

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 December 3, 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)
Nancy Graboski (Southampton)
Linda Petersen (At Large)
Richard O'Dea (Riverhead)
Laure Nolan (Village over 5000)

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 12:10 P.M.*)

ACTING CHAIRMAN MARTIN:

Please rise and join us in the Salute to the Flag.

SALUTATION

ACTING CHAIRMAN MARTIN:

I thank you. Mr. Isles.

DIRECTOR ISLES:

There's one item of correspondence that has been handed out to you. It's been addressed to the Chairman of the Planning Commission. This is from Republic Airport, and it relates to application that's on later on the agenda. I will not read it word for word since you do have copies, and we'll make a copy part of the record. But just to give you a summary of it, the letter is written by --

MR. CARACCIOLO:

Hugh Jones.

DIRECTOR ISLES:

Hugh Jones, who's the airport director. It's addressed to Mr. Martin, and it talks about the Stew Leonards in terms of expressing their concerns for the application. There are three points identified. Here again, this is available for you to consider when the application comes before us later on in today's meeting and also to be made part the record.

In terms of two terms from the Director's Report, I will report to you that as I had mentioned, we had done a reverse auction for the purchase of farmland development rights. This was something that was suggested earlier this year by the farm community and included in the County Executive's State of the County message. I will report to you that the auction has been completed, and we ended up getting a total of \$18 bids, obviously mostly in East End. We did get one in the Town of Huntington, a couple in the Town of Brookhaven. Of the 18 bids, they represent a total of 549 acres of land that's been offered for sale to the County at a total price of about \$49 million.

The process now that will happen is that we will rank these in terms of our farmland ranking and present then to the Farmland Committee and see if they score sufficiently for the County to then order appraisals and to move on with possible purchase. So just for informational purposes to let you know about the auction. Meanwhile, all the farms that were in the pipeline in terms of negotiated acquisitions are still moving forward. Those have not been sidetracked based on the Dutch auction.

The second item I'd just like to go over is a presentation that we made to the Environment, Land Acquisition and Planning Committee last week, and it's basically a summary of the County's land acquisition program, which I'd just like to walk through briefly to bring the Commission up to date on where the program is at this point. What we wanted to do was to look at the past ten years, the current year's activity and the projecting for the next ten years what we think we can do on it. Chris Reed is

assisting with the slides. But in the past ten years, from '93 to 2002, the County has purchased almost 9900 acres of land, so almost a thousand acres a year on average, divided between open space and farmland.

Interestingly, looking at that same ten years, the average cost per acre has gone from about \$10,000 per acre, and this is a blended figure, of farmland, open space, everything. Obviously in '99, the market started going up considerably and in 2002, it's slightly over \$40,000 as an average figure. This shows the number of acres per transaction we've been getting. So '93 was around 50 acres was the average transaction, average purchase. Now you can see it went down. Now one part of the explanation for the reduction in size of the average transaction is that the Pine Barrens Small Lot Program began, and we were deliberately seeking to buy a lot of the old filed map parcels within the Pine Barrens core, so that's part of the explanation for that. The other part of the explanation, I believe, is just that the big parcels are fewer and far between to come by. Ten or 15 years ago. A big acquisition was Hampton Hills at 1400 acres, today a big acquisition is the Duke property at 57 acres. So the average is now a little over ten acres per transaction.

In terms of money spent for the past ten years, from '93 to 2002, you can see the amounts in millions of dollars. There are only three years where we exceeded \$20 million in the purchases. Obviously 2000 and 2001 were years where we were almost at \$50 million each year. This just shows a comparison of the five East End towns with the five West End towns in terms of dollars spent and pretty close with a slight advantage dollars wise to the west. And this shows it on acres purchased, slight advantage to the east. But you know, pretty close in terms of almost a 50/50 split between the east and west.

And we are continuing, have continued in 2003. And just to show a couple of parcels, this is the Fuchs parcel in Huntington that was purchased last month. It's of state park quality, it's a great site. It was with partnership with the Town of Huntington. This is Stotszky Park in Riverhead, and it was a parcel we brought on behalf of the County that will then be in partnership with the town where they will then do an expansion of Stotszky Park for active recreational uses under the Greenways Program. This is the Duke property in East Hampton, 57 acres on Three Mile Harbor and Hands Creek, an absolutely beautiful wetlands system, a beautiful parcel. That was purchased last month as well.

This is the {Gatts} farm in Riverhead. Riverhead has done an excellent job in buying farmland. This is a farm that the County bought. Riverhead bought another one of the {Gatts} holdings. We have several other farms in the pipeline as we'll show later on. The next one is the Rich property in Quogue. We also bought an adjacent parcel, the {Greth} parcel. And parcels here are owned also by the village as well as the Town of Southampton. So there's a fair amount of land in the back bay of the barrier beach that's been preserved under this effort.

I guess the last piece to show you just as some highlights is the Sherwood Jayne property in Setauket, which was ten acres of farmland development rights and 36 acres of open space for the acquisition by

the County. So in total for the year, this was done a week or two ago, so we've protected 442 acres at a little over \$20 million. And in terms of what we project -- in terms of what we have in contract and accepted offers, a little under 700 acres and about \$33 million. I will tell you that not all the accepted offers will necessarily go to contract, but that's as it stands at the present time. This is just showing some of the parcels, specifically, not all of them that are in contract or accepted offers.

Adamowitz is in Southold. We expect to close by the end of this month. Camelot is in Huntington. I won't go through each one, but there are distribution in most parts of the County. The next slide shows the same information on contract or accepted offers for farmland, and some rather substantial pieces on that as well. With some of those expected to close this year; the Soundview, 75 acres should close this year. The next slide then in terms of what we estimate at this point for the total for the year would be some where in that range of 6 to 700 acres and 26 million. Obviously, that's subject to change depending on the contract closing -- the closing time period. Some of this could slide into January, but that what we project at this point in time. We're above 20 million at least we know for this year. And this is just showing a comparison with last year.

Last year was a tough year. We did 361 acres for the year, and we spent about \$13.6 million. So this slide and the next slide just shows you that comparison. We then wanted to look at what happens going forward. And in terms of monies available, we have about 17 million in negotiation at the present time, then about 22 million available for future acquisitions in terms of current appropriations. We did have a bill before the Legislature yesterday for another \$10 million appropriations, so that could add to that.

Now, going from 2004 to 2013, the next ten years, we have two primary sources of money. One would be the Drinking Water Protection Program, which would be the quarter percent sales tax we pay and the other is Capital Program Multifaceted. These are budget projections that have been made with the budget office. So 97 million coming for open space in the next ten years, estimated, 52 million for farmland, and multifaceted is typically funded for \$13 million historically, which includes affordable housing. So we're allocated \$10 million a year for open space and farmland. So in essence, for the next ten years, we could have based on these figures about \$250 million.

And we just wanted to plug in a number to see what that might protect. And at \$50,000 an acre, it would be 5000 acres. Obviously, if that price goes down, we get more. If the price goes up, we get less. That's a blended number of farmland as well as open space. So for the next ten years then per year, it would be \$25 million a year and 500 acres a year. What we could do too is obviously front load some of that with borrowing, using the Environmental Facilities Corporation, for example, and, you know, do more acquisitions up front and less in the back end of that time period. But here again, we had made this presentation to the Environment Committee to give them an overall perspective of the program. I just wanted to present that to you, and obviously I'll keep you posted in terms of the acquisitions as we move

forward. That's my report. Thank you.

ACTING CHAIRMAN MARTIN:

Okay. To the Commissioners' Roundtable. Tom.

MR. THORSEN:

Quiet right now since the elections are over. But really nothing to add to that.

ACTING CHAIRMAN MARTIN:

Nancy.

MS. GRABOSKI:

Pretty quiet in Southampton too. This could be my last meeting, but I hope maybe it's not my last meeting. And that's because, if you weren't here at the last meeting, I was elected to the Southampton Town Board. There seems to be one law, New York State Law, which seems to indicate that you could serve as an elected official and as an appointed member to this board, but then the Suffolk County Law seems to say that you can't do that. So I'm kind of waiting for a clarification. I did speak with Legislator Bishop's office, and it would appear in all likelihood at this point, I'm expecting that would not be the case. However, I have indicated that should it be determined otherwise, I would be happy to continue serving out my term, which runs through 2005.

So if I happen to be saying good-bye, I just would like to say that has really been a very broadening experience for me, because having served in Southampton on the Planning Board for eight years, it's given me a different vantage point and a broader vantage point of all the towns in Suffolk County. And it's certainly been very pleasurable for me to get to know all of you. And also I've certainly been enlightened about the professional level of the staff on the Suffolk County Planning staff and Tom, Andy, Jerry and all the other folks who make this go and what not. The reports that you do and the information that you generate certainly is invaluable. And I'm glad to know that you are here. I will continue to be in touch with you and work with you one way or another. So thank you.

ACTING CHAIRMAN MARTIN:

Thank you too, Nancy. I wish you luck.

MR. CREMERS:

All quite in Southold. Then elections have changes things around, so I'm sure nothing will happen until next year. We'll have to wait until next year to see anything new.

MR. O'DEA:

Ditto.

ACTING CHAIRMAN MARTIN:

Okay. John.

MR. CARACCIOLO:

Mr. Chairman, I had the privilege of attending for the last few weeks the Smart Growth-Vision Long

Island Summit, I know along with you and some members of the staff of the Planning Commission, and it proved to be a very enlightening educational day that was -- Tom, I know you were there. You actually gave a seminar.

DIRECTOR ISLES:

I did.

MR. CARACCIOLO:

It was too early for me though, but it was -- I think you will agree that the attendance was good, it was a good show of support for Vision Long Island and smart growth on Long Island. A lot of elected officials were present. It was a little unfortunate that the Nassau County Executive wasn't -- wasn't present, but the new Suffolk County Elect Steve Levy did make an appearance and commit some of his effort it seemed of his office to smart growth and Vision Long Island. I think the group is -- is on the right track. So I look forward to seeing what they do this year with the new County Executive. And seminars were good as well.

MR. LONDON:

The Villages, I really have nothing. Things are really quiet. Everybody is gearing up for Christmas now. Just as an aside, every year I have a Christmas Party, everyone in this room is welcome. It's December 13th, a week from this Saturday night, seven to midnight at my home, 5 Plaza Court in Smithtown, Village of the Branch. I hope everyone will at least try to come. Last year, Tom and his wife were there and Richard O'Dea was there. I just hope we can see you all again. A lot of people came, and I think everyone had a pretty good time. Other than that, I wish everyone else a happy holiday. And share the same sentiments in reverse for Nancy, it was great having you on the board, at least from my perspective. I think you are a tremendous asset, and Southampton is very lucky to have you on their Town Council.

MS. GRABOSKI:

Thank you.

MR. DIETZ:

Nothing.

ACTING CHAIRMAN MARTIN:

Our town is the same. Nothing more to say, but that.

DIRECTOR ISLES:

That's it. The next item on the agenda was a presentation from the Town Planning Administrator from the Town of Southampton. He may be delayed in arriving so perhaps we could move on to the subdivision agenda, item five on the agenda and allow Mr. Murphree to make his presentation later.

S-BR-03-09

MR. FRELENG:

The first regulatory matter before the Suffolk Planning Commission then in the subdivision application of Country Woods Estates. This is referred to us from the Town of Brookhaven. Jurisdiction for the

commission is that the subject parcel is adjacent to Suffolk County Parkland. The applicants are proposing the subdivision of approximately 19 acres into 16 lots in the A-1 residential zoning category in the Hamlet of Farmingville. Minimum lot size in the zoning category is 40,000 square feet. The map is being processed pursuant to 278 cluster provisions.

Lots range in size from 20,000 square feet to 23,685 square feet. Approximately ten acres are proposed as open space outlying the intended lots. Open space -- it appears that the open space is intended to be dedicated to Town of Brookhaven, not sure if the map you have in your staff report reflects, that but the map that was -- that we used for review indicated that the open space areas were to be dedicated to the Town of Brookhaven. However, on some of the detailed sheets, there seems to be a conflict where the drainage area number, I think it's area, one is proposed to be dedicated to the County of Suffolk. So there's a little bit of a conflict in the report. We're recommending that that should be clarified.

The parcel abuts County of Suffolk Parkland and Suffolk County Water Authority property to the west. This is Water Authority property here. You can see the stand pipe, the water tower. This is Suffolk County Parkland to the west. To the northeast and south, the property abuts residentially zoned and improved parcels. Character of the area surrounding the property can be described as predominantly medium density residential and some commercial uses along Portion Road.

The character of the property itself can be described as rolling wooded land. There are no structures located on the property. There are no less than four streets that terminate at the subject property; Lidge Drive terminates at the north and south property boundaries. You can see here Lidge Drive, which is paved all the way up to about here, terminates at the southern end of the property. At the northern end, again, is Lidge Drive, again, it's paved to here. You can see the shadow of the big water tower -- I'm sorry, radio tower, communications tower, is right up here at the north end of the property.

Hickory and Green Tree avenues terminate at the eastern property edge, so there are several streets that terminate at the eastern property edge. You can see them better on the submitted subdivision map. Access for the proposed subdivision is proposed via an inverted J-shaped street. This is an extension connecting Hickory Avenue to the southern Lidge Drive. So they've taken Lidge drive from the bottom and brought up an inverted J, if you will, to Hickory Avenue, comes up through here, and comes across like that.

The subject parcel is located within Groundwater Management Zone I. Potable water to the lots is intended via public supply. Sanitary waste is to be collected and disposed of on site via individual systems. Soils -- soils on the subject property consist of Carver and Plymouth sands. These sands are not considered prime farm soils in Suffolk County. I had the slope map put up on the subject property, it's tough to see the slopes at this scale. These are ten foot contours. As you can see, the subject site goes up to over 300 feet in the north central portion of the property. You can see here these are two foot

contours. You can see that the property is very sloped. Slopes on the subject property approach 35%.

The building envelope for lot 13 contains slopes approaching 30%, and that's up here in the north end of the property. In fact, all lots but lot 12 have building envelopes with slopes exceeding 15%. Commission guidelines indicate that all land clearing and construction should be confined to sites where slopes are no greater than 15%. Just to reiterate, these are the building envelopes themselves that have slopes exceeding 15%.

As a result of the intent to construct homes in steep slope areas a network of retaining walls, in places two rows equaling 24 feet in height, are necessary. So the applicants are proposing retaining walls which in some places will stretch 24 feet high. The grading of the tract for the construction of retaining walls in conjunction with the extensive grading of the parcel required to construct the road impact the parcel profoundly and development of the site should be reexamined. When the staff was out there, there was indeed some slopes that are quite -- quite steep. Some of the steepest slopes I've seen on a proposed site to be developed.

There are two natural drainage reserve areas on the proposed map along the west side of the property. Drainage reserve area one includes an overflow structure that drains into County -- drains into a County Nature Preserve towards two kettle hole depressions. Just go up to the submitted map a second. Off site in the County parkland there are two kettle holes, which are geological depressions left by the glacier. The applicants are proposing to take the street runoff channeled to a natural depression here, and then they have constructed or proposed to construct a sluice way, which would overflow on to County property.

Commission guidelines clearly state that all stormwater runoff resulting from the development or improvement of the subdivision or any of its lots shall be retained on site by adequate drainage structures so that the stormwater runoff will not flow into any County property. The proposed map is directly contrary to commission policy. So therefore, the issues on this map relate to the proposed subdivision and the commission's policy on subdivisions in steep slope areas and issues related to stormwater drainage and control.

The staff recommendation is disapproval for the reasons stated in the staff report and reiterated here. Essentially that the grading of the tract is -- and the construction of the retaining walls profoundly impacts the development of the site, and that should be reexamined. In addition, drainage reserve area number one includes an overflow structure that drains into the County Nature Preserve directly contrary to commission policy. So that would be the second reason.

And lastly, there's a comment being referred to the Town of Brookhaven, which refers to the clarification of the dedication of this drainage reserve area one. Again, on the top sheet of the map it says it's going to the Town of Brookhaven, yet the detailed sheets underneath say it's going to the County of Suffolk. So

hat needs to be clarified. So that is the staff report. Staff is recommending to the commission disapproval.

ACTING CHAIRMAN MARTIN:

Could we plan a mining operation to cut into that land and make it flatter?

MR. FRELENG:

Have no indication in the application referral that they were going to be trucking the -- the cut off site. Sometimes you do see that they're going to take -- there's no indication in the environmental assessment form or any of the materials that they intended to truck anything out.

ACTING CHAIRMAN MARTIN:

But it's happened before more than once. And, you know, the land -- so much land there.

MR. FRELENG:

There's a change in grade of about 100 feet from the top here over 300 feet to the low point. I think it was down here some where. It doesn't make sense. There's a change in grade of 100 feet.

ACTING CHAIRMAN MARTIN:

If they wanted to regrade that land, what do we allow? How many feet? No more than five feet or six feet.

MR. FRELENG:

No. Commission standards are to avoid construction on steep slopes.

ACTING CHAIRMAN MARTIN:

That I know.

MR. LONDON:

Mr. Chairman, my motion is for the staff of disapproval based on the information that was just presented.

MR. THORSEN:

Second.

ACTING CHAIRMAN MARTIN:

Any other comments?

MR. THORSEN:

Just one more comment. Do we have any guidelines relative to sand pipes. You know, that water tower there, is that part of the Suffolk County Water Authority?

MR. FRELENG:

Yes.

MR. THORSEN:

Aren't they trying to protect perimeters?

MR. FRELENG:

They haven't reported any guidelines for their wellhead protection, but --

MR. THORSEN:

Several lots are now close to there.

MR. FRELENG:

There are two lots down here. They're directly adjacent to the property and a couple of lots that go further up. No, we have no -- no guidelines to that effect.

ACTING CHAIRMAN MARTIN:

Any other comments? There's a motion and a second? All in favor signify by saying aye. Contrary minded? Any abstentions? No.

DISAPPROVED (VOTE:10-0)

We're going to have the plan on Southampton.

DIRECTOR ISLES:

As we know, the Chairman of the Planning Commission resigned in October, Don Eversoll. We were going to have a presentation today for Don who had served for almost ten years as Chairman of the Commission. The County Executive indicated that he would like to be here for that. Unfortunately, I got a call from Don yesterday that his mother is gravely ill, and he left last night to go to California to be with her. The County Executive has stopped by, as we can see, and so I'd like to express my appreciation for him doing that. This is the Suffolk County Planning Commission.

COUNTY EXECUTIVE GAFFNEY:

I've met all of you individually, but never en mass like this. So here it is 12 years later, I'm at a planning -- because we've tried to stay -- obviously, the County Executive is not supposed to get involved, nor do I, in the Planning Commission matters. So I just wanted to thank you for everything you have done for the last 12 years. Some of you haven't been here for the whole 12 years, some of you have. You've done a terrific job. It's an outstanding -- it's the best planning operation in the state thanks to a series of excellent Commissioners, Directors for years. I know that Tom provides a staff for your efforts, but you've done a magnificent job. You really have. I'm very proud of the way things have progressed over the last 12 years in the County.

Our planning efforts have been outstanding. I think you only have to look around to other counties to see just how good a job you have done. You have been very, very bipartisan or non partisan. You called them the way you saw them, and I couldn't been happier with everything that's happened over the last 12 years. I just wanted to stop by and say that and to thank you for everything you had done. I had heard that Don wasn't going to be here, I heard that this morning. But I said I wanted to come up and just say hello and thank you for everything they you have done.

Thanks for everything. There are still some appointments, I guess, that no one's doing -- probably half of you are hold overs. How many of you are still hold overs? They're not doing anything. So the new guy will come in, and they will do whatever remaining appointments there are with consultation from the

towns, obviously, is the way it works. Thank you for everything that you have done. You are the Acting Chairman now.

ACTING CHAIRMAN MARTIN:
I'm here more than 12 years, more like 30.

COUNTY EXECUTIVE GAFFNEY:
How many of you have been here more than 12 years?

(ROBERT MARTIN IS RAISING HIS HAND)

COUNTY EXECUTIVE GAFFNEY:
Just you.

MR. CARACCIOLO
I was 11 so I wasn't here.

COUNTY EXECUTIVE GAFFNEY:
Dick, you have been here for as long as I can remember.

MR. LONDON:
Not as long as you have been here.

COUNTY EXECUTIVE GAFFNEY:
Just indulge me for a minute. If you can just introduce yourselves again. Some of the -- I know the names, the faces, but sometimes I don't always put them together.

MR. O'DEA:
Rich O'Dea, about seven years from Riverhead.

MR. CREMERS:
Bill Cremers, Southold, a couple of years.

MS. GRABOSKI:
Nancy Graboski from Southampton. I've been on for two years.

MR. THORSEN:
Tom Thorsen from East Hampton, five years.

ACTING CHAIRMAN MARTIN:
Robert Martin. I came on in 1970, I think it was.

COUNTY EXECUTIVE GAFFNEY:
Did we have a county then or what?

DIRECTOR ISLES:
Bob is the Chairman of the Planning Board for Smithtown.

MR. DIETZ:
Lou Dietz from Babylon, ten years.

MS. NOLAN:
Laure Nolan. How are you, Bob?

MR. LONDON:

Dick London. This is my tenth year.

MR. CARACCIOLO:

John Caracciolo, I'm the new guy on the block.

MS. PETERSEN:

Linda Petersen, six years.

COUNTY EXECUTIVE GAFFNEY:

Some of you I've known from town government in the past. And you are all very, very professional. You deserve a lot of credit. Thank you, I appreciate it. Anybody that has nice things to say is free to speak up. People say I read something about you in the paper, and I just say, you know, only the good things are true, the rest are just lies.

MS. PETERSEN:

Bob, being a representative for six years and the eight years before at the original Pine Barrens Commission, it's truly been a privilege and honor to serve under your administration.

COUNTY EXECUTIVE GAFFNEY:

I appreciate that. Thank you very much. The staff of the commission is the best there is and has been. We've had a series -- we've never had a bad planning director. I think we probably have the best now. But it's been terrific through the years. I guess Arthur was here when I first got here, followed by Steve Jones, and now Tom. So it just keeps going on, although Tom doesn't show any signs of leaving.

DIRECTOR ISLES:

That's right.

COUNTY EXECUTIVE GAFFNEY:

Thanks again. I just wanted to stop by.

APPLAUSE

MR. MURPHREE:

I'm Jeff Murphree. You've seen me before. I'm with the Town of Southampton and the Town Planning Administrator. All the times you have seen me so far have been for hamlet studies, and guess what? Another hamlet study. And just so you get tired of me, we just adopted our town budget and have three more hamlet studies for next year. That doesn't include the three that are already in process. You've got me for, like, half the year next year. I might as well just become a permanent appointment. I like the free lunches though.

I hope everyone had a Happy Thanksgiving. This is a hamlet study effort again. This is the Bridgehampton Hamlet Study. Everybody thinks that our comprehensive plan began with the '99 update. I know that Tom Thorsen cringes when he hears that, because I cringe every time I hear it. Our master plan in the Town of Southampton began with 1970 master plan, which Tom was instrumental in getting that adopted. We've had a subsequent number of amendments including the 1999 update. The 1999 update had a hamlet section to it that said that we really need to take a detailed look at each of hamlet

centers and do a study of each of those, and Bridgehampton being one of those. And we have a draft study now that's out, and I'd like just to take you through and just summarize a little bit of how we got to where we are today.

First I'd just like to describe the study area for you. This is the hamlet center strategy, it's not the whole Hamlet of Bridgehampton, just where the hub of activity is in the downtown hamlet area. East is east to the right, west being the left. This is Montauk Highway going right through the heart of the downtown hamlet area. Those of you who are familiar with the Bridgehampton area know the downtown traditional hamlet core in this area, but also with the K-Mart and King Kullen shopping center, which is kind of, unfortunately, a gateway from the west going into the traditional downtown hamlet area. I'll touch upon that a little later.

And the blue line is actually the study area boundary. And as you can see by the of the map there was a moratorium. We just adopted another three month moratorium. We had initially a six month, another three month. If they listened to staff to begin, we tell them it's going to at least take a year, but politicians never like to hear one year moratorium, so. We're actually going beyond the one year mark. And they've really put the screws to the staff right now to hurry up and complete this effort.

The firm were the planning consultants that helped the town complete the draft study. They were the planning liaisons and George (Jackmeyer) was the traffic consultant. Why did we do this? The citizens of Bridgehampton came to the town board saying we need to take a look at the following issues; one, there is a lot of vacant land left in the downtown hamlet area. They're concerned about what is going to happen to it. They don't like what's -- how the property is currently zoned. I'll touch upon that a little later. The second issue, obviously, if you have ever driven out to East Hampton in the summer time, you are going to stop in Bridgehampton. Whether you like it or not, you're going to stop in the downtown hamlet area, it's just gridlock.

Third issue, maintain rural character. The residents of Bridgehampton really are trying to grasp and hold on to the rural character that makes their community so desirable. And last but not least, the issue of affordable housing. The one thing that we learned in this process, we don't like calling it affordable housing. It's kind of stigmatized. So in this study, we call it community housing. With the issue of the vacant land, what really prompted all this was the property across from Bridgehampton Commons, that's where the K-Mart and the King Kullen is. It's about 200,000 square feet of retail. On the opposite side of Montauk Highway, on the south side, is approximately 18 acres of vacant land mostly zoned highway business.

Right now, under highway business, you have car dealership, lumber yard. And the one thing the residents didn't understand in the beginning of the process was don't zone anything -- rezone anything, we like things the way they are. Well, I asked them, do you want a car dealership, do you want a lumber yard as a gateway to your community? Oh, no, we don't want those. So we have to look at

something to rezone it. What's interesting about this property is it's owned by Leonard Riggio. Leonard Riggio lives in Bridgehampton. He is the CEO of Barnes and Noble. Being the CEO of Barnes and Noble, he wants the flagship of Barnes and Noble to be located where? At the hub to Bridgehampton. And he's put forth a concept plan for 90,000 square feet of retail, which no one in the community likes.

The planners, myself included are not that keen on the idea of 90,000 square feet of -- this would be a regional draw. The community really wants only local destinations for new development. They already feel that 20, 30,000 square foot super store is not an appropriate use for that site. So we started taking a look at alternatives for that. What we're looking at and the study recommends is a mixed use PDD, a planned development district. Something that's mixed use, smaller buildings, no retail. We'll allow restaurants, but we're looking for apartments over the store concept or maybe some attached housing in the back of the project. We're looking for something that's not just a single tenant or single use. And we just adopted a resolution and are sending out an RFP to hire consultants. We actually did -- actually an east coast search for consultants who have done this sort of project before. So we sent out a list to 18 consultants to do a mixed use design and that sort of thing and work with the community and help get by from Mr. Riggio.

The second issue was traffic gridlock. The first thing that the study recommends is an additional study needs to be done. I hate to say that, but traffic consultants always seem to say that. And the reason why for this, they came up with a series of recommendations in very conceptual forms. But in order to know whether or not they are actually going to work or not, we need to do detailed traffic counts at key intersections, know what the traffic volume is in the area, and we need summer counts to do that. To do that level of detail, \$50,000 planning study is not going to go to that level of detail. So we actually adopted it in next year's budget to do a traffic study in the area.

Two recommendations of the study were kind of interesting. One is to put a grass center median in the downtown center strip to try to break up the large volume of asphalt. It looks pretty, but the problem is parking is a problem in the downtown, emergency access is a problem. The community is not really keen on that, which is unusual because it does provide more of a rural character. But they are more concerned with getting cars through their hamlet than having it backed up even more.

The other issue has to do with the intersection, I have a photo I can show you. If you are familiar with the downtown area, you will hit a traffic light right next to Starbucks, this is Montauk Highway coming through, this is the traditional downtown hamlet, this is the intersection of Bridgehampton-Sag Harbor Turnpike. You will notice that there's a very large white colonial 1860's house right there on the corner. The recommendation from the consultant is to put a round about right here.

Last week -- I hope you all had a Happy Thanksgiving. I happened to be in Ireland with my in-laws. And what did they do in Ireland? They don't have traffic lights, they have roundabouts. So in addition

to driving on the left hand side of the road, when you come to a round about, you have to look to the right, but turn left. So it's a very interesting concept. Before this -- I went to Ireland, I had a totally different attitude about roundabouts. They work. It's much rather see a roundabout than a traffic light every few miles. One of the things -- when you are looking at this traffic study for next year is looking at possibly doing a roundabout for this area. We will have to remove perhaps this one building and do some significant widening of road in this area, but the idea is an interesting one.

Rural character. The community really wants to maintain the rural character. And what we're looking at doing on the western part of the -- to the west of the downtown in this area, a little bit in this area and a little further to the west, it's zoned office business district. It allows a 15,000 foot building. And the community really did not want to see the type of use anymore. They had the Bridgehampton National Bank Headquarters, which is approximately 17,000 square feet. They really didn't want to see any more buildings of that size.

During my presentation last time you saw me, I talked about the hamlet office and hamlet commercial which allow 3000 square foot building, and the community really seemed to embrace that. Most of the buildings you see in this area are already in the three to 6000 square foot building size. It's really a zoning character that's more tailored to what's already existing. The town has also bought significant open space in the downtown area. As I mentioned, there's an 1860's colonial house right known as the (hopping house), about a 5.6 acre site. And we just purchased it. Actually it's kind of a combination of public contributing some money and then using out CPF money.

And we're actually going to make a park out of it. The community open space green park was actually a gas station -- it's actually a building right here right now. We just tore it down. Hired a consulting firm, did an environmental assessment, took out the gas tanks, it's gone. What a tremendous view as you enter in the village from the east, just a very prominent 1860's colonial with the large columns. Unfortunately, it's in a total state of disrepair. If anyone would like to contribute money for the restoration, I can give you the name of contractor. It's just a wonderful older building that we'd like to preserve.

In terms of the rural character, the next aerial, this is the heart of most of what we're encountering right now with the community. This strikes both the issue of rural character versus affordable housing. As you drive through the downtown area, this is Montauk highway, if you ever notice there is significant open space view heading to the north, about 20 acres of open space, magnificent vista surrounded by the very lovely older homes, and it's active farmland. Right now, this half of the property is under subdivision review for 14 single family homes that occupy 66% of the sight. It would not protect any of the views that people cherish, nor the views that are recommended in the comprehensive plan to be maintained. Farmland would cease to exist on that property, obviously.

So what do we do with it? The study actually looks at four different options. One is the town buy the whole thing. We just spent approximately \$3 million on the (hopping house). We just spent \$3 million in downtown Hampton Bays, \$3 million for that acquisition. The list goes on and on. The question is how many times can we go to the well? We just can't buy everything. I'm not saying that we're not going to buy this, but there is a hurdle of the cost involved.

The second option, and this is staff's recommendation, if you notice right here we have attached housing. These are nine units of townhouse units. Nine. You take that footprint and add -- and put them in this area right here, you can put 27 of them on 25% of the site and have 75% open space free of charge to the town. And with these 27 units, 20% aside for affordable housing, you have the attached housing in the downtown area, it's a smart growth principle, it's located right next to the post office, right across the street from the grocery store, there are medical offices in the area. It's what planners dream about. We thought it was the greatest thing since sliced bread.

We had our first public hearing on it. There is now a website to fight that proposal, a very nice website. There's now very hard nice glossy pamphlet going around to 2000 residents of Bridgehampton to come in and fight not only against this development, but against the whole hamlet study based on that one recommendation. This is a very up hill fight, not just with the community, but with also the elected official. This is going to be on Nancy's agenda when she comes in in January.

The people don't -- they seem to think that we're encouraging higher density in the downtown area. And we are in some respect, but at the same time, we're trying to achieve all the mutual goals; open space preservation, community housing, smart growth principle. It's an all or nothing principle. It's going to be difficult to get their consensus. However, the one thing we are going to be doing, and we're going to be doing this at our next town board meeting next Tuesday, we have a staff planner who has actually mapped out whole area, has done a 3-D model of this whole area, and has plotted, I believe, about 20 unit attached housing in this area that will show how that project could look -- will look from all different angles, trying to show people this is not the worst thing they have ever seen. It maintains the rural vistas, maintains the farmland. We're hoping that that will be a very powerful tool.

We used this tool in one other place, Bridgehampton-Sag Harbor Turnpike. The town is actually on its own motion, building 12 affordable units. We did a 3-D model of that. The people came out and fought the project. They saw a 3-D model and were going, oh, that's what it looks like. We're just trying to describe in on a map, trying to describe it in a log, it doesn't work. He showed them a 3-D model like you're flying in a helicopter, fly down to ground level, you can show from any view you would want to see. We completely changed the community's input altogether. They are now in full support of it.

Are we going to have the same success with this recommendation? We don't know. It's a very tough community, very wealthy. They've hired their own attorney. So we laid out four options. One is that we buy it. One is that we reduce this higher density, high open space plan. Another option would be just let the developer do what he wants under the current zoning. A lot of residents think that we can just rezone it to ten acre zoning and all their problems will be solved. And right now, he has an actual subdivision that is consistent with the zoning, consistent with the master plan. It could be very difficult for the Planning Board to deny that project and have that upheld in court. I'm not a lawyer, and I always add that statement, but if the project is consistent with the zoning, it's consistent the master plan, it's very difficult for the Planning Board to do anything other than kind of move some buildings around and try to make it more a little bit more pleasing, but not much more than that.

A third option was -- a fourth option was to work with the property owner -- he is a local property owner, he is not a developer -- buy the development rights from him, buy down the density and restrict the development to this portion of the site and leave this portion open and the town would buy just this portion of it, not the whole ten acres portion, but just this -- about six acre portion up here. That's where the most significant views are from. Just let him build say three or four houses down in this area and buy the development rights off the residual. Again, we're working with the property owner, we're trying to work with the community.

I as a planner, I don't necessarily object to having three or four houses, but it doesn't achieve our goal of providing community housing or affordable housing in our downtown hamlet areas where it's really needed. So we've got all these conflicting goals. Everybody like the goals, but the problem is how do you achieve them all at once. That concludes my presentation. The one thing I'd like to do is ask you that I be invited back again at a future meeting so I can bring the 3-D model, we can bring it up, show you some of the other examples that we've used it on and show you this example to show how community housing can work in the downtown hamlet area to achieve multiple goals. I'd be happy to answer any questions.

MR. THORSEN:

Jeff, what I read in this little short statement, you have staff here, the fact of putting grass down the center of Montauk Highway as it runs from Bridgehampton, ambulances have frequently passed me in that center -- in that center area. And it's the only way an ambulance can get through all that congestion. So as much as -- as it's beautiful and all that, it just won't work in any of the villages along the Montauk Highway system.

MR. MURPHREE:

It's a great idea, but I think it's going to be something that not going to come to fruition.

MR. THORSEN:

The only think you could do is may be put some cinder blocks or something in the center there to break up the monotony of asphalt, and an emergency vehicle could go over the top of that.

ACTING CHAIRMAN MARTIN:

Nancy.

MS. GRABOSKI:

I just had a question, Jeff. Where would the access be, you know, for the, you know, proposed affordable housing, community housing, the 27 -- how would you get in there?

MR. MURPHREE:

This is actually not just one site. He actually owns, I think it's like, four parcels, two flag lots that come into this area. So he has two means of ingress and egress out of these larger parcels.

MS. GRABOSKI:

So that's not an issue.

MR. MURPHREE:

No. Actually, the one thing that's interesting, knowing that traffic was going to be one of the key issues raised against having 27 townhouses, he actually had an analysis of 27 attached units versus 14 single family homes. And the difference is minimal. It's like 11 vehicle trips over the course of a day additional, which in normal service, you wouldn't know the difference.

ACTING CHAIRMAN MARTIN:

Bill.

MR. CREMERS:

No. No.

MR. O'DEA:

What's -- multi gem is what, a program?

MR. MURPHREE:

Very powerful computer software, it's real time computer. You can act like you are in a helicopter, fly down to ground level and then walk through the building just like you are a resident of the building.

MR. O'DEA:

Is this mixed full year residents, or just basically --

MR. MURPHREE:

Residents of Bridgehampton?

MR. O'DEA:

-- half and half?

MR. MURPHREE:

It's a mix. And that's where a lot of the issues come from is they came here to enjoy the view, the came here, they bought, now they don't want anything around them. We see it everywhere.

MR. O'DEA:

It is everywhere. A round about, what's a brief description of that? I mean, how does it function?

MR. MURPHREE:

I'm not a traffic engineer. I can try to describe it to you in laymen terms. It's similar to a traffic circle, but it's not a traffic circle. A round about as you enter it actually slows you down a little bit. It's not intended to get you in and out very quickly. And again, I wish I was a traffic expert, but I'm not.

MR. O'DEA:

Does it narrow you down as it shifts?

MR. MURPHREE:

It does. It does. And one recommendation from the planning board is to make sure that there is pedestrian and bicycle access through this thing. I ride my bike through the area all the time. Right now it's very easy to get across, because you have a stop light with a controlled intersection. With a round about, you want to make sure that there's a provision for bicycles and pedestrians to get through that intersection as well.

MR. O'DEA:

The farmland that you are considering -- or one of the proposals, I mean, the town is interested in the view.

MR. MURPHREE:

Right and the community as well.

MR. O'DEA:

And the community. So you leave that as farmland, what -- what controls do you have of what's farmed on that farmland? I mean, you may lose your view in some types of farmland.

MR. MURPHREE:

When we enter into the agreement with property owner, and Nancy is nodding her head, you have to spell that out in the covenant and restrictions as to what could be put on the property. In other words, obviously, we wouldn't want to spend \$3 million to buy this portion of the site and all of a sudden have the farmer come and put greenhouses over the entire thing.

MR. O'DEA:

Nursery stock. Even a vineyard, I mean, I don't know if you are going to consider that, that could cut a view.

MR. MURPHREE:

One thing that was interesting during public hearings, at the corner is the Bridgehampton Historical Society, and the one thing they are looking at and very interested in doing is having this as a community or as an educational garden, where it has organic produce, it has people come in and show how agricultural production used to be done. They are very interested in that. They said that's fine, but in order to do that, you can't do that unless you have the vacant land. So they need to help us, ante up and preserve the property as well.

MR. O'DEA:

New moratorium, is it residential, commercial?

MR. MURPHREE:
Everything.

MR. O'DEA:
Any building.

MR. MURPHREE:
The only thing that's excluded are schools.

ACTING CHAIRMAN MARTIN:
Okay, Richard?

MR. CARACCIOLO:
I like the term community housing instead of affordable housing. That seems to work. The town is encouraging different construction, and you've talked about a couple of different types of housing. Did you ever consider putting a percentage on, like, what percentage needs to be community housing? Is that something that came up, something you thought about, or something you are not going to consider?

MR. MURPHREE:
Actually that was one of the issues raised by the community is how much community housing is the town supposed to absorb. And we actually have a new housing director, John White, who is doing the housing analysis. And the one thing I always tell the residents is be careful what you ask for, because it's going -- you may be getting something that you don't necessarily want. You know, right now, we you took up -- we had actually about six sites that are identified for attached housing for community housing. Add up the full number of units, 20% of that, you are looking at about 20 or 30 units of affordable housing in the downtown area, not an awful lot. But if you do this housing analysis, it may be that Bridgehampton needs to absorb 100 units. So I tried to tell them, not to scare them so much, but just to be careful and mindful that there is a tremendous need for housing, and there may be more than what they believe we need.

MS. PETERSEN:
What do you consider affordable out in Bridgehampton?

MR. MURPHREE:
It's 80% of the median income of Nassau-Suffolk County. For a family of four with an \$80,000 income, you're looking at about a \$200,000 per house. There's nothing available for \$200,000. In fact, if I can just show you on the study here, take a look this little area right here. That's the only property I've ever seen in my entire 20 years that has a CO for four single family houses. Each of these are about 600 square feet, 700 square feet in size. They've been there for the last 40 or 50 years, about two-tenths of an acres maybe, that's on the market for \$1 million. That's \$250,000 a unit. Somebody made the suggestion that we buy that and make this affordable units at \$250,000 a unit.

ACTING CHAIRMAN MARTIN:
Mr. Dick London, anything?

MR. LONDON:
No.

ACTING CHAIRMAN MARTIN:
Laure.

MS. NOLAN:
No.

ACTING CHAIRMAN MARTIN:
Just one more time.

MR. THORSEN:
I'll be quick on this. How you discussed this with John {Haulsing}, the idea of that being a farm track?

MR. MURPHREE:
Yeah. And also with the agricultural --

MR. THORSEN:
Similar to the one we have out in Amagansett.

MR. MURPHREE:
We haven't gotten that far yet in terms of the use of the property in terms of historical agriculture. Right now our main focus is on preserving it. The other half of this property is owned by the Roman Catholic Church. The church is actually this building right here. They own this ten acre site, and they have no plans to do anything with the property other than they wanted a little, like a community house, a little public building down here, about a thousand square foot building down here for their meetings.

MR. MARTIN:
Anything else? Thank you, Mr. Murphree. It was enlightening. I hope to see you again, bring us up-to-date.

DIRECTOR ISLES:
First we'd like to get the staff recommendation and ask for a motion.

ACTING CHAIRMAN MARTIN:
Okay.

DIRECTOR ISLES:
We have provided in the packet a report that provides a summary of what Jeff has just gone over. First, we'd like to compliment that town for this planning effort. They certainly are committed to proactive planning as this illustrates. A couple of the factors that are before you as the County Planning agency under General Municipal Law, we tried to highlight those, such as consideration of regional needs. This is really a refinement of the 1999 Southampton Town comprehensive plan. There are no direct regional issues, we feel, or intertown issues that are affected by this.

Consideration of agricultural use as historic and cultural use becomes important. We did note in our review of the plan that the plan does propose, as we've certainly talked about, maintaining vistas, open

space and historic buildings. Consideration for population, demographics, socioeconomic trends and impacts. Also, quite obviously, this has been considered in terms of what the zoning build out would allow, what the alternatives are, and the plan to handle the increased parking demand.

In terms of existing housing resources, here again, also referred to in General Municipal Law, the plan does call for mixed used with different zoning proposals for community housing and affordable housing of that nature. It also calls for historic sites to be preserved. So I think in general we found nothing in this plan that we felt would be conflicting with regional needs based on the response of the town in their review thus far. And based upon that, we would recommend to the commission conceptual approval of the plan.

MR. DIETZ:

Mr. Chairman, I make a motion to accept staff.

MS. PETERSEN:

I'll second.

ACTING CHAIRMAN MARTIN:

Seconded by Linda. Is there anyone who has any comments on the motion? None. All in favor signify by saying aye. Contrary minded? Any abstentions? No. Okay. APPROVED.

MR. MURPHREE:

Thank you very much

SM-03-25

MR. NEWMAN:

Today, I have two zoning actions on the agenda. The first is from the Town of Smithtown. This is an application to rezone unimproved lands comprising 43.21 acres from an existing light industrial category to a shopping center category affecting lands situated on the east side of Commack Road, Commack Road runs in this area on the aerial, situated between Rodney Street on the north, which is unimproved extending all the way south to Henry Street at Commack.

The proposal is to erect three major buildings. The first is an 88,408 square foot Kohl's Department Store with an additional 8055 square foot storage mezzanine. The Kohl's facility is -- the building is situated in this area here on the site plan, in this area on the aerial. The second aspect of this is 142,733 square foot Wal-Mart, also with a seasonal garden center. In this case, 14,756 square feet. The Wal-Mart is situated in this area on the site plan.

And finally, the last major building component would be -- I'm sorry, I skipped the Home Depot. The Home Depot store is comprising 104,874 square feet. So we'll have three major uses; the Kohl's, the Home Depot and Wal-Mart. In this case, the lands have frontages of approximately 950 feet on Commack Road, 570 feet on Rodney Street to the north, and on the south, Henry Street, there's about 40 feet of frontage. It's a very small portion of frontage on Henry Street in the south.

Now, the preliminary site plans call for one point of signalized vehicular ingress and egress via County Road 13 in the major portion, the central portion, of the subject property. Immediately to the south of that, there's an additional point of unsignalized vehicular access via the County Roadway, which has an internal driveway extending easterly to adjoining lands of petitioner developed for commercial purposes in a shopping center business zone.

The lands immediately to the east the petitioner owns are in this area here, this is a former golf driving range. And the area would provide access for a target -- an existing Target Store. In conjunction with this request, there's a 2025 parking spaces. On the property, there's an on site septic system. And the traffic generation for this project is set forth in the staff report. We have the numbers in there that indicate peak hour weekday and weekend rates. Of the of the 43.21 acres of the property, 24.648 acres will be paved, 7.73 acres will be comprised of building coverage. There will be 4.06 acres of landscaping and 6.7 acres retained as natural vegetation, including the lands south of Arthur street, in this case comprising four acres. The four acre portion will also remain undeveloped in this area on the aerial.

In conjunction with this request, the petitioner is going to dedicate a vacant parcel of land comprising five acres situated on the north side of Old Northport Road in a half acre single family zone in Kings Park in the Town of Smithtown in compensations for relief from consideration of the town zoning code requirement that the two outdoor garden centers for the two major uses be considered as building area. The reason he needs this additional space is there's an additional parking requirement for the garden and its uses.

The property on Old Northport Road is bounded on the east and west by unimproved lands used for park purposes by the Town of Smithtown, and immediately to the south of this parcel of land, land used for the Town of Smithtown solid waste facility. The property in this case is situated in the Oak Brush Plains Special Groundwater Protection Area, and that plan is designated for planned unit development purposes. The property is bounded on the north by a shopping center in the SCB Zone, to the east by Sagtikos Parkway. Unimproved land zoned for shopping center business is immediately to the east, and to the south by a Suffolk County Department of Public Works highway maintenance yard, that's in a light industrial district, to the west by a Memorial Sloan Kettering facility situated in this area here and unimproved lands situated respectively in the office business and quarter acre single family residents district respectively.

It is the believe of the staff that this proposal appears inappropriate as it constitutes the unwarranted further proliferation and intensification of commercial development in the locale. I might further point out in addition to a Target that does not appear on this aerial, immediately to the south is a Price Club as well as a Home Depot Expo. And immediately off this aerial in the area here is the multiplex complex right off the LIE in Commack.

Second of all, the property can be reasonably developed in accordance with existing zoning. I believe in this case, the Town of Smithtown had previously approved the use of this property for industrial park

purposes. Thirdly, it would tend to establish a precedent for further shopping center rezoning in the immediate area. Fourth, it's inconsistent with the Oak Brush Plains Special Groundwater Protection Plan, which designates this area for planned unit development purposes, which would imply a mix of uses. And finally, it's inconsistent with the town development plan, which designates this area for industrial purposes.

The staff is recommending disapproval. We further believe that a comment is warranted based on the location's attributes of this parcel, the premises do, in fact, appear suitable for a smart growth initiative. We're recommending disapproval with a comment.

MS. GRABOSKI:
I'll make the motion.

ACTING CHAIRMAN MARTIN:
Second by John. All in favor?

MS. NOLAN:
I just want to disclose that I represented Doug {Barnett} who I believe sold the development rights to PJ Venture in order for them to do this project. I've spoken to the attorney, she doesn't think that I have to -- that I have to --

ACTING CHAIRMAN MARTIN:
You can abstain if you want.

MS. BRADDSIH:
She doesn't have to.

MS. NOLAN:
I don't believe I have to, but I just wanted to disclose that.

ACTING CHAIRMAN MARTIN:
Anybody else have any -- yes.

MR. O'DEA:
The Oak Brush SGPA is directly in conflict with their finding statement? They state it's going to conform to recommendation.

MR. NEWMAN:
You mean in the finding statement. They're talking about clearing fertilization, landscaping and things that would impact the well water.

MR. O'DEA:
The last line in the mitigation.

MR. NEWMAN:
Last line in the mitigation.

MR. O'DEA:
Consistency with recommendation.

DIRECTOR ISLES:

But I think there may be a question as to -- the SGPA plan recommended, I think, a planned unit development area, not retail per say.

MR. NEWMAN:

That's right. They didn't recommend retail per se at all. Obviously with a planned unit development you can have a retail component, but there was no destination whatsoever for the entire piece.

DIRECTOR ISLES:

So the statement in the finding statement may be a reference to the clearing standards. And it's also an interpretation of judgment. I mean, I just want to draw the commission's distinction of the plan recommending different use than this. Obviously it's a local determination, but.

ACTING CHAIRMAN MARTIN:

Everybody satisfied? Let's go to the vote. All in favor signify by saying aye. Contrary minded? Abstentions? I abstain. DISAPPROVED

BA-03-12

MR. NEWMAN:

Application number two is from the Town of Babylon. This is an appeal to the Zoning Board of Appeals for two area variances. The first area variance is to increase the maximum number of buildings from one to three, including six animal shelters associated with a petting farm, which I'll get into later. And the second area variance request is to allow outdoor storage and display for a garden center. And this is in connection with two special permits. The first one is for retail sales. And the third is for -- the second one is for a petting farm, in this case, that's considered a place of amusement.

This affects land situated on the south side of Conklin Street between Route 110 and Carmans Road in two districts; industrial G district in the Town of Babylon, which permits and allows light industrial uses on third acres lots. It's also situated in a commercial overlay district which allows commercial -- allows motel-hotel use on ten acres lots. In this case the property is situated at East Farmingdale.

The proposal is to essentially develop property of two major buildings -- three major buildings, I'm sorry. The three major buildings -- the major buildings are situated on the northerly portion of the property. There's a building on the west side, and there's a building on the south. The total building area of these three major buildings is 217,000 square feet. In this case, this will be used for farmer's market purposes. There will be approximately 500 employees associated with this project. And this is on a 19.26 acres parcel with the frontages set forth in the staff report.

The preliminary site plan calls for the erection, as previously mentioned, of three buildings. The first building on the north end of the property, has a first floor area of 122,000 square feet. Included within that will be a retail component, a food preparation component, a warehouse and a mechanical storage component. In addition, there will be a 30,000 square feet mezzanine utilized for employee support,

customer eating area. In this case, we're talking about an eating area comprising 250 seats. There will also be an office component and a overall building height of this building being 34 feet.

The second building situated being on the west side of the property comprises 15,000 square feet. I don't know if you could see it on the site plan here. That includes an outdoor garden product storage area as well as a petting farm. The building is situated here and the petting farm is situated immediately north between main the building to the north of that. And finally, to the south on the south end of the property there will be another building to be utilized for office and/or retail purposes, and that will comprise 50,000 square.

As a part of this property there will be 981 parking spaces. There will be one point of signalized vehicular ingress and egress via Route 110. You can see that on here. One of the problems that is going to be associated with that point of ingrows and egress is it will tie in with a commercial development south. I don't know if you can see this appendage running into the subject property, that's owned by the airport. To utilize that property for access purposes, an easement is going to have to be granted to utilize that property. I don't have the dimensions, but it extends in through that area there.

Immediately to the north of that common point of ingress and egress, there is one point of vehicular ingress. There's a point of vehicular ingress and egress in the north, then there is and one point of vehicular egress on Carmans Road. Now, the farmer's market building and parking area, that is the main building on the north end of the property, including avigational approach lights stanchion, you can see on this map here there's light stanchion running from this area here on the subject property to guide planes utilizing runway 14 of Republic Airport. If this building were to go in, these light stanchions would have to be maintained and the stanchion will also have some king of lighting system to be incorporated into the roof systems to continue to aid in navigational approach to this property. These are locate within navigational easement as well as runway protect zone for airport runway number 14. This is runway 14. You can see it on the aerial, it's over about 6000 feet long. There are about 200,000 annual take off and landings at this airport annually. About half use this runway, and this particular runway is used for instrument landing purposes in inclement weather.

The property is situated approximately 1000 feet from the runway end, roughly 1000 feet to the subject property. The runway protection zones is a trapezoid shaped zone established by the FAA to, and I quote the FAA requirements, to enhance the protection of people and property on the ground in the event of air craft -- air craft landing and crashes beyond the runway end. In this particular map, the subject property is outlined in red. And the green is RPZ, runway protection zone. The runway protection zone has about 1000 feet on the easterly end, about 1750 feet on the westerly end and extends a distance of approximately 2500 feet.

Now FAA circular 150-5300-13 and all the other sections set forth states that a place of public assembly, including shopping centers should not be locate within this RPZ zone. Also, the Babylon Town Code

Section 212-418.5 states that all development in the commercial overlay district shall be consistent with the RPZ zone requirements as established by the FAA. However, it should be noted the RPZ land use standards have advisory or recommendation status for that portion of the RPZ land not owned or controlled by the airport. So the recommendation status becomes mandatory when such lands are owned and control by the airport.

Now on July 22, a determination of no hazard to air navigation was issued by the FAA subject to further review if an interested party files an objection. On day prior to that expiration date the Long Island Business Aviation Society petitioned for review of that request. Now a majority of the property, in this case 13 acres, was a former recharge basin and inactive hazardous waste site associated with Fairchild Industries at Republic Airport. The discharges on the site included stormwater, non contact coolant water and treated waste water. The recharge basin has since been filled and delisted as a State Superfund site. And development on this site would have to comply with and be consistent with the requirements of New York State Department of Environmental Conservation.

A portion of the property, 6.2 acres, essentially comprising land situated in this area of the subject property, was acquired by the State of New York in the 1950s by eminent domain as a part of the improvement to Route 110. On August 12th of '77, the state conveyed this portion of the property to Fairchild Industries in a letters patent, that's legalese for a restriction which contains a condition that it shall continue to be used as a sump. If not, the title shall immediately revert to the State of New York. Since this property is no longer used for sump purposes, it would appear that this land is now owned by the State of New York.

In conjunction with that, the petitioner has apparently filed a letter of request for removal of that condition, and that letter was dated March 31st of this year. To give you some idea of the character of the area, the staff includes the zoning and land use analysis around the property. It's bounded on the north by a gas station and diner in the industrial G district, and by Conklin Street. To the east, by retail uses and, of course, a large shopping complex also in industrial G commercial overlay district, to the south by industrial uses, again, in the combination industrial G commercial overlay district, and to the west, of course, Carmans Road by a fire department as well as single family residences in the business E and residence C district.

To give you a little history of this application, staff received this application in July, and it was sent back as incomplete on July 18th as there was no clear cut indication as to the specific variances and special permits being sought. On 8/21/03 the Babylon ZBA approved the zoning action, and a copy of their approval is attached to the staff report. On 11/20, the Zoning Board of Appeals rescinded their action. They apparently realized that it constituted a procedural defect. And then subsequently referred it to the County of Suffolk Planning for review.

In addition, on February 4th of 2003, the staff sent a communication to the Town of Babylon Planning Board indicating the development plan associated with this project was considered to be a matter for local determination. In that letter there was a clear cut indication that that did not constitute an approval or disapproval. And furthermore importantly, there was a note attached to that letter which indicated that, and I quote, the letter does not constitute acceptance of any zoning actions associated therewith before any other local regulatory board. In short, that means that there's a deferral of acceptance of any use requests that were considered before the Zoning Board of Appeals. I might further point out that the Babylon Planning Board approved this application two days before the ZBA approved this request.

It is the believe of the staff that this -- these zoning actions appear inappropriate as it constitutes a previous -- it contravenes a previous determination of the Suffolk County Planning Commission of June 7th, 2000 on the establishment of the commercial overlay district. That included about 500 acres of the two and a quarter mile stretch of Route 110 of which this property is a part. As part of the commission's determination, there was a requirement that all development shall be consistent with the Republic Airport protection zone requirements as established by the FAA. There was no proviso indicating that will only include lands owned and operated by the airport.

Secondly, the information submitted does not appear sufficient in demonstrating compliance with applicable special exception variance criteria particularly as it relates to public safety concerns. Thirdly, premises can be reasonably developed for other permitted uses in the industrial G commercial overlay district that can be more compatible with airport operations. And finally, we believe that the establishment of a place of public assembly in the runway protection zone appears to constitute a public safety concern for people and property particularly as it relates to entrepreneurial activities conducted in and near the northern most building on the property. The staff recommendation is for disapproval.

MR. DIETZ:

Jerry, that runway protection zone, to approach runway 14, is it true that there are 13 homes in there?

MR. NEWMAN:

I'm not sure.

MR. DIETZ:

And there's 14 commercial buildings including a gas station? The East Farmingdale Fire Department --

MR. NEWMAN:

The fire department. I don't know how many homes there are.

MR. DIETZ:

And the Farmingdale Fire Department just put a whole second story on to be rented out in the runway protection zone, but nothing went against that.

MR. NEWMAN:
I'm not aware of that.

MR. DIETZ:
But the fire department did. And also back when you said this was written in February that didn't approve, didn't disapprove the site, but at that time if this town had been told that there was problems and when they asked you also for the environmental review, nothing was sent back to them stating that there was a problem; am I correct?

MR. NEWMAN:
Well, we received something -- when we originally received the development plan, there was a copy of the neg dec. We received all the information on this request just recently. We received a lot of information on this, initially it was dribs and drabs. But I don't know the exact date we received this, but I think it was a week ago, not even a week ago, we received a lot of information. In some of the information it could have been in there. I just couldn't confirm that.

MR. DIETZ:
But in that runway protection zone there is a lot of stuff that has taken place. You have, you know, people involved.

MR. NEWMAN:
Some retail uses are situated in this building here, but we had no review over it.

MR. DIETZ:
The fire department had that second story --

DIRECTOR ISLES:
We didn't review that either.

MR. NEWMAN:
No. I'm not aware of any review of that.

DIRECTOR ISLES:
One thing I just wanted to add to Jerry's report is just a couple of points. Number one, in terms of the title issues that Jerry spoke on, the State of New York, on the 6.2 acre part of the site, we're providing that for informational purposes. It's something you have jurisdiction on as the County Planning Commission. What happens with that in terms of the ownership, we don't know at this point. We're reviewing this as an application that's been referred to us by the town. At this point, it's referred as a private application. Obviously, if the facts change, then the situation may change.

The second point, just a reminder, we did receive letter of correspondence, which I brought up earlier in the meeting, for your information. It does have attachments, it's rather lengthy to read everything, but you have that in front of you. And the last point is that your options on this are -- Jerry's given a very complete and thorough report. There's a lot here I realize. You have the option, as you know, to either approved this application, refer it back to the town, disapprove it, as we've recommended to you today, to

do a local determination that it would have County wide or significant issues of that nature, or the other option would be no action. Now, the no action, just so you know, the deadline for this under the County Charter is 45, which would be January 5th. Our next meeting, I believe, is January 7th. So the no action would then be a default approval in this case.

MR. O'DEA:

We have the local determination option?

DIRECTOR ISLES:

Yes.

ACTING CHAIRMAN MARTIN:

There's one thing I don't understand. If the Board of Appeals approves this, right, and if the Planning board approved it in the past --

MR. NEWMAN:

The Planning Board approved it two days prior to the ZBA.

ACTING CHAIRMAN MARTIN:

It doesn't matter the time, as long as they did it within the time it came to us. An application like that, I think it should go right back to the town. I mean, why do we want to override two boards at this point when we know the vote.

MR. O'DEA:

Can we get a motion and a second.

MR. DIETZ:

Can I make a motion? I like to make a motion that we don't approve it or disapprove it, but we send back it back for local determination like the letter that was sent in February.

MS. NOLAN:

I second that one.

DIRECTOR ISLES:

If I could just make a point on that. The staff has made a recommendation. Just so you know, the referral that was made on the site plan, it was to me that the project wasn't fully defined in terms of the special permit access of it. So it was done in the early part of the process, it wasn't an approval or disapproval. And typically, our role in site plans is very limited. There's authority given under General Municipal Law. It's not something that's expressly defined in County Law. So just in to reference to that, the nature of the application changed when the actual referral was made by the Board of appeals, and that's really what we've reviewed for you today. And we got the complete application I guess last week, and we tried to move it to you today.

MS. NOLAN:

On the motion, it's my understanding that this application has the local support of both the Town of Huntington, the Town of Babylon and the Route 110 Development Commission. Also, in terms of the

RPZ standards, I just want to point out there's something in here that says that the development will be consistent with the RPZ retirements as established by the FAA. It's my understanding there are really only two requirements established by the FAA. One is a height requirement of 35 feet, and this application is within that requirement. And the other has to do with not interfering with electromagnetic fields, and there's no indication that this application would. And the application does have the -- has been given the approval of the FAA. So I would concur that it be sent back for local determination.

ACTING CHAIRMAN MARTIN:

Anybody else?

MS. GRABOSKI:

I just had a question. Sort of insofar as procedure is concerned, this was a application before the Zoning Board of appeals and before the Planning Board concurrently and the Planning Board voted before the Zoning Board of Appeals, should -- I guess the question I'm left with is did the applicant before the Zoning Board of Appeals need relief from the Zone Board of Appeals, theoretically speaking, before the Planning Board could act upon the application?

MR. NEWMAN:

Well, the Town of Babylon, the Planning Board approved this subject to approval by the ZBA. However, the procedure would normally be that if the Planning Board were to approve the development plan, the uses associated with that development plan would have to be first sanctioned by the ZBA before the Planning Board would approve the site plan. However, in Babylon, that was not the case. However, one board conditioned upon review of the other board. They felt they covered that under that aspect.

ACTING CHAIRMAN MARTIN:

I think it's legally done. It's just a matter that not every town does it that way. In our town, we do before the Planning Board most of the variances. Now, on some variances, we ask for the Board of Appeals' opinion. They come back to us, we don't have to accept it. So it's what town you are and how you do it. I don't know if Babylon does it. But I would say it probably was legal either way, going first for Babylon, then if they needed more, they went back.

DIRECTOR ISLES:

Plus it's not our determination or your determination to decide whether their procedure is right or wrong. Is just is for informational purposes.

MR. DIETZ:

Lindenhurst does it the exact same way. It goes to the Planning Board first, then it's contingent on any relief for the Zoning Board. So it's done the same way, but again, that has nothing to do with this here.

MS. PETERSEN:

And they're allowed to act before we do?

MR. DIETZ:

No. That's why they sent it back.

DIRECTOR ISLES:

But in terms of the question of Planning Board or ZBA, that sequence, that's something --

MS. PETERSEN:

We should have been in the beginning before anybody over there acted, right?

MS. NOLAN:

No. The Planning Board had a determination from us of local determination.

MS. PETERSEN:

But the ZBA then voted before we voted.

MS. NOLAN:

Correct.

MR. DIETZ:

They overlapped is what they're telling me in the town, that they overlapped. When the application was sent in, they thought they would have the determination for the Zoning Board hearing. At that point, once they realized it was sent back, it should have been pulled from the Zoning Board, it wasn't. When they found the error of their ways, then they rescinded their order. And they have to go back to the Zoning Board again, no matter what we do here.

MR. O'DEA:

The present position of the FAA is what? Did they recall their no hazard decision?

MS. NOLAN:

No.

DIRECTOR ISLES:

The FAA -- there is a copy of the Zoning Board of Appeals' decision, which is attached to the staff report, which now this decision is void, I understand. But on page 17 or 16 and 17, the Zoning Board of appeals had to use the special permit criteria in the Town of Babylon Code, one of which was a question to the Board of Appeals that the proposed use would not adversely affect health, safety or welfare of the Town of Babylon. And as part of that, they consider the impact of aviation issues. And on the second paragraph of page 17, it addresses FAA's determination of no hazard, but that's an advisory recommendation. As Commissioner Nolan's indicated, in terms of issues of impediment of flight in terms of height issue and in terms of electromagnetic issue, there's no issue. They did make an advisory comment which here again, is advisory and not binding, that they discourage is the terms used, strongly discourage shopping centers in the interests of protection people and property on the ground.

So in terms of the required approval by the FAA in terms of any sort of obstruction to flight, the FAA

apparently found no problem with that or electromagnetic interference. In terms of the advisory comment from the FAA to the Town of Babylon, it's indicated from what we understand on page 17, that second paragraph that they discourage it. But that's not compulsory.

MS. GRABOSKI:

Isn't that back under review though, back to the FAA for review currently?

DIRECTOR ISLES:

Currently, based on that objection I guess when the Board of Appeals reconvenes on this to consider this application --

MS. GRABOSKI:

The Long Island Business Aviation Society, they referred it back?

DIRECTOR ISLES:

I'm not sure what the FAA is doing. The Board of Appeals would have to consider that.

ACTING CHAIRMAN MARTIN:

I think what we should do now is vote on it, send it where it's got to go.

MR. O'DEA:

On page one of the paper you handed us today, section one, FAA feels it's not prudent to local retail in the RPZ zone. On a separate and technical matter, their determination of no hazard has been withdrawn. So they backed out of their original decision.

DIRECTOR ISLES:

I can't speak to the FAA. All I can tell you is that from the information referred to us that we have 45 days to review.

ACTING CHAIRMAN MARTIN:

There's a motion and a second.

MR. O'DEA:

What's the motion

ACTING CHAIRMAN MARTIN:

To send back for local determination. Everybody understand the motion? Please raise your hand when we ask the vote. All in favor signify by saying aye and raise your hand. Six. There's another motion to be put on the floor.

MR. O'DEA:

I move to staff.

MR. THORSEN:

Second.

ACTING CHAIRMAN MARTIN:

All in favor, again, raise hand or say aye. Four. That motion has been carried. That means it goes back with no recommendation.

MS. BRADDISH:
Goes back without recommendation.

DIRECTOR ISLES:
What do you need, Claire?

MS. CHORNY:
I don't know. What I need is the voting on the staff report. I need who they are too.

DIRECTOR ISLES:
Nancy, Tom, Linda, Mr. O'Dea. Any other questions, Claire? Six on the first motion.

MS. GRABOSKI:
As a planner, I would just have to ask the question is there any potential for relocating that structure to the southern part of the property and get it out of that area? To what extent are we talking about a design issue?

DIRECTOR ISLES:
That's not something we've examined in great detail. Other than my understanding is that there are -- it is not possible to relocate it to get if far enough away so it's out of the RPZ.

MS. GRABOSKI:
I understand that. But, you know, given the location and orientation of the runway, to make it less hazardous. But that's up to them, I guess.

ACTING CHAIRMAN MARTIN:
We voted on it. And I want to make one statement. For the February meeting who ever is here, one of the things I'd like to do, I've been trying for 30 years is give us a 90 day envelope to look at something. This is something that should have come back one more meeting and have all the answers. And we don't have time all the time. We always run out of time. I mean, all this stuff is on my desk.

DIRECTOR ISLES:
Do it by mutual consent with the town and the County.

ACTING CHAIRMAN MARTIN:
I mean, we've got all this to read, it's unfair. I think we should go 30 days after the meeting or 40, whatever we need after one meeting. At least one meeting, and have a chance if we want more time we can ask the applicant. We can't even know who the applicant is.

DIRECTOR ISLES:
Are you saying on a case by case basis on some of these bigger applications or across the board?

ACTING CHAIRMAN MARTIN:
Across the board.

DIRECTOR ISLES:
I don't think can do it across the board. I think state law puts time constraints on how long the Planning Commission –

ACTING CHAIRMAN MARTIN:

Suppose we did this. Suppose when we get a case in here that's large that we ask automatically for a waiver over the 30 days. If we can do it in 30 days, we'll do it. If we need another month, we'll take another month.

MR. DIETZ:

On the larger ones.

DIRECTOR ISLES:

We can do that.

ACTING CHAIRMAN MARTIN:

Years ago, we used to ask for an extension. I don't think anybody ever said no.

DIRECTOR ISLES:

Okay. On a case by case basis, we can certainly speak to the town and ask if for a mutual agreement on an extension.

ACTING CHAIRMAN MARTIN:

I mean, it's unfair to ask somebody who comes once a month who doesn't see the agenda, we come here and half the stuff we don't read. I don't think anybody in this room read any of this.

DIRECTOR ISLES:

I'm not sure about that.

ACTING CHAIRMAN MARTIN:

Anything else?

DIRECTOR ISLES:

No. Motion to adjourn the meeting.

MR. LONDON:

So moved.

(*THE MEETING WAS ADJOURNED AT 1:50 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY