

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 October 1, 2003.

PRESENT:

Robert Martin (Smithtown) - Acting Chairman
Louis Dietz (Babylon)
Thomas Thorsen (East Hampton)
Richard London (Village 5000 & Under)
John Caracciolo (Huntington)
William Cremers (Southold)
Carl Berkowitz (Brookhaven)
Nancy Graboski (Southampton)
Linda Petersen (At Large)
Frank Tantone (Islip)
Richard O'Dea (Riverhead)

ALSO PRESENT:

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

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 12:09 P.M.*)

ACTING CHAIRMAN MARTIN:

We're going to start the meeting. Before we get into it too far, we have to fill the seat of the actual Chairman. It will be a seat called the acting Chairman until next February. So we'll fill the seat for the three meetings the four meetings, I guess there will be, then we'll vote for a full time Chairman.

MR. DIETZ:

Mr. Vice-Chairman. I make a motion that you be the acting Chairman until the February Reorganization Meeting.

MR. LONDON:

And I second that.

ACTING CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded? Thank you, all.

I appreciate it.

APPLAUSE

ACTING CHAIRMAN MARTIN:

Now I'm the boss. Oh, the flag, we got to do the Salute to the Flag. I'm going to ask Mr. Lou Dietz to led us in Salute.

SALUTATION

ACTING CHAIRMAN MARTIN:

We thank you. We're looking for a motion to approve minutes of September 3rd, anyone notice any errors?

MR. O'DEA:

I have a comment on the first page. There's a big difference between August and September as far as guests, speakers and identifying people, who was here. The Planning Director of Riverhead appeared and there was other people, i'm sure, in the audience. August they go into it, and September they don't.

DIRECTOR ISLES:

Okay. So we'll reflect in the minutes today that you're correct, that there were others in attendance I guess that came in maybe later on, I'm not sure. But certainly the Riverhead Planning Director, Rick Hanley. An assistant planner in the Town of Riverhead was also present. So the record will be reflected this month for that meeting as well.

MR. O'DEA:

Thank you.

ACTING CHAIRMAN MARTIN:

Is there any others? Then motion is in order to approve the minutes.

MR. O'DEA:

I'll move.

MR. BERKOWITZ:
Second.

DIRECTOR ISLES:
Motion by Mr. O'Dea, seconded by Mr. Berkowitz.

ACTING CHAIRMAN MARTIN:
All in favor signify by saying aye. Contrary minded? So adopted. Tom.

DIRECTOR ISLES:
Okay. For the Directors Report today, a few items to bring to your attention. Number one is that the County has put an application in for a federal farm grant, another one, for the purchase of development rights to farmland. We were awarded that grant, and based on the deadline of September 30th, we supplied the information to the federal government. It's in the amount of about \$550,000, and it's specifically for three farms that the County has targeted for acquisition.

Second item is agricultural district number one was before you sometime ago for a renewal in that district. That's a district that exists in Southold and Shelter Island. It's the first ag district in the County. The Legislature approved the extension of ag district number one at their meeting in September. And that's now on its way up to the New York State Ag and Markets Department for final approval.

I will note that we did have increase in acreage in the renewal of the district to the tune of about 7800 acres in Southold and Shelter Island. The next district that's coming at you -- we have four districts left at this point, and this is ag district number seven, which encompasses the Town of Riverhead. That expires in March of 2004. The Agricultural Protection Board is meeting tomorrow actually to set a hearing date for that one. Eventually, that will come before the County Planning Commission as well.

The County has begun the process of doing what's known as reverse auction or Dutch auction for the action of development rights to farmland. This was something that was proposed by the County Executive last spring and adopted by the Legislature this past summer.

We have sent out the notices to all property owners of record that do own farmland in the County; approximately 900 properties. What the purpose of this is to invite property owners to submit their bids for what they would be willing to sell their developments rights to the County.

So rather than the County making offers and going back and forth on that matter, the County would receive proposals from farmers, and those proposals would then be reviewed by the Farmland Committee as well as the Legislature in trying to rank the highest value of farmland in terms of farm value for the lowest possible price.

And we're hopeful that it's -- can assist in the acquisition of development rights by maybe encouraging participation in the program and also, hopefully by being able to speed up the process a little bit by doing bulk appraisals, hiring an appraiser to do ten farms, 20

farms, versus one at a time. We were having a meeting at the Riverhead County Center on that on October 23rd, an informational meeting. And the deadline for receipt of bids is November 21st.

And the last item to bring to your attention is the Suffolk County Planning Federation, which is an entity created for the purpose of encouraging training and education of local and county planning officials, planning board members, zoning board, town board members and so forth, is having a conference next week. I mentioned this at the September meeting. We current have 150 people enrolled, with a cross section of town, county and village representatives.

So we are excited about the response so far. We have additional forms up here if you would like to participate or have any of your local board members participate. This will held in Ronkonkoma at the Holiday Inn starting at five o'clock on October 9th, and we encourage everybody to attend if you can. That's it.

ACTING CHAIRMAN MARTIN:
Thank you.

MR. O'DEA:
The farms that you mentioned in the federal program, are they identified or you have to pick them?

DIRECTOR ISLES:
No, they are identified. We submit an application submitting a number of farms. The three that they approved with the highest ranking would be one owned by the Zeh Family, Elmer Zeh, and two owned by Tuccio. Now, if we can't reach a deal or we don't have a willing seller, we can go back to Ag and Markets request a substitution. So we'll try to do these first. Three farms. If they don't work, we'll go back and maybe ask the next three on the list. But those are the three that are identified right now.

MR. O'DEA:
Thank you.

ACTING CHAIRMAN MARTIN:
Anything else? Then we'll go to the Commissioner's Roundtable. We'll start with Tom.

MR. THORSEN:
Well, the big thing out in East Hampton right now is the comprehensive plan. And it looks like int's going to be delayed a little longer. They've held all of their public hearings in different hamlet. And there seems to be a public disagreement with the idea or concept of smart growth. The consultant had recommended that all the hamlets have smart growth developed mixed use and things of that order.

And the two major sand pits in the town also should be new hamlet centers. And the public is not buying that. So -- and they are calling for an DEIS on the plan, which hasn't been done get. So I think it's going to be delayed at least beyond the election and probably into next year, I think. So having a meeting out there, I don't think is fruitful right at the moment.

DIRECTOR ISLES:
Maybe in the spring or summer.

MR. TANTONE:
Not a lot, but the one I just wanted to bring, it's somewhat of a unique thing. I don't know if Tom could elaborate on this. I don't know if it's a sign of the market of what's going on or things are just slowing down in general, but for the first time that I've been on the board for seven years, we have a meeting that was scheduled for tomorrow night, but don't have enough applications to actually have a calendar. So we have a night off. I don't know if that's because we're too efficient or because the market has slowed down. But it's probably a combination of both. I thought that was unique, I don't know if anybody else has had that experience with their boards. But we actually don't have anything on for tomorrow night.

DIRECTOR ISLES:
No moratoriums in effect either.

MR. TANTONE:
Nothing. I guess it's either that slow or we're that caught up, I don't know.

ACTING CHAIRMAN MARTIN:
How often do you meet?

MR. TANTONE:
Twice a month. We had met three times. I think right before Tom left, we went down to two, which makes it last a little longer, but it's only two nights. And this particular month I guess we're meeting once.

MS. GRABOSKI:
Thanks, Bob. Along that same line, in Southampton, it's my understanding that last year there were over 500 building permits issued, and this year we're not quite up to -- it's around 300. So the -- you know the number -- the building has slowed. I think it's linked to the economy. The other issue that I had mentioned at the past couple of meetings involved the petition of a group of people who live along the beach, who have called themselves Dune Hampton. They submitted a petition before the town board seeking a referendum to establish their own village.

The Supervisor found that there were not enough, for lack of a better term, legal signatures on that petition, that they need to be registered voters within the town to be qualified to sign the petition. There were not enough, so the petition was invalidated. That doesn't necessarily mean the end of Dune Hampton, because at the public hearing they let us know that should that happen, they would go back and they would come forth again. But that's the current status of that. Elections are kind of underway so other than that, nothing -- you know, nothing major happening. Thank you.

MR. CREMERS:
One of the candidates for Supervisor came up with a compromised plan for the town, which included the preservation of farmland and open

space to a figure of 80% and a density reduction of 60%. And he's come up with an overlay district, which who include all the farmland inventory map and the 2% community preservation. So what it basically is saying is it's upzoning to five acres, which could be thousands of acres. We haven't even figure how many acres it includes at this point. But, for example, if you had a 20 acre farm, you would get four lots on the 20 acre farm, but they would be clusters. And you would have to leave 80% open, so you would have four one acre lots, and 80% would be still open.

As an incentive for improving the affordable housing out there, they would also throw in another affordable house, but it would be permanently affordable for the -- for the town. And if you did that, your preservation would be dropped down to 75%. So on a 20 acre lot you could build five homes and still have 75 preservation. And that's basic. The only thing is the equity to the land owners. You would have the same formula, but if you would say you were going to sell your development rights, you would have to sign up for five years. At the end of five years, you would get a 25% bonus in the number of lots you would have as an incentive to join that. So that's about where the plan. They are still discussing it at the town board as to where they are going to go on this.

MR. O'DEA:

Probably doesn't fit into this. On the minutes of the Environmental Committee in August, there's a statement by the -- their legal advisor. It reads that, Attorney General's opinion which indicates that you can't serve on the County Planning Commission at the same time that you are serving on a local board. That's Sabatino's ruling that I think he gave during the Linda Petersen hearing. Is there any comment?

DIRECTOR ISLES:

You mean that you can't serve on the County Planning Commission if you serve on a local board?

MR. O'DEA:

It's his statement from the minutes.

MS. PETERSEN:

They said that under the misconception that I was still a representative of the Brookhaven Town Board. I had informed them I was off that board for five years and functioned in a different capacity then as a voting board member of Brookhaven.

DIRECTOR ISLES:

Also, I'm not aware of any prohibition of a local board member serving on the County Planning Commission. And I think as I talked about a meeting or two ago, there was a clarification or a change in state law that said that, you know, if you are on a local board and you receive a case that comes up to the County Planning Commission, you need to recuse yourself. What that change in state law did is if you get a case from another board, a Zoning Board of Appeals, you can act on that starting July 1st of 2004. But I'm not aware of a prohibition on local board service with County board service.

MR. O'DEA:
Okay.

ACTING CHAIRMAN MARTIN:
Can you find out and see what they are talking about?

MR. O'DEA:
They bought into it in their further discussion. Nobody in subsequent paragraphs here questioned it or anything. They just listened to him and agreed.

DIRECTOR ISLES:
What I think what they ended up doing is pretty much saying that they didn't want to act on any -- because when Linda said that I'm not a member of a local board, which took that argument away, I think they just felt they didn't want to act on any Planning Commission recommendations until there's a new County Executive sitting, because they felt they didn't want to tie the hands of the new County Executive. So at that point they just kind of stepped away from the whole thing at that point. I mean, if there's any action you want me to take on it, I can ask the County Attorney to research it and contact Mr. Sabatino with that comment.

MR. O'DEA:
Just to clarify that statement whether he's right or wrong.

MR. TANTONE:
An Attorney General's opinion is not necessarily law, it's just an opinion. So it's not binding.

MS. BRADDISH:
Depends on when it was dated too.

MR. O'DEA:
Thank you.

MR. BERKOWITZ:
Nothing to add.

MR. CARACCIOLO:
I just wanted to mention there is a Smart Growth Vision Long Island event on Friday at 8:00 a.m. at the Huntington Town House. They're doing a little forum. Eric did not call you?

DIRECTOR ISLES:
No, he had mentioned it a long time ago, but I had not received it.

MS. GRABOSKI:
Who is doing it?

MR. CARACCIOLO:
Vision Long Island. Well, I guess you are not on the panel.

MS. PETERSEN:
As far as Brookhaven goes, we are presently working with six different moratoriums. And hopefully by the time those moratoriums expire we

will have new codes in place which will address the various issues that brought about the need for a moratorium. We're also looking at two acres, specifically in Brookhaven, one being the Middle Country Road segment, which goes from roughly Mooney Rond Road in Coram eastward to Wading River Hollow Road in Ridge. That's a smart growth area where visioning was done, and we're presently looking to redesign that entire segment of roadway. We're just about finished with the Montauk Highway land use planned, which was a result of a visioning. And it has caused us to create a new main street business code and land use plan. So within the next few months we'll be finished, I think we'll go a long way towards stemming the future of smart growth in Brookhaven.

MR. O'DEA:
Moratoriums, are they in effect?

MS. PETERSEN:
Yeah.

MR. O'DEA:
All six of them?

MS. PETERSEN:
Yes. We're still busy even with them.

MR. TANTONE:
I feel bad, I have nothing to do. I'll come over and help.

MR. LONDON:
The only thing I have is the usual about West Nile. For those of you who have been reading Newsday, it finally hit home in Suffolk County, and it's killed now, I'm told, six people. Okay? In the tri -- in the bi-county area. It's almost at its peak. It will be in next couple of weeks. A few more cold days like today, a little help. As soon as you get a frost, that will be it until next year. The disease has gotten to California, and so far I'm told 27 people have contracted in confirmation and six have since died. So it's nothing to mess around with. That's -- you know, the pool of water business that I spoke of every month, and that's in all the newspapers. Other than that, I have nothing else to report except St. Patrick's Roman Catholic Church in Smithtown, Village of the Branch, will be finally doing their opening of the new church within the next two weeks, I'm told. That's it, Mr. Chairman.

MR. DIETZ:
Nothing.

ACTING CHAIRMAN MARTIN:
Anybody else have anything to add? Hearing none, Andy.

S-SH-03-05

MR. FRELENG:
The first regulatory matter before the commission is the application of Fairway Mews. This is referred to us from the Town of Southampton. Jurisdiction for the commission is that the application is adjacent

Suffolk County Parkland, and this application is within -- subject property is within Pine Barrens Zone.

The applicants are proposing the subdivision of approximately nine acres into two lots predominantly in the CR 200 zoning category in the Hamlet of Noyak. The parcel is also located -- part of the parcel is also located in the CR 120 zoning designation. The entire tract is subject to the Town of Southampton Aquifer Protection Overlay District.

The map is not being processed pursuant to 287 cluster provisions of town law. The lots -- the two lots are -- range in area from 200,000 square feet to two-hundred-nine-hundred and forty-five thousand square feet (sic). Open space is proposed as an easement on the north and east sides of subject parcel totaling approximately 103,705 square feet or roughly 2.4 acres. The property abuts Suffolk County Parkland to the south. The Noyak Golf Club is located adjacent and to the north and east of the subject property. To the west, the subject parcel abuts improved residentially zoned land, and there are no structures or improvements on-site.

The character of the area surrounding the subject property can be described as a mix of low density residential wooded open space and recreation, ie, the golf course. The parcel is located within Groundwater Management Zone Five, potable water to the lots is intended via private wells. Sanitary waste is to be collected and disposed of with individual on-site collection and treatment systems. The subject site is situated in the South Fork Special Groundwater Protect Area. The SGPA plan recommends low density residential for this tract.

Soils on the subject property consists of Carver, Riverhead and Haven series. The Riverhead and Haven soil associations are considered prime farm soils in Suffolk County. However, the subject property is not in a Suffolk County Agricultural District. The parcel is located in a Suffolk County Pine Barrens region. Twenty-five percent of the subject parcel is the maximum site clearance allowed in the predominant zoning category of the parcel, it's the CR 200 category.

Access to the proposed subdivision lot is intended via an access easement across adjacent lands to the north connecting to Fairway Court. The lack of frontage to the public right of way, ie, creating landlocked parcels is contrary to commission policy. In addition, lot two is to be a flag lot. The access pole for the flag lot is some 550 feet long and contains a right angle dog leg. The length and configuration of the flag lot access is also contrary to commission policy. So just stepping over to the plan a second, we have the subject parcel. It has no frontage on the right of way, Fairway Court. The applicants are proposing to connect an easement, which goes from Fairway Court to the subject property. You can see on lot two, which is in the south east corner of the map, has access in a right angle flag strip over here on the south west corner.

Staff believes the two lots can be redesigned by creating a 50 foot wide right of way easement across lot one and along the western property boundary to the straight access pole of the flag lot two.

Staff has included a sketch. A picture is worth a thousand words. So the last page of the staff report is a sketch roughly demonstrating what staff believes would be a reasonable solution to the application.

Staff believes the easement should be designed in such a way suitable for dedication to the Town Highway Department for health, safety or welfare purposes should the need arise in the future. This way if the -- I'm sorry. And this way the dog leg and the excessively long flag pole access is eliminated and the lots are fronting on a proposed public right of way. A common drive can be situated within the easement until such time as the easement is extinguished and the right of way is dedicated to the town.

So the issues related to the proposed subdivision stem from the commission's policy on the creation of subdivisions in Pine Barren areas, the creation of landlocked parcels and issues related to good planning and land use. Staff is recommending conditional approval with the following conditions. That the map be redesigned to eliminate to dog leg flag lot access to lot two. The paragraph that follows is a reiteration of the staff report and the logic behind that. The second condition is no more than 25% of the entire tract be cleared of naturally occurring vegetation. That condition stems from the subject site's location in the Pine Barrens Zone. No more than 50% of each lot shall be placed in fertilizer dependant vegetation, that is the third condition. And the fourth condition is that a fence in accordance with the zoning requirements be erected between the property and the County lands to the south.

Staff is also recommended that a comment be forwarded to the Southampton Planning -- I'm sorry, the Southampton Planning Department that since the parcel is situated in two zoning districts, it's suggested that the Town Planning Board initiate a change in the present location of the zoning district boundary so that the boundary line will coincide with the existing property line. Such a change will eliminate potential problems arising from the parcel lying in two zoning districts. The zoning line roughly crosses up here along this finger, which is proposed to be a conservation easement open space area. Mr, Chairman, that's the staff report.

ACTING CHAIRMAN MARTIN:
Any comments?

MR. TANTONE:
I make a motion.

MR. CREMERS:
Second.

ACTING CHAIRMAN MARTIN:
Do I have a second? Bill. All in favor, signify by saying aye. Contrary minded? Abstentions? So carried. APPROVED. (VOTE:11-0)

S-RH-03-06

MR. FRELENG:
The second application before the commission is the application of

Roanoke Landing. This is referred to us from the Town of Riverhead. The jurisdiction for the commission is that the subject property is adjacent to the shoreline of Long Island Sound. In this application, the applicants are proposing the subdivision of approximately 43 acres of land into 32 lots in the Residence C and the Agricultural A zoning categories in the Hamlet of Roanoke.

Minimum lot size would be 40,000 square feet. The map is being processed pursuant to 278 cluster provision of town law. Lot range -- the lots range in area from 30,069 square feet to 119,471 square feet.

No open space is proposed. The subject property abuts Long Island Sound to the north, Sound Avenue, which is a town road, to the south. To the east and west, the subject site abuts improved residentially zoned land. Also, to the west of the subject parcel is some agricultural fields, but there are no structures or improvements on-site.

The character of the area surrounding the subject property can be described as a mix of medium density residential, wooded open space and agricultural land. The parcel is located within Groundwater Management Zone Four. Potable water to the lots is intended via public supply. Sanitary waste is to be collected and disposed of via individual on site collection and treatment. Soils on the subject property consist of Carver, Plymouth, Riverhead, Haven, Beach and Montauk series. The Riverhead, Haven and Montauk soil associations are considered prime farm soils in Suffolk County.

The subject property is not in a Suffolk County Agricultural District.

Certain soils on the subject property are indicative of slopes approaching 35%, some lots, particularly lot nine, 11 through -- nine and 11 through 14 are problematic in that they encompass nearly all steep slopes. The parcel is not located in Suffolk County Pine Barrens region. There is a small vernal pond wetland area on the subject site, however, it is not mapped by the New York State DEC or the US Fish and Wildlife Service. It does show also on the applicant's plan -- he calls that a small vernal pond, right about there on the aerial photo.

Access to the proposed subdivision lot is intended via two cul-de-sac streets. Each of the streets exceed commission policy on length. In addition, there is no alternative or emergency access to the proposed subdivision. There are two tap streets from the adjacent property to the west and one tap street from the adjacent property to the east. That could be used to provide alternate access to the subdivision. One of those two to the west, Louis Court, is utilized to create the cul-de-sac Louis Court extension. It would appear to staff that it would be possible to connect Louis Court to the tap street Hearthstone Lane from the adjacent property to the east to allow Roanoke Court to connect to the cross street.

In this alternative, a tap street from Roanoke Court to undeveloped lands to the west could be established. Moreover, the cul-de-sac Waterview Court could be utilized to provide access to lots one, two or three or connect to Louis Court extension. Essentially it's hard to see on the subdivisions map that was submitted since we have it split into match lines, but we have the one cul-de-sac coming up from

Sound Avenue, quite long, ends approximately halfway, and then from one of the tap streets, you can see in the staff report or up on the aerial, one of the tap streets here is to be used as an extension and bring in another cul-de-sac going this way.

There is to the east Hearthstone Court. It's kind of hard to see on the aerial, but there is a dead-end street that ends right here. And staff really believes to make continuous flow, that the property should be connected to the two tap streets and perhaps even bring up the cul-de-sac and create a T intersection in here to provide alternate means of access from either the west or the east in the case of extreme emergency. We might have blockage during a hurricane, you can still get emergency vehicles into the subdivision lots.

In addition, way up on the north, what the applicants are proposing is to have one lot front and take access off this Waterview Court cul-de-sac, and the other two lots up in here up in the top northeast corner would be flag lot extensions down to the second exceedingly long cul-de-sac. So with the existence of this dead-end street, this dead-end street, this one here, there are various different ways that you can make alternate access into the subdivision and create continuous flow. Therefore, issues related to the proposed subdivision stem from the commission's policy on the creation of subdivisions with exceedingly long cul-de-sacs, no alternate or emergency access and issues related to subdivision development adjacent to Long Island Sound.

Staff is recommending approval with the following conditions, that the map be redesigned to eliminate the exceedingly long cul-de-sac, the paragraph that follows is the rationale of the staff report. The second condition is that the top of the bluff be flagged in the field by a qualified expert, verified by the appropriate regulatory agency and shown on all surveys, maps, plans, sketches associated with this action.

It is particularly interesting here that the top of the bluff on the aerial -- I'm sorry, in the field is really back here in the wood line. The crest of the slope, which rises from the Long Island Sound, comes up and starts to slope, and you lose the vegetation about half way up the slope, but it really crests right back here some where in the wood line. Chris and I walked the crest line, which has a well worn path, and it was very obvious to see that the top sloped down to the Sound and then back into the wooded property, deep in the woods.

So it is important to have a qualified expert go out into the field and identify the topographic top of bluff. It's not the erosion line or where the vegetation is sloping away. You can see actually that the top of bluff probably goes where this blow out is right back here.

So the top of bluff runs some where along the back in here. So staff is recommending that that be flagged in the field by a qualified expert. Also, in the third condition staff is recommended that the coastal erosion hazard line be flagged in the field also by a qualified expert.

The fourth condition is that the most landward limit of freshwater wetland be flagged in the field also by a qualified expert. The next

condition is that no new residential structure or sanitary disposal facility be constructed or located less than 100 feet from the mapped top of bluff line. A condition that follows, that there not be any individual access structure to the beach for lots one through three. You can see the topo on the submitted subdivision map shows some very deep slopes. Staff is recommending that the integrity of this bluff be maintained as best as possible by having only one access that goes down to the beach for the proposed subdivision.

The following condition recommends that within 50 feet of the top of bluff there not be any grading except that that may be necessary to control or remedy erosion or to prevent stormwater runoff from flowing over the top of the bluff and going towards the Long Island Sound and thereby exacerbating any erosion problems that are going on there. The next condition is that the subdivider acknowledge in writing that he is aware of the severe erosion problem that exists along the Long Island Sound, and that neither the town or the county is committed to any improvements to that erosion situation.

Next, that no new dwelling or sanitary facility be located less than 100 feet from the most landward limit of freshwater wetland. We have a situated in the corner of the property up here. We want to make sure we have no sanitary facilities that might impact that wetland. Just as a side note, this is a vernal pond, which means it dries up mostly in the summertime. Ideal habitat for mole salamanders, the most famous being the tiger salamander and that being because there are no fish populations over summer, if you will, in the dried out ponds. That makes an ideal habitat for protected species.

The following condition is that certain soils on the subject property are indicative of slopes approaching 35% and that into building envelope be located on sloped exceeding 15%, which is the commission's policy. Certainly you can see some of the slopes down in the middle of the subject property are rather steep.

Walking in the field, you get a good impression of the sloping topography. And some building envelopes as proposed right now would be problematic and would require a lot of grating and cutting of the property. The final condition is that 20% of the units in the subdivision be considered to be set aside for affordable housing purposes. That is the staff report.

MR. LONDON:

Question. Andy, what is the approximate distance from the Sound to the southeast corner?

MR. FRELENG:

We did not scale that off. I couldn't tell you off the top of my head. It's a long walk.

MR. LONDON:

Well over 500 feet?

MR. FRELENG:

Well over 500 feet. Five hundred feet might come, I'm guessing, maybe about here some where.

MR. LONDON:

Okay. So approaching three quarters of a mile.

MR. FRELENG:

I would say that's a good guess, if not more.

ACTING CHAIRMAN MARTIN:

Yes, Nancy.

MS. GRABOSKI:

Andy, the ag land that has been cleared on that, is that currently under preservation?

MR. FRELENG:

No.

MS. GRABOSKI:

On the southern end?

MR. FRELENG:

It's going --

MS. GRABOSKI:

Is there any merit to think in terms of preserving that?

MR. FRELENG:

I don't have with me where the agricultural soils fall on the property, but I would imagine that these are some of the prime farm soils not in an ag district.

MS. GRABOSKI:

I just wonder if the adjacent land has been preserved to the east.

MR. FRELENG:

I couldn't tell you that. I can have staff follow up on that, but I couldn't tell you off the top of my head.

MS. GRABOSKI:

The County needs to think in terms of certain criteria; if contiguity and prime ag soils is -- are some of those criteria.

MR. FRELENG:

If it's the pleasure of the commission to add a comments to the bottom that perhaps it should be looked at to see if there is a possibility of clustering the map, preserving some of the agricultural soils to the south.

MS. GRABOSKI:

I think it's a good idea.

MR. FRELENG:

They are using 278 cluster to create larger lots in the back to move the building lines away from the bluff area. So the lots in the back are larger than the minimum 40,000 square feet, while some of the lots in the fronts are less than 40,000 square feet. So they used a cluster provision to preserve some of the steep slopes in the back by

the Sound. It's not beyond the realm of possibility that perhaps they can further cluster down to smaller lot sizes and preserve some of the agricultural soil. If it's the pleasure of the commission, we can add that comment.

ACTING CHAIRMAN MARTIN:

I don't see any problem with that, but as a comment only. We're still going to give them the leeway. You know, why don't we do that? Why don't make it --

MR. O'DEA:

Let me give you history on this first. This application was originally for a larger amount being the two zones it was in. They got caught by a hair in the moratorium. So it's been around a while. And the Planning Board has blessed a purchase -- a private purchase of development rights with the Boy Scout property, which is also -- this is in a receiving zone, Boy Scout was also in a receiving zone -- to get this group.

They didn't bless the map, they blessed the concept of going and buying the PDR to get up to this level possibly. So that's where that -- that's where this whole project sits right now. To answer anyone else, the subdivisions on each side, the town is aware of all these other streets. If you go into Morgan-Louis Court, I'm sure the public on both sides of this project will be out in droves. That's why it is drawn like it is.

MR. FRELENG:

Staff did discuss the issues of creating through traffic and mapping into the adjacent streets. We have the commission guidelines which --

MR. O'DEA:

I understand that.

MR. THORSEN:

It seems that they put the smaller lots in the south in the flat farmland and had created larger lots in steeper slopes. And we're adding 20% affordable out of this. It hits the development pretty hard, I think, you know, to require more, because I think it makes sense to cluster to the south -- you've got subdivisions off on the east side there.

MR. FRELENG:

Long straight subdivisions off to the east, yes.

MR. THORSEN:

And the farmland to the west at the bottom there, if that's preservation, you have a big chunk of contiguous farmland, that probably does that -- does the bit. So I wouldn't more harsh on that developer, I think.

MR. FRELENG:

Staff needs a little bit of a direction, whether or not they --

ACTING CHAIRMAN MARTIN:

Ask Nancy what she thinks.

MS. GRABOSKI:

By the time you put a road in through there and what not, you're -- you know, you are shrinking the size of that significantly. The fact that there is an affordable component to that, the fact that it's in a receiving district --

ACTING CHAIRMAN MARTIN:

Motion to approve it. Would you like to make the motion?

MR. FRELENG:

Can I just have some clarification. It is the pleasure of the commission to drop the 20% affordable requirement?

ACTING CHAIRMAN MARTIN:

No. Keep that in no matter what.

MR. FRELENG:

Okay. So essentially as written.

MR. LONDON:

Motion for staff.

MR. THORSEN:

Second.

ACTING CHAIRMAN MARTIN:

Second, Nancy. All in favor signify by saying aye. Contrary minded? Abstentions? Mr. O'Dea. APPROVED. (VOTE:10-0-1)

BR-03-61

MR. NEWMAN:

Today I have five zoning actions on the agenda. The first is from the Town of Brookhaven. This is an application to rezone an unimproved parcel of land comprising 117.5 acres. The intent is to rezone it from a light industrial category to a planned retirement congregate housing category affecting lands situated on the north side of the Service Road of the LIE just west of Sills Road, a County Road, at Yaphank.

In this particular case, the property has 345 feet of frontage on the Service Road and extends northerly a distance of approximately 3000 feet. The intent is to develop this property for senior and related purposes as follows; the south corner of the property on a six acre portion, namely, in this corner here of the site plan. The applicant on a six acre portion north, intends to erect two retail office buildings comprising 22,400 square feet, as well as 190 parking spaces.

In the northerly 100 acres, namely, this portion of the site plan, the applicant intends to provide a number of senior units of which there will be a total of 620 subdivided into two 360 rental units as well as 260 for sale units. That's in a density 6.2 to the acre. And if you include sewage treatment plant plans to the northwest on the subject property comprising 11.5 acres, that density is reduced to an overall density of 5.6 units to the acre.

Again, that's previously mentioned. The northwest corner of the property will be -- there will be situated a sewage treatment plant. That's a very unusual site by the way, that the top of a hill, I don't know why they selected that site. The preliminary site plan calls for the coordinated development of the property with one point of vehicular ingress and egress via the LIE Service Road with one point of emergency vehicular access to the east of Sills Road.

There's a 200 foot buffer throughout the northerly portion of the property. That comprises a total of 12.5 acres. There's eight artificial ponds intermingled throughout the site, many of them are interconnected. There's recreation centers for each of the duplex villages, those are the stars. And there will be green belt trails throughout the periphery of the property.

A LIPA power line right-of-way traverses the property between the retail offices complexes in the residence units. You can see right on this, generally goes right through here. It separates the residences from the office retail component. The property is situated within the Compatible Growth Area of the Central Pine Barrens and also in the Central Suffolk West Special Groundwater Protection Area. Under existing zoning approximately 1000 -- 1,024,000 square feet of industrial space could be accommodated on the property.

A previous application to subdivide the northwest portion of the property as well as adjoining lands to the southwest, namely, a square roughly in this area here. The Suffolk County Planning Commission considered an application to subdivide that land area, comprising 114 acres into seven lots. One of the conditions of approval when the commission approved it was to provide taps to the easterly portion comprising the easterly portion of this site as it was zoned industrial to provide accomodation to access services. That was rendered by the Planning Commission on February 5th of this year.

The property is bounded on the north and east by single family residences in the one acre single family district. To the south, by other unimproved lands of the applicant, you can see it on the aerial.

That's also in the light industrial district. And to the west by unimproved lands and a composting facility to the west. And you can see on the zoning map here there is a large block of industrial zoned land and the petitioner intended to slice off a portion of the northeast corner.

It is the belief of the staff that this proposal appears inappropriate as it constitutes the unwarranted fragmentation of the continuity of the prevailing pattern of industrial zoning in this area. The property can be reasonably developed in accordance with existing zoning. The separate retail offices use are not considered customary accessory uses in the planned retirement congregate housing district.

It is inconsistent with the Central Suffolk West SGPA as well as the Longwood mini master plan which designates this area for cluster development in accordance with the existing zoning. The existing zoning here is L-1. And finally, it's inconsistent with the town plan which designates this area for industrial development. We're recommending disapproval.

MS. PETERSEN:

Can I just give some history on this site. Years ago when it was rezoned from residential to industrial, which goes back to the mid 1970s, the community unilaterally was not in favor of the industrial rezoning. However, it was approved at that time by that existing town board. Subsequently, back a little more than almost a year and a half ago, the town board directed the developer to hold a visioning on this site.

It was also something which was a controversial previous proposal for the American Tissue Factory. And that got the whole community up in arms because they were under the impression that the industrial zoning that affected that huge block of property that Jerry just showed us was to have been for a high tech type of industry, something like a banking center or Computer Associates, not the type of industrial use such as the tissue factory, which was tremendous in size and would have been built on that property.

So it galvanized the community. They were very, very concerned about it. It led to the attempt to create a village for the community of Yaphank. And it really came out of that whole issue of the American Tissue factory on this exact site. American Tissue ultimately went away. The community had a village vote that didn't succeed. In the interim, the gentleman who owns the industrial property in the middle, just west of where that composting facility is, offered to buy the American Tissue factory site and combine it with his site, which is the industrial site we saw in February, I guess, and turn this component of it into a mixed use smart growth type concept.

Based on a tree day visioning of the community, it came out that this was a similar plan, not exactly this, but this kind of concept came out of the visioning, at which point he went forward and developed the plan that we're looking at today. So some members of the community thought it should stay industrial to help with the tax base to help with the tremendous financial stress of this community. Other members felt that it should be developed as you see a plan -- a concept plan similar to what we're looking at.

So whatever you feel like doing, I just wanted you to know there's quite a long history involving this site, and this is how it got to where it is. As far as showing they wanted a retirement component for the community, they want some kind of affordable housing within the community for young people so they could afford to stay. The location where he is proposing retail wasn't something that they suggested be down here, they thought it should be more central so that anyone who lived in that created community could walk to it. Whereas now it's on the road of the Expressway, and I don't think -- I know that's not what was part of the whole visioning weekend. They wanted a town -- a community little town center developed within the center of the site. But I just felt it's important no matter which way you vote just to know the history behind all this, okay? Thank you, folks.

ACTING CHAIRMAN MARTIN:

Well, I don't think we can go by what the community wants. I think we have to go by what we think is good zoning. That's why you have a town board that sits there. If the town board doesn't agree to which

way we vote, they can vote the other way, and it can go like that. I can't believe that we can say that that's what the people want. I mean, I have no way of knowing that and how many people wanted it. I think that we have to go on the recommendation that we -- of Mr. Newman. And if the town board feels that our recommendation isn't what they want, they will vote against it. I think that will be easier.

DIRECTOR ISLES:

But at least the background is --

ACTING CHAIRMAN MARTIN:

Yeah, at least we know the background, why it came before us.

DIRECTOR ISLES:

We'll make our decision based on what's before us.

ACTING CHAIRMAN MARTIN:

Yeah. We have to make our decision on what's before us.

MS. PETERSEN:

It's also presently moratorium because it's a multi-family and it's a PRC and PRCHC. So it's --

MR. CARACCIOLO:

Does this application have any affordable housing unit or it's just senior housing?

MR. NEWMAN:

There's no indication.

MR. CARACCIOLO:

There's no affordable housing in this?

MR. NEWMAN:

No. There's no indication of an affordable component.

MR. BERKOWITZ:

I have a question for Linda. Linda, why is it a PRCHC? It doesn't seem like that's correct for this.

MS. PETERSEN:

Well, it's PRCHC --

MR. BERKOWITZ:

Congregate housing is usually sponsored by a non profit or...

MS. PETERSEN:

No. Sometimes we have a -- a PRCHC is sort of like an assisted living facility, and it doesn't necessarily need to be non profit. I think many of them are in it to make money.

DIRECTOR ISLES:

Like Sunrise Assisted Living. There are private companies for that.

MR. THORSEN:

Linda, are the town planners looking at this site now with new concepts in mind and so forth?

MS. PETERSEN:

The fact that it's presently situated in the moratorium I believe will gives us the ability to look at that with a different perspective than we would have had it not been in the moratorium. Dan Galizzio, our new Commissioner, is going to be developing the standards for the PRCs and looking at the amount, where they're located and I guess giving us direction. To date -- this really was filed recently. And I honestly was out -- I had been ill, so I was out of work for quite a few weeks.

So if he spoke about, he hasn't spoken about it to me.

MR. THORSEN:

Our disapproving this, later on somebody can -- your planners can --

MS. PETERSEN:

They can overall. I just wanted you all to have a background history, because it's kind of involved and it led to a number of issues in the community. The village vote was quite a powerful issue, as I'm sure you know going through the Dune Hampton situation.

DIRECTOR ISLES:

We based our review on our plans, the town's plans and so forth. If the plans change, if the town comes up with a new plan as a result of this moratorium, we'll certainly take that under consideration. I'll also make the point that as Jerry has pointed out, that there's an issue here in terms of PRC development. There's also an issue in terms of fragmentation of the industrial zoning. So it's a little bit of this and a little bit of that. So it's kind of split, and we have some concerns even just in the level of the appropriateness of having the two adjacent to each other. So if it is going to for a PRC or some sort of residential use, it probably should go the whole north side of the Expressway, which is not proposed here.

MS. GRABOSKI:

I just wanted to point out that, I know in Southampton it's generally the goal to try and site senior housing near the hamlet center, because if people are at the age where they are beginning to give up their cars, then they can walk in for the services. And as Linda, you know, did suggest the area that the retail services are located in is so far removed from the, you know, the core of the development itself, that would certainly be a concern. It almost sounds like, you know, like, a block study, you know, coming from the town, you know, generated by the planning -- their own Planning Department would be, you know, the best thing for this developer. And if they make certain findings that this kind of development is what they want to see happen here, then this project should go forward.

MR. LONDON:

Mr. Chairman, based on all the information that has just come out and been presented in reviewing this, I'll make a motion to go with the staff report.

MR. THORSEN:
Seconds.

ACTING CHAIRMAN MARTIN:
All in favor, signify by saying aye. Contrary minded?

MS. PETERSEN:
I'm going to abstain.

ACTING CHAIRMAN MARTIN:
One abstention. DISAPPROVED (VOTE:10-0-1)

BR-03-63

MR. NEWMAN:
Application number two is also from the Town of Brookhaven. This is an application to rezone four separate unimproved wooded parcels of land comprising 3.5 acres from a singly family half acre category to an office category affecting land situated on the north side of New York State Route 347, east of Market Street at Port Jefferson Station.

The attached -- attached to the staff report is a tax map, and you can see in there, there are a number -- each of the parcels are bounded by 20 foot wide -- 25 foot wide and 50 foot wide paper streets. If this rezoning is approved, the intention of the applicant is to abandon those roadways. The preliminary site plan calls for the development of a two story building, office building, comprised of 30,464 square feet. There is one point of vehicular access via the State Road. There are 207 parking spaces and significant buffering.

Under existing zoning, seven houses could be accommodated on the property. It's bounded on the north, east and west by single family residences all in the half acre district. And to the south, there's also a single family residence out parcel and across the street there's senior citizen congregate housing. There's large block of land in this area here that is all zoned residential, but the remaining block is zoned business. You can see the property here, this is all zoned residential, whether it's single or for congregate -- senior citizen housing.

It is the believe of the staff that this rezoning appears inappropriate as it constitutes the unwarranted extensive encroachment of this business zoning into the residence district. Local residential tap streets throughout the periphery of the property indicate planned single family residence development thereof. It constitutes the unwarranted further perpetuation of strip business development along the state road. It would establish a precedent for further such downzones along the roadway. And it's inconsistent with their town plan, which designates this area for single family residence purposes. We're recommending disapproval.

ACTING CHAIRMAN MARTIN:
Any comments?

MS. GRABOSKI:
I make a motion.

ACTING CHAIRMAN MARTIN:
Any second?

MR. TANTONE:
I'll second.

ACTING CHAIRMAN MARTIN:
All in favor, signify by saying aye. Contrary minded? Any
abstentions? No? So carried. DISAPPROVED. (VOTE 11-0)

BR-03-66

MR. NEWMAN:
Application three also from the Town of Brookhaven. This is an application to the town board for a special permit to allow the storage of heavy construction vehicles and equipment in connection with the change of zone from a single family one acre category to a light industrial category for the purpose of establishing a trucking business on a unimproved 6.5 acre parcel of land situated on the west side of North Dunton Avenue approximately 2332 feet south of Granny Road at Medford.

The preliminary site plans call for the erection of a building comprising 35 -- 35,850 square feet. There will be one point of vehicular ingress and egress via Dunton Avenue. There would be 120 parking spaces including 60 landbanked, a rear yard storage area and significant buffers throughout the periphery of the property. Total on-site clearing and fertilizer dependant vegetation 65 and zero percent respectively. The property is within the Compatible Growth Area of the Central Pine Barrens, and it's also situated within Central Suffolk West Special Groundwater Protection Area.

Under exist zoning, five single family residences could be erected on the property. The property is bounded on all sides by unimproved lands in a one acre zone. There's a 100 foot strip between industrial bulk that lies to the north of the property. It is the belief of the staff that this zoning action appears inappropriate as it constitutes the unwarranted of further proliferation of industrial zoning along the west side of North Dunton Avenue. As I previously mentioned, you can see that block of industrial zones that are situated in this area.

The remaining area all around the property is zoned for single family residence purposes.

It would tends to establish a precedence for further such downzonings i8n the area, and the property can be reasonably development in accordance with existing zoning. It's inconsistent with the Central Suffolk West Special Groundwater Protection Area plan, which designates this area for cluster development in accordance with existing zoning. And finally, it's inconsistent with the town plan, which designates this area for single family residence purposes. The staff recommendation is for disapproval. It's important to note here that access to this property with all the trucking business, they are going to have to go through number of residential areas. So we're recommending disapproval.

ACTING CHAIRMAN MARTIN:
Any comments? Motion is in order.

MR. O'DEA:
I make a motion.

ACTING CHAIRMAN MARTIN:
Nancy seconds it. All in favor signify by saying aye. Contrary minded? So carried. DISAPPROVED (VOTE:11-0)

EH-03-19

MR. NEWMAN:
Next application is from the Town of East Hampton. We haven't had one from East Hampton in a while. This is an application to rezone a 20,475 square foot parcel of land from a resort category to a central business category affecting land situated at the southwest corner of South Elmwood Avenue and South Edison Street at Montauk. In this particular case, the easterly 8175 foot square foot portion of the property is occupied by a preexisting non conforming retail use. The remaining westerly portion is undeveloped.

The apparent intent is to allow a retail and office use without a special permit on the undeveloped portion and to legalize the existing retail uses. There are a number of uses within them. One a tattoo parlor. I don't know what the other uses are. Additionally, the CB district will allow for intensification of use of the property as the building coverage would increase from 15 to 50%.

Under existing zoning, three motel units could be erected on the property and would be permitting the resort of six to the acre. In case we have about acre, so we can accommodate three additional units.

However, they probably will have to be developed in conjunction with an adjoining motel facility in the area. The property is bounded on the north across South Elmwood Avenue by unimproved land in the CB district. To the east across South Edison by unimproved lands in the resort district. To the south and west by unimproved land of the motel. And also to the west by unimproved lands all RS district. All lands south of this roadway are in resort -- I mean, north of this roadway are in the CB district.

On or about 1984, the area south of South Elmwood Avenue was reclassified to from retail business to resort consistent with the 1984 comprehensive plan update to protect and promote the motel industry in close proximity to the ocean beaches in downtown Montauk. Downtown Montauk is here, you can see the ocean area immediately to the south.

It is the believe of the staff that this rezoning is inappropriate as it constitutes the unwarranted encroachment of CB zoning into the resort district. It would establish a precedent for further such rezoning to the area south of South Elmwood Avenue. The property can be reasonably developed in accordance with existing zoning. And finally, it would further diminish the limited availability of resort zoned lands in the area. We're recommending disapproval. And this application was also disapproved by the Planning Board in the Town of

East Hampton.

MS. PETERSEN:
I move to staff.

ACTING CHAIRMAN MARTIN:
Do I have a second? Second, Frank. All in favor, signify by saying aye. Contrary minded? Abstentions?

MR. THORSEN:
Abstain.

ACTING CHAIRMAN MARTIN:
Tom Thorsen abstains. DISAPPROVED. (VOTE:10-0-1)

RH-03-18

MR. NEWMAN:
Before I get to this application, this is a repeat of one we considered back in '99. The aerial we have -- the petitioner has very graciously provided us with an up to date aerial photo as the one we have in our file does not show the location of the golf development.

This is an application to rezone a 349 acre parcel of a land from an Agricultural A and Residence A category which permits single family residences on one acre lots. And also, a portion of the property is going recreational, it would allow recreation uses. And the intent is to rezone the entire property to Agricultural A purpose to allow the maintenance of an existing 18 hole private golf course, previously erected maintenance facilities, and to construct remaining associated appurtenances including a clubhouse and residents cottages.

This would be on land situated on the north side of Sound Avenue, 1550 feet east of Baywood Drive at Baiting Hollow. The property has approximately 2185 feet of frontage on Sound Avenue and extends northerly approximately 4950 feet and has a frontage of 3900 feet of frontage on the Sound. A previous application to rezone these lands to a recreational category with a yield of no more -- no more than 337 units, that's yield under existing zoning for the purpose of erecting the 18 hole golf course and clubhouse.

In this particular case, there would be no transfer of development rights. This property is situated in a TDR receiving area in the Town of Riverhead. The intent at that time was a goal of no more than 50 to 75 residence units. The exact number would have dependant on the success of the golf course if it had operational for a period of three to five years. That application was conditionally approved by the Suffolk County Planning Commission with comments on November 3rd of '99 and subsequently conditionally approved by the town board on February 1 of 2000.

Copies of these recommendations of the Planning Commission as well as the town board are attached to the staff report. So I hope you had an opportunity to look over the conditions. The town board approval included an 18 hole golf course, clubhouse with attendant features, practice facilities, a pond, an irrigation pond, a pump house and

renovation and construction of maintenance facilities at a maximum of 333 residence units whose precise location at that time was unspecified. The applicants subsequently obtained a clearing permit from the town and proceeded clear and construct the golf course, the practice facilities, the irrigation pond, the pump house, the renovation of -- the construction of the maintenance facilities and substantially all the clearing for the entrance road, pool and tennis center clubhouse and some of the associated parking. This clear on the aerial before you today.

This was all undertaken over a two year period in accordance with an approved site plan. In January of 2002, after a number of legal challenges, the Appellate Division ruled that the environmental review associated with this project was deficient. The reading was that they failed to adequately identify the number, type and location of residence units. They failed to consider -- allegedly failed to consider the adverse impact from the loss of the woodlands. And apparently they allegedly did not consider no action alternatives.

The applicants then proceeded to modify the project, and this was in -- after apparent consultation and acceptance by the Long Island Pine Barrens Society. And at that time it was amended to include 69 single family residence lots, as well as 22 seasonal transient use golf facilities, a clubhouse, pool and tennis center, staff housing and attendant parking.

Now, the preliminary site plan calls for the golf course to be generally maintained throughout the easterly and bluff frontage portions of the property. The golf course is to be situated on lands comprising 79.9 acres. There's going to be one point of vehicular ingress and egress on the easterly extremity of the property running to the north where they would have access to the clubhouse. The clubhouse would comprise 30,000 square feet. There will be a pool and tennis center. There will be 22 seasonal transient use cottages. The cottages are in here and some cottages in here. There would be one single family residence. Believe it or not, there's one residence situated in here on an individual lot. You can see it on the site plan attached to the staff report.

There will also about roughly 210 parking spaces situated in the peripheral area near the clubhouse. The north -- this is on the north easterly portion of the property. Seventeen of the total 69 single family residence lots, detached single family residences, would be generally situated throughout the southeast corner of the property. That's off the same roadway leading to the clubhouse. So there's about 17 detached single family residences in the southeast corner of the property. To the west there's another roadway to be off Sound Avenue. There's to be another block of housing. That group would encompass 43 single family residences, and there will be couple of taps to adjoining lands to the west.

The remaining housing would be constructed in the northeast corner of the property with access via the local residence street to the northwest of this subject property. The maintenance building and staff housing -- I don't know if you can see this here, the staff housing building is situated right on South Avenue, and the

maintenance building is located in close proximity. There are to be situated along the Sound Avenue corridor. The teaching building will be adjacent to the practice range that will be situated in the central portion of the property.

The short stay cottages are to be used by members and their guests only, and they will comprise no more than roughly 3000 square feet each. The membership of this club is allegedly not to exceed 400. The houses are to be on lots of one acre to two acres. Some in the woodland areas on the northerly portion of the property are to comprise lot areas of up to four acres. The golf course in this case, will continue to be maintained utilizing an organic base turf management plan.

The staff report has a summary of the habitat acreages currently and in the future. Of particular importance are the four habitat categories, and this is the list, the dwarf beech -- the property originally had 136 acres -- roughly 136 acres of land in the woods. The original wooded line is this black line, so all of this area to the north was considered the primary woodland. There were originally 136 acres in that area. The applicant cleared 92.8 acres, and that comprised 32% of the woodland. He's clearing an additional 15 acres, which will have an overall clearance of 43% within the wooded area.

The golf course as previously mentioned comprises 79.9 acres. Construction activity would further include the conversion of approximately 67 acres of farm fields and 19 acres of meadow habitat.

Within the dwarf beech and beech oak area -- I don't know if you can see this colored map here, the dwarf beech is right along the bluff line and the beech oak is in pink. Within that area, we have the Grandifolia habitats comprising of beech tree ecosystem.

The Environmental Impact Statement identifies existence of globally rare maritime dwarf beech woodlands on or near the bluff base. None of that area by the way is to be touched in accordance with the development plan. The northerly wooded portions of the property are occupied by rolling hills with slopes up to 60% along the bluff reaching to 180 feet about mean sea level. The beach evidences limited erosions and is largely stable. There's an area of 25 to 100 feet comprising the area immediately adjacent to the woodlands. That is to be preserved and maintained between the golf course and coastal erosion hazard line.

On this map we have the coastal erosion hazard line, we have a blue line that represents the bluff line, we also have a red line that represents the 100 foot setback from the bluff -- bluff line. The coastal erosion hazard line and steep sloped topographic crest of bluff line diverge on the easterly portion of the property. So roughly -- they're the roughly the same then they diverge into a 600 foot difference in the coastal erosion line and the bluff that's set forth by the staff. That is in accordance with a statement set forth in condition in the Tidal Wetland Act.

Within 100 feet of the bluff line throughout the westerly portion of the property, there's roughly two tees, two greens and portions of two fairways. Within 100 feet of the bluff line to the north easterly

portion of the property, however, there's significant development and that is to include the clubhouse, the pool and tennis center and some parking associated therewith, there's going to be six seasonal cottages within that area, the one house I previously mentioned. And these are all to be situated seaward of the steep sloped topographic crest of bluff line, as I mentioned before previously deviates by as much as 600 feet to the coastal erosion hazard line.

By the way, that coastal erosion hazard line is set forth by New York State Department of Environmental Conservation, and it's reviewed and modified every ten years. There appear to be some questions as to whether or not the geologic features on this property are glacial in origin or rare dunes, which are considered to be moving due to redeposit of sand from the shoreline and the existence of rare and selected forest habitats. When this project originally came in, the staff inspected this site on October 21, and we found no apparent unique or rare habitats existing here. However, at that time, we determined that the woodland area, namely, 136 acres was an enhanced environmental amenity for the site.

The next paragraph in the staff report gives you some indication of yield. We have yield figures under existing zoning, yield figures under proposed zoning and yield figures in accordance with a two acre development, which is permitted now in accordance with a moratorium in the Town of Riverhead. Under existing zoning this property can yield roughly 337 units. If you utilize the TDR principle, which is -- this is in a TDR receiving area, you can get roughly 675 units. Under proposed zoning, the yield would be 215 single family residences. That would be after we subtract out 79.9 acres of golf course. Also, the town has a provision in accordance with the current moratorium that would allow development on two acre lot clusters. That yield would be 137 lots.

The staff at this time is once again reiterating previous conditions we had set forth with some slight modifications. We believe this proposal once again appears conditionally appropriate considering the prevailing pattern of zoning and character of the surrounding area as well as the property. We're recommending approval subject to a number of conditions. Rather than go over all the conditions, I'd like to give you a breakdown of the difference in the conditions from the initial submission versus the current submission. The original submission, there's a copy of it attached to the staff report. The Suffolk County Planning Commission attached 11 conditions with two comments. The one condition that we're eliminating relates to the proposed golf course, obviously since the golf course is up.

That left us with ten conditions. In this case, of the ten conditions, we're reiterating essentially seven of them. The only changes that the staff is recommending in this report relates to conditions one, three and seven, and I'd like to go over conditions one, three and seven. The 349 acre parcel on condition number one is to be limited to the golf course, clubhouse and associated uses, 22 seasonal transient golf cottages and a residential -- a single family residential yield not to exceed 69 units. So essentially we're reiterating what he's requesting in this proposal.

Condition number three, there is to be no structural encroachment and no clearing or cutting of vegetation within 100 feet of steep slope topographic crest of the bluff, cliff or hill. We are at this time requesting that the commission entertain the elimination of, "otherwise known as a regulated area." The staff has since discovered since that mail out of this report that that's an erroneous statement.

So we're recommending crossing out or eliminating, "otherwise up to adjacent area." We believe that that should read past the hill as set forth by the tidal wetlands land use regulation. And we cite the sections of the state law that will be applicable.

And condition number, the original condition number seven read that all residential development should be situated within the cleared area of the property. In other words, there should be no residential development within the wooded area, which is the area north of this black line. The staff believes that's extremely restrictive. And at the very least, the provision should be made for some of the golf cottages, preferably within the crucial areas of the fairways.

However, that would be limited in number due to the fact that the commission attached the clearance restriction of 35% of the wooded area, and in that case, he's only allowed to clear four additional acres. He's clearing, as I previously mentioned, 15 additional acres.

So something has to give. He's not going to all the residences here. Here probably won't even get all the cottage units. So we're recommending that that be added as well.

The comments we're recommending is that they be -- this is to be continued. We didn't change any of the comments. I might further point out that this was approved by the Town Planning Board. And after it's approved, it would have to receive site plan approval as well as subdivision approval from the Riverhead Town Planning Board. So we're recommending approval one again generally stating the same conditions set forth by the Planning Commission in '99.

ACTING CHAIRMAN MARTIN:

Before we speak, I'd like to hear from Mr. Isles.

DIRECTOR ISLES:

Just to add to Jerry's, which you've made a very good presentation on.

For some of the members who weren't with the commission back when this when this was heard in '99, you can see that this is a resubmission. It's a new application, but as Jerry's indicated, it was a subject of some litigation and settlement. So what's before you now is a significant parcel, almost 350 acres of land. Obviously it has been disturbed with the construction of the golf course. But we originally recommended back in '99 with the conditions that Jerry's identified, we've looked at this one closely, looking at the reduced yield, and we understand, however, that it is a complex application, involved. Certainly, any questions you have, any further follow up you would like from us on this, feel free to request that.

ACTING CHAIRMAN MARTIN:

Nancy, you had a question.

MS. GRABOSKI:

I just had a question and forgive my ignorance. I'm just confused about the zoning destination that they're seeking. They're seeking an Agricultural A?

MR. NEWMAN:

Yeah. The golf courses are allowed either in Ag A or Recreation. For some reason they switched from Recreation to Ag A. I have no idea why they did that. They could have gone with recreational Ag A with this development proposal. I think the town board originally had recommended a recreation category. That has since changed with this proposal.

MS. GRABOSKI:

I mean, without knowing anything about what either of those zoning designations entail, I suppose it's just a legal matter and something we don't have to concern ourselves with. I just wanted to be clear on that.

DIRECTOR ISLES:

It's a permitted use in the Ag A. It seems a little odd, but it is permitted.

MR. NEWMAN:

Right. It's permitted use in Ag A as well as Recreational.

MS. PETERSEN:

I have a question. On number nine, no structural encroachment within 500 feet of Sound Avenue, when you showed us the site plan, it looks like there is that training facility.

MR. NEWMAN:

Here's the 500 foot line, here's Sound Avenue. You can see that's 500 feet. Within that area, there is some housing, there's existing maintenance going in as proposed staff housing.

MS. PETERSEN:

Did we say nothing?

MR. NEWMAN:

Yeah. We originally has said that there shouldn't be any development within this historic Sound Avenue corridor. The site plan has 14 houses in there. There's roughly 14 houses in there, and there's also staff housing building as well. That is a reiteration of a condition previously set forth by the Planning Commission.

ACTING CHAIRMAN MARTIN:

Anybody else?

MR. BERKOWITZ:

Are we then suggesting that 69 units somehow be -- the subdivision be redesigned to move the units from the -- from the Sound and from Sound Avenue? You are supporting 69 units, but we're taking away 20.

MR. NEWMAN:

Essentially what originally we said was there should be no housing in

here, no housing within that area here. So we could confine all development within this area here. That was a -- staff thought that was very restrictive and that some accommodation should be made at least to the staff housing. However, with the clearance limitation of 35% within this wooded area, there's no way he is going to get all the additional housing within the wooded area as well as all the cottages.

He probably would get a lot of the cottages in the peripheral area of the fairway, but it's going to restrict him significantly. That was one of the concerns that the applicants had in the original.

MR. BERKOWITZ:

But his yield is going to be down to around four --

MR. NEWMAN:

No. His yield is 69, 69 units. He would have to cluster them further, and that would be further to a cluster subdivision application of the remaining cleared area of the property. We're limiting him to 69 units. And we're saying that the residence development should primarily be situated in this area. We're not getting into numbers, but that are going to be severely restricted by the clearance limitation of 35%. You can only clear four more acres. There's no way he's going to get all the houses in there. He might get some of the cottages.

DIRECTOR ISLES:

This application is subject to a further subdivision application by the Town of Riverhead which will be -- have to be referred to this commission as well. So as they get down to a finer level of the detail of the design, this is more of a land use phase. There would be either the factor of reallocating those units to another portion of the site if they can work on smaller lots perhaps or redesign or possibly fewer lots. That would have to be worked out. But as Jerry indicated, that condition was the same condition in terms of the 500 foot zone in the original recommendation. We felt that it warranted this recommendation as well.

MS. GRABOSKI:

I just had one other question. It's not really related to the application. Is the construction of the golf course for all intense and purposes finished?

MR. NEWMAN:

Yes.

MS. GRABOSKI:

Is it operating?

MR. NEWMAN:

I don't know to what degree they are utilizing the facility. They are not supposed to officially utilize it until it's approved, but I believe people are utilizing this. To what degree, I don't know. But it's up and ready to go.

MS. GRABOSKI:

Thank you.

ACTING CHAIRMAN MARTIN:
Motion is in order.

MR. DIETZ:
I make a motion to approve the staff.

ACTING CHAIRMAN MARTIN:
Is there a second?

MR. CREMERS:
I second the motion.

ACTING CHAIRMAN MARTIN:
All in favor, signify by saying aye. Contrary minded? Any
abstentions? Mr. O'Dea. APPROVED. (VOTE:10-0-1)

MR. LONDON:
Motion to adjourn.

ACTING CHAIRMAN MARTIN:
Second. All in favor? So adjourned.

(*THE MEETING WAS ADJOURNED AT 1:35 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY