

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 November 5, 2003.

PRESENT:

Robert Martin (Smithtown) - Chairman
Louis Dietz (Babylon)
Thomas Thorsen (East Hampton)
John Caracciolo (Huntington)
William Cremers (Southold)
Nancy Graboski (Southampton)
Linda Petersen (At large)
Frank Tantone (Islip)

ALSO PRESENT:

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

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

(THE MEETING WAS CONVENEED AT 12:00)

CHAIRMAN MARTIN:

I call the meeting to order. We'll do the pledge of allegiance.

(SALUTATION)

CHAIRMAN MARTIN:

We thank you. You want to start with this, minutes of the meeting?

MR. ISLES:

Yes, sure.

CHAIRMAN MARTIN:

The first thing on the agenda before we start the minutes of the meeting, I want to make one comment. I went to the Suffolk Federal -- Suffolk Federal is the bank -- Suffolk Planning Federation. And it was a job well done by our Town, by our Committee here, especially Tom Isles, and Andy, really put on a show for them. And they did a nice job. And Linda was there. I'm looking around to see who else was there.

MR. ISLES:

Bill Cremers was there.

CHAIRMAN MARTIN:

Oh, yes.

MR. ISLES:

Laure Nolan was there.

CHAIRMAN MARTIN:

Yes, yes. So we had a good turn out between our Towns and the people from this Board. And I think it's something that we should next year try to work on, every Town, get more Town people there, you know. But there were plenty of Town people there.

MR. ISLES:

Yes. And Village representatives, as well.

MR. CHAIRMAN:

And the Villages, of course. With that we'll -- the minutes of the meeting of October 1. Did you notice any errors or omissions?

MR. THORSEN:

I had something. I left it home.

CHAIRMAN MARTIN:

We can hold it to the next meeting.

MS. GRABOSKI:

I've got the minutes, Tom, if you know where it is.

CHAIRMAN MARTIN:

I've got the minutes, too.

MS. GRABOSKI:

Hold off on it for a few minutes and we'll come back to it.

CHAIRMAN MARTIN:

Okay.

MR. THORSEN:

I'm sorry about that. I just needed to clarify what I said on page 15, near the bottom there.

CHAIRMAN MARTIN:

15?

MR. THORSEN:

Yes. I don't know. Sometimes I guess I don't speak too clearly or something. Let's see. Second line, "that probably does that -- does the bit", actually what I meant was "that probably takes care of agricultural conservation", instead of --

MS. MAHONEY:

Just so you know, the minutes are typed as they are heard. So -- just so you know, I don't want you to think we're -- you know what I mean?

MR. THORSEN:

Well, I probably botched that. And then it goes on, "So I wouldn't be more harsh on that development," just a little bit of change there.

CHAIRMAN MARTIN:

Anything else? A motion to approve is in order.

MR. CREMERS:

I'll make a motion.

MR. CARACCIOLO:

Second.

CHAIRMAN MARTIN:

All in favor, signify by saying aye. Contrary minded? So approved.

MR. ISLES:

Okay, Mr. Chairman, we just have to bring you up to date on a couple of items of correspondence we received in the Department. One is correspondence from the Mayor of the Village of Quogue, where they've asked of us some questions about a possible affordable housing development and specifically some questions relative to the County's Health Department policies. So we have connected the Village with the County Health Department and have responded to their inquiry. And we'll assist them in this project if they seek our assistance down the road. But just to bring you -- you know, keep you informed on that.

We've also had communications this month particularly with the Mayor of the Village of Northaven regarding a parcel of land

known as Maycroft. That's a large parcel that is apparently going on the market in the near future. The Village has expressed an interest in preserving this property. It is in the Peconic Estuary. We have not taken a position at the County level in terms of the County Planning Department. We are conducting a review of this and will -- obviously any action on our part will require approval of the County Legislature. It is significant, but as far as the parcel, we'll continue working with the Village on that one as well.

And just the last piece of correspondence I'd like to bring to your attention, is just something I did send to the County Executive and members of the Legislature last week; and it was in reference to a Newsday story that had an error in the amount of open space the County was buying this year. They indicated we'd be buying about 423 acres. The real number is about 670 acres. And Newsday realized they made an error in the computation. They did do a correction. But I just wanted you to be aware that the number's in the range of 600 to 700 acres. We expect to double the acquisitions we did last year for this year at this point.

More specific to -- just here again to keep you posted on some of the acquisitions we are doing, we have been putting into effect the requirements of Chapter 712, which the Legislature has mandated in terms of the process requiring property. It's very thorough and very good in terms of providing checks and balances. It has added some time factors to the process. We do have a number of parcels now. They're finally getting to the end of the pipeline and we expect to close on. We did close on the Duke property last week, which was a very significant acquisition in East Hampton.

But just to identify a couple other ones that we expect to close in the next two months, would be the Camelot parcel in Huntington along Jericho Turnpike, Gabby Lane out in Southampton, 511 Equities which is on for the Legislature tomorrow, which is a spectacular site next to Hither Woods State Park, wheat complement preserve. It's 20 acres that will now complete the public acquisitions of that whole open space area there in the Montauk area. The O'Donowitz parcel in Southold we expect to close on in the next two months at least. The Sherwood Jane property in Brookhaven, we're in contract, which is 36 acres of open space and 10 acres of farmland in the Town of Brookhaven. That will close. Abbotts Creek in Patchogue, we expect to be closing on in the next two months. And then a number of farms we have which include the Shaffner property in Riverhead, the Preita property in Southold, Soundview properties in Southold.

And one other thing I'll just bring to your attention, too, is the Yaphank County Farm. The County owns a farm, as you know, in Riverhead. Pardon me, in Yaphank. We had one of our Planning Commission Meetings there this past summer. Legislator Foley has put in a bill to actually put that into a farm preserve category. That would protect it from future non-farm use. We've been asked to provide some assistance in that. And we expect at this point to finalize the description of that with the Department of Public Works sometime this month. And expect then that there would be action by the Legislature sometime in December. And that would add another -- about 250 acres to the County's Farmland Protection Program.

Couple other items which I'd like to mention also is, we did receive a referral from the New York State Department of Transportation involving a proposed reconstruction of Jericho Turnpike extending from essentially the south shore Smith Haven Mall extending to an easterly direction to Nicolls Road. So it really goes through the -- a large part of the commercial corridor on Jericho Turnpike through the Town of Brookhaven, the Village of Lake Grove; and a project that has at this point a number of alternatives to it, the typical do nothing or do a small amount of widening. So we are reviewing that at the staff level.

I will point out to you as perhaps a segue into the next item I want to talk to you about, which is our Smart Growth Committee Report, there is one item that will relate to Highway Review. Right before I came to the County two-and-a-half years ago, Steve Jones had been directed by the Legislature to prepare a Smart Growth Policy Plan for the County. Steve did that with the Department. The Smart Growth Policy Plan contained 43 recommendations for how the County could better implement what's known as good planning or otherwise known as Smart Growth. And what Steve recommended in that report is that there be a committee formed to kind of go through his plan and identify priorities to review the recommendations and to also identify action items as to what specifically the County could do.

One of the difficulties with the County level of planning is that the County obviously does not have direct powers of zoning and subdivision control, general land use issues. But what Steve's report did identify is that there is a lot of things that the County either does or can do that can affect what happens at the Town and Village level. Such things as County Health Department Policy in relation to transfer development rights; such things as County policy in terms of the relation of new office construction or County facilities, where they're located; such things as County highway projects and so forth that can impact on communities.

So we did -- the Legislature formed a committee in specific response to Steve's recommendation. That committee consisted of County, Village representatives, environmental Smart Growth representatives. The building and development industry was also part of the committee. As you know, the Towns were invited to participate but chose not to at this time, although we did keep them informed through the Suffolk County Projects Association. And what we have here and what we're handing out is just a summary of the Committee's recommendations. We tried not to create a report to respond to a report and continue to keep making reports, but we tried to make this concise.

Essentially, what we have identified here with the consensus of the committee is that there are a number of areas where the County probably should move forward at this time to implement better planning policies, Smart Growth policies in the County. Some could be done relatively easily; some are being done already in terms of the implemented County policy. Some can be done for relatively low cost although it's not that hard to implement. One of them directly impacts on the County Planning Commission in terms of the sub-division and zoning guidelines that this Commission adopts. One suggestion of Steve's report is that those guidelines be modified to reflect Smart Growth Planning principles. Obviously once this report is accepted by the

Legislature, that's something we could take up with the Commission. And the staff could redraft those guidelines and present them to you. So that's one example of something that could be done relatively inexpensively using in-house staff and implement at least at that one level.

The big recommendations of the report, though, just to highlight those to you, is that there was a suggestion that the County encourage the development of area wide plans. And what the meaning is of that is that a lot of the issues that the County gets involved in are Health Department issues dealing with public water supply and waste water disposal. We have -- I certainly have spoken to, I think, each of the Town Supervisors in the east end. The committee certainly was well aware of the number of the problems of trying to protect farmlands and open space and encourage regeneration of hamlet centers and so forth, but often running into the issue of Health Department compliance. Obviously the Health Department is critical to Suffolk County in terms of protection of ground water and surface water supplies.

The question then becomes how do we as a County ensure the protection of water supplies and surface water bodies while still allowing that kind of development to occur. There was extensive discussion of that and there are suggestions in terms of creating area wide plans that the Health Department could then adopt as methods of allowing higher densities while also acknowledging open space around it. And rather than doing it on a piecemeal basis case by case, the suggestion is to do it area wide as a single planning document that could then be accepted by the Health Department. And then as individual projects come in, if they're in conformance with that plan, they could then move forward more expeditiously.

Some related recommendations of the original Smart Growth Report support that such as the County supporting planning processes that help that to occur such as charrettes funding, those types of activities, planning projects and so forth, lending the services of the different County agencies as well.

The second big recommendation was to move forward with a transferred development rights program at the County level, specifically for surplus County parcels. Presently the Health Department does allow the transfer of development rights within certain constraints to enable a property owner to sterilize development on one site such as within the Pine Barrens core and to transfer that development right to another location in an acceptable receiving area. That happens in an organized way with the Pine Barrens plan, but it also happens on a case by case basis through specific application to the Board of Review. What had been recommended in the policy plan was that the County take the development rights off of surplus County parcels that we ultimately put into County parks category of which we do. We've already done 182 acres of those types of parcels so far this year. So typically there are a hundred to two hundred acres per year that the County will then -- we receive a parcel by tax default. Rather than selling it, we put it into parks category such as within the Pine Barrens core. Where appropriate, then, is suggestions that the County remove the development right, put it in a stock pile, a bank of some sort and make that available for -- for example, affordable housing projects or other Smart Growth friendly projects.

The recovery of the development right would require legislative approval. There would obviously have to be an administrative mechanism as well provided for that. But fundamentally the Committee supported that idea. Other recommendations are -- not to get too detailed on it -- at this point we're dealing with infrastructure of encouraging sewer and water services in areas that are planned for more intensive development as opposed to areas that are planned for preservation conservation, issues with farmland preservation such as obviously continuing the purchase of development rights program and also looking at other methods such as installment purchase options which Steve talked about in his report, purchase of non-farm development rights as well in terms of scenic easements and things like that.

And the last major mega-category was in the area of housing. The County does not directly build housing but the County can affect affordable housing that is developed through the County's affordable housing program of buying land for towns to use for affordable housing through the transfer of surplus parcels, surplus houses, for example, to towns and villages where they can then do affordable housing through, as I mentioned before, with County sewer and waste water policies. So a lot of these ideas are intertwined. They're not independent completely. So what this Committee has sought to do is to, here again, set up priorities of focusing County objectives. This report is being sent today to the County Executive and the Legislature. And we hope there will be follow-up and interest at that level. So certainly as you go through it, if you have any questions feel free to call me or Andy Freiling. Andy was the principal staff person assigned to this project and did a great job with it, by the way. That's essentially it in terms of the departmental update at this point and certainly if you have any questions --

MS. GRABOSKI:

I have one question, Tom. It looks like an outstanding report from my vantage point. I've had a chance to look at it quickly and hear your summary of it. Just a question, regarding that TDR component to it, you mentioned that the County could establish -- could bank these rights and make them available. One of the things that is tricky where you're trying to provide an incentive, you know, for example with affordable housing, if the process becomes too cumbersome, it scares people away. And I just wonder about the fact that it does need Legislative approval for every TDR that would be out of there.

MR. ISLES:

Right. It's a very good point. Southampton did a great job. For example, this community preservation funds where you now allow the harvesting of the development rights before the property is put into conservation category.

MS. GRABOSKI:

Right.

MR. ISLES:

What the Committee looked on at that is having some entity kind of oversee the program. There has to be some administrative entity to it. There was legislative representation on this committee. And there was just a general feeling that -- there was a lot of concern, I'll tell you quite frankly, in terms of

where these credits would end up landing. And the concern being that if it was done in accordance with the plan, if it was done where it was not out of the middle of nowhere, putting in higher density housing and so forth, it was just a general feeling of the committee at this point in time, at least in the beginning of the program that legislative sign off on the credit dispensing would be appropriate. Whether that would have to be in a full Legislative forum, whether it would be delegated to a Committee to review in a more administrative ministerial function is not certain at this point.

MS. GRABOSKI:
I see.

MR. ISLES:
But here again I just think your point is well taken because one of the situations we are having with chapter 7/12 in our acquisition procedures is that we go to the Legislature twice to get approval to buy land. And here again that gives the Legislature plenty of oversight. And that's good. The downside of it is that it adds several months to the process. And that can be problematic in terms of trying to keep a buyer -- pardon me, a seller at the table and so forth. So it does have to be balanced.

MS. GRABOSKI:
Thank you.

CHAIRMAN MARTIN:
Anybody else?

Hearing none, we'll go onto the Commissioner's round table.
We'll start with Tom.

MR. THORSEN:
Well, it is very appropriate to see this document here today. We just had a major change in our political structure on the Town Board yesterday. It's totally now Democratic. I think there's one Republican that didn't run. The reason for that change was Smart Growth.

MR. ISLES:
Anti-Smart Growth.

MR. THORSEN:
Anti-Smart Growth. Cornrose came out with excellent presentations. They did the charrettes and so forth. It seemed like everybody was going along with it. But there's been a ground swell against it because it seems that they use North Hampton, Massachusetts, as an example. And they showed photographs of it. You know, that community up in Massachusetts has concentrated downtowns with mass transit, five story buildings, parking garages, streets and sewer systems and all that kind of stuff. People in Amagansett can't visualize that at all. So it made a major upset in the east end community. I think you're going to face the same thing in a lot of the east end communities where the farmland comes right in almost to the center. And the idea is to save that farmland and the vistas and the historic nature of those early villages. So somehow we got -- it's going to be a big thing to wrestle with as we go on. I

mean planners can agree with the principal. But the way it was presented to the Town, it got them very upset. And so now we have a change and I'm not sure where we're going on the new plan.

MR. ISLES:

I mean I think the receiving areas and the form that the development takes obviously should vary from community to community in terms of what they think is appropriate and so forth. One interesting thing I note in the Town of Brookhaven, they get a very large part of the core of the Pine Barrens in there. And their receiving sites are basically throughout the entire town whereby what they do is they allow you to increase your subdivision by up to 20% by moving an accretion or credits to a site. So what happened is it's kind of disbursed. There's additional density that's been reallocated from the core to these outside areas. But they're really disbursed into more of a typical pattern that exists. It's not a material change in density. They have a large town, they had a large area of receiving areas. But here again they made a local interpretation of how would they handle receiving sites. And rather than focussing on tying into a hamlet center, which is certainly one option, has many good reasons for doing that, they chose the option of a little bit more dispersal to it. So it seems to have been absorbed.

We're certainly not suggesting that there should be one solution for each town and so forth. We think the County, and one of the things our role could be is to make options available for localities and developers and communities and so forth. And where the County might be an impediment saying well, the Town may want to do it and the County says you can't do it, at least what we feel we should do is we shouldn't stand in the way on that. But we could do things affirmatively and say there are things directly at the County level such as citing County buildings and County open space acquisitions and so forth that we directly control. We should do what's right as much as we can. We shouldn't, however, on things we don't directly control block a town or village from doing what they want to do. They're going to interpret what they think is best for their community. But we don't think we should block it. That's the general feeling of the committee. This report took longer than I thought it was going to take, but part of the reason is that this is not simple stuff. You start getting into these issues, they're all very important, very valid and they're all inter-connected to other environmental issues, community issues, political issues and so forth.

MR. THORSEN:

Well, I just want to make that statement.

MR. ISLES:

Good.

MR. THORSEN:

Because I have been supporting Smart Growth, as you know, on a number of areas where it seemed possible in other towns. You know, if it's not good in my town, I'd hate to feel that I should say that it should be good in some other town. But the thing is

I think it's important to have mixed use. I think mixed use is something that -- it wasn't called Smart Growth. Mixed land uses. And I think it's a great idea subject to site design because you can do an awful lot with site design. You can mix industry and housing and so forth. You know, the rate industry, etcetera. And I think maybe some teaching in that area would be helpful. But those would be smaller concentrations of so-called Smart Growth. That could be done in areas. But I know that -- I also belong to the Historic Association of Amagansett. And we've been trying to preserve a farm and an old house that's right in the business district right by Amelia Cottage there. And the idea of tearing down that historic house -- because it's own by private party -- and putting some kind of Smart Growth thing in there would be disruptive of the feeling of Amagansett. The thing that people come out to enjoy, the second home industry thrives on the fact that we have very attractive little hamlets. So that creates a main upset, you know, locally. And it probably would do it elsewhere, too.

MR. ISLES:

That's why there really is no one formula answer here. And every town, I think, has those situations. When you mention that farm in Amagansett, I'm thinking of Detmer Farm in Setauket, which is a perfect site for Smart Growth. They wanted to pack a lot of density next to the shopping centers and churches and so forth. But it's definitely not the right thing for that location. It's almost like a psychological open space to that. And those are local community values that are obviously very important. And this is not something where here again this is one formula answer that has to fit into every community.

CHAIRMAN MARTIN: Frank?

MR. TANTONE:

I don't really have anything heavy other than election yesterday which went well for us. Little bit slow from the planning standpoint. We do have a number of major things on the horizon which will probably be coming forward in the next couple of months.

CHAIRMAN MARTIN:

Nancy.

MS. GRABOSKI:

We had an election also in Southampton and I learned last night at about 11 o'clock that I was elected to the Town Board. I'm also learning this morning that the December meeting might be my last meeting here.

CHAIRMAN MARTIN:

Congratulations.

MS. GRABOSKI:

Thank you. It hurts my heart because I've really enjoyed being on the Commission.

CHAIRMAN MARTIN:

You won't have to resign until January; right?

MS. GRABOSKI:
I'll be here in December.

CHAIRMAN MARTIN:
You'll be here November -- well, November's here. For December.

MS. GRABOSKI:
Yes, exactly.

CHAIRMAN MARTIN:
Well, congratulations.

MS. GRABOSKI:
Thank you very much. I would only echo what Tom is saying as well. We're with an application in Bridgehampton for a subdivision. Tom is shaking his head yes. And the people who live in the hamlet of Bridgehampton have actually formed an organization called Save the Hamlet Fields and have gone before the Town Board. And, you know, it's interesting because if I understand it correctly, one of the goals of Smart Growth is to look at the environment and to also consider the economics of, you know, what the economy is based on and to try and find a balance between the two of them so that they can co-exist. And that growth is going to take place but the environment won't be compromised away and neither will the ability for the economy to sustain itself. What's different about the east end is the resort aspect of it. And the fact that that's really where our economy is based. And so much of community character is at the heart of that. What, you know, what applies even further west, you're right, Tom, I mean we need to take these tools and these principals in Smart Growth and I'm even feeling that people don't even like the word growth. They don't even like the word development. You know, they want to -- when we were talking and debating, we're talking being the comprehensive plan and we're going back to the principals. And, you know, we know we're going to change and we're going to evolve. And we need to -- you know, we need to have solid principals underscoring everything that we do so that this growth will be consistent with the way we want to live here. But it's different, you know, would be my point. It makes it tricky.

MR. THORSEN:
It's not easy.

CHAIRMAN MARTIN:
Bob.

MR. CREMERS:
Town of Southold extended their moratorium on subdivisions for another three months. So now it's been in effect or will be in effect for a year-and-a-half. My feeling is it'll probably be extended again because of the election results yesterday. Five-acre zoning will probably not come into being. And the Town has no other plans so they're probably going to have to extend this further to come up with a plan to end the moratorium. The only other thing they did come up with was a hamlet revitalization plan which they're hiring a consultant to look at. And some of that goes into the Smart Growth principals that we'd be looking at also. That's the report for Southold.

CHAIRMAN MARTIN:
Thank you.

MR. CARACCIOLO:
Congratulations, Nancy. It's our loss and your Town's gain. It's going to be a good gain for them. I made a mistake last meeting. As you know, Tom, I probably sent you to the Huntington Town House on the wrong day. The Smart Growth Summit is November 21st at the Huntington Town House. I've sponsored it once again and I'd like to with the permission of the Chairman donate some tickets to the Board so we could all attend. There's two very good sessions. One is the Smart Growth 101; and one I think is a session that you are doing, Tom, Original Planning, which I think will be two very good sessions for us to attend. So if anyone would like those tickets, just call me and I'll make sure you members are on the list at the door.

MS. GRABOSKI:
What's the time on that, John?

MR. CARACCIOLO:
It goes eight to four. And the session -- Tom's session is at 10:15. That's Regional Planning. And then the other one that looked like a good one was at -- it was at 10:15 as well. But it was Smart Growth 101. And those are two good sessions that Eric Alexander said would probably benefit us to go.

We had an election last night in Huntington as well. And as Commissioner Thorsen was saying, you know, the big thing for us we had a candidate that was running on -- his only platform, his only issue was taking apart the Huntington Station Revitalization Plan; and really did some things to, you know, scare the community and scare the residents, using words like Section Eight Housing instead of affordable Housing. And the Queens -- you know, Queensization, the coming of Queens into this community, it really tried to scare, you know, the residents and the constituents of the Town that this Smart Growth Plan was really going to make Queens come to the Town of Huntington. And to our benefit the residents saw through that and did not elect him. So it was a victory, I think, for Smart Growth in the Town of Huntington that they saw right through that. And he really got a very low percentage of the votes. We were happy about that this morning.

The Long Island Association is going to submit their Long Island agenda for 2004 to both County Executives. And what that is, is the LIA comes up with a list of priorities that they feel that they want the two County Executives to bring up to Albany to -- for the state and for the Island. And the big thing on the priority list this year is affordable housing and the lack of affordable housing on Long Island. And the LIA is going to ask the state Legislature to sign the affordable housing bill that is up there now, DiNapoli-Balboni bill. And that will require local municipalities on Long Island to mandate that all new housing projects of a certain size contain a meaningful proportion of affordable housing. And this is -- passed the state assembly and is awaiting action in the state senate. And it would require all subdivisions of five units or more built on Long Island to include at least 10% for affordable housing. And this is left over from the unfinished business in the 2003 State Legislature.

They're going to push for that. And the LIA is a strong proponent of that going through. So I will keep you updated on that.

CHAIRMAN MARTIN:
Thank you. Linda.

MS. PETERSEN:
We, too, had our elections yesterday, and we now have councilmatic districts so for the first time we have six different areas and six separate council people, each to represent a given area. So that was a new experience for Brookhaven. And it seems to have worked well. We have some excellent people who ran and some wonderful people who were elected. So we're quite happy with the results. We will not be having a Depart of Public Works. That was a proposition that was put forward. It was soundly voted down by the residents.

There's going to be a hearing tomorrow evening on creating the -- a moratorium for the -- in conjunction with the creation of the Overton Preserve area, which is an environmentally sensitive area in Brookhaven, sort of a triangular piece in Medford near Route 112, Granny Road and Mill Road. We got a lot of community environmental activists who feel this is a place that needs to be protected. So that hearing will be held tomorrow evening. And in conjunction with what Tom mentioned on Route 25, the town has decided to do a study for the entire length of Route 25 in Brookhaven starting basically at Nicolls Road where the Village of Lake Grove ends, going eastward to the Riverhead town line. So we're embarking on that right now. And maybe by the December meeting I'll be able to give you an update to see where we've gotten with it. But we feel it's important to incorporate the idea of Smart Growth along that road and see if we can form centers. Right now it's -- the west end is highly developed and the east end is quite rural. So there's a lot that might be able to be done to change the character of that road and hopefully address the safety issue because it is one of the most dangerous roads in Suffolk County.

MR. DIETZ:
In Babylon all the incumbents won again. And the Naragansette Inn on Montauk Highway, they're closing, they're going to start -- they're going to start closing the unit. So that's about it.

CHAIRMAN MARTIN:
In Smithtown it used to be the same way, all the incumbents won, too. Two Legislators won. And we hope the good government that we've been having will continue. That's all we can say at this point.

Tom, thank you for your's. Thank you ladies and gentlemen. Now, Andy?

MR. ISLES:
While Andy's getting ready, I do want to hand out -- we pulled a certificate for the Commissioner to consider for --

MS. MAHONEY:
Wait, wait. (Mechanical problem)

MR. ISLES:
I'm just going to pass it on.

MR. FREILING:

Okay. The first regulatory matter before the Commission comes to us from the Village of Lake Grove. This is the application of the Villages at Lake Grove. Jurisdiction for the Commission is that the application is within 500 feet of New York State Route 347.

The applicants are proposing the subdivision of approximately 43 acres of land into 228 townhouse style condominium units in the PRC zoning category in the Incorporated Village of Lake Grove. The project is a senior citizens retirement residential housing complex on the only parcel which falls within the PRC which is planned residential -- planned retirement community zoning designation in the Village. The complex will consist of 43 individual buildings, each containing four to six units for a total of 228 units. You can see the way it's laid out on the condominium map that's in the staff report.

Centrally located within the proposed PRC complex is 44,700 square feet of recreation area consisting of an in-ground pool with a clubhouse, two tennis courts, shuffleboard/horse shoe areas and a putting green. The project proposes 1.7 acres to remain natural throughout the site and 23.28 acres to be landscaped common area.

Up on the screen you have the air photo of the project site. This is 347 to the north. I'll point out some of the land uses as we go along. The subject property abuts residential garden apartments to the north. That's this here. Further to the north is state route 347 and big box retail development. You can just see the site of -- what's that -- Borders and Sports Authority up here. To the west the subject site abuts an indoor recreation facility. That's Sports Plus on New Moriches Road, which is a town road. Further to the west of Moriches Road is the Smith Haven Mall. To the east the property fronts on Hallock Road, which is also a town road. The property abuts improved single family residential lots of the map of Westbrook Estates to the south.

The character of the area surrounding the subject property, as you can see, can be described as a mix of high density commercial and medium density residential including attached and single family homes. The parcel is located within Groundwater Management Zone I. Portable water to the lots is intended via public supply. And sanitary waste is to be collected and disposed of via an on-site sewage treatment plant to be constructed in the northeast corner of the property.

Soils on the subject site consist of Plymouth and Riverhead series. The Riverhead association is considered prime farm soil in Suffolk County. It should be noted, however, that the entire area of the subject parcel is presently developed for use as an executive golf course. And the whole site has been terra formed. So there is no native soil on site.

Access to the proposed condominium subdivision is intended via one access point serving the proposed facility and will be

located on New Moriches Road, across from Burr Lane and about 1,000 feet to the south of Route 347. You can see on here on the subdivision plan that's provided in the staff report and up on the easel that the point is right here opposite the existing point. Up on the air photo that would put it right about here. The ingress and egress is the existing driveway that serves the subject site and will continue to make use of the existing traffic control signal that exists there. The internal roadway system is proposed to be comprised of two loop roadways and two cul-de-sacs. Each cul-de-sac is less than 500 feet long and is within Commission guidelines for high density subdivisions. An emergency access is situated approximately half way up the eastern boundary and connects to Hallock Road. You can see that emergency access is right here on the site plan.

Issues related to the proposed subdivision stem from the Commission's policy on locational criteria for the creation of attached housing, particularly with respect to Planned Retirement Communities. The Staff has examined the proposed project and finds that the parcel is appropriately zoned. For pedestrians it is a convenient distance, which would be less than one half mile, to transportation options. There is a bus route and bus stops along 347 and New Moriches Road. There is retail shopping within a half mile. There is grocery shopping, recreation/entertainment and community facilities which would be proposed on site. The site is a transitional parcel lying between an active commercial and recreational parcel to the northwest, garden apartments to the north and east, and the Smithaven Mall to the west and single family homes to the east and south. As a result the parcel provides for a logical location for transitional use between the more intense commercial use to the west and north and the residential use to the east and south. Furthermore, there are no environmental constraints on the subject property.

Another criteria is that the parcel is of a size that is adequate for sufficient buffering. Staff does believe, however, that more attention to noise and visual buffering should be provided on the site plan in the form of berms and landscaping particularly along New Moriches Road and Hallock Road.

Staff also weighed the application to draft Smart Growth criteria being considered by the Suffolk County Smart Growth Committee in the report that was handed out and that Tom spoke to. In the back, the last appendix is the actual Smart Growth Matrix that the committee had looked at. The proposed use ranks well in terms of compatibility of uses, protection of community character, community facilities, official development policies and other relevant planning and environmental considerations. The proposed project does not rank as well in the transportation section, particularly in terms of provisions for a pedestrian network at a level comparable to the network for motorists. With this in mind, a network, which would include paths and sidewalks for pedestrians and bicyclists, which provide for shortcuts and alternatives to travel along high volume motor vehicle streets, staff believes this should be provided throughout the common areas. The network should have at least one outlet to Hallock Road and one to New Moriches Road in addition to the proposed motor vehicle access points. A sidewalk along the east side of New Moriches Road is not proposed on the map south of the proposed entrance and should be included on the map.

So just to re-cap, staff did -- there are several pages obviously and the appendix is just the first page, the staff compared this to some of the criteria. It ranked well compatibility uses. There are other criteria on other pages. With regard to traffic generation, when you look at some of these things, some were not applicable; others did lead staff to believe that within this complex there should be some trails and some provisions to get to the ring roads outside the complex. In addition there is a sidewalk that runs north along Sports Plus to 347. There is no sidewalk that runs south along New Moriches Road along the property boundary. And that is not proposed. While mass transit and bus routes do run along 347 and New Moriches Road, there is no bus turn-out provision either on site or along New Moriches Road. A bus turn-out and shelter, in the staff's opinion, should be provided.

Transportation options should also be included in the proposed action. The proposed use should include a van pool, a shuttle pool or some other transportation option in addition to singly occupied motor vehicles or buses.

Materials submitted to the Commission included a discussion on project marketability. The 228 senior housing units are estimated to have an average market value of \$475,000 to \$500,000 per unit. Some provision for a certain number of more "affordably priced" senior housing units should be provided by the applicant. And these units should be dispersed throughout the proposed complex in staff's opinion.

Therefore, staff is recommending approval with conditions. The first condition in the staff report speaks to the reduced interior noise level and that structures built on-site should accommodate soundproofing.

The second condition is that adequate provision should be made for properly designed and properly located handicap parking spaces. But we didn't look at this in the staff report per se. The only identifiable handicap spaces are outside the recreation facility. And staff believes that there should be handicap spaces made available for the residential units. The third condition is that provisions be made for pedestrian network at a level comparable to the network of motorists. I spoke to that when I was going through the staff report. We believe that there should be some paths internally within the complex which leads out to sidewalks that can allow pedestrian to connect to some of the amenities surrounding the condominium project. The fourth condition is that a sidewalk along the east side of New Moriches Road south of the proposed entrance be included on the map. The next condition is that the landscaped earth and berm be considered along New Moriches Road. And it would be along here to soundproof the highway noise and any other noises from these residential units. In addition a berm would also provide some privacy for the backs of these residential units.

The following condition speaks to providing a landscaped earth and berm along Hallock Road. While this is a residential community, to the east of Hallock Road these units do come up rather close and buffering for privacy and other residential amenities should be provided along Hallock Road. The fourth to last condition talks about a landscaped earth berm along the perimeter of the sewage treatment plant. Proposed in the northwest corner of the project site is the state-of-the-art

sequencing batch reactor sewage treatment plant. There's a little bit more to that in the staff report. The sewage treatment plant is proposed to take waste water flow from Sports Plus. The staff is recommending then that the sewage treatment plant be buffered from the back ends of these condominium units here.

The third to the last recommendation, condition that staff is recommending to the Commission is that a bus turn-out shelter be provided on site or along New Moriches Road. There is no provision for a bus to turnout and stop and pick up passengers either internally or externally along the site. The following condition is that no approval be given to the subdivision until the waste water issue has been settled with the Suffolk County sewer agency. And the final condition is that 20% of the units in this subdivision be set aside for affordable housing.

Under the Comments section, staff reiterated some of the rationale behind some of the conditions particularly with regard to noise and visual buffering with regard to the network for pedestrians and bicyclists. Fourth paragraph is with regard to turnout provision. Following that is the use of the vehicle van pool or shuttle to accommodate maybe some of the longer trips to maybe some of the health care facilities. And the final paragraph regards affordably priced senior housing units.

Those are the recommendations of the staff and that is the staff report.

CHAIRMAN MARTIN:

Linda.

MS. PETERSEN:

I think we have down Town of Brookhaven Planning Board that second to last. It should really be Village of Lake Grove Planning Board.

MR. FREILING:

Yes, Village of Lake Grove. Thank you.

MS. PETERSEN:

You're welcome.

CHAIRMAN MARTIN:

Anybody else want to be heard?

MS. GRABOSKI:

I'll make the motion.

CHAIRMAN MARTIN:

Does anybody else want to be heard? Nancy, you wanted to make a motion?

MS. GRABOSKI:

Yes.

MS. PETERSEN:

I'll second.

CHAIRMAN MARTIN:

All in favor, signify by saying eye. Contrary minded?
Abstentions? So carried.

Next speaker.

MR. NEWMAN:

Today I have one zoning action on the agenda. It's from the Town of Brookhaven. This is an appeal to the Town Board -- and I repeat-- the Town Board for a use variance. This is the first time I have ever received a use variance from the Town Board for consideration. Almost in all cases they're handled by the Zoning Boards of Appeals. The Town of Brookhaven had transferred that function from the ZBA to the Town Board pursuant to Municipal Home Rule Law Provisions.

The intent here is to establish a professional office in an existing single family residence comprising 1561 square feet on a half acre parcel of land situated on the east side of William Floyd Parkway south of Essex Circle in a one acre single-family residents district at Shirley. The zoning code in the Town of Brookhaven allows a professional office use in an existing dwelling if it's accessory for home occupation purposes and it occupies no more than one-third of the first floor area of the dwelling. In this case the town plan in Brookhaven designates this area for residents purposes. A previous application of the same petitioner to rezone premises to a J-4 office category for the same purposes and same development plan as before you today was disapproved by the Suffolk County Planning Commission on March 6 of 2002.

The dwelling -- the property is bound on the north by a single family residence and a combo professional office use in a J business district. That permits single-family dwellings, two-family dwellings, offices and mix uses on fifteen thousand square foot lots. To the east by a single-family residence and to the south by unimproved land both in a one acre single-family category. And to the west by the County roadway.

It is the belief of the staff that this proposal is inappropriate as no information has been submitted to demonstrate compliance with applicable use variance criteria. Number two, it constitutes an apparent infringement upon legislative rezoning powers exclusively delegated to the Town Board. Number three, it would only tend to undermine the effectiveness of the zoning ordinance. And fourth and last, it would only establish an undesirable precedent to continue in such a practice not only in this area but throughout the Town of Brookhaven. And we're recommending disapproval once again.

CHAIRMAN MARTIN:

Any comments?

MR. TANTONE:

I make a motion to disapprove.

MR. DIETZ:

Second.

CHAIRMAN MARTIN:

All in favor signify by saying aye. Contrary minded?
Abstentions? So carried.

Motion to adjourn.

MR. DIETZ:

Motion.

MR. CARACCIOLO:

Second.

CHAIRMAN MARTIN:

All in favor? So adjourned.

(THE MEETING WAS ADJOURNED AT 1:00 PM)