

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 January 7, 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)  
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 12:07 P.M.\*)

ACTING CHAIRMAN MARTIN:

Ladies and gentlemen, Happy New Year. Who's taking care of the flag?

#### SALUTATION

ACTING CHAIRMAN MARTIN:

Thank you. The minutes of the meeting for the November-December, we haven't received them yet. So we can't go on to that one.

DIRECTOR ISLES:

The Legislative Offices have been swamped with materials and work at the end of the year and so forth, so we know they are actively working on them, and we appreciate your patience. We'll be caught up with them very shortly, I hope.

What I'd like to do at this point is we're joined today by our former Chairman of the Planning Commission, Don Eversoll. Don was a member of the commission for quite a few years, I guess from 1991 as I recall, and -- so serving 12 years with the commission and taking it through an exciting time with many different activities that the commission was involved in in terms of smart growth, open space acquisitions and some -- more than a few interesting applications along the way as well.

And Don led this commission with professionalism, with distinction without a doubt. And the commission had directed me to seek to honor Don with a recognition in the form of proclamation. So we'd like to present that to Don today. And I'd like to just note some of the recognitions that are identified on this. And this is signed by all members of the County Planning Commission, noting that Don's been a member from June 1990 -- I was off by a year. But he has benefited -- the County Planning Commission certainly had benefited from his more than 13 years on the commission, ten of which were served as the Chairman of the commission.

The Suffolk County Planning Commission has benefited from his insight and expertise gained from more than 34 years in the housing and building industry. Don has also been heavily involved in important community activities, giving his time and talents to the betterment of Suffolk County. Don Eversoll's input and contribution to the deliberations of the Suffolk County Planning Commission would be sorely missed, and that's certainly true, as he moves on to new endeavors. And therefore, be it resolved that the Suffolk County Planning Commission acknowledges and thanks Donald M. Eversoll for his positive and thoughtful contributions to this body. So on behalf of the commission, I'd like to present this to Don.

MR. EVERSOLL:

Thank you. Thank you very, very much.

#### APPLAUSE

DIRECTOR ISLES:

Before going any further, unfortunately Don lost his mother at the time of our last meeting. As you recall, County Executive at that time, Bob Gaffney, had stopped down and prepared a

proclamation as well. I'd just like to highlight some points of that as well. Here again, the Office of the Suffolk County Executive is proud to recognize those outstanding individuals who have rendered significant contributions to the enhancement of our region and the betterment of our residents.

Whereas, in Nineteen Hundred and Seventy Six, Donald M. Eversoll together with Peter Klein formed the firm of Klein and Eversoll. In the 27 years since its inception, Klein and Eversoll has grown into a \$20 million a year housing company. Klein and Eversoll has sold over 2100 homes on Long Island and in Virginia. Whereas throughout his many years in the industry, Don Eversoll has been known for his innovation, leadership skills and great integrity. He has taught at CW Post College and been a guest speaker at many building industry conferences and conventions in both California and New York. Whereas Donald has served as President of both the Long Island Builders Institute and the New York State Builders association. He currently serves as the director of both boards as well as a life director of the National Association of Home Builders, serves as Chairman of the Suffolk County Planning Commission for which this distinction is noted and is a trustee of the Long Island Chapter of the Nature Conservancy and now Chairman of the Nature Conservancy. Through his exceptional contributions and admirable achievements, Donald has proven himself worthy of praise and recognition by his family, friends and colleagues. Donald serves as an inspiration to all who know him. And certainly that's the case with all of us here today, Don. This is an honor to present on the behalf of the former County Executive.

#### APPLAUSE

MR. EVERSOLL:

Thank you. Donna, you don't have to do this. This will be off the record.

#### A DISCUSSION WAS HELD OFF THE RECORD

DIRECTOR ISLES:

Just a couple of other items. We did receive one regrettable matter of correspondence this month, and that is the notification to the commission of the resignation of Commissioner Thorsen. And Commissioner Thorsen -- I'll let him speak for himself in a moment, but has indicated that he will be resigning from the commission. However, he has indulged the new administration allowing some time for transition so that East Hampton continues to be represented. So certainly we acknowledge that once again with regret. Tom is a professional planner by training, but also a great citizen representative of his town as well.

In terms of the Director's Report, not to much to report to you today over the holiday month that we just had. I reported to you at the last meeting an update on the County's Open Space and Farmland Protection Program. We did end up the year at about 717 acres, which is double what we had done the year before, so there is a recovery. Two parcels I would like to note to you that we did that are significant, one is the {Adomowitz} piece in Southold that closed right after Christmas I thin it was. That's in the rural lake groundwater protection area. It's a great example

of intermunicipal cooperation with the town, the County, the Water Authority preserving the watershed area. That pretty much is done at this point. We have one other parcel that we're getting ready to close on.

The second parcel to note is that the County Legislature approved a resolution in the middle of December to place the County farm, the Yaphank Farm, into a protected farm category. So of the 925 acres that the County owns at Yaphank, the County Farm, which is about 217 acres, is now placed into a protect category similar to farms that we've acquired under our Farmland Protection Program. So that's now done, and the farm will now be in perpetuity used for that purpose. And change would require a consent of the voters. But those are two significant acquisitions that did occur.

The last item I'd just like to bring to your attention is there's been more and more discussion lately and potential problems with transfer of development right involving the Pine Barrens and the County Health Department, specifically from the standpoint of intermunicipal coordination and planning with that. The basic point on this is that the County, as you know, has Health Department regulations that limit the density of development for on site waste water disposal. If you are in the sewer district, the County has no say other the density. So we have then, the County has density retirements for Health Department purposes. The towns and villages have density requirements for zoning purposes. And there will be cases where the County's restrictions are more restrictive than the town's restrictions. Under a transfer of development rights, property owners can buy development rights from other locations such as in the Pine Barrens and then increase the yield in another location, receiving area.

The whole idea of intertown transfers from a development right going from one town to another town has been a bit of an issue lately, as a matter of fact, I received a letter from {Gene Murphy} from the Town of Islip. The Town of Islip has been doing some analysis of if Health Department restrictions were not a problem, what would the density build out be of the town? So we've received inquiries on this from many different quarters in terms of how does the County program operate, what affect does this have on towns that are receiving the development, the town sending the development, do the town wants to have the option of having their own local TDR programs to preserve groundwater and open space in towns.

So we are setting up a conference seminar on this to invite the towns and villages in with a tentative date set for February 27th here in the County building to bring together Planning, Health Department and the Pine Barrens Commission staff members to -- to present the County's programs, to make sure that there's understanding of how the County program operates, to understand that the County's programs is not a substitute for local zoning. But we do want to make sure that both programs that we do with our County Health Department standards and local zoning are at least working together. We will be sending out notices of that meeting in the next couple of weeks. And certainly the next Commission meeting I can advise you as to the exact details of the meeting. But right now we hope to do it on February 27th. And it's intended to be

pretty much a board member, staff members that want to attend are to invited to attend. That's it.

ACTING CHAIRMAN MARTIN:

I wanted to ask you, how do we stand on the votes?

DIRECTOR ISLES:

Well, right now we have four vacancies in the commission. The total commission is 15 members, we have four vacancies with Nancy Graboski being elected to the Town Board. So we're down to, you know, 11 members. We need eight members to have a quorum to conduct business. So it does give us kind of a tight margin. This is why we appreciate Tom staying on board for as long as he can. I have notified the County Exec's Office in terms of Tom's resignation. And then beyond that, there are a number of members that do have expired terms.

CHAIRMAN MARTIN:

How many of those are there?

DIRECTOR ISLES:

There are a total of nine members with expired terms at this point.

ACTING CHAIRMAN MARTIN:

So there are only two people that are appointed?

DIRECTOR ISLES: Right.

ACTING CHAIRMAN MARTIN: I'm appointed.

DIRECTOR ISLES:

Your term expired.

ACTING CHAIRMAN MARTIN: It did?

DIRECTOR ISLES:

It did. December 31, 2003.

ACTING CHAIRMAN MARTIN:

Let me tell you something, I have no hard feelings. I wrote the book. I'm telling you right now, I can't be when Republicans want to appoint a Republican Chairman to the board, and it was my turn, it's my turn to go. I have no hard feelings. I'll stay as long as I can. Of course, I don't want to go, it's like home here. But I have no hard feelings. So -- so the only one left is John.

DIRECTOR ISLES:

The two members that have terms that continue would be John and Laure Nolan.

MR. LONDON:

Laure Nolan and I came on the same day.

DIRECTOR ISLES:

Okay. She was renewed last year.

ACTING CHAIRMAN MARTIN:

You can come on the same day, but sometimes you fill an open spot.

DIRECTOR ISLES:

But it is a concern in terms of business and we can't get a quorum and so forth, so. We shall see.

ACTING CHAIRMAN MARTIN:

Everybody has to make an effort to try to make the meetings.

DIRECTOR ISLES:

Yes. We would appreciate that.

ACTING CHAIRMAN MARTIN:

Tom.

MR. THORSEN:

In light of that, I certainly will be here next month. That letter, you know, while I mentioned this last -- I did offer to stay on, because I thought of winter vacation, sometimes you have people going to Florida. So I didn't realize there were that many vacancies. Is there any way that -- let's say I were to go off rather quickly, is there any way that a town could appoint somebody or does it have to go through the Legislature?

DIRECTOR ISLES:

It has to go through the Legislature.

MR. THORSEN:

It has to go through the Legislature.

DIRECTOR ISLES:

Submitted by the County Exec and approved by the Legislature.

MR. THORSEN:

Unless somebody gets hot on that, you could wind up -- I've been on here five years, three years not covered by appointment.

DIRECTOR ISLES:

It's a definite problem. In terms of conducting County business, having commissioners appointed.

ACTING CHAIRMAN MARTIN:

At one time, I don't know what they are doing know, the supervisor of the town would be the one that made the appointment and your Legislator -- your Legislator also had a say. He submitted it, he agreed to it. But sometimes if the supervisor didn't want you, that seat could lay open forever and ever. They seem to get done faster now. I don't think they reappointed anybody except now people and that time when me and Don Eversoll were on together. You could explain to them the importance at least take care of the ones that are all behind and get them appointed. And then take each guy as he comes along, done renew. He don't have to renew me, but at least do the ones that are there. Frank is there a long time, he hasn't been reappointed.

DIRECTOR ISLES:

The last commissioner to be considered by the Legislature or the committee was Commissioner Petersen this past summer. The committee, which, of course, the committees are going to change now, but the committee at that time said, well, we're not going to do any more appointments until the new County Executive, whoever that may be, takes office. So they basically shut it down at that point. We'll see where it goes from here.

ACTING CHAIRMAN MARTIN:

Well, just explain to them where we are.

DIRECTOR ISLES:

I'll make sure they know.

MR. THORSEN:

Just one other thing. The new town board has appointed Lisa {Licore} who is the former planning director as a special consultant to work on the amended comprehensive plan. And they will consider the numerous citizen reports that were in the Koppleman document, they will consider that in the new plan. And they've also appointed Fred Thiele, Assemblyman Thiele, to help. And I think that he is there because he has helped the Town of East Hampton in the past on exotic zoning, new thoughts on that and so forth from the legal aspect of those zoning changes. So I believe he is in there for the development of the new zone ordinance. Not that he's going to do the whole thing, but at least advise on it. And they've also extended the moratorium on development for another nine months, hopefully to cover most of this revision work. And they're going to redo the zoning code, and there's going to be a new housing study. So I guess that will have to dove tail into the plan as well. So that's about it on that part.

ACTING CHAIRMAN MARTIN:

I feel that you are an asset here, and you are gentlemen too besides that. At least you came to most of the meetings -- all of the meetings.

MR. THORSEN:

Never missed a meeting. I'm going to turn 75 next month.

ACTING CHAIRMAN MARTIN:

That's not the end of the road.

MR. THORSEN:

But I've been in the hospital three times, so I want to slow down a little bit. It's a long drive from Amagansett.

MR. TANTONE:

We have a number of real large projects coming through, but I think it's a little premature to speak about it at this point. But as the spring goes along, you're going to see we're kind of going to become the center of attention for awhile in the Town of Islip, a number of bigger projects. We did have a couple of encouraging applications that we've recently passed that bear mention, a number of things going on in Bay Shore, which will improve that area, downtown Bay Shore.

One of the larger buildings which took up the whole block which was formally -- Tom, you may remember -- it was owned by Lou {Modica}. That's going to be renovated and come to life and really spruce up that part of town. And then also, as you know, Touro is in there. Now we have a number of satellite developments going on, a couple of nice student housing projects that were approved. So we're kind of excited about what's going on in Bay Shore. As I said, as some of the other bigger ones come along in our -- and go through the pipeline, it might be more appropriate to talk about them at that time.

MR. CREMERS:

Last night, the town had a public hearing on extending the moratorium again for another six months. I assume they approved it, because they had no other choice at this point, it was going to expire in February. The only other changes we've had with the new town board is they did not renew or reappoint the people on the Planning Board. Ben {Olowski} was Chairman for 17 years, was not reappointed to the position. They appointed a new person Jerry {Woodhouse} and made her Chairperson immediately.

On the Zoning Board there's been a member of Fishers Island on the Zoning Board and the Planning Board for years, and the town board removed that person from Fishers Island appointed someone locally. These are different changes that have happened.

MR. O'DEA:

River head has been sort of quiet over the holiday. Little change in the town board structure. They had their first meeting last night, which went rapidly and smoothly. And that's about all I have. Tom, that 717 acres, is that the whole -- all the programs or just --

DIRECTOR ISLES:

Yes.

MR. O'DEA:

All the programs. How's -- the reverse auction, is there any impetus there?

DIRECTOR ISLES:

The reverse auction, we received the bids back in November. We're going to present them to the Farm Committee at their meeting in two or three weeks, whenever it is, then it goes to the Legislature for their approval.

MR. O'DEA:

Thank you.

MR. CARACCIOLO:

All quite in Huntington, nothing over the holidays. Everything's fine, sir.

MS. PETERSEN:

Brookhaven had their organizational meeting last night, and it was the first time we switched to councilmatic district. So that was sort of historic. We no longer have trustees, which were in existence 317 years they said. So that too is something quite different. The Planning Board members stayed the same, they were reappointed, the Chair and Vice-Chair. However, Commissioner Trotta who had been heading the Zoning Board of Appeals resigned, and Mr.

Colson who was Vice-Chair took over as Chair, and they added three new members. So there will be a change in the Zoning Board of Appeals in the town.

As far as other things go, we're still in the midst of seven moratoriums all in different areas. And new codes are being written to address things within those moratoriums. So as next months goes, I may have for information for you.

MR. LONDON:

The only thing I have to report is that horse shows, which of course everyone knows I represent, is losing a lot of space to hold horse shows. What we need usually is, like, a ten acre parcel of land somewhere approximately there. We have used the County extension, the farm at Yaphank in the past and other venues. But as land is being sold up, there's less and less place to hold a horse show.

And these are 501-C3s, most the shows, for charitable events. And it would be our hope and direction to create and acquire a parcel of land in and around Suffolk County for the purpose of holding sporting events. And it has to just be a level area, usually free of trees, a grass field is wonderful. But ten acres is generally a good acreage amount because of the parking needs as well. But with less and less available horse show spots, there will be fewer and fewer horse shows, which are a \$1 billion industry on Long Island alone. There are 30,000 approximately horses still on the island.

So that is a primary problem. And now as President of the PHA, and I've been elected, that's the Professional Horseman's Association of American, we are trying to acquire a spot or spots that will be able to be maintained as open land and not developed so that we can hold those sporting events. If we don't, that will be the ends of horse shows. That's all I have.

MR. DIETZ:

Nothing.

ACTING CHAIRMAN MARTIN:

In our town, it's that same as Huntington, we're pretty quite right now. All the planning board members up to be reappointed. The Board of Appeals has one new-comer. And basically it's been quiet. It will happen. It will get -- it will go back again. We're fighting all the time anyway now. Everybody wants to fight, but it will be all right. That's it.

S-BR-03-13

MR. FRELENG:

First regulatory matter before the commission is a subdivision referral of Artic Ocean Estates, this comes to us from the Town of Brookhaven. Jurisdiction for the commission is that the subject property is adjacent to Portion Road, County Road 16 and Nichols Road, County Road 97. The applicants propose a subdivision of approximately two acres of land into five lots in the B residence zoning category. This is in the Hamlet of Farmingville. Minimum lot size in B zoning category is 15,000 square feet. Four of the lot proposed, you can see on the subdivision plan here, are flag lots.

The map is not being processed pursuant to cluster 278 provisions. Lots range in area from 20,227 square feet to 22,571 square feet. No open space is proposed. One lot, lot two, is a flag lot, and this flag lot has an access strip of 360 feet long. And the length of the access strip exceeds commission policy on length. So this lot here in the back corner has this dog legged access strip and it exceeds the commission's policy on length.

The property abuts improved residential lots to the north. To the west, is single family home site. The property abuts Portion Road, County Road 16, to the south, and Nichols Road Service Road, County Road 97, which also is named Leeds Boulevard to the east. So a portion of this roadway here is actually in the Nichols Road right-of-way, part of the service road. The character of the area surrounding the subject property can be described as predominantly medium density residential. There is some commercial use along Portion Road. This is an office complex here. The character of the property itself can be described as level wooded land, there are no structures located on the subject property.

I just want to point out that the air photo shows four building lots that have been cleared. At the time of our site inspection, the houses had been constructed, and then there is a common driveway that runs here, the property line and intersects with Leeds Road right there. Access to the proposed division is intended via 16 foot wide paved common driveway. You see that on the subdivision plan, it runs right through the center of the four flag lots. This common driveway is about 160 feet from intersection of Portion Road. Leeds Boulevard at this location is a curved -- is curved, I'm sorry, and has a painted traffic median, you can see that on the air photo.

No alternate access to County Road 16 is proposed. The proposed location for the curb cut is situated at a high traffic volume location and is not particularly situated for safe left-hand turn movements. Moreover, it's not clear that there would be adequate sight distance at this location or any other location along the frontage of the property on Leeds Boulevard. A new common driveway is located adjacent north of the property and further complicates turn movements. No communication with Suffolk County Department of Public Works was included in the application materials referred to the commission to support the location of the proposed curb cut. So as stated before, there is now a new curb -- new street and a curb cut right here. The applicants are proposing one not too far down right here. Left-hand turn movements would be problematic crossing this white median and making a left-hand turn with all the volume coming off Nichols Road, particularly during rush hour, that becomes a very problematic area.

Staff believes that as an attached single family housing site, the property is poorly situated between two County roads. This would subject the property to the associated noise and traffic of the high volume motor vehicle corridors. No additional buffering from the roadway is proposed by the applicant. The commission requires a minimum of 50 feet of undisturbed vegetated buffer along County roadways, and you can see that's not being shown on the subdivision map. Staff believes the site may work better actually as an attached unit of cluster to provide for additional buffering. If you could attach these units and slide them to the back end, you could have the additional buffering and perhaps find a way to get a combined access point between the two curb cuts that are proposed; the new one here and the curb cut that is proposed. Or the site may work better as a low intensity office building, nonmedical office use of some sort.

Now, the parcel is located within groundwater management zone one. Potable water to the lots is intended via public supply. Sanitary waste is to be collected and disposed of with individual on site sanitary systems. Soils on-site are Carver, Plymouth and Deerfields association. None of these soils are considered prime farm soils. So hence, the issues for the commission are the subdivision, which has an exceedingly long flag lot and issues related to good planning and use. Staff is recommending denial of the map based on the commission's policy of the length of the access strip.

In addition, another reason for the recommended disapproval is that there's no alternative access proposed either to the existing common driveway, which makes problematic, or to Portion Road to points heading west. In addition, staff is recommending that the comment regarding the possible attached use, additional buffering or another use for the site is warranted. That's the staff report.

MR. LONDON:

Mr. Chairman, I move for the staff for disapproval.

MR. TANTONE:

Second.

ACTING CHAIRMAN MARTIN:

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

S-SM-03-07

MR. FRELENG:

Thank you. Next matter before the commission a subdivision referral from the Town of Smithtown. This is Gardiner Hills. Jurisdiction for the commission is that this subdivision is within 500 feet of Nissequogue River State Park. The applicants are proposing the subdivision of approximately three acres of land into two lots in the.

R-21 zoning category in the Hamlet of Smithtown. Minimum lot size in this zoning category is 21,780 feet. This is not a 278 cluster. And the lots are 55,281 and 63,770 square feet.

The parcel abuts improved residential lots to east and southwest. To the north, the parcel fronts on Meadow Road which is a town road. At the northwest, the parcel abuts vacant residential land. Gardiner Road, also a town road, fronts the subject parcel to the south. The character of the acres surrounding the property can be described as predominantly medium density residential and open space. That is obviously due to the proximity of the state park.

The character of the property itself can be described as rolling, partially developed wooded land. There is a detached single family dwelling already located on the property. In addition, encroachments onto the subject parcel from a railroad tie retaining wall and shed from adjacent property to the east is evident from the subdivision map submitted to the commission. In the packet there is a subdivision map, I'm not sure if you can see it. Your version, the reduced version, you can see on the subdivision map here that there are encroachments along the eastern property line.

Access for lot two and the existing dwellings is an intent to remain to Gardiner Road. Lot one is proposed to access Meadow Road. So lot one is the southern parcel here. That's going to access down here to Gardiner Road. And the proposed new lot will have an access along Meadow Road. The parcel is located within groundwater management zone eight. Potable water is intended via public supply, and waste water is to be collected on site with individual sanitary systems. With regard to environmental constraints, the parcel is located within the Nissequogue River Wild Scenic and Recreational Rivers Management Corridor, and that is regulated by New York State DEC and will require separate approval for development.

Soils on the subject property consist of Carver Association. The Carver associations are not considered prime farm soils. Slopes on the subject property though do pose a concern. Slopes range in the area of the building envelope, lot one, from 20 to 30%. This is within the building envelope. Proposed construction of the proposed dwelling would require the erection of three rows of retaining walls totaling 16 feet in height. You can see that in the subdivision map in the staff report. So we've got 16 feet in height of the retaining walls. Construction on slopes in excess of 15% is contrary to commission policy.

Disturbance and construction on steep slopes require considerable removal of native vegetation, cause excessive surface water runoff and possibly severe soil erosion. There was no soil erosion or sediment control plan in the referral materials to the commission. The town variance is required for construction on lot one with respect to altering and building within environmentally sensitive lands, in this case, the slopes. There was no such variance included in the application referal from the town.

Therefore, the issues before the commission for this subdivision stem from the commission's policy on subdivisions in steep slope areas and issues relating to good planning and land use. Staff is recommending denial. Essentially based on the commission's policy on construction on slopes in excess of 15%. That is the staff report.

MR. O'DEA:

Andy, where is lot one on there?

MR. FRELENG:

Lot one would be the northern lot, this lot here.

MR. CREMERS:

Question, Andy. On the tax map, it shows -- it looks like there's two lots on the tax map already. What if we subdivided those?

MR. FRELENG:

Well, that would just be a deeded -- deeded description filed in the County Clerk's Office.

MR. CREMERS:

Never property divide.

ACTING COMMISSIONER MARTIN:

Motion is in order.

MR. THORSEN:

On the north side there, just to the east, how do -- they must have steep slopes also.

MR. FRELENG:

They sure do. You can see- just make it out in the air photo, you can see a retaining wall here. There's a retaining wall along the western property line. I'm not sure if it's exactly situated right, but there are encroachments. One of those encroachments is a retaining wall. So they did excavate probably without our review, but they did excavate and slip these two houses in. The slopes are pretty steep over here. In fact, there's a big bubble over here, and this property to the west is very problematic in terms of slopes as well.

ACTING CHAIRMAN MARTIN:

Most of Meadow Road in a slope. It goes up from south of Meadow Road.

MR. THORSEN:

That's how the two smaller lots up there got in there.

ACTING CHAIRMAN MARTIN:

And what will happen if you ride down there, is that Meadow Road frontage, that's (inaudible). Now, of course, what's an area lot, probably worth \$300,000, at least that.

MR. THORSEN:

But he can't do much with it.

ACTING CHAIRMAN MARTIN:

See what they want to do. I haven't seen it yet, so I can't comment on that.

MR. DIETZ:

Motion to staff.

MR. THORSEN:

Second.

ACTING CHAIRMAN MARTIN:

All in favor, signify by saying aye. Contrary minded? I abstain.  
DISAPPROVED.

MR. FRELENG:

Thank you, and Happy New Year.

MR. NEWMAN:

Today, we have two zoning actions on the agenda. The first is from the Town of Islip. This is an application to the town board for a special permit to allow the continuing of maintenance of an existing bar, tavern and night club comprising 3,459 square feet on 13, 855 square foot parcel of land situated at the northeast corner of Lakeland Avenue, County Road 93 and 15th Street in the light industrial district at Ronkonkoma.

The preliminary site plan calls for one point of vehicular ingress and egress via each of the adjoining roadways and 14 on-site parking spaces, of which only four on the site plan have adequate vehicular maneuverability and turn around area for maneuvering purposes. To accommodate the additional parking, petitioner intends to utilize adjoining land that he owns to the north to be utilized for warehouse purposes on the property. And within there, they comprise 10,280 square feet. The parcel of land comprises 32,065 square feet.

If you utilize the joint properties, there will be an overall parking accommodations of 43 spaces and one handicapped space. The information we received from the town of Islip indicates that the parking diminishment comprises 42% and 86% respectively, depending on whether or not the overall piece is the subject piece. The subject piece is a significant parking diminution, namely, 86%. The subject property is this solid yellow area. The property is surrounded by lands zoned and used for industrial purposes. And to the southeast this is Mac Arthur Airport.

It is the belief of the staff that this proposal appears inappropriate as it constitutes the unwarranted over intensification of use of the property. It would necessitate use of the adjoining County roadway for parking purposes, thereby eliminating the safety and traffic carrying capacity of said facility. The property is not in conformance with the lot area requirement in the industrial one district, sufficient information has not been submitted to demonstrate compliance with applicable special permit criteria set forth in Section 68-34 of the Islip Town Zoning Code, namely, they have adequate on-site parking and that their property had reasonable ability to accommodate the intended use.

The contemplated development patterns also includes substandard parking stalls and aisle widths. The property can be reasonably utilized in accordance with zoning. And finally, it would establish the precedent for the continuance of such a practice throughout the Town of Islip. We're recommending disapproval. And this application was also disapproved by the Islip Town Planning Board on September 24th of last year.

MS. NOLAN:

I move for staff report.

MS. PETERSEN:

I second.

ACTING CHAIRMAN MARTIN:

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

MR. TANTONE:

Abstention.

ACTING CHAIRMAN MARTIN:

One abstention. DISAPPROVED.

HU-03-16

MR. NEWMAN:

Application number two is from the Town of Huntington. This is an appeal to the Zoning Board of Appeals for variances to diminish parking from 27 spaces to eight spaces and also for side and rear yard setbacks for addition to this building, requiring a ten foot requirement, in this case, providing five foot and to allow outdoor storage of automobiles and scrap metal and plastic, which is prohibited in the front and side street yards on corner lots. And this is in connection with the expansion of an auto body shop on lands situated on the southeast corner of Route 110 and Meadow Lawn Avenue in a light industrial and a very small portion zoned for 5000 square foot residential purposes. And it's situated at Halesite.

The proposal is to erect a one story addition comprising 2230 square feet. That is in this section on the site plan. It will be utilized for storage and paint booth purposes. And this will be attached to an existing one story auto repair facility comprising 7362 square feet, and it's situated on 32,607 square foot parcel of land. As I mentioned previously, a very small portion in the southeast corner of the property is currently zoned for R-5 purposes, and that currently would remain within plans of the proposal.

The previous application to the ZBA in the Town of Huntington essentially for purposes sought herein was approved by the ZBA in 1999, subsequently extended to 2001 with an expiration date of 2002 with the understanding that the applicant would maintain an ability to provide a parking area for vehicles current being repaired for storage purposes, and that never occurred. So the applicant is now in to utilize the subject project for all use associated with the auto repair business.

It is the believe of the staff that this proposal is inappropriate as it constitutes the unwarranted overintensificaton of use of the property, it would necessitate use of Route 110 for parking purpose, thereby limiting the safety and traffic carrying capacity of said facility, it would tend to establish a precedent for further such development patterns in the Town of Huntington and sufficient information has not been submitted to demonstrate compliance with applicable variance and special permit criteria, namely, the benefit of the applicant is not to the detriment of the surrounding area, and that it's an appropriate use of land. As you can see on the aerial, the property is significantly encumbered by vehicles and storage material and leaves very well in any area now for parking purposes. We're recommended disapproval.

MR. O'DEA:  
Move to staff.

MR. CREMERS:  
Second.

ACTING CHAIRMAN MARTIN:  
All in favor, signify by saying aye. Contrary minded? Abstentions? DISAPPROVED.  
There's a motion to close. Thank you.

(\*THE MEETING WAS ADJOURNED AT 12:55 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY