

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 September 3, 2003.

PRESENT:

Donald Eversoll (At Large) - Chairman  
Robert Martin (Smithtown) - Vice-Chairman  
Louis Dietz (Babylon)  
Thomas Thorsen (East Hampton)  
Richard London (Village 5000 & Under)  
William Cremers (Southold)  
Carl Berkowitz (Brookhaven)  
Nancy Graboski (Southampton)  
Frank Tantone - (Islip)  
Laure Nolan - (Village 500 & Over)  
Richard O'Dea - (Riverhead)

ALSO PRESENT:

Thomas Isles - Director of Planning  
Gerald Newman - Chief Planner  
Andy Freleng - Principal Planner  
Claire Chorney - Planning Commission  
Basia Braddish - Counsel

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano and Lucia Braaten - Court Stenographers

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

CHAIRMAN EVERSOLL:

I'd like to call the meeting to order. And as usual, Michael Macco is causing trouble because he is not seated. Some things never change. But we would like to -- Mike served on the commission for or ten years, and that's a long time. He came to probably 90% of the meetings to joust with Bobby because you were trying to get the attendance record. And we appreciated the inputs that you had to the commission, your service and the camaraderie and the great sense of the humor. And are the fish running in Huntington Bay?

MR. MACCO:

More fish this year than ever before. You have to be one horrible fisherman to not catch fish this year. And now that I'm not here on Wednesdays, I have more time available. Sorry to give up the large pay check.

CHAIRMAN EVERSOLL:

Builds up the 401K. I would like to present this plaque, and I'll read the important parts. Mike served with dedication from October '93 to February '03. And the Planning Commission has benefitted from his insight and expertise gained from his more than ten years on the Planning Commission and more than 20 years practicing law. Michael Macco's input and deliberations of the Suffolk County Planning Commission will be sorely missed as he moves on to new endeavors. Now, therefore, be it resolved that the Suffolk County Planning Commission acknowledges and thanks Michael J. Macco for his positive and thoughtful contributions to this body. There's nothing that says you get a tax break.

MR. MACCO:

Thank you very much. I'd like to thank everybody, especially Mr. Eversoll, Commissioner Martin, I thought I'd out survive him, but I did not. Of course, I can never pass his attendance record. How many years you have, Bob?

MR. MARTIN:

Thirty five, 33, something like that.

MR. MACCO:

I thank everybody. I truly appreciate it. Have a good day.

APPLAUSE

CHAIRMAN EVERSOLL:

The one benefit is you get a free lunch. That goes along, you get two free lunches for every year you serve.

MR. MACCO:

That's the only benefit. Thank you once again.

CHAIRMAN EVERSOLL:

Thanks again. Do we have a motion to approve the minutes of the August 6th meeting?

MR. THORSEN:

I so move.

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

Any discussion? All those in favor? Opposed? Any nays? It's unanimous. No abstentions. My goodness, this is moving right along. Tom, any correspondence?

DIRECTOR ISLES:

One correspondence to mention is a letter from Dan Galizzio, Commissioner of the Town of Brookhaven Planning Department. Commission Gallizio expressed to the commission his appreciation for the opportunity to appear at the last meeting of the commission held in the Town of Brookhaven. And gave a little explanation of what they are trying to do with the code amendments and so forth. I'll make that available to the commissioners.

In terms of the Director's Report, if you'd like, I'll go ahead with that at this point. A couple of items to bring to your attention. There have been two recent changes to state law that I'd like to bring to your attention. One is known as Chapter 212 -- Chapter 212 of state law. Basically what it does is that under existing law, a member of a County Planning Board who also serves either in an elected or appointed capacity on any other municipal board, is unable to vote on any matter before the County Planning Board. So if there was a Zoning Board the Appeals referral to the County Planning Commission and you sat on the Town Planning Board, you are actually disqualified from voting on that matter at the County level, because it's coming from the municipality where you serve.

The new state law which takes effect July 1st, 2004, basically only requires that you disqualify or abstain from decisions that are directly from the board on which you serve locally. So if there's a Town Planning Board matter that's being referred to the County Planning Commission and you are on the Town Planning Board, you would have to recuse yourself in voting. If it's another board or entity within the town government or village government, you would not have to do so. So here again, that goes into effect next year. It's not effective yet.

The other change is Chapter 213, and this deals with planned unit developments. It's not too significant except in -- because there was current legislation dealing with PUDs and the state law and town law. So what it does do is it further clarifies procedures and requirements for the establishment and mapping of PUDs. It's intended to provide PUDs, of course, residential and mixed uses. So this further clarifies what the requirements are that a town, village or city must follow when enacting a PUD ordinance. This also goes into effect on July 1st, 2004.

Just a couple of other items to bring to your attention. The Planning Department has received a master plan for the industrial park at Gabreski Airport. The industrial park is owned by the County of Suffolk. It lies within the Town of Southampton. The industrial park

is only partially occupied at the present time, and it's been the intention of the County, obviously, to continue Gabreski Airport as a County airport facility, but also to enable the development of the industrial park into a commercial industrial land use. It totals about 60 acres. It's intended to provide an economic base for that area as well as economic support for the airport operations. So we have been working with the Town of Southampton on that. The town paid for the study. We've recently begun the review of the study. Our intent here is to -- we have a situation where we're the land owners, and in terms of the give and play between the town and the County, the attempt here is to articulate standard in the master plan that everyone can agree to up front as much as possible in terms of road designs, site designs, architecture and so forth and to enable a smoother process in the regulatory process as applicants go through the County's Lease Screening Committee and eventually through the process of getting a building permit.

I'll also inform you that the Planning Department staff members, Jerry Newman, Andy Freleng and myself will be visiting the Village of Asharoken. They are also engaged in a comprehensive plan update for the village. One of the most significant aspects of that plan is that the village consists of a single parcel that encompasses about one half of the village, which is known as the Morgan Estate, a prominent parcel overlooking Long Island Sound. And there are significant planning issues with the future of that property. So the village is wrestling with that. They've invited us to take a look at the site, and we will doing that next week with the village and meeting the mayor and so forth. I'll be happy to report back to you as that proceeds. The village prior to adoption of the plan will have to a referral to the County Planning Commission. And at that time, we will provide you with a more complete report of the village's recommendations.

I will inform you too that the -- in terms of the status of the Planning Commission appointments, as you know they are a number of positions that are passed the specified terms. We had four appointments that went to the Environment Committee at the meeting in August. Commissioner Petersen was in attendance of that meeting and was interviewed by the committee, and did an excellent job I'll point out. But at the end of the day, the committee tabled all the resolutions, four resolutions that were pending, and has basically made the point that with a change in terms of the Executive Branch of the government occurring in January of this year, they felt there should be no further appointments to the County Planning Commission until the new Executive is seated and that Executive then has the opportunity to decide if he wanted to go ahead with the appointments that have currently been put forth or if he wants to that modify that.

So based upon that, I wouldn't expect to see any action regarding the current appointments for the rest of this year. Certainly any members from are holdovers are still full members of the commission and should be encouraged to continue to attend.

Just the last item is -- two last items. One is the Suffolk County Planning Commission -- pardon me, Planning Federation is an organization created in 1994 to provide education and training for

both County as well as town and village planning representatives. We have been running a couple of programs over the past few years, and we've gotten into basically an annual program every October. We do have one scheduled, and we have mailed out notices and registration forms for this. We have additional forms available if you'd like to take them today. But I think two things to note on this. One is that we are having a guest speaker by the name of Thomas Hilton who is a three time APA journalist, award winning journalist. I think he's a Pulitzer Prize winner. But he wrote a book called, "Save Our Towns, Save Our Lands," and we'll be given approximately a half hour presentation on some ideas in terms of back to basics on planning in terms of preserving open space and farmland and revitalizing downtowns, an alternative to {sprawl}. He will be our guest speaker, our kick-off speaker, for the conference, which is being held on October 9th. The New York State Department of State will then be running training programs running for about 90 minutes each. And you can see them in the program that we have provided for you.

There's a wide range of basic planning instructional programs, including comprehensive planning, stormwater control for local officials, a SEQRA session dealing with the State Environmental Quality Review Act, site plan and special use permits, selecting a municipal planning consultant, for many municipalities that's an ongoing matter, and then planning and zoning case law update. We would encourage all the commission members to get the word out as much as you can. We have mailed out about 600 of these. There is no charge for this conference, it is subsidized by the -- principally the County of Suffolk, but also, the New York State Departments of State and the American Planning Association. An especially we're interested in Planning Board, Zoning Board members that -- making this available to them as well.

And the last item is I've been in conversation with Commissioner Thorsen regarding a possibly meeting in the Town of East Hampton for possibly October. That's not going to be working for this particular month of October, so we will have our meeting here in October, and we'll hold the door open for a possible scheduling either in East Hampton or another location at a subsequent time. That's it. Thank you.

CHAIRMAN EVERSOLL:  
Thank you.

MR. LONDON:  
Excuse me. Where is the event going to take place, the town?

DIRECTOR ISLES:  
We put a lot into that. The event has historically been held here. We've had sometimes at the Suffolk Community College Campus in Brentwood. And the problem that we had last year is that we were beyond your capacity. So we are having it at the Holiday Inn Hotel next to Mac Arthur Airport. It was a big decision for us to do that, but we had problems we had a classroom here last year in the lobby of the building, and we had terrible acoustic problems, we had -- the event pulled in 200 participants, so it was double our prior record basically. And so we want to have the ability to handle it. And we

worked with this particular hotel to, I think, get a very satisfactory arrangement to have conference rooms and meeting rooms at a pretty good price, I think. And we think it will enable us to do a professional level conference and handle the -- hopefully the expected crowd that we get on this a provide a good training session.

MR. MARTIN:

Can we register right now, this way we don't have to send it in? Well, I want to go. I go all the time.

MR. LONDON:

Me too.

DIRECTOR ISLES:

We encourage your Planning Board members to attend too. We have three sessions going on at one time. There's two cycles, so you may want to send some of your co-members to other sessions to cover it.

CHAIRMAN EVERSOLL:

That's exciting. We'll start the Commissioners' Roundtable. And Tom I know that they tell me there's no traffic. I was going to have a nine o'clock appointment in Southampton Friday, but I moved it to ten because of all the cars that come in there at the merge. And you tell me this is now -- they're all gone.

MR. THORSEN:

Well, you know, I was thinking about. Somebody might be coming up just for that weekend, because sometimes it builds up a little bit on the weekends.

CHAIRMAN EVERSOLL:

So I'll get there early.

MR. THORSEN:

Get there early, right. Otherwise, things have slowed down a little bit. We didn't notice much traffic or many people in the parking lots on Labor Day itself. So, you know, when you look at the radio and it gives you -- or the television and it gives you such bad weather forecasts -- I was lucky, my daughter came down, she had two nice days. But your friend is gone, but I haven't done much fishing this year at all. It's been too rough out there off the point. That's all I have.

CHAIRMAN EVERSOLL:

Frank.

MR. TANTONE:

Not a lot going on in Islip. I know we have a couple of larger applications, but they're pending, so it's kind of premature to comment.

CHAIRMAN EVERSOLL:

Nancy.

MS. GRABOSKI:

I think Tom said it all when he was talking about the "T" word and you

also. It's just a huge relief once Labor Day comes. My husband has this -- articulated several years ago, he is a farmer, and he said, it's so interesting how this happens, it's this miracle of Labor Day that the good Lord saw fit to create every year." It always falls on a different day, you never know when it's really going to come, and this year it came very early. But low and behold that curtain drops, the weather changes, the sky looks different, everybody goes back and life returns to some sense of normalcy. So, indeed, that seems to be happening on some fronts.

The Dune Hampton situation, I was just speaking to Tom about. There's actually a public hearing -- a continuation of a public hearing on the petition that was submitted by the folks who are trying to move forward with this, and that public hearing will be this afternoon. It's my understanding that following that within a certain time frame, the Supervisor will either make a determination that the petition is valid or that the concerns raised regarding the validity of the petition will be such that it will be invalidated. The petitioners have made very clear the point that should it be invalidated because of residency questions about certain people who did sign, they will come forth with a petition that will withstand any legal challenge. And they're hoping to go ahead.

Although at the last public hearing, I thought it was interesting, there were a number of folks who came forward trying to encourage people who were not happy with the situation on the outer -- you know, on the dune -- on the dune and the recent law that was passed to work with the town board and work with the town in a cooperative fashion. So it will be interesting to see how things go.

I did want to mention that I had the good fortune to attend the Hampton Classic. I took advantage of Dick London's invitation to join him at his table, and it was -- it's really an extraordinary event. If you have never been there, it's a spectacle that is well worth it, even if you know nothing about horses. The organization that takes place in there, you know, with the tents and the roadways and the restaurants and the boutiques is truly a marvel. I happened to -- I went in that one afternoon for a bit. But I happened to flip on the TV on Sunday and I was mindlessly cruising around. And there it was on Channel 78 or 55 or whatever. And there was Mayor Bloomberg and former Mayor Guiliani, and there was Christie Brinkley, and there was Billy Joel. And I mean it's a -- it's just amazing how so many of the people who are Hollywood people or political people comfortably seem to travel around and function around without, you know, having the huge security concerns or, you know, the autograph seekers and that kind of thing. Kind of what the Hamptons is about. Although as I stated before, the curtain has dropped, so we're breathing a sigh or relief.

CHAIRMAN EVERSOLL:

So then you're not encouraging us to come out this weekend?

MS. GRABOSKI:

Well, the secret, and maybe I should keep the secret to myself, is that the very best time of year is September, October, November. We get it all back so.

CHAIRMAN EVERSOLL:  
Bill.

MR. CREMERS:  
Things are not quite in Southold. Things are really coming apart I guess. Our moratorium on subdivisions will expire next month. And some of the recommendations that came out the draft Generic Environmental Impact Statement was that to up zone from two acres to five acres. So one political party has picked that as an argument, and the other one has said they'd rather see it on a voluntary basis and do purchase of development rights or transfer of development rights. So I think it's all going to end up in the election this year as to which way we go. So that's what's happening.

CHAIRMAN EVERSOLL:  
That's why they have elections, right?

MR. CREMERS:  
That's right.

MR. O'DEA:  
I think -- I guess two of the most important items are before us today. So I don't think there's too much else that I can add to that.

CHAIRMAN EVERSOLL:  
Carl.

MR. BERKOWITZ:  
Nothing to add to the conversation.

CHAIRMAN EVERSOLL:  
Richard.

MR. LONDON:  
First of all on what Nancy said, thank you, that was a very good description of the craziest week of the year out there. But it was awesome, and a lot of revenue was generated. The weather was so perfect, there wasn't one drop of rain during the daytime. I'm interested in this Dune Haven (sic) business that's going on, because after having heard, like, both sides of it, I just can't understand the value that would make it a doable incentive to become an incorporated village. They really need so much support from Southampton government and, of course, the County as well. So my feeling is that, you know, I hope, representing the Villages Under 5000, that it stays apart of Southampton rather than incorporating.

The only other thing just to mention quickly is every month, every year I talk about West Nile Virus. It's getting worse and worse. Now there's a few people that have the disease, the encephalitis, caused by it. And this month, September, will be the telltale month with all the rain we've had and everything else, that it's going to show all the bigger numbers as to how serious it is. And the latest word out from the Department of Health is that now they are seeing in people that have had this over years, they are having more chronic implications medically, brain dysfunctions and brain lesions, all the other bad problems as a result of it. So again, all we can do is

stress don't let water collect in whatever containers you have, garbage lids upside down or anything. The less mosquitos, the less you have problem. And that's it. Thank you.

CHAIRMAN EVERSOLL:  
Laure, we'll back track to you.

MS. NOLAN:  
That's okay. I don't have anything.

CHAIRMAN EVERSOLL:  
Nothing's happening. There are no villages that are going to be incorporated in excess of 15,000?

MS. NOLAN:  
Not that I'm aware of.

CHAIRMAN EVERSOLL:  
Good. Lou.

MR. DIETZ:  
Nothing.

CHAIRMAN EVERSOLL:  
Robert.

MR. MARTIN:  
Nothing.

CHAIRMAN EVERSOLL:  
The only thing that -- well, that I want to say is I attended my high school 40th reunion in Los Angeles this month. And it's fascinating when people ask you about Long Island. You know, well there's just wall to wall people, and I say not. You know, this ain't -- why do you think Steven Spielberg comes back here, he wants to be -- have some open space, which he sure as hell doesn't have in LA. And I said that plus they don't have smog.

And I pointed out the Pine Barrens Act that we -- that was passed here and we saved -- preserved over 100,000 acres and the efforts that have been done in the efforts of smart growth as opposed to the epitome of the urban sprawl. Most of my colleagues or my high school friends live -- they think of nothing of commuting two hours a day. That would be -- you know, I would just put a bullet in my head if that were to happen to me. That would not be the way to go. And it's one person in one car. And they build these freeways that are eight lanes on both sides, and they're all wall to wall cars with one person in one car. They have an HOV, and nobody's in it. Except it's a \$371 fine, I don't know how they get the one dollar, maybe it's for postage. But it's a \$371 fine if you are caught in it without -- without three people -- I guess you have to have three people in the car. But -- but it's really fascinating to see -- to notice people's perception.

I also described the groundwater we have, which we can drink that's pristine, that's wonderful, soft. I mean, if I take a shower in Los

Angeles, I have to spend, you know, half of the time getting the soap off, because the water it so hard. And it tastes medicinal. No wonder they have -- I guess it was Arrow Head Spring Water, the Culligan Man or whoever out there. There's a cottage industry of people who have made a very successful living giving things to people that we take as granted. But it's -- so I even invited some of them to come back. So it's going to be interesting to see, one, if they take me up on it, but secondly, just to show them around and what we've done.

And I think it's courageous that, you know, the whole political system in California is different. We know that now, right? But it's even more different than it is back here because the County has zoning powers. The County -- you're either -- if you are an incorporated village or a city within the county, that than city or village or political entity has -- has zoning powers. But if it's not, if it's not an incorporated part of the county, than the county has the zoning powers. So in most rural counties, they are the ones with the zoning powers. And what's happened in California is the state has mandated, they say that they're going to get X number of people in, 10 million people in the next -- by the Year 2020, so they've allocated each county, and they've said you have to provide for 50,000 people in this area of your county and you have to make that zoning and provide that infrastructure and -- otherwise it's not going to work.

So it's very different dynamics. And I guess -- I guess as they say hasta la vista baby. We'll find out how that turns out. I kind of miss that kind of stuff. Anyhow it was interesting. After that discourse on political -- on politics, I'd like to introduce an old, old and good, good -- actually he's not old, I'm old. But Rick and I have known each other for over 19 years when we both served on the Suffolk County Pine Barren's Review Commission starting in 1984. And Rick is the Planning Director in Riverhead, and they've done a whole lot of stuff in creating a new plan. And Mr. Hanley, you're on.

RH-03-16

MR. HANLEY:

Well, the town thanks you for the opportunity to talk about a long range planning out in Riverhead. I would like to take the opportunity to introduce -- would you stand up please -- Eric is a new planner in the department, and he's been very helpful in finalizing this plan. This thing started about five years ago when the town was increasingly frustrated with the inability to do -- implement certain zoning initiatives. There were a number of court cases, and as a result of that, the town board was convinced to budget for a master plan update.

I think it was a function of both the Planning Department, the Town Attorney as well as the Planning Board to convince the town to spend \$350,000 for this plan. We hired a firm by the name of APP&S out of New York. And one of the reasons why we hired that firm was because they were very interested in front loading the public participation process, and I think that's paid great dividends in getting this plan finished and implemented. We think getting the public in early is very helpful in terms of getting this accomplished.

The organization of the plan essentially is predicated or

predetermined by the town law, which I've given to you, page -- there's a handout, I've underlined concern provisions. The first thing you will see underlined is on page 267, that's the town law. And essentially what APP&S did was at they distilled the requirements of a comprehensive plan, which I noted here, by law into the second page on the handout, which is the contents of the town's plan. I think the way to do this would be go over some of the more notable elements of this plan and give you an overview.

The essential element of this plan, as most of you know, is the agricultural element. The town proposal is to upzone all of the land that you see within the farm belt to two acre zone. Presently, the town zoning is a minimum lot side of 40,000 square feet. Today, a typical 100 acre parcel would yield about 86 lots. And what we're proposing is that the new yield be 43 lots, however, we don't expect that these lots will be two acre in size. The proposal is to cluster the subdivisions as tightly as possible to conserve as much as ag land as possible. The proposal from the consultant was to require a certain percentage of land to be set aside within a subdivision of an agricultural lot. And their proposal was 70%.

The Planning Board went through the document, had some concerns about that -- that higher percentage, just did not want to be constrained with that number. They felt more comfortable with a zoning ordinance that would require them to set aside the most number of acres that's practical on a subdivision. So essentially what we will see in the future is on this typical 100 acre farm there would be a clustered subdivision most probably with residential lots of about 30,000 square feet and 60% or 60 acres in agricultural lots. There would be ag easement on the ag lot. And what we would expect is that most of the these parcels within this area would not subdivide. And the reason for that is we have established or we're considering a transfer program. And the transfer program encourages the actual sending of the right as opposed to the actual building.

What the plan proposes is that an owner within the ag zone would have an as-of-right use or subdivision of 43 lots if he desired to transfer his rights, he could transfer 100 rights. So we see this as a way to facilitate a transfer program. An essential ingredient of this plan is the transfer program. The reason I say that is because the town has bonded \$30 million for farmland purchase. They have spent -- they have oversubscribed. So unless the town board sees fit to go to Wall Street again, and I think we're getting close to our bond limit, the only way that land is going to be preserved within this farm belt is through the behavior of owners to transfer.

So what we've established it a map that shows both sending and receiving areas. And we've shown this land north the Sound Avenue as a residential receiving area. That area is somewhat constrained in that some of the properties are already developed, some are institutional, and we're not sure they're every going to be developed.

So trying to keep a decent ratio between sending and receiving. The Planning Board is looking at a possibly conversion of a residential right here to either a commercial or an industrial right within the Calverton site. They've also talked about providing for increased coverage within a new commercial district on Route 58 predicated upon

development of right transfer. They've also talked about increased heights within the downtown to 50 feet in order to both encourage development right of transfer as well as residential housing above store fronts. And we believe that we have a decent ratio between the number of rights that exist within this farm belt and receiving areas.

The second most notable part of this plan has to do with some archaic zoning that existed on 58. The lawsuits that I had mentioned before centered around the town attempting to rezone certain areas to commercial without the benefit of the plan. And what is proposed essentially is seeing that the United States Government gifted 2900 acres to the town for development of this site, about 500 acres are presently industrial. We just didn't see any reason for industrial zone on Route 58. The town had, a number of a years ago, extended the sewer district to that site. It's commercial sewer district, not an industrial sewer district. So it made sense to rezone some of this property to a commercial district. That is also being considered for the development right synch.

We also looked at most of the commercial districts that existed along some the rural routes. There was a considerable amount of commercial zoning in Calverton, which we've reduced. We've also created rural routes along the main road in Aquebogue and Jamesport for very -- very low density commercial development, more tourist oriented. The natural resources element of the plan identified, of course, the Pine Barrens core protection area as a major area for preservation, which is already done, but also identified a woodland that runs essentially along the bluffs -- Long Island Sound bluffs. And there's a proposal to preserve some of that -- actually 53% would be that actual clearing in a subdivision.

The Planning Board looked at the situation of affordable housing in the town and recommended that certain parcels that are in filled in the hamlet, which are presently residential, city, the town board wanted to upzone those that two acre zoning. It's presently 20,000 square feet. And the Planning Board thought this would be a good opportunity for a subdivision for affordable housing, such that if the developer were to set aside those subdivisions or those parcels for affordable housing, single family, that they would continue their two unit per acre yields. The Planning Board also saw an element of the community that would not even be able to afford a single family residences at those yields, and have recommended that the town board consider an overlay district for a high density residential housing. And by high density, we haven't determined yet, but something like six to eight acres -- six to eight units per acre.

One of the stakeholders that was involved in this plan from the beginning also suggested that this industrial area here just to the east of the Grumman fence, since there is really no development pressure for industrial there, that the town board consider the application of overlay zone for high density residential there. That obviously would require some kind of sewage treatment. I think the other elements are pretty much basic except for the Commission might be interested in the transportation element, most notably Route 58. And the proposal is to create a divider or a wall in the center line of 58 and to have minimal left-hand turns off that to be able to keep

traffic flowing east to west in an orderly fashion. And that would a combination of, I guess, work with DPW as well as developers on 58 to construct that. That's pretty much the plan in summary. It's difficult to distill five years of work into ten minutes or so. But certainly I can field any questions if anyone has any.

CHAIRMAN EVERSOLL:  
Nancy.

MS. GRABOSKI:  
Regarding Route 58, would you be anticipating widening that road and making other improvements to it as well.

MR. HANLEY:  
Yes. The County typically takes 17 feet of development. So there would be a widening of 58. So there would be two lanes of traffic essentially in each direction with the center wall. And if you could just imagine this wall which limits the left-hand turns, which really creates a lot of the congestion on Route 58 presently.

CHAIRMAN EVERSOLL:  
Nancy.

MS. GRABOSKI:  
I guess the other question, I'm not sure that it's relevant, but regarding the viability of the Hamlet Center of Riverhead, are there any specifics that the plan recommends?

MR. HANLEY:  
In terms of downtown area? Downtown was looked at, and it was quadranted off into various commercial developments to try to section off office uses around the court building. There is a proposal for an urban renewable of some of the housing downtown. There are a number of units there that are not owner-occupied, they are essentially rentals. And there is a proposal for some renovation there and some assemblage for affordable housing.

The other thing you might be interested in is that there is a belief that we should try to encourage more residential use above the storefronts to try to get more pedestrian traffic downtown. And one way to do that is to allow for increased heights, to transfer, to try encourage developers to rebuild downtown.

CHAIRMAN EVERSOLL:  
Nancy.

MS. GRABOSKI:  
Let me dominate the whole discussion here. Just another question. You mentioned that -- I think you mentioned anyway that you had been able to actually come up with a number regarding the number of potential transferrable rights in the farm belt.

MR. HANLEY:  
Yes. We do have that. There's also a handout which talks about saturation population. 5000 rights.

MS. GRABOSKI:  
And then with the receiving --

MR. HANLEY:  
Well, what we've tried to do is to create at least a one to one ratio between sending and receiving. I would say we were able to achieve about 1.5 to 1 ratio. Ideally a two to one ratio makes the most sense for a TDR program, but just didn't have enough land to achieve that.

MS. GRABOSKI:  
Thank you.

CHAIRMAN EVERSOLL:  
Tom, do you have some comments?

MR. ISLES:  
The Planning Department has reviewed this plan, we have provided to you in your package a staff report prepared principally by Andy Freleng. And a little note on this is to certainly applaud the efforts of the Town of Riverhead to undertake such a significant planning process, to congratulate them for getting to this point, the work of the Town of Riverhead Planning Board led Commissioner O'Dea. It's not an easy process, and we think, however, what Riverhead has done is important in terms of identifying the key goals of the town in terms of farmland protection and so forth, economic viability to the town and representing that in a physical document in terms the actual plan itself.

Some of the specific comments we'll make is that the General Municipal Law species that a town, as MR. HANLEY has indicated, under town law and General Municipal Law, must refer such applications to the County Planning Commission for review. Your role as the County Planning Commission then is compulsory in the sense that you must review and then issue a recommendation back to the town board of the Town of Riverhead. The Town of Riverhead then will evaluate that, and if they agree with it and adopt the plan, then they are fine. If they disagree with it, they must overrule by a majority plus one vote typically with zoning or subdivision matter.

The consideration of the County Planning Commission review is pretty much outlined on page two of the staff report. You are required to consider the effect of this plan on regional needs. And we've identified the Central Pine Barrens Plan, the Suffolk County Sanitary Code, the Agriculture and Farmland Protection Plan. And in that regard, we find that there is no direct conflict with those plans, certainly the Pine Barrens have been spoken for and protected. In terms of the Sanitary Code, there have been extensive discussions with the Town of Riverhead and the County Health Department, and obviously that's a factor and part of the TDR design. Then the Agriculture and Farmland Protection Plan adopted by the County back in 1996, we find no inconsistency with that plan as well.

Not to go through each one of these in overly great detail, but just to highlight that the considerations you are looking at are, here again, regional or intertown issues. And also of importance would be issues that affect the County. There are two County roads that are

proposed to take the brunt of the traffic in the town. There are a total of, I think, four County Roads in the town. But County Road 58, which MR. HANLEY spoke on and State Rode 25 is the other particularly major road. The issues on County Road 58, widening out to four lanes, is one that would ultimately be the decision of the County Legislature to approve the project and approve funding for the project. The County Department of Public Works, obviously, would be involved in that as well as the County Department of Planning. The general feeling is that we concur with the idea that there's obviously a movement of traffic east and west, and to build the capacity on 58 is important to take some of the pressure off of Sound Avenue and so forth and other roads; Middle Road, for example, those roads can stay two lane roads, can stay scenic roads and so forth.

The proposal for the farmland is important as well. The County of Suffolk obviously has had a long history in farmland protection. We have protected in excess of 6000 acres in the Town of Riverhead. The Town of Riverhead has done an excellent job in terms of their local bond acts to buy farmland with the County of Suffolk also doing additional acquisitions. But I think we all realize that that in itself is not going to achieve the objective of the Farmland Protection Plan, which was to have a total protection of 20,000 acres in the County as a whole. So other mechanisms such as the TDR being proposed here or the cluster subdivision creating the ag reserves, the agricultural reserves, are certainly important as well.

We do have a few comments on page three of the report, the staff report, that we'd like to address to the Commission to be considered or passed along to the Town of Riverhead. And I'll go through these briefly as well. Our fundamental recommendation to you today would be to adopt a resolution granting conceptual approval to the plan with the following comments; the possible expansion of the Farmland TDR Program to the maximum extent possible in terms of receiving areas. And MR. HANLEY spoke of this somewhat in terms of receiving areas being indicated north of Sound Avenue and in downtown hamlets locations. There have been discussions, we understand, locally about expending that to perhaps commercial and industrial sites and so forth. We're not getting into the nitty gritty or the mechanics of that, but we think in a macro sense in terms of a successful TDR Program a strong synch as Rick has said to our receiving areas to provide the density and provide the receiving area to accommodate the TDR is very important. So we would certainly encourage where that could be maxed out as much as possible consistent with local plans.

Second item is a suggestion of a mandatory cluster provision. This is something that I believe has been heavily considered by the town and the Town Planning Board in particular. There may be some disagreement on that, but we feel that it would probably be in the town's best interest to have a mandatory cluster provision whereby waivers could be granted by the Planning Board or the town board and then looking at farmland protection and the connection of the ag reserves as being done as part of a block analysis of looking at segments of the farmland to try to encourage contiguous farmland tracks, number one. And also where there are situations in terms of the constant balance between property rights and the public interest, where it may be critical for the public sector to assert an interest in the mandatory

cluster provision. We understand, here again, the sensitivity to private property rights, but in our experience in looking at some of the other towns, especially in the East End, we just feel that this is something that the down should weigh carefully. They have the right of asking the waiver be considered.

MR. HANLEY:

Tom, can we talk about this a little bit. The recommendation for the master plan is mandatory clustering. They've read it as the zoning ordinance would mandate a certain percentage of open space -- I'm sorry, farmland and residential areas. And the number that plan recommended was 70/30, which resulted in lot sizes -- the residential lot sizes, if you take the zoning yields, something around 15,000 to 18,000 square feet, which the Planning Board didn't see as an appropriate lot size in a rural area. That's more of a suburban lot size. So rather than set forth an exact percentage, I think we're going with this is the town board is not going to mandate in the zoning that the Planning Board approves 70/30 clusters. But they are going to -- in the ordinance require -- the developer is mandated to submit a cluster map, all right? If the Planning Board chooses not to cluster for whatever reason, whether the property is wooded or there's poor soils, whatever it might be, then they are going to have to affirmatively state the reasons why they are not clustering, that's going to be in the zoning. So that's where we're headed with the whole mandatory --

DIRECTOR ISLES:

We're talking about the same thing. We feel that the Planning Board should have the authority or the town board to have the option of mandating clusters for large tracks of farmland since it is a conventional subdivision of two acre lots, let's say, that the town has a recourse to say that's not acceptable, ba-ba-ba and move forward on that.

MR. HANLEY:

I think that most of the zoning ordinances are specific to say that an owner or subdivider is mandated to submit a cluster map. I think the Planning Board could be in a position where there's no way they can require that map. And if they don't act on that map, I guess they could -- a mandamus can be brought against them. So that's where we're at with it this.

MR. ISLES:

Okay. Here again, we do believe in the option of a waiver, but, you know, the Planning Board taken the high --

MR. HANLEY:

Now, when you say waiver, what do you mean?

DIRECTOR ISLES:

Well, you know, there is a requirement in the local zoning ordinance whereby the Planning Board has the authority in the ag zone to mandate cluster if they -- the applicant is then expected to do that unless they can show a case where this site is not suited for cluster for the following reasons. To go more in that direction versus the town having to prove why it should be a cluster. So I don't think we

don't disagree on the end result, just a matter of how it's executed. And here again, these are comments of the Commission that we're suggesting, they're not conditions of approval.

Third item is a concern or a comment regarding the commercial development along the Route 58 corridor. We would just like to express a comments that the amount of commercial intensity is rather intense at the moment. The -- our information shows that the actual amount of commercial zoning is about two million square feet presently. And as you can see, it's up about 50% from 1997 and about four times the amount in 1990. Obviously, it's been prosperous, and obviously the outlet mall has been very successful and so forth, but I think we do have concerns about how much more is acceptable from a more regional planning standpoint. We've completed various shopping center studies in the County Planning Department, as this Commission is aware. And overall, you know, we're not having significant regional population growth. Overall, we have a problem with -- in some locations, not necessarily here, of declining shopping centers and generally speaking are looking to reinvest in existing downtown shopping centers and so forth.

So we would pass along that comment to the town that that be heavily considered, as I'm sure it has been, but basically restating our concern from that regional perspective and then more locally from a highway perspective. County Public Works has not designed Route 58 yet, so we don't know exactly what the capacity will be. We don't exactly how those U-turning movements will be handled when the center median goes in and so forth. The more destination retail that's placed there, the more stress it may place on those considerations of highway design as well as regional planning issues.

MR. HANLEY:

I think we're on the same page on this one too. The existing zoning on 58, that was commercial. There was a -- the business district enabled business. I think it was 30% coverage. And the old industrial zoned land that some how warps into commercial because there are certain permitted -- specially permitted uses in that they are commercial, more commercial in nature; movie theaters and things that like. That district will allow 30% as well. So the proposal is to reduce that, they're still debating it, but somewhere between ten and 15%. So it's going to half really.

DIRECTOR ISLES:

Fourth comment concerns affordable housing, which here again, the town has spoke of, but just the basic point that if somebody has to buy a credit to build an affordable housing development, it's going to tend to take the air out of the -- the economics of it. Number five is the -- a comment regarding a suggestion of a diminishment of the RL zone, which is the rural commercial zone along Middle Country Road, which is State Route 25. We're a little bit concerned -- as you can see on the map there there are these green strips that exist, and I think the concept the town is proposing, which these are intended to be low intensity uses of, I think, residential farm stands, professional offices perhaps, correct me if I'm wrong, Rick.

We're a little bit concerned though with the pattern being set up as a

strip commercial pattern, it just kind of buildings itself into a likelihood or a possibility at the very least in terms of the erosion of that zoning limitation the rural district of possible either use variances or legal uses or rezonings. Once you set up the pattern of strip commercial, then trying to turn the corner later on could be very difficult. The thought being that -- we know the town has put five years into this so we certainly respect their comment on it, but the thought being that where possible if you could press that into {nodes} or centers as much as possible, we would just feel that that should be perhaps looked at again.

MR. HANLEY:

So rather than have the entire length and breath of 25 in this district, look at some of the commercial uses or areas that could accept some commercial and perhaps residential.

DIRECTOR ISLES:

Right. So either it would be residential or it would be ag preserve land. I'm not sure if it doesn't touch those locations, clustered residential away from the highway or something to provide for community breaks articulated in between places.

MR. HANLEY:

Okay.

MR. ISLES:

If you can pass that along. The last comment is implementation of necessary transportation improvements associated with the full build out of the planned recreation park and industrial park at Calverton. That's actually a later item on the agenda for the 190 acres in the industrial park, but obviously, that's the 800 pound gorilla from a commercial industrial standpoint. And obviously, there will have to be to transportation infrastructure to support that. I don't think that's a quarrel in the plan, but I think we're just reemphasizing that particular point; that as that is built out from a town comprehensive plan standpoint, that is has to be addressed in a very thorough manner.

CHAIRMAN EVERSOLL:

Okay. Any -- Nancy, you seem to --

MS. GRABOSKI:

I just had a question. At the moment, could you describe what the authority of the Planning Board is in Riverhead currently with regard to the authority that they have with regard to clustering. Do they have that authority to mandate a cluster now?

MR. HANLEY:

They have the sole authority to divide ground in Riverhead. The town board years ago and years ago under the provisions of the town law, did give the Planning Board the authority to require developers to submit cluster maps, and they have been approving cluster maps over the years. Their frustration is the zoning that is exists today, because the clusters that they create because of the one acre zoning, there's really no flexibility in terms of design. So we believe that with the upzoning we'll be able to effect clusters that make some

sense with respect to preserving enough ag land as well as getting a decent sized lot that's contiguous to that.

And these things present problems, because think about -- even a 30,000 square foot lot, that's just -- what is that -- less an acre, halfway between half acre and an acre. You think about a lot of that size, maybe a lot width of 150 feet and then there's an ag lot. So we're get involved in how these two land uses are going to coexist. And we're thinking about requiring developers to plan hedge roads, specifying a hedge road.

MS. GRABOSKI:

Those are all good.

MR. HANLEY:

Has to be, because the social behaviors between buffers and residential lot owners sometimes are problematic.

MS. GRABOSKI:

The reality is it's associated with agriculture. And certainly that concept of planning does provide a buffer between the rear of that property. But the reality is once you shrink that lot size down to far, it begins to be constraining, people envision a pool or something like that.

MR. HANLEY:

Sure. Absolutely. Our druthers would be for the number of subdivisions within this area be severely limited. We're hoping that the transfer program does it. There's a benefit associated with it. You know, you do the math. A one hundred acre parcel, we're paying about \$40,000 per right. That 100 acre parcel now has 100 rights to send as opposed to 43 to build on-site. So you start working the math, I think it's preferable from an economic perspective of the land owner to send if he can find someone who wants his rights that to build on site and deal with the cost of money and the cost of labor.

MS. GRABOSKI:

That incentive should --

MR. HANLEY:

Right. And that's why there's such a large incentive, because there were some folks that go, well, you know, we're giving the show away. They wanted that transfer program essentially to mirror what yields you are entitled to.

MS. GRABOSKI:

I just had one other comment, and that is that I serve on a committee in the Town of Southamptton -- well, I'm the Town of Southamptton representative. It's an agricultural committee under the Peconic Land Trust. And one of the -- you know, one of the things that's envisioned with the number of different mechanisms that are currently out there being purchase of development rights, transfer of development rights, the cluster provisions in the law and the acknowledgment that every single farm family, or if the land is not owned by a farm family, but owned by somebody else, everybody's situation is different. And their goals for the future are different.

So very often -- not often, but in the interest of trying to preserve as much as farmland as possible, sometimes there's more than one tool that comes to use. There may be some transfer, some limited development. But it would appear to me that certainly the goals that you've articulated and the, you know, the plan that you have set forth tries to very much take that into account.

MR. HANLEY:

It's interesting you say that, because we were somewhat surprised. We saw this as a very valuable receiving area, because the value of lots within the woodlands here close to the Sound are much more valuable than the same sized lot next to a farm field. So we identified it as a receiving area. And we're finding that some of the owners up there have absolutely no interest whatsoever in ever developing the property, to the point were they're putting private covenances on the property without even getting paid. So that's a behavior of an owner that you can't anticipate. So what we had to do was find more receiving areas elsewhere.

CHAIRMAN EVERSOLL:

Rick, I think you are certainly to be commended. Years ago, I was a Co-Chair of the Transfer of Development Rights Committee under the State Pine Barrens Act, and one of the issues that we struggled with is how do -- you know, what's the ratio of receiving areas. And we came up that certainly it should be two to one. And also, I think that by essentially giving 2.4 number of units to -- on being able to transfer is going to really encourage that program to work. You are right, you can't understand some of the economic behavior of some people, but if you have enough receiving areas, I think you will have an outstanding program.

MR. HANLEY:

We're encouraged by the conversion from residential to commercial or industrial. We really haven't tested that market yet, but we're going set a number of square feet per right and watch it, see what happens.

CHAIRMAN EVERSOLL:

That's exciting. I think you are to be commended. Any other discussion? We'll entertain a motion on the staff report.

MR. BERKOWITZ:

I make a motion to accept.

MR. THORSEN:

Second.

CHAIRMAN EVERSOLL:

Carl, Tom seconded. Any other further discussion? All those in favor? Opposed? Any abstention? One abstention, Mr. O'Dea.

APPROVED. (10-0-1)

Rick, Thank you very much. That was excellent. Andy, you are in the hot seat.

MR. FRELENG:

Okay. The first regulatory matter before the Commission then comes from the Town of Islip. This is the referral of A.J. Properties, otherwise known as Babylon Pines. Jurisdiction for the Commission is that the subject property is adjacent to State Route 27, otherwise known as Sunrise Highway. Applicants are proposing the subdivision of approximately .36 acres of land into two lots in the B Residential zoning category in the Hamlet the West Islip. Minimum lot size in the zoning category is 7500 square feet.

The map is not being processed pursuant to 278 cluster provisions. Lots range in area from 7500 square feet and 8143 square feet. No open space is proposed. Lot one in order to provide enough land area to the proposed lot two, so that lot two would be in conformance with the minimum area required of the zone, would create a non conformity to the zoning. The eastern side yard is proposed to only be four feet and not the required 14 feet. This would necessitate an area variance from the Islip Zoning Law. So as you can see, on the east side of this lot one, we have a very tiny side yard setback, so that this lot here could meet the minimum lot area.

Property abuts residentially zoned improved lands to the south and east. To the north is the right-of-way of Sunrise Highway. To the west is Spruce avenue, which a town street. Character of the area surrounding the property is generally small lot residential with scattered commercial along Sunrise Highway. The subject property itself can be characterized as level and improved with a dwelling and lawn. You can see the dwelling, that's the lawn area, there's a hedge, significant hedge that runs along the property line. The driveway to the subject property kind of snakes out to the side of the service road of Sunrise Highway. The parcel is located in Groundwater Management Zone VII. Potable water to the lot is intended via public supply. Sanitary waste is to be collected and disposed of via public collection and treatment. Soils on the subject property consist of Urban Land. This soil association is not considered prime farm soil in Suffolk County.

Access to the proposed subdivision is intended via an existing driveway to Sunrise Highway Service Road for lot one. So the existing driveway will stay as proposed. Lot two appears on the tax map to have frontage on State Route 27 or West 1st Street. If you look at the tax map in the staff report, you can see that the right-of-way to Sunrise Highway and the right-of-way to 1st Street abut the property. In actuality though, there's a little bit of safety traffic control going on in front of the subject property. Physical access for lot two may be hampered by obstructions placed by New York State DOT and others; namely, a concrete curbing defining the roadway intersection median, a steel guardrail and a guide -- a guywire pole. Moreover, access for lot two is likely to be at an unsafe location relative to the intersection of West 1st Street and State Route 27. The right-of-way for State Route 27 service road fronting on the subject parcel involves a three lane merge, where two of the lanes become a single safety lane for through traffic merging with off traffic from the highway. Residential motor vehicle access to this right-of-way of

this location would be particularly unsafe.

Commission policy indicates that vehicular ingress or egress for corner lot having frontage on a County or state road is to be restricted to the local road at a point that is no closer than 50 feet from the end of the short radius curve that forms the corner of the intersection of the two roads. It is not apparent that the newly created lot two would be able to satisfy Commission policy without crossing the front yard of the adjacent property to the east, thereby creating an unorthodox land use pattern. Essentially Commission policy requires that in order to limit the curb cuts to the State right-of-way, that access go to the local street 50 feet from the end of the radius curve, which would put the access approximately here for lot two, which would bring it across the front yard of this lot here at a particularly unsafe location.

We did our field inspections. You can see that there are two lanes here for the service road that can merge down into one lane, so everybody's looking over their shoulder trying to merging here. Access for the property should not be along here -- so it should be here. Coming around this corner is still a bad location. We do not believe -- staff does not believe that there's suitable access for lot two. Therefore, staff is recommending disapproval for the following reasons: The creation of substandard subdivision -- first reason being that the creation of a substandard subdivision lot constitutes an overdue intensification of the land use. This can place a severe burden on infrastructure. So the side yard setback, we believe, is relevant in the subdivision, they're not creating a conforming lot for lot one. The second condition being -- I'm sorry, the second reason for disapproval being the unorthodox access that would have to be generated for lot two, which is likely to come across at a point going across the side yard of the adjacent property. That's the staff report.

CHAIRMAN EVERSOLL:  
Do we have a motion? Nancy. Second?

MR. LONDON:  
Second.

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

MR. TANTONE:  
One abstention. DISAPPROVED (VOTE:10-0-1)

S-HR-00-03.2

MR. FRELENG:  
Second matter before the Commission is referred to us from the Town of Riverhead. This is the application of Calverton Camelot. Jurisdiction for the Commission is that the subject property is adjacent to State Route 25, the subject property is also located in the Central Pine Barrens Region. The applicants are proposing a subdivision of approximately 471 acres of land into 35 lots in the planned industrial park zoning category in the Hamlet of Calverton.

The site is to develop a portion of the former military Naval Weapons Industrial Reserve Plant. Minimum lot size is the zoning category is five acres. The map is being processed pursuant to 278 cluster provisions. Lots range in area from 4.84 acres to 31.74 acres. Open spaced is proposed at three parcels at the eastern center of the subdivision totaling nearly 60 acres. Subject property abuts vacant planned recreational park zoned land on the west, north and east sides. The predominant adjacent structures to the subject parcel are two -- are two runways and associated taxiway tie down areas.

MS. GRABOSKI:

Andy, could you just move over the map.

MR. FRELENG:

I'm sorry. So we're abutting vacant planned recreational park zoned land to the north of the subject parcel. We have the runways, which are the predominant adjacent structures to the industrial park proposal. There is a large industrial building which abuts the property to the north and west corner of the site. There's an out parcel here, and that is the former terminal building and the terminal tower in the corner. There is one out parcel which is located roughly center of the site. This is property still owned by the USA, which they maintain. I believe that's a contaminated site.

There are multiple building sheds and structures on site including hangars, fuel tanks, commercial, industrial office buildings and a sewage treatment plant. An internal road right-of-way spans from Middle Country Road to Grumman Boulevard, I just want to point that out, you can just make that out. It starts here at Middle County Road, runs all the way through the subject property, down to Grumman Boulevard. The site is essentially level and has some grass and wooded areas. Character of the area surrounding the subject property can be described as a mix of low density residential, light industrial, recreational, cemetery and some commercial uses.

The parcel is locate within Groundwater Management Zone III. Potable water to the lots is intended via public supply. Sanitary waste is to be correct an disposed of by an on-site treatment -- by on-site treatment and collection via an existing sewage treatment plant. The site is situated in Central Suffolk Special Groundwater Protection -- in a Central Suffolk Groundwater Protection area. The SGPA plan recommends that excess land in the airport clear zones be placed in a protective category for groundwater recharge purposes. Soil on the subject consist of Carver, Riverhead, Haven and Plymouth series. The Riverhead and Haven soils are considered prime farm soils in Suffolk County, and these soils are located in the eastern finger of the property, roughly in this area here.

In addition, a significant portion of the property is cut and fill soil associated with the buildings, roads and runways. The subject property is not in a Suffolk County Ag District. The parcel is in a Suffolk County Pine Barrens Region, also located in the Compatible Growth Area of the Central Suffolk Comprehensive Management Plan. Sixty five percent of the subject parcel is the maximum clearing allowed for commercial-industrial uses in the CPA. Several wetland areas mapped by the New York State DEC and the US Fish and Wildlife

Service are located throughout the subject site and adjacent to the property. The wetland areas are known to host tiger salamanders and New York State endangered species. The subject parcel is also subject to the New York State Wild, Scenic and Recreational Rivers Corridor regulations. The subject application is in conformance with the airport joint use feasibility study, 1993, by the Long Island Regional Planning Board, and that was adopted by the Suffolk County Planning Commission. Access to the proposed industrial subdivision is intended via the creation of an internal road network. Part of the road network capitalizes on the existing road right-of-way that spans from Grumman Boulevard to State Route 25.

Principle access appears to be from the south, though access to and from the north is established. One loop road and four cul-de-sac roads are proposed. Let me back up a little bit, there is the main access which is proposed from the south coming through the subject property and does terminate here where the planned residential park zoning begins. Cul-de-sac streets in industrial subdivisions are contrary to the Commission policy. Next couple of sentences explains the rationale. While many of the proposed streets are planned on top of existing street, the cul-de-sac, Baci Court in the south west of the site is not other a subdivision street. It would be down here. It's this red line here. It will just take a second to explain the map. We superimposed the subdivision which is in black over the streets, which are in red. So you can see the one cul-de-sac here, the cul-de-sac here, a smaller one here and one here. The property line's in yellow. This is the out parcel in the north west. This is the out parcel in the center. The wetland are shown on the superimposed site plan. Okay.

So Baci Court is not on top of an existing street and neither is Cody Court and it does not originate on an existing street bed. On-site analysis reveals that there is already an existing pattern of loop roadways and that connections to the terminus Renee Road and Jan Way is possible utilizing the eastern runway boundary road. Moreover, Cody Court should be redesigned and shifted to the south and brought between the buildings on lots B11 and B12 to the boundary road. So on the northeast side of the property there are boundary roads, there are taxiways and then there's runways. It is possible to go from this street, which is proposed as a cul-de-sac street to the boundary road and loop back around. There is an opportunity to weave a street between these buildings to the ring road, if you will, on the outside.

So there are streets that do go along the outside of the runway, which we believe these cul-de-sac streets, which are improper in an industrial subdivision could be brought out and make connections.

In addition, the cul-de-sac Jan Way is exceedingly long as designed unless the street will connect to a street along the runway area. That would be this street here. There were some extenuating circumstances along the street that staff would like the Commission to consider. Nearly 60 acres of conservation land is proposed off this street, and the street does not appear to provide access to suitable building lots with the exception of lot B14. B14 is this lot here. You can see it's here on the aerial. There is 50 some odd acres of conservation area just to the south and east of this road. There is five or so acres to the north and west over here. This is a

conservation lot over here as well. While they are structures on these two lots, the back ends are encumbered by wetlands and there would be no access to go through. So there is a big conservation area over here.

In addition, it says in the staff report that the potential purchaser or leasor of this lot here has requested exclusive access from the south and not to have access from terminus of this road. You can also see that there are some proposed easements, taxiway, runway and tie down easements along the east end here. Let me continue. Okay. We believe that lot B16, which appears to have no feasible building envelope should be eliminated. At the terminus of this road, there is a lot B16. It's encumbered by easement area and has a very narrow strip, which could be for a ring road. This seeks to be the existing road for the runway right here. So we believe this lot is -- is not practical. Lot B102 is purported by the applicant to be reserved for potential buy requesting a secure access that is not connected to the rest of the subdivision. While at this time Lot B102 has no other frontage than to Jan Way, should the situation be rectified, Jan Way can be shortened to the western property line of B14 and serve that lot alone.

Emergency access should remain from Jan Way to the airport runway on Lot B102 and also provide access to the conservation area. The total length of the street should be improved to the industrial road specifications until it becomes part of the loop street network. So what we're trying to say here is that this cul-de-sac really does not need to be this long. If it's not a loop road, then it should really be shortened down to the beginning of this Lot B14 and allow for emergency access to the runway and access to the conservation areas. So this cul-de-sac here can really be shortened down. It can be an exclusive access for Lot B14. This is a conservation lot. And this lot here would have frontage on the main road. So there was really no need to bring this road except for access to B14 or to bring access to this lot which is reportedly not going to want access there. So there is a big opportunity to redesign Jan Way, and there is an opportunity to bring these cul-de-sac streets into a connecting way.

At the southwest corner of the subject property, Baci Court, a cul-de-sac street -- as a cul-de-sac street should be eliminated. Existing buildings, town well site and freshwater wetlands make looping the street back to Scott Avenue impractical. We took a hard look at this, we went out into the field and walked around. This is an identifiable wetland system. It is mapped by the Fish and Wildlife Service. So to bring this loop street around and back to Scott Way (sic) even back up here is really impractical. There's a well site and some tank fields in around here. So bringing this up and around is just not going to happen. However, there's been some discussion within the town of extending the planned industrial park zoning westward to the western runway. So there has been some discussion to extend the zoning westward towards this runway.

Access to the extended PIP could -- could be provided by extending Baci Court to the current western property line. Baci Court should be redesigned to provide potential future access to lands to the west. So while we can't loop around this cul-de-sac because of wetlands and

because of some the building constraints, we can bring the cul-de-sac to the property edge and set up a continuous access into the future industrial parkland. So issues related to the proposed subdivision stem from the Commission's policy on the creation of industrial subdivisions with cul-de-sac streets and Pine Barren areas, and this is related to good planning and land use. Staff is recommending approval with the following conditions. Condition number one being that the map be redesigned to eliminate the cul-de-sac streets, and the rationale for that follows that condition. Condition number two is no more than 65% of the overall track shall be cleared of naturally occurring vegetation. The applicants are well on their way to maintaining that with the open space that they are providing here, nearly 60 acres of that. No more than -- the third condition being that no more than 15% of each lot be placed in fertilizer dependent vegetation. The fourth condition that the most landward limit of freshwater wetlands be flagged in the field verified by the appropriate regulatory agency and shown on all maps, plans and sketches. The next condition is that no new structure, road or sanitary facility be located less than 100 feet of the most landward limit of freshwater wetland. The final condition is that the Town of Riverhead -- and this is reiterated from the very first zone change to the planned industrial park and the planned recreational park -- that the Town of Riverhead shall only allow one point of gated vehicular accessibility via Grumman Boulevard for employees of the PIP district and for emergency purposes only. All other vehicular accessibility from the Calverton Enterprise Park shall be via New York State Route 25. So it is envisioned that when the PIP and the planned recreational park is developed that all access will come from the state road into the industrial park and split off depending on the various uses that traffic is going to. For the time being, the access is being proposed for this industrial park to come from the south. As far as employee and emergency access, this would be suitable, but in the future all deliveries and other types of traffic coming into the industrial park should come from the north as has been anticipated going back through several applications. Mr. Chairman.

MS. BRADDISH:

Because I'm counsel to the airport, I was just wondering if making those cul-de-sac roads into a loop road so close so if they ever wanted to open that runway, it may infer with the FAA regulations on clearances. So that would be a concern.

MR. FRELENG:

That would have to be a local consideration. When we went out there we -- while there aren't a lot of planes flying around, there was the skydive plane taking off and landing on the runway.

MS. BRADDISH:

That would be for current operations. For -- you know, I've heard of people looking out there and what they envision, but that kind of a loop road could potentially, if they opened up the runway for larger flights --

MR. FRELENG:

I think that's an issue definitely that the local is going to have to look at significantly. The Commission's policy is not to have

industrial cul-de-sacs for haphazard parking, radius reasons, all sorts of things. Staff did go out in the field, and those roads are connected, whether or not they were heavily used when the airport was in heavy use, we don't know. But they do create a loop system there.

MR. LONDON:

Andy, you never mentioned in the conditions the notification to any residents. And we had a statement that it would go in. Two years ago, we made it a rule, anybody within a mile of an active airport, that would be an active airport, has to know.

MR. FRELENG:

Well, we could modify -- that's for residential housing. We looked at that, there are no residential uses proposed within the industrial park. But if you wanted to make a note as to notification due to the airport use or noise or something like that, we can add that.

CHAIRMAN EVERSOLL:

Nancy.

MS. GRABOSKI:

Andy, is there any -- I mean, I'm not, you know, not as familiar with the park as many of you are, is there a statement anywhere in the findings analysis that the airport will remain in active use?

MR. FRELENG:

No. It's eluded that there might be some aviation related uses and that there is an easement going to the town for a tie down, which may indicate airplanes, to tie down airplanes. And there is some taxiway easements as well. So I don't believe that there is a statement that the airport is going to be a full use airport.

MS. GRABOSKI:

I didn't mean that necessarily. I meant something articulated and verbalized in that findings analysis would essentially acknowledge exactly what you said.

MR. FRELENG:

In the staff's staff report?

MS. GRABOSKI:

Yeah.

MR. FRELENG:

No. There is no -- there is no statement in there that indicates that.

MR. O'DEA:

It's in the zoning as far as use.

MR. FRELENG:

In the planned industrial park zoning it indicates that one way would be --

MR. O'DEA:

As an accessory to what the uses are on the property now, the zoning

calls for airport use.

MS. GRABOSKI:

I think it would clarify and, you know, enhance the report to insert a statement.

MR. LONDON:

Does it have a PDD on it know?

MR. O'DEA:

No.

MS. GRABOSKI:

Regarding the current and proposed status to maintain the existing operation --

MR. DIETZ:

That has nothing to do with this application.

MS. GRABOSKI:

All right.

MR. DIETZ:

I make motion to approve staff.

MR. CREMERS:

Second.

CHAIRMAN EVERSOLL:

We have a motion on the floor. Do we have any other discussion? All in favor? Opposed? Any abstentions? Rich O'Dea. Thank you, Andy.  
APPROVED (VOTE:10-0-1)

BR-03-54

MR. NEWMAN:

Today I have three zoning actions on the agenda. They are all from the Town of Brookhaven. The first application involves the rezoning of a 17.4 L-shaped parcel of land from a single family one acre category as well as a small portion of the general business category. The intend is to rezone it to an MF-1 category for the purpose of erecting 70 garden apartment units at a density of four units to the acre, effecting land situated on the south side of Miller Country Road, approximately 1060 feet west of Park Lane at Middle Island. The proposal as far as the site plan is concerned calls for the erection of 15 two-story buildings, 140 parking spaces, one point of vehicle ingress and egress via the local residential street to the west of the subject property. The entire frontage along Route 25 to a depth of 915 feet comprising 2.6 acres is to be deeded to the town. That is mainly that appendage on the property in that area here on the line so indicated on the site plan.

The property is occupied -- there's also going to be an on-site sewage treatment facility on the subject property situated off to the middle western portion. The property is currently occupied by a landscape company's storage of heavy equipment and is also storage of other

various materials on the premises. Included within the property is a one acre out parcel, and that is situated right in the center of the main parcel. The entire frontage of the premises comprising 0.34 acres to a depth of 200 feet in a J two business along the main roadway. The property is situated in the Central Pine Barrens Compatible Growth Area.

Under existing zoning 14 single family residences could be accommodated on the property. A previous application of petitioner to rezone this exact same parcel to the exact MF-1 category with the exact same number of units was disapproved by the Planning Commission in July of 2001. It was also subsequently disapproved by the town board in March of 2002. The essential difference between the submissions is two fold. Number one, he is now deeding a portion of the property -- a portion of the property to the Town of Brookhaven. And he's changing the access from Middle Country Road to the local residential street to the west. Those are the essential two changes in the submission, but the densities remain the same. We're recommending disapproval for the same reasons we set forth on the original application.

CHAIRMAN EVERSOLL:  
I have a motion?

MR. LONDON:  
Motion to staff.

MR. O'DEA:  
Second.

CHAIRMAN EVERSOLL:  
All in favor? Opposed? Any abstentions? Unanimous.  
DISAPPROVED (VOTE:11-0)

BR-03-58

MR. NEWMAN:  
Application number two is also from the Town of Brookhaven. This is an application to rezone lands comprising 22 acres from a single family one acre category to an office category affecting lands situated on the west side of New York State Route 122 approximately 202 feet south the Webster Avenue, which is an unimproved right-of-way at Port Jeff Station. The preliminary site plan calls for the development of property with 12 office buildings comprising 132,000 square feet. There will 887 parking space including 84 land banked. There will be two points of vehicular ingress and egress via the state roadway and parking and building to within 25 feet of the periphery of the property.

Under existing zoning, the premises can accommodate 18 single family residences. A previous application to rezone a small portion of the property comprising 4.5 acres of the northerly tip of the property to a J-4 was denied by the Planning Commission. And this application represents an amendment which now extends the property to include all unimproved lands immediately to the south and along the west side of Route 112. On or about 1987, the town board rezoned the northerly

portion of the property; namely, that portion was the subject of the previous rezoning as well as surrounding J-2 lands along Route 112 for residence purposes as part of a commercial upzoning process throughout the town.

The current plan designates this acre for a one acre singly family residence purposes. It's bounded on the north across Route 112 by a gas station in the J-5 district and east across Route 112 by multi family residences, unimproved land, a gas station and vehicle sales. This in an MF-1 starting in the north running south, MF-1, residence A-1, J-5, gas station district and an L-1, and the L-1 district comprises a significant portion of the lands in that area on the aerial photo. You can see that area on the composite zoning map. To the south of the property there's significant multi family development, you can see that parcel in the aerial. And that land -- those lands are zones for MF-2 purposes, which is a category normally assigned to multi family development in close proximity to shopping and other amenities. In this case, there's limited amenities as far as that MF-2 classification is concerned.

And finally, to the west there's unimproved lands, you can see it on the aerial in the current A-1 district. It is the belief of the staff that this amended zoning action appears to effectuate the comprehensive establishment of a non commercial development pattern on the remaining single family residence zoned lands throughout the west side of Route 112, reasonably consistent with the prevailing pattern of zoning and character of the surrounding area, which already has significant multi family development, which is now under a town wide moratorium. It staff is now recommending approval.

CHAIRMAN EVERSOLL:  
To approve?

MR. NEWMAN:  
Approve. We originally had denied the J-4.

CHAIRMAN EVERSOLL:  
Do we have a motion?

MR. TANTONE:  
I'll make a motion.

CHAIRMAN EVERSOLL:  
Do we have a second?

MR. THORSEN:  
I second.

CHAIRMAN EVERSOLL:  
A second. Any discussion? All those in favor? Opposed? Abstain?  
It's unanimous. APPROVED (VOTE:11-0)

BR-03-56

MR. NEWMAN:  
The last application is also from the Town of Brookhaven. This is an

application to subdivide an 8.3 acre parcel of land in a five acre category into three lots, which require lot area, lot width and side yard setback barrier affecting land situated on the northeast corner of Mill Road and German Boulevard at Yaphank. As you can see on the staff report, a tabules summary of three lots indicates a minimum of compliance with a five acre minimum, none are in compliance with the lot width requirement and two of the three are also in non compliance with the five acre minimum. The bottom line is he's only legally allowed one lot, yet he's closer to two. We would have accepted two, three is certainly out of the question considering the fact that it's in a five acre zone, and there would certainly precedent setting implications if this were to be granted. The property is situated within the Compatible Growth Area the of the Central Pine Barrens. And a small portion of the easterly portion of the property is situated within the Carmans River Corridor line of the New York State Wild and Scene Rivers and Recreational Rivers Act, which calls for one dwelling unit on two acres. We're recommending disapproval on the grounds that it is inconsistent with the prevailing lot size pattern of the surrounding area, it would establish a precedent for further such undersized lots in the surrounding five acre zones, it would tend to undermined the effectiveness of the zoning ordinance and sufficient information has not been submitted to demonstrate compliance with applicable variance criteria. We're recommending disapproval.

CHAIRMAN EVERSOLL:

You're recommending disapproval now. Do we have a motion.

MR. CREMERS:

Motion.

MR. LONDON:

Second.

CHAIRMAN EVERSOLL:

Any other discussion? All those in favor? Opposed? Abstentions. That's unanimous. DISAPPROVED (VOTE:11-0)

Before we leave, I'd like to say a few things. Nineteen years ago I was appointed to the Pine Barrens Review Commission by Lou Howard who was then the Presiding Officer. And at that time I was asked what my political affiliation was, because I had to go before the Suffolk County Legislature. And I said, well, I'll been a life long Republican, but they don't hold primaries, so I'm registered as a Democrat. At least the Democrats ran some pretty feisty primaries in those days. Well, they said, we strongly recommend that you change your political affiliation. And after a little bit of soul searching, but the fact that I was a Republican in any event or voted Republican, I so did. And I served on that Commission for about six years, and we saw the fruition of it with the Pine Barrens Review Act coming in in 1995 and the comprehensive plan, which really saved and preserved over 100,000 acres. I was real proud to be a part of that.

Over a dozen years ago, Pat Halpin nominated me to the Planning Commission. And I was then asked what my political affiliation was, I said, here we again. I said, I'm a Republican. They said, great, because the Legislature's all Republican anyhow so you'll get approved

easily. So I said, gee, that's kind of neat. And the Legislature at the time really treated us -- they came before them with respect and there wasn't the rancor and political grandstanding and partisanship that unfortunately many of you have been through recently.

This Commission has really been at the forefront of planning, of good planning. In -- it adopted and supported John Klein in the acquisition of farm rights back in 1972. And we've been able to preserve -- and that's the first in the United States -- we've been able to the preserve over 10,000 acres by doing that. Additionally, it led the 208 study and supported the 208 study, which is why we still have pure drinking water, and we've guaranteed that for generations to come. And working with you, we've been able to adopt Smart Growth policies which has encouraged development downtown and not in the Central Pine Barrens where there's a or road or someplace that somebody can put density in. Recently -- and I'm very proud of that activity.

Ten month ago my company was purchased by {Pulty Homes}, which is a national home builder. And I've become more involved in land use activities. And starting this month, I will be the Chairman of the Long Island Chapter of the Nature Conservancy, which does a lot of work with the County in land acres policies and planning. Accordingly, I do not want to cast any shadow on this Commission and the good work that it's done. And therefore, I've elected to resign from the Commission effective immediately so that you can continue to carry out the good work without having to worry other people who may have -- other political agendas besmirching or attempting to besmirch the Commission.

I have certainly enjoyed working with the Tom and Steve, Ann Arthur, Jerry and all of you, Lauretta, Roy {DeWitt}, Clair, who I try to tell her who's nominated and sometimes I miss, Donna whose fingers are going to fall off in about a minute, Andy, who is done such thorough analysis and Roy and just all of you. I really appreciate -- I've really appreciated the opportunity to serve as Chairman and your confidence in me. And I thank you and wish you all well. Thank you.

APPLAUSE

DIRECTOR ISLES:

On behalf of the staff, obviously, we're very disappointed in terms of losing you. It's been a mutual pleasure in the sense of you've been and outstanding Chairman of this Commission, and outstanding public servant. And certainly speaking for all the staff, we appreciate your professionalism that you bring to this Commission, your support od some difficult positions we've had to take. And you will be sorely missed without question. Thank you.

CHAIRMAN EVERSOLL:

Thank you, Tom. Thank you very much. We need someone to adjourn. We need a motion to adjourn. Nancy. Second? I can second that, right.

(THE MEETING WAS ADJOURNED AT 1:55 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY