you're up.

S-RH-03-01

MR. FRELENG:

Just wait for the projector. Okay. The first regulatory matter before the commission is subdivision referral from the Town of Riverhead. The application is the application of Trocchio. Jurisdiction for the Commission is that the subject property is adjacent to County Road 25, otherwise known as Wading River-Manorville Road. It's within one mile of the Calverton Airport, and the subject property is within the Pine Barrens Zone. The applicants are proposing the subdivision of approximately seven acres into two lots in the natural resource protection district zoning category in the Hamlet of Manorville. The minimum lot size in the zoning category is a 160,000 square feet or 3.67 acres.

The map is not being processed pursuant to two seventy-eight cluster provisions. The lots are approximately 165,787 square feet and 165,927 square feet each or approximately 3.8 acres per lot. No open space or easements are proposed. County Road 25 bounds the subject property on the north. Across the street is the Otis Pike Preserve, which is a state park. You can just see a piece of wetland in the corner of the preserve. To the east, the property abuts developed commercial property. This land is a metal scrap business. It's also owned by the applicant of this subdivision. It's a metal scrap yard. To the south and east -- I'm sorry, to the southeast south and west, the subject parcel is bound by Suffolk County open space, the Robert Cushman -- Robert Cushman Murphy County Park.

The character of the area surrounding the subject property as you can see notwithstanding the commercial use is a mix of large lot residential and vacant wooded land. Within one mile of the subject property is the Calverton Air Field. Current plans for the former facility have not excluded the use of at least one runway in the future. If you caught News 12 yesterday actually the Supervisor in the Town of Riverhead was on the program clarifying their use of the air field. They're allowing the use of the air field for plane

maintenance, etcetera. So the runway is still -- at least one of the runways is still in operation.

The subject property itself can be characterized as being generally level with no slopes exceeding 3%. No structures are located on the subject property. However, a significant amount of encroachment in the form of clearing and dumping has occurred from the east side of the property, as you can see the scrap business has encroached into the property here, cleared the front end of the property. There are derelict and abandoned cars and various degrees of decomposition scattered throughout that part of the property. The parcel's located within Groundwater Management Zone III. Potable water to the lots is intended via individual private well. Sanitary waste is to be collected and disposed on site with individual systems. Soils on the subject property consist of Carver series soils. These are not considered prime soils in Suffolk County.

The parcel is located in the of the core preservation area in the Central Pine Barrens Region. As you know, development in the core area is prohibited pursuant to the central Pine Barrens plan. However, the applicant has secured a core preservation area hardship exemption from the Central Pine Barrens General Planning Policy Commission allowing the subdivision of the two lots. This is presumably, in staff's opinion, because of the existing disturbance on site. Okay. The parcel is also locate in the Central Suffolk Special Groundwater Protection Area which specifically recommends a low density residential for this parcel. Moreover, the property is situated within the New York State Wild Scenic and Recreational Rivers Corridor regulated by New York State DEC. A permit for the subdivision has been issued by the state pursuant to this program. While New York State Wetland maps do not indicate a wetland on site, U.S. Fish and Wildlife Service National Wetland inventory maps do show a small wetland at the southern end of the parcel, approximately where the proposed dwelling is to be situated.

As you can see right off the corner of the property here, the dwelling is supposed to be situated. When we reviewed the state wetland maps, we did not see any wetland that was associated with this 12.4 acre wetland system, which is their criteria. But if you look at the air photo, you can see a stream or pocket or a depression here. When we checked the US Fish and Wildlife Wetland Inventory maps, sure enough, they map a small pocket over here, a pocket ideally suited by the way for tiger salamander breeding. But the water level does drop and dry up, which doesn't support fish population, which is ideal for most salamander habitats. So we're pointing out in the staff report that this site, while not regulated by the DEC, is picked up by the U.S. Fish and Wildlife maps. Okay.

Access to the parcel is intended via frontage on County Road 25 through a proposed common driveway. Parcel two, however, is a flag lot with an access strip 19.9 feet wide reaching 740 feet in length. So the lots -- this is lot one, this is lot two. Access is proposed for lot two up this common -- I'm sorry, up this flag strip here, and the common driveway would actually go up here and the remainder of the driveway goes to the proposed residents. Creation of flag lots with access strips exceeding 300 feet in length is in conflict with

Commission policy. As you know, flag lots with exceedingly long access can result in safety problems for future residents. Considering that this and adjacent parcels to the east appear to be in common ownership and that there's significant encroachment on the subject parcel by the current commercial operation, staff believes that there would appear to be little difficulty in creating an access right-of-way that could be dedicatable to the town highway system should the need arise in the future. And right-of-way could be entirely on the subject parcel or it could straddle the parcel. Let me just flip this over for a second.

As you may recall, the Commission compromised with these long flag lots in a creation of a right of way not necessarily dedicated to the town, but this right-of-way easement would show up on the map. It would be 50 feet wide where the common driveway could be in the right-of-way. Staff is suggesting that perhaps this right-of-way could even straddle the property line since all lots are in common ownership, and there's a lot of disturbance on the site. So staff does see the possibility of creating a 50 foot wide right-of-way which could service this lot and lots in the back and any future redevelopment of this property here. Okay.

Issues related to the subdivision then stem from the Commission's policy on the creation of subdivisions with poorly designed flag lots.

Staff is recommending approval subject to the following conditions. Condition number one reiterates the logic of the right-of-way access. And the final paragraph says that a 50 foot right-of-way suitable for dedication to the town highway department shall be created wherein a common driveway shall be located to serve as access on County Road 25 for parcels one and two to minimize the number of points of ingress and egress along the County Road. Condition number two is that there not be any vehicular ingress or egress for parcel number one onto County Road 25 and that it should take its access off the common driveway. Condition number three is that all stormwater runoff be retained on site.

Condition number four is that a buffer or conservation easement at least 50 feet in width should be established along County Road 25. They would have to rebuffer -- revegetate or let this part go wild, but there is significant vegetation right along the corner over there. Condition number five is that all permits approved be required from Suffolk County DPW with respect to the curb opening on the County Road. Condition number six is that most land with limited freshwater wetland be flagged in the field by a qualified expert, verified by the appropriate regulatory agency and shown on all surveys maps, plans and sketches. And that sets up condition number seven, this is standard Commission policy that no new residential structure or sanitary disposal facility be located within 100 feet. Most land would limit fresh water wetland. Condition number eight is that a fence in accordance with local zoning requirements be established along the boundary between this subdivision and County property to prevent bilateral encroachment, if you will.

Subject application is in core preservation area, therefore, if it does get subdivided, you should be mindful of those clearing fertilizer restrictions. Since this parcel is in this zoning

category, no more than 25% of the overall tract should be cleared of naturally occurring vegetation, and then no more than 15% of each lot should be placed in fertilizer dependant vegetation. Condition number ten is that all perspective lot owners within the subdivision be advised that this subdivision is located within one mile of Calverton Airport and, therefore, may be subject to noise from aircraft flying overhead. And condition number 11 requires that all structures that are being built, be built with some sort of sound proof material recognizing that there may be aircraft flights overhead. That's the staff report.

CHAIRMAN EVERSOLL:

Thank you. Do we have a motion?

MR. TANTONE:

I'll make a motion to approve staff report.

CHAIRMAN EVERSOLL:

Do we have a second?

MR. THORSEN:

I'll second.

CHAIRMAN EVERSOLL:

Any discussion?

MR. THORSEN:

Discussion.

CHAIRMAN EVERSOLL:

Yes, sir.

MR. THORSEN:

Two things in your recommendation. It might be a little scary in that you've got Calverton Airport. Why don't you consider the word air field, because that's what it is?

MR. FRELENG:

Air field. Okay.

MR. THORSEN:

The other thing is that if this area is fairly up to date, you've got a bunch of open spaces around there of significance, Cushman Murphy and the other one to the west. You have a potential to have a nice green area along that road.

MR. FRELENG:

Yes.

MR. THORSEN:

Why don't we consider a little deeper buffer along 25 that will blend in with all the open space across the street and alongside on the west? And hopefully, maybe across the front of that industrial property, ultimately there might be something done. But don't have to tie that in with this -- with this report as far as the industry. These -- you know, these scenic corridors are I think important and

also might be -- I don't know the area that well, but it might be sort of like a buffer between different hamlets and so forth to keep some greenway in between.

MR. FRELENG:

Well, with the exception of this and that house right up front, most of the corridor is invisible to development. You do have this one structure way back here and some stuff going on here, but there is a good buffer as you suggested. The 50 feet is standard Commission policy. That's going to come up every time unless we change that. Staff has no objection to changing that if that's the will of the Commission.

CHAIRMAN EVERSOLL:

Any other discussion?

MR. LONDON:

I think from the scenic point of view, I mean, I know that because we do the horse shows there. It's pretty well populated with the deer population and other kind of wild animal fauna and flora. So I think it's, you know, pretty well covered up. What do you think, Rich? You know that area.

MR. O'DEA:

I always like larger buffers. I know the Commission policy, but it is, it's an area that's not --

MR. LONDON:

It's wildlife.

MR. O'DEA:

Yeah. If I had -- if your asking me for a choice, I'd go a little higher, the buffer number.

MR. ISLES:

Andy, can you tell how much of the area is cleared? I mean, at what point is there natural vegetation along the road and what point is it kind of --

MR. FRELENG:

Well, by Pine Barrens definition, natural vegetation includes weeds. When we did our staff visit, the front parcel will be cleared, but it was overgrown. It looks like, you know, there's occasionally somebody goes out there and stomps around to fix the fence. There's deer fencing around here for whatever reason, so they fix the fence. For the most part, it looks like it was cleared of trees and then allowed to go wild. And every year or so they just mow it down. So 100 foot -- this part of the hundred foot buffer, 75 foot buffer, this would grow in rather quickly, I would think.

MR. ISLES:

Okay.

MR. CYR:

I have a question.

CHAIRMAN EVERSOLL:

Yes.

MR. CYR:

Considering the set back of 50 feet, is there enough room to put a house in there? Is it wide enough?

MR. FRELENG:

Oh, sure. If you bring back the 50 foot buffer, this is an approximation, but it still leaves ten, 20 feet maybe between where they're proposing to put the house. But the lot is certainly deep enough they can slide the house back notwithstanding this stuff, but to clean this up, but the house could go anywhere from up here, all the way back and get back plenty of room.

MR. LONDON:

Would 100 feet be considered unreasonable there?

MR. FRELENG:

I think the only comments that you'll get is that we would have to revegetate this cleared area. But I don't think 100 feet considering the whole corridor is out of -- out of the question or unreasonable.

MR. THORSEN:

You know, there's another point here. This is a core -- in the core preserve area.

MR. FRELENG:

In the core.

MR. THORSEN:

And they got relief because of the industry next door.

MR. FRELENG:

Presumably.

MR. THORSEN:

So, I mean, if that -- if that field area will grow back, then I think it makes sense to have 100 feet.

MR. FRELENG:

You should keep in mind too that pursuant to the zoning, only 25% of this site can be cleared, including the cleared area. So no matter where they put a house, the clearing is going to be limited around that house. So I think 100 feet with all things considered is not unreasonable for this property considering it's in the core.

MR. LONDON:

Can we get that motion changed?

CHAIRMAN EVERSOLL:

You want an amendment in there?

MR. LONDON:

Amend it to 100 feet from 50.

MR. TANTONE:  
That's fine. I'll amend that motion, sure.

MR. O'DEA:  
That's in item number one.

MR. FRELENG:  
I believe that was in number four, yes, the bottom. No. I'm sorry, I take that back. It's item number four, yes, number four.

MR. O'DEA:  
Oh, okay.

CHAIRMAN EVERSOLL:  
Okay. Any other discussion? All those in favor? All those -- any opposed? Any abstentions? One abstention. APPROVED (VOTE:10-0-1) (Abstention; Mr. O'Dea)

CHAIRMAN EVERSOLL:  
Thank you.

S-BR-02-20

MR. FRELENG:  
Okay. Next subdivision matter before the Commission is a rather interesting one. This is referred to us from the Town of Brookhaven. This is the application of Newport Estates. The jurisdiction for the Commission is that the subject property is within five hundred feet of New York State Route 25A and within the Pine Barrens Zone. The applicants are proposing the subdivision of approximately 11 acres of land into 15 lots in the A-1 residential zoning category in the Hamlet of Miller Place. The minimum lot size in the zoning category is 40,000 square feet. The map is not being processed pursuant 278 cluster provisions. The lots range in size 20,127 square feet to 28,500 square feet.

Though the subdivision is locate in the A-1 zoning, the applicant -- the application to the County Planning Commission includes a stipulation of resettlement that permits 15 lots based on the single and separate nature of the underlying old filed map. As you can see in the staff report, we've provided you with the tax map. The subject property is chopped up into a whole bunch of old filed maps. There are no open space or easements that are proposed in the application. The property is bound on all sides by unopened paper streets, open street to the north, Belle Terre Avenue to the west, Richmond Street to the south and Mineola Avenue to the east.

In addition, there are three paper streets from west to east. St. James Avenue, Hempstead Avenue and Shoreham Avenue bisect the property respectively, and the property is entirely wooded. The staff report includes the subdivision plan that was submitted to the Commission. And you can just make out the paper streets that run through the subject property. Okay. Character of the area surrounding the subject property is a mix of vacant wooded land, active farmland and strip commercial use along State Route 25A. You can't really see too well, but the whole strip of 25A has got strip commercial development.

This side of 25A is rather sparse. As mentioned, most of this property is in the Compatible Growth Area of the Pine Barrens. There is a subdivision filed on this farm field here, but currently it's not being built out.

No structures are located on the subject property. However, there is a single family dwelling that abuts the property just to the north. Okay. The property is located in Groundwater Management Zone III. Potable water to the lots is intended via public supply. Waste disposal is to be on site with individual systems. Soils on the subject property consist of Haven and Riverhead series. Only the Haven soils are considered prime farm soils in Suffolk County. The parcel's locate in the Compatible Growth Area of the Central Pine Barrens as noted. And the parcel is also located in the Central Suffolk SGPA, which specifically recommends open space for this parcel. Access for the proposed action is intended via the opening of a paper street to the east known as Mineola Avenue. And this is coming from State Route 25A, and then it will create a T intersection whereby a cul-de-sac street (Newport Court) will extend some 547 feet to the west. So they're bringing in access off this paper street up here. You can just see the opening. And then they're going to come in this way and create the cul-de-sac. The paper streets to the north and west are still not to be abandoned. The paper street that runs along the south here, however, is indicated on the map to be abandoned. Okay.

As it states in the staff report, it appears that Shoreham Avenue an unopened street will also be constructed from the State Route 25A and opened internally as tap street to a adjacent property to the south. So if I could just point out that Shoreham Avenue, which is the paper street here is intended to be open to 25 and continue through the property to the subdivision of Imperial Estates to the south. It also appears that the internal streets; St. James Avenue, Hempstead Avenue are to be abandoned, though there is no note on the submitted map indicating such. Richmond Street is to be abandoned, and that is indicated on the map. However, there is no indication that open streets on Belle Terre Avenue are to be abandoned. This is open street to the north, and this is Belle Terre Avenue to the west.

So hence, the proposed lot and street arrangement create five double fronted lots and four triple fronted lots. Multiple fronted lots are contrary to Commission policy, as you know. Combined, the nine lots constitute 60% of the lot yield. So 60% of the lots are problematic lots pursuant to Commission policy. Issues related to the subdivision stem from the Commission's policy on the creation of subdivisions with poorly designed street and lot layout. Staff is recommending approval based on the following conditions.

The first condition ends with the mandate from the Commission that the map be redrawn to eliminate the double and triple fronted lot. This can be done in two ways. The applicant can have these streets abandoned, which would eliminate all the issues of double and triple fronted lots. As you can see, we color-coded them. The double fronted lots are orange and the triple fronted are green, and if they abandon these streets, that would eliminate most of the problems here as well. If they don't open this piece here, that would eliminate the

double and triple frontage lot issues down here. Or they could redesign the map. They could bring this cul-de-sac street down, open the street, make the cul-de-sac here and remove the recharge basin, put in another location. And they could redesign the access either through flag lots, which would only be about 200 feet to the street, open this road and find alternate access going that way.

We played around it. We believe that all 15 lots could be reached through redesign of the map. That's condition number one that the map could be redesigned. Condition number two is that no more than 60% of the overall subject property should be cleared of natural occurring vegetation. That's pursuant to the Pine Barrens. No more than -- condition number three is that no more than 15% of each lot be placed in fertilizer dependent vegetation. Condition number four is that all stormwater runoff be contained on site. And condition number five is that application be made to New York State DOT for the curb cut opening. It should say New York State DOT.

CHAIRMAN EVERSOLL:

Do we have a motion? We need a motion before we can discuss it.

MR. TANTONE:

I'll make a motion.

CHAIRMAN EVERSOLL:

Motion. Do we have a second? Second, Mr. O'Dea. Any discussion? Yes, Tom.

MR. THORSEN:

I hate to go again, but I have concern for New York State Route 25A, and frontal land use along that road.

MR. FRELENG:

Yes.

MR. THORSEN:

It looks like there's a bunch of vacant old file map lots that if you do abandon that northern street there in this particular subdivision, you're going to force all access out onto the main road.

MR. FRELENG:

Yes.

MR. THORSEN:

What's the zoning?

MR. FRELENG:

The zoning is A-1 residence, 40,000 square feet. So they might have to assemble some -- some lots are split, but if they assemble them, they might be able to make a one acre block between the paper streets.

That is why we did not specify how to address the issue of the bad design, we just said it should be redesigned. If Brookhaven can pick up these properties and put them in open space, then there wouldn't be an issue. If they do open this street here, if they open the street up here then they would have to eliminate this cul-de-sac which we -- which they could put down here. And then these lots would back on

each other and they would have cul-de-sac here.

MR. THORSEN:

The subdivision down there, does that exist, the lower one?

MR. FRELENG:

It appears that something's been filed, although on this piece directly south, there is nothing indicated on the tax map. The submitted map, though, does show it as being split somehow.

MR. THORSEN:

I don't know how you can abandon the street if the fellow doesn't have control over both sides of the road.

MR. FRELENG:

Well, we wondered that, but it appears the paper street goes entirely on the subject property. The way the map was submitted.

MR. BRADDISH:

It doesn't matter who's property it's on. The abutting property owners all have to consent whether it's part of their subdivision or not.

MR. FRELENG:

It's indicated that it will be abandoned. I would presume, not assume, I presume that they had negotiations with the adjacent property owners. However, I understand your point. It is a problematic design the way it is, and correcting the problem could raise other problems. 60% of the lots are problematic pursuant to our adopted guidelines.

MR. THORSEN:

So they have to have come back hear eventually with something else.

MR. FRELENG:

If they redesign the maps so it's not in conflict with Commission guidelines, they wouldn't have to come back, assuming they meet all the conditions of the Commission resolution.

MR. DIETZ:

Mr. Chairman, why don't we just disapprove it, then they have to come back?

CHAIRMAN EVERSOLL:

Okay. That's the other option.

MR. DIETZ:

Well, we got one motion on the floor, but I'll --

MR. TANTONE:

I'll withdraw my motion.

MR. DIETZ:

I make a motion we disapprove the application.

MR. LONDON:  
I'll second it.

CHAIRMAN EVERSOLL:  
Any other discussion? All those in favor? All those opposed? Any abstentions? Unanimous. DISAPPROVED (VOTE:11-0)

MR. ISLES:  
Disapproved for noncompliance with Commission guidelines.

CHAIRMAN EVERSOLL:  
For noncompliance, yes.

BR-03-5

MR. NEWMAN:  
Thank you. Today we have two actions on the agenda. The first is from the Town of Brookhaven. This is an application to rezone a 10.5 acre unimproved parcel of land from an office category to a shopping center category affecting land situated on the west side of County Route 83 approximately 1,245 feet south of Horseblock Road at Farmingville. The preliminary site plan calls for the development of the property with a 58,947 square foot two-story building approximately in the middle of the property, roughly in that area there. In the front of the building there will be a 2,000 -- in the front of the property, there will be a small 2,000 square foot building right roughly in that section there. There will be a total of 664 parking spaces of which 323 will be land banked. The primarily land banked portion is in the rear portion of the property, some in the front and the lot through the northerly side yard lot line, which comprises the portion of the right-of-way of the Suffolk County Water Authority.

There's also going to be three points of interconnected vehicular ingress and egress. The shopping center to the north there's going to be one point of vehicular ingress and egress tying in lands immediately to the south. On or about 1989, the town board and Suffolk County Planning Commission approved the rezoning of this property from a shopping center category to a J-4. Which is an office category as part of a series of town wide rezoning. The property is bounded on the north, as you can see on an aerial by additional shopping center lands, which are owned by the petitioner comprising of approximately 28 acres. There's a total of 236,225 square feet of building area. To the east there's restaurant -- across County Road 83 there is a restaurant, and to the south by lands occupied by Island Rehabilitation and KinderCare in a light industrial district. And on those lands the Suffolk County Planning Commission and town board both reviewed and denied rezoning for shopping center purposes, and to the west by single family residences in a one acre single family district.

It's the belief of the staff that this proposal appears inappropriate as it constitutes the unwarranted further perpetuation of commercial development along the County roadway. The property can be reasonably developed in accordance with existing zoning. It constitutes the unwarranted reimposition of a shopping center category for the property. It contravenes past actions of the town board in limiting

new commercial development along major arterial roadways. And finally, it is inconsistent with their town plan, which designates this area for industrial purposes. The staff recommendation is for disapproval.

CHAIRMAN EVERSOLL:  
Do we have a motion?

MR. DIETZ:  
I make a motion staff.

CHAIRMAN EVERSOLL:  
Motion to staff, do we have a second?

MR. CREMERS:  
Second.

CHAIRMAN EVERSOLL:  
Second. Any discussion? .

MR. O'DEA:  
A question. In 1989, did the existing shopping areas --

CHAIRMAN EVERSOLL:  
Yeah, it was there.

MR. O'DEA:  
-- exist?

CHAIRMAN EVERSOLL:  
Yes.

MR. NEWMAN:  
Yes, that was their old -- oh, that's all.

MR. THORSEN:  
Jerry, is this a potential site for smart growth?

MR. NEWMAN:  
I think it certainly is. There's certainly shopping nearby as you can see on the aerial.

MR. THORSEN:  
You have residential in it.

CHAIRMAN EVERSOLL:  
You have a Hampton Inn.

MR. ISLES:  
Bus routes.

MR. NEWMAN:  
You have bus routes there.

MR. THORSEN:  
Is it possible just to submit --

MR. NEWMAN:

Submit a comment to the petitioner indicating it provides a smart growth opportunity site. We can certainly provide that.

CHAIRMAN EVERSOLL:

Okay. So thank you. Make a motion to amend that.

MR. THORSEN:

Right, amendment.

CHAIRMAN EVERSOLL:

Any further discussion? All those in favor? Opposed? Any opposed? Any abstentions? Unanimous. Good point. DISAPPROVED (VOTE:11-0)

RH-03-4

MR. NEWMAN:

Application number two is from the Town of Riverhead. This is an application to the town board for special permits to erect a multi screen indoor theater as well as two restaurants on a 17.6 acre L-shape parcel of land situated on the north side of County Route 58, Old Country Road, west -- approximately 1500 feet west of Mill Road in a light industrial district at Riverhead. The proposal is to erect a multi screen indoor theater comprising 55,000 square feet with 2,537 seats. That is the building, if you can see the site in the back portion of the property, would be in that area there. There will be approximately 12 to 14 screens associated with that. In addition, there's going to be two restaurants on the front portion of the property, you can see it on the site plan here. One of them comprises 7560 square feet, the other comprises 5,683 square feet.

The preliminary site plan calls for one point of vehicular ingress and egress via the County roadway, including an apparent vehicular access easement over adjoining unimproved 50 foot right-of-way which opens up in this area near the County roadway. I think you can see that on the tax map that's associated with the staff report. There's a total of 1,079 parking spaces, and there'll be a connection to the Riverhead Water and Sewer District. The property is occupied, you can see on the aerial, by the abandoned Hazeltine Factory facility. The property is bound on the north and you can see on the aerial by other land of applicants in the industrial A district, to the east by the mobile home park, as well as a sports complex in industrial district, to the south across the County road by a gas station office unimproved land, also in the street industrial A district, and to the west by an automobile facility also in an industrial A district.

It is the belief of the staff that this proposal appears conditionally appropriate considering the prevailing pattern of zoning and character of the surrounding area. We're recommending approval subject to a number of conditions. The first is that the property will be restricted for multi screen indoor theater and two free standing restaurants. The staff report has an asterisk portion on the restaurant portion in that, and there's two reasons for that. Number one, there's a number of restaurants either existing or have been approved throughout the Route 58 corridor. And number two, this action relative to the restaurants is inconsistent with their proposed

master plan, which designates this area for destination commercial purposes, which do not include restaurants. However, the staff is cognizant of the fact that there's legal constraints relative to the use of denial on this application for those two reasons.

We are offering this as a comment to the town board so they will entertain non restaurant use. Number two, there shall only be one point of vehicular ingress and egress via the County roadway, and that is so proposed in the site plan submitted. Number three, the two free standing restaurants shall not unduly impair on site vehicular circulation patterns, that has also been provided. Number three, the site plan shall be devised of for the adjoining surrounding lands. As you can see this, if you just extend this into this right-of-way, it's pulled in this area here, it would provide opportunity to tie on for lands to the north as well as northeast. Number five, enhance landscaping and natural area shall be provided, particularly along the County roadway as a number of parking spaces significantly exceed zoning ordinance requirements. In this case, there's 133 spaces over the required minimum which comprises a little over an acre of asphalt.

Number six, the applicant shall secure a vehicular access easement over that 50 foot right-of-way on adjoining lands to the east. Number seven, traffic improvements will be divided consistent with the traffic analysis acceptable to the Suffolk County Department of Public Works. In this case, I would assume a traffic light associated with that access point. And finally, the site shall be deemed suitable for use by the Suffolk County Department of Health Services due to the operation conducted at the former Hazeltine Facility. There's been significant remediation of the contaminants on this property. What we're suggesting here is Suffolk County Department of Health Services issue a closure letter relative to the property.

CHAIRMAN EVERSOLL:

Thank you, Jerry. Is there a motion?

MR. THORSEN:

I move.

CHAIRMAN EVERSOLL:

Do we have a second?

MR. MARTIN:

I'll second it.

CHAIRMAN EVERSOLL:

Okay. Mr. Martin seconds. Any discussion?

MR. LONDON:

Yes. With my limited knowledge of zoning and all of that stuff, I recall a couple of years ago there was there was a master plan for the Route 58 corridor that came out as to what could and could not be put in that area along that 59 corridor. And as Jerry just explained be the non permissible uses, such as the restaurants, if I recall right, there was something relative to a large hotel that was supposed to go in that had something with a triplex, movie complex, whatever, that was supposed to adjoin it. And it was turned down because it didn't

meet with the criteria. So my question now is, is this in the same conformity as that previous, or are we to just say this is okay without those restaurants?

MR. ISLES:

I'm not sure which case that was exactly, perhaps Jerry can answer that.

MR. LONDON:

It was a very large hotel some exorbitant room number.

MR. ISLES:

In this particular case, property owners can make applications with theaters, indoor theaters and restaurants. That's just being done as administrative acts, not Legislative acts seeking to rezone the property. In terms of your point, it is permissible, restaurants and theaters are identified in the code that are permitted by special permits. So it's something that's anticipated or possible in the code and made application in accordance with that. I don't know, Jerry, if there's anything else you want to add in terms of information.

MR. NEWMAN:

I don't know if there's any information.

MR. LONDON:

There was some gigantic hotel three, four years ago.

MR. O'DEA:

There was a hotel proposed on 58, not on this site, but I think across the street, a Tsunis.

MR. LONDON:

As a matter of fact, you're right.

MR. O'DEA:

There was an application or something like that.

MR. LONDON:

It was Tsunis.

MR. O'DEA:

In the master plan, not that that's -- to get away from it a little bit -- down the road from this area there is a hotel possibility of -- the master plan scenario. You're correct in that this area here, it cuts off the restaurant use in the destination of commercial. It just about ends at this site or a little bit further east. And that's all I can add to it. I would recommend that this is a nice presently treed lined area, and I would suggest that something be put in there for a non disturbance, which seems to have more of an effect on paper than creating buffer wording.

MR. NEWMAN:

We didn't specify that, we just put in enhanced buffer in natural areas where significant paving and vehicular access are.

MR. O'DEA:

I think the town board in conversation is not too happy with the parking either, that's shown right up to the roadway, if they do approve it. It's in their hands right now. And I'm going to abstain, but anybody want to make a motion to enhance the non disturbance area a certain distance off 58 I would be happy to see that.

CHAIRMAN EVERSOLL:

Carl, yeah.

MR. BERKOWITZ:

My question is on the trip generation. We don't see any information related to this. This is not a superhighway out there, County Road 58. We're talking about 1,000 vehicles, which exceeds capacity of the roadway.

MR. O'DEA:

I believe there was a full study done on this site.

MR. NEWMAN:

I didn't receive a copy of the EIS on this.

MR. O'DEA:

Have you?

MR. NEWMAN:

No, I haven't.

MR. O'DEA:

I think it was done. I know the Planning Board had it as a referral, but I don't recall what the trip generation was.

MR. NEWMAN:

I don't know what further mitigation measures the Suffolk County Department of Public Works would attach to this, turning lanes as well as a light. You certainly, Commissioner O'Dea, would know more about that. I think that's what they're looking it.

MR. O'DEA:

It's been looked at, I'm not aware of the numbers.

MR. ISLES:

Access of County Road 58 is subject to the approval of County Department of Public Works certainly. So they would have jurisdiction on it. And then certainly the town board as part of the review of the special permit. One of the areas of impact certainly is traffic impact is something that really could weigh into this and require mitigation or take action and disapprove it. If there's too much of a traffic impact, it can't be mitigated. But we did not -- we don't have traffic impact study with us at this time.

MR. O'DEA:

So one of the questions before us then is to mitigate the setback requirement, and, Dick, you have a particular --

MR. O'DEA:  
A non disturbance area would be nice. We can try 75.

CHAIRMAN EVERSOLL:  
Is that -- do we have a motion?

MR. NEWMAN:  
Front periphery or the whole?

MR. O' DEA:  
Front.

CHAIRMAN EVERSOLL:  
Amended for 75% foot non disturbance.

MR. O'DEA:  
Route 58, County Road.

MR. NEWMAN:  
County Road in front, not the whole periphery.

MR. ISLES:  
Condition number five I guess was putting an actual number on that.

MR. NEWMAN:  
75 feet, right.

CHAIRMAN EVERSOLL:  
Any discussion? All those in favor? Any opposed? Any abstentions?

MR. O'DEA:  
I'll abstain.

CHAIRMAN EVERSOLL:  
One abstention. Okay. APPROVED (VOTE:10-1) (Abstention; Mr. O'Dea)

Thank you. Jerry, the reason -- we'll have a motion to adjourn.

MR. TANTONE:  
I'm make a motion to adjourn.

CHAIRMAN EVERSOLL:  
Before 1:30.

MR. O'DEA:  
Second.

(\*THE MEETING WAS ADJOURNED AT 1:30 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY